

**MOJAVE DESERT AND MOUNTAIN
RECYCLING JOINT POWERS AUTHORITY
MEETING AGENDA**

REGULAR MEETING
THURSDAY, MAY 15, 2025
10:30 A.M.

THIS MEETING WILL BE HELD IN PERSON & VIA TELECONFERENCE.

IN PERSON LOCATION:

Victorville City Hall
Training Room 1 – Upstairs
14343 Civic Drive
Victorville, CA 92392

TELECONFERENCE LOCATIONS:

City of Big Bear Lake: 39707 Big Bear Blvd., Big Bear Lake, CA 92315

City of Barstow: Council Room – 220 E. Mountain View St., Ste. A, Barstow, CA 92311

City of Adelanto: Council Chambers – 11600 Air Expressway, Adelanto, CA 92301

ALL MEETINGS ARE OPEN TO THE PUBLIC.

The Mojave Desert & Mountain Recycling Joint Powers Authority (MD&MRJPA) holds its meetings in public in accordance with the requirements of the Ralph M. Brown Act and its established policies and procedures.

Members of the public may submit comments electronically to the Board Secretary at iesquivel@victorvilleca.gov by 7:00 a.m. the morning of the meeting. Members of the public may also choose to submit a comment before or during the Public Comment Item of the meeting.

In compliance with the Americans with Disabilities Act, if you need special assistance to participate in this meeting, please contact the Board Secretary at (760) 955-5210 or via email at iesquivel@victorvilleca.gov no later than 24 hours prior to the meeting.

TELECONFERENCE NOTICE:

The MD&MRJPA allows members of the Board and the public to attend and participate in meetings via teleconference, in accordance with the Brown Act and applicable regulations.

To participate via teleconference, please sign in with the link below:

Join Zoom Meeting: <https://victorvilleca.gov.zoom.us/j/84386873117?pwd=douJM5Q0k59XThrrHyTasZ2JdHpvc.1>

***Directions for hyperlink – highlight line above and right click, select open hyperlink and it will take you directly to the meeting. If it requires the ID or Passcode, they are below.

Meeting ID: 843 8687 3117

Passcode: JPA

For any questions, comments, issues, or Public Records Requests, please contact the Board Secretary, Ivy Esquivel, via email at iesquivel@victorvilleca.gov or by phone at (760) 955-5210.

CALL TO ORDER AND ROLL CALL

PLEDGE

PUBLIC COMMENTS

1. **PUBLIC COMMENTS ON ITEMS OF INTEREST TO THE PUBLIC.** P5

CONSENT CALENDAR

2. **REQUEST TO APPROVE THE CONSENT CALENDAR AS FOLLOWS.** P6-14

- A. Minutes of Board Meeting held February 13, 2025.
- B. Warrant Ratification for February 1, 2025 through April 30, 2025.
- C. Treasurer’s Report.

RECOMMENDATION: Approve Consent Calendar.

PUBLIC HEARING ITEMS

NONE.

DISCUSSION/ACTION ITEMS

3. 2025/2026 BUDGET. *P15-17*

RECOMMENDATION: Approve 2025/2026 JPA Budget including \$50,000 from 2024/2025 marketing.

4. CONTRACTS. *P18*

RECOMMENDATION: Authorize one-year renewable terms for Mobius, Erin Duckhorn, and the Administrator; authorize cost of living fee adjustments and cyber insurance requirements for Mobius.

5. SOLAR PANEL REUSE, REPAIR, AND RECYCLING. *P19-22*

RECOMMENDATION: Authorize a solar panel reuse, repair and recycling project with California Product Stewardship Council paid by CalRecycle's Zone Incentive Funds.

6. PERMA ALTERNATE. *P23*

RECOMMENDATION: Appoint Adam Cripps as PERMA Alternate Board Member.

7. REGIONAL ORGANIC MATERIALS CHARACTERIZATION. *P24*

RECOMMENDATION: Delay implementation of the regional waste characterization to address seasonality and formula issues

8. VICTOR VALLEY MATERIALS RECOVERY FACILITY. *P25*

RECOMMENDATION: Update on Victor Valley MRF upgrades.

9. SB 54 UPDATE. *P26-37*

RECOMMENDATION: Update on SB 54 regulations.

10. LEGISLATION: EDIBLE FOOD.

P38

RECOMMENDATION: Support AB 337 and SB 353.

11. LEGISLATION: HOUSEHOLD HAZARDOUS WASTE.

P39

RECOMMENDATION: Support SB 501 and SB 762.

BOARD MEMBER COMMENTS

12. COMMENTS BY MEMBERS OF THE BOARD.

P54

DATE OF NEXT MEETING

THURSDAY, AUGUST 14, 2025

ADJOURNMENT

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Public Comments.

SUMMARY STATEMENT

Comments on items of interest to the Public.

RECOMMENDED ACTION

No recommended action.

PRESENTED BY		MEETING DATE	ITEM NUMBER
Ivy Esquivel		May 15, 2025	1

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Consent Calendar.

SUMMARY STATEMENT

Request to Approve the Consent Calendar as follows:

- D. Minutes of Board Meeting held February 13, 2025.
- E. Warrant Ratification for February 1, 2025 through April 30, 2025.
- F. Treasurer's Report.

RECOMMENDED ACTION

Approve Consent Calendar.

PRESENTED BY		MEETING DATE	ITEM NUMBER
Ivy Esquivel		May 15, 2025	2

MINUTES

MOJAVE DESERT AND MOUNTAIN RECYCLING JPA BOARD MEETING

10:30 A.M., THURSDAY, FEBRUARY 13, 2025
IN PERSON AT VICTORVILLE'S CITY HALL, TRAINING ROOM 1

JPA BOARD PRESENT: Jeff Drozd (Yucca Valley), CJ Porter (1st District Alternate), McArthur Wright (29 Palms), Ellen Campbell (Needles), Debra Jones (Victorville), Kendi Segovia (Big Bear), Carmen Hernandez (Barstow)

OTHERS PRESENT: John Davis (Administrator), Melissa Krejckant (Secretary), Ivania Esquivel (Victorville), Jacob Scoggins (Victorville), Juan Robinson (Victorville), Anne Darroche (Victorville), Tiffany Gaudin (Victorville), Adam Cripps (Apple Valley), Guy Eisenbrey (Apple Valley), Pamela Quick (Apple Valley), Sandy Pena (Burrtec), Taylor Hosey (San Bernardino County), Sharon Mitchell (San Bernardino County), James Schooler (Yucca Valley), Frank Forbes (San Bernardino County), Larry Cusack (Apple Valley), Daniel Ramos (Adelanto), Katya Meyer (Big Bear Lake)

Roll call was conducted. Board Co-Chair, Debra Jones, called the meeting to order at 10:31 a.m.

Councilwoman Tiffany Gaudin (Victorville) led the pledge of allegiance.

1. PUBLIC COMMENTS.

None.

2. CONSENT CALENDAR.

- A. Minutes of the Board Meeting held November 14, 2024.
- B. Warrant ratification for November 1, 2024 through January 31, 2025.
- C. Treasurer's Report.

Recommendation: Approve Consent Calendar.

Motion was made to approve the recommended action for the Consent Calendar items A-C.

Moved: Ellen Campbell (Needles)
Seconded: McArthur Wright (29 Palms)
Roll Call Vote.

Motion Passed: 7-0, with Board Members Larry Cusack and Daniel Ramos acting as members of the general public.

PUBLIC HEARING ITEMS.

None.

3. AUDIT FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2023.

Recommendation: Receive and file the Financial Statements for the Year Ended June 30, 2023 and SAS 114 Conclusion Letter as presented.

No action was required on this item, informational only.

4. REGIONAL WASTE CHARACTERIZATION.

Recommendation: Authorize a regional organic waste characterization in accordance with AB 2346 to be carried out by ReCreate Waste Collaborative for a cost not to exceed \$60,000 with \$40,000 allocated from the 2024/2025 budget; increase expenditures for Big Bear Lake, Needles, and County by \$15,596 proportional to their budget contributions for future ReCreate work or County characterization.

Motion was made to approve the recommended action.

Roll Call Vote.

Moved: Ellen Campbell (Needles)
Seconded: McArthur Wright (29 Palms)

Motion Passed: 7-0, with Board Members Larry Cusack and Daniel Ramos acting as members of the general public.

5. BANK SIGNATURE AUTHORIZATIONS.

Recommendation: Authorize John Davis, Adam Cripps, Doug Robertson, and Orlando Acevedo as signatories on the Authority's bank account.

Motion was made to approve the recommended action.

Roll Call Vote.

Moved: Joanne Pouge (Needles)

Seconded: McArthur Wright (29 Palms)

Motion Passed: 7-0, with Board Members Larry Cusack and Daniel Ramos acting as members of the general public.

6. PRIOR BOARD MEMBER RECOGNITION.

Recommendation: Discussion of recognition for prior Authority Board Members.

No action was required on this item, informational only.

7. MOJAVE DESERT & MOUNTAIN RECYCLING JPA's HISTORY.

Recommendation: JPA background and history for information and discussion.

Discussed ensued.

No action was required on this item, informational only.

8. PRODUCT & PACKAGING RECYCLE LABELING.

Recommendation: Presentation of CalRecycle's labeling and covered materials lists.

Discussed ensued.

No action was required on this item, informational only.

9. SB 54 SOURCE REDUCTION.

Recommendation: Background on SB 54 source reduction requirements.

Discussed ensued.

No action was required on this item, informational only.

10. **BOARD COMMENTS.**

Adjournment:

The Chair set the date of the next meeting for May 15, 2025. The meeting was adjourned at 11:26 a.m.

Debra Jones
Co-Chair

Ivy Esquivel
Secretary

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Commercial Warrants Schedule.

SUMMARY STATEMENT

Commercial warrants were issued from February 1, 2025 through April 30, 2025 in the amount of \$573,843.05, net of voids covering issued warrant numbers 2779 through 2803.

The claims and/or demands covered by the attached list of warrants were audited as to the accuracy and availability of funds for payment thereof and said claims and/or demands are accurate, and the funds were available for payment thereof.

RECOMMENDED ACTION

Receive, ratify, and file the commercial warrants as presented.

PRESENTED BY		MEETING DATE	ITEM NUMBER
Adam Cripps		May 15, 2025	2B

MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE JPA
Warrant Listing: February 1, 2025 - April 30, 2025

2779	2/3/2025	Erin Duckhorn	Marketing Services January 2025, Inv 5020225	3,004.00
2780	2/3/2025	John Davis	JPA & MRF Admin Services January 2025 - exp reimbursement	12,788.90
2781	2/5/2025	Burrtec	November 2024 MRF ACTIVITY	175,293.80
2782	2/5/2025	Burrtec	December 2024 MRF ACTIVITY	141,812.78
2783	2/12/2025	High Desert Second Chance	Edible Food Recovery Program January Inv #0062	2,500.00
2784	2/27/2025	San Bernardino County Dept of Public Works	Reimbursement for 2024 CRRRA Conference	1,455.24
2785	3/3/2025	John Davis	JPA & MRF Admin Services February 2025 - exp reimbursement	12,817.53
2786	3/3/2025	Erin Duckhorn	Marketing Services February 2025, Inv 5022825	3,004.00
2787	3/6/2025	ReCREATE Waste Collaborative LLC	Consulting Services - City of Needles, Inv #1329	960.00
2788	3/6/2025	ReCREATE Waste Collaborative LLC	Consulting Services - City of Adelanto, Inv #1330	7,270.00
2789	3/6/2025	ReCREATE Waste Collaborative LLC	Consulting Services - City of Barstow, Inv #1331	4,963.00
2790	3/6/2025	High Desert Second Chance	Edible Food Recovery Program February Inv #0063	2,500.00
2791	3/18/2025	PERMA	Liability Assessment Payment 4 of 5 - FY 2024-25 Inv 371	1,909.00
2792	3/26/2025	Needles Public Utility Authority	2025 Edible Food Recovery Funds INV #032125EF	6,000.00
2793	3/31/2025	Burrtec	January 2025 MRF Activity	162,264.91
2794	4/1/2025	Erin Duckhorn	Marketing Services March 2025, Inv 5040125	3,004.00
2795	4/1/2025	John Davis	JPA & MRF Admin Services March 2025 - exp reimbursement	12,808.03
2796	4/4/2025	Ellen Campbell	1st Qtr Board meeting	322.80
2797	4/4/2025	Jeff Drozd	1st Qtr Board meeting	175.10
2798	4/4/2025	McArthur Wright	1st Qtr Board meeting	201.00
2799	4/4/2025	Debra Jones	1st Qtr Board meeting	75.00
2800	4/4/2025	Kendi Segovia	1st Qtr Board meeting	75.00
2801	4/4/2025	Carmen Hernandez	1st Qtr Board meeting	75.00
2802	4/9/2025	ReCREATE Waste Collaborative LLC	March Lid Flips and Multi-Family Doorhanger Fieldwork, Inv #1340	16,063.96
2803	4/9/2025	High Desert Second Chance	Edible Food Recovery Program March Inv #0064	2,500.00

Total	573,843.05
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**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Treasurer's Report.

SUMMARY STATEMENT

Attached is a report of Cash and Investments of the Authority as of March 31, 2025.

Staff remains available for any questions or comments.

RECOMMENDED ACTION

Receive, ratify, and file the March 31, 2025 Treasurer's Report as presented.

PRESENTED BY		MEETING DATE	ITEM NUMBER
Adam Cripps		May 15, 2025	2C

MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE JOINT POWERS AUTHORITY
Treasurer's Report
As of March 31, 2025

Institution/Investment Type	Carrying Amount	Market Value	Interest Rate Yield	Maturity Date	Quarterly Comparisons of Carrying Amounts				
					Dec-24	Sep-24	Jun-24	Mar-24	
Funds under control of the Authority: Checking Account:									
JPA Administration	213,477.53	213,477.53	0.30%	On Demand	199,101.96	172,718.42	235,248.67	268,289.02	
JPA Organics	0.00	0.00	0.30%	On Demand	0.00	0.00	0.00	0.00	
MRF Administration	349,925.00	349,925.00	0.30%	On Demand	215,480.68	91,854.25	55,994.57	59,614.57	
MRF Operations	(68,455.09)	(68,455.09)	0.30%	On Demand	(70,083.12)	(49,118.26)	(111,968.15)	(202,694.15)	
Total funds under control of Authority	494,947.44	494,947.44			344,499.52	215,454.41	179,275.09	125,209.44	

Source of Market Value Information:
 (1) Desert Community Bank

I hereby certify that the investment activity for this reporting period conforms with the investment policy of the California Government Code Section 53601. I also certify that there are adequate funds available to meet the budgeted and actual expenditures of the Mojave Desert & Mountain Integrated Waste Joint Powers Authority for the next six months.

Prepared by: Heather Conley


 Adam Cripps, Treasurer

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

FY 2025/2026 Budget

SUMMARY STATEMENT

The FY 2025/2026 Recycling Authority Budget includes expense and revenue adjustments, as shown in the two attached worksheets.

- Two Board-adopted policies guided recent Authority budget preparation. Expense increases are held to 3%; and reserves are set at 20% of budgeted annual expenses using the latest year end fund balance less insurance retention requirements, which are \$7,500 in FY 2025/2026.
- ReCREATE Waste Collaborate has work remaining to complete in Yucca Valley and Twentynine Palms, so \$10,000 is sequestered for expenditure in FY 2025/2026.
- Regional waste characterization totaling \$40,000 is also sequestered.
- JPA Administration includes general program costs shared by all members; MRF Administration costs are shared only by Apple Valley and Victorville.

Expenses

The total combined Budget expenses are proposed as \$473,286 increasing by \$19,967 over FY 2024/2025. This year's budget includes JPA Administration expenditures of \$421,638, increasing by \$12,148 over the prior year. The JPA Administration budget includes \$8,072 in increased insurance premiums reflecting insurance market liability payouts. The Authority has experienced no claims historically. The proposed contract services expenditure increase of \$5,076 reflects 3% Consumer Price Index increases. MRF Administration increased \$7,819 to \$51,648. MRF insurance increase of \$2,018 and contract services cost of living increase of \$901 are also included. MRF legal services are budgeted at \$5,000 in anticipation of expansion project negotiation.

Revenues

JPA program costs are shared 1/3 equally among the members; and 2/3 based on population using May 2025 California Department of Finance figures (excluding military facilities). The Authority population increased by 2,152. FY 2025/2026 member contributions (net of fund balance adjustments) total \$366,137 for JPA Administration and \$28,984 for MRF Administration. The JPA Administration excess fund balance is adjusted by \$57,500 for insurance retention and sequestered curbside and characterization project funds, resulting in a 2% member contributions increase of \$7,391. Individual member agency contributions increased between 2% to 3% except for the County which saw a 2% decrease attributed to its population. MRF Administration excess was \$34,000 from prior years' accumulation, a \$140 increase in member contributions.

RECOMMENDED ACTION

Approve FY 2025/2026 JPA Budget including \$50,000 from FY 2024/2025 marketing.

PRESENTED BY		MEETING DATE	ITEM NUMBER
John Davis		May 15, 2025	3

**MOJAVE DESERT & MOUNTAIN RECYCLING AUTHORITY
BUDGET FY 2025-26**

FY 2024-25 through February 2025

Proposed 2025-26

ESTIMATED REVENUES

	2024-25 Budget	Received	% Received	Proposed 2025-26	Change
Admin Fund 8510					
410360 Member Contributions	\$ 358,746	\$ 179,374	50%	\$ 366,137	\$ 7,391
410100 Interest Earnings	\$ 500	\$ 677	135%	\$ 500	\$ -
308000 Encumbered Fund Balance	\$ 10,000			\$ 10,000	
650000 Grants	\$ 2,500	\$ -	0%	\$ 2,500	\$ -
307000 Budgeted Fund Balance	\$ 37,744	\$ 37,744	100%	\$ 42,501	\$ 4,757
Admin Total	\$ 409,490	\$ 217,795	53%	\$ 421,638	\$ 12,148
MRF Admin - Fund 8512					
410360 Member Contributions	\$ 26,937	\$ 13,468	50%	\$ 28,984	\$ 2,047
307000 Budgeted Fund Balance	\$ 16,892	\$ 16,892	100%	\$ 22,664	\$ 5,772
MRF Admin Total	\$ 43,829	\$ 30,360	69%	\$ 51,648	\$ 7,819
Combined Revenue Total	\$ 453,319	\$ 248,155	55%	\$ 473,286	\$ 19,967

PROPOSED EXPENDITURES

	2024-25 Budget	Exp. & Encumbered February 2025	% Exp. & Encumber	Proposed 2025-26	Change
Admin Fund 8510					
710000 Marketing	\$ 125,000	\$ 63,992	51%	\$ 125,000	\$ -
700050 Board Expenses	\$ 4,000	\$ 1,496	37%	\$ 4,000	\$ -
710030 Training	\$ 10,000	\$ 7,405	74%	\$ 7,500	\$ (2,500)
720070 Insurance	\$ 24,776	\$ 22,612	91%	\$ 32,848	\$ 8,072
710040 Meetings and Conferences	\$ 2,500	\$ 5,655	226%	\$ 5,000	\$ 2,500
710050 Memberships and Dues	\$ 2,500	\$ 1,000	40%	\$ 1,000	\$ (1,500)
710195 Sponsorships	\$ 15,000	\$ 16,500	110%	\$ 15,500	\$ 500
720030 Audit	\$ 5,500	\$ 5,500	100%	\$ 5,500	\$ -
720010 Contract Services	\$ 199,214	\$ 130,850	66%	\$ 204,290	\$ 5,076
720060 Legal	\$ 1,000	\$ -	0%	\$ 1,000	\$ -
720510 General & Administrative	\$ 20,000	\$ 1,040	5%	\$ 20,000	\$ -
Admin Total	\$ 409,490	\$ 256,050	63%	\$ 421,638	\$ 12,148
MRF Admin - Fund 8512					
720070 Insurance	\$ 6,194	\$ 5,653	91%	\$ 8,212	\$ 2,018
720030 Audit	\$ 2,500	\$ 2,500	100%	\$ 2,500	\$ -
720010 Contract Services	\$ 30,035	\$ 19,928	66%	\$ 30,936	\$ 901
720060 Legal	\$ 100	\$ -		\$ 5,000	\$ 4,900
720510 General & Administrative	\$ 5,000	\$ 1,089	22%	\$ 5,000	\$ -
MRF Admin Total	\$ 43,829	\$ 29,170	67%	\$ 51,648	\$ 7,819
Combined Expenditure Total	\$ 453,319	\$ 285,220	63%	\$ 473,286	\$ 19,967
Revenue over (Under) Exp.	\$ -	\$ (37,065)		\$ -	

2025-26 JPA Admin

Member

Contributions \$ 366,137

	Per Jurisdiction	Population	Per Capita	Total JPA	
				Admin Rev	2024-25 Rev
Adelanto	\$ 13,561	37,150	\$ 22,683	\$ 36,244	\$ 35,020
Apple Valley	\$ 13,561	75,262	\$ 45,954	\$ 59,514	\$ 57,991
Barstow	\$ 13,561	24,811	\$ 15,149	\$ 28,710	\$ 28,125
Big Bear Lake	\$ 13,561	4,953	\$ 3,024	\$ 16,585	\$ 16,269
Needles	\$ 13,561	4,791	\$ 2,925	\$ 16,486	\$ 16,155
San Bernardino Co.	\$ 13,561	75,868	\$ 46,324	\$ 59,884	\$ 60,823
Twentynine Palms	\$ 13,561	13,891	\$ 8,482	\$ 22,042	\$ 21,672
Victorville	\$ 13,561	141,013	\$ 86,100	\$ 99,661	\$ 96,415
Yucca Valley	\$ 13,561	22,027	\$ 13,449	\$ 27,010	\$ 26,276
Sub total	\$ 122,046	399,766	\$ 244,091	\$ 366,137	\$ 358,746

2024-25 MRF

Member

Contributions \$ 28,984

	Per Jurisdiction	2024-25 Rev	Change	% Change	Quarterly
Apple Valley	\$ 14,492	\$ 14,403	\$ 89	1%	\$ 3,623
Victorville	\$ 14,492	\$ 14,403	\$ 89	1%	\$ 3,623
Total	\$ 28,984	\$ 28,807	\$ 177	1%	\$ 7,246

**Combined JPA
Admin, MRF**

2024-25 Totals	Admin	2024-25 Rev	Change from 2024-25	% Change from 2024-25	Quarterly Amounts
Adelanto	\$ 36,244	\$ 35,020	\$ 1,224	3%	\$ 9,061
Apple Valley	\$ 74,006	\$ 72,395	\$ 1,612	2%	\$ 18,502
Barstow	\$ 28,710	\$ 28,125	\$ 585	2%	\$ 7,177
Big Bear Lake	\$ 16,585	\$ 16,269	\$ 316	2%	\$ 4,146
Needles	\$ 16,486	\$ 16,155	\$ 330	2%	\$ 4,121
San Bernardino Co.	\$ 59,884	\$ 60,823	\$ (938)	-2%	\$ 14,971
Twentynine Palms	\$ 22,042	\$ 21,672	\$ 371	2%	\$ 5,511
Victorville	\$ 114,153	\$ 110,818	\$ 3,335	3%	\$ 28,538
Yucca Valley	\$ 27,010	\$ 26,276	\$ 734	3%	\$ 6,752
Total	\$ 395,120	\$ 387,553	\$ 7,568	2%	\$ 98,780

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Contracts.

SUMMARY STATEMENT

The Board received a report in August 2024 on updating and standardizing ongoing Authority contracts. Recycling Authority work is provided by contractors or arrangements with member agencies. There are no Authority employees. By using contractors instead of staff, the JPA can anticipate and respond to changing dynamics and circumstances, shifting budget resources. Three contractors have provided services since 2019 or earlier.

Mobius Intelligent Systems provides social media management and digital outreach services to the Authority at a \$1,250 monthly cost that is unchanged since 2018. Compensation in two other core Authority contracts is adjusted by Consumer Price Index changes, and that approach is appropriate for Mobius.

The two contracts with existing CPI adjustments are with Erin Duckhorn for marketing support; and the Authority Administrator. Erin’s contract includes five one-year terms ending in 2026, renewed unless either party gives a non-renewal notice by December 31 to be effective the following June 30. The Administrator’s contract, initially agreed in 1982, has a two-week termination option by other party. The current version runs through June 2027.

Standardized contract length and termination provisions are recommended for Mobius, Erin Duckhorn and the Administrator. The most flexible approach is to include a one-year term renewed unless either party gives a non-renewal notice by December 31 to be effective the following June 30; or unless both parties agree to a shorter termination. That language would become effective July 1, 2025 for Mobius and upon completion of Erin Duckhorn’s and the Administrator’s existing terms.

In line with recommendations from PERMA, the Authority’s liability insurance program, Mobius’s agreement would be updated to include cyber insurance requirements as well. in the Authority’s current budget and will be included next year’s.

The three agencies that are not a part of the study would have their budgets increased by \$15,596 total for ReCreate’s future work, distributed according to their budget contribution. The County may wish to carry out a characterization for its territory and its allocation should be available for that use. This increase should be included in the FY 25 budget, to be presented at the Board’s rescheduled May 15 meeting.

RECOMMENDED ACTION

Authorize one-year renewable terms for Mobius, Erin Duckhorn, and the Administrator; authorize cost of living fee adjustments and cyber insurance requirements for Mobiu

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	CPI adjustment for Mobius	May 15, 2025	4

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Solar Panel Reuse, Repair, and Recycling.

SUMMARY STATEMENT

CalRecycle is providing a \$42,545 Zone Incentive Fund grant to the High Desert Recycling Market Development Zone (RMDZ). The Authority Administrator worked with CalRecycle and California Product Stewardship Council (CPSC) staff to develop a solar panel reuse, repair and recycling project. The project modifies CPSC's previous work on solar panel collection projects by triaging panels removed by installers and commercial facilities. This pilot project would identify panels for repair and reuse, making needed repairs, and distributing those panels to local businesses and residents. Panels that cannot be reused would go to an authorized recycler for dismantling, with non-hazardous glass sent to Shark Solutions in Victorville to test its recycling processes.

CPSC includes community outreach involving local businesses, residents and community colleges to initiate collection and distribution opportunities. Their most recent \$36,000 proposal is attached, awaiting CalRecycle's pre-approval. After approval the remaining funds will be used to promote and share the High Desert RMDZ's website that includes local permitting and financing information <https://highdesert.rmdzcentral.org/>

RECOMMENDED ACTION

Authorize a solar panel reuse, repair and recycling project with California Product Stewardship Council paid by CalRecycle's Zone Incentive Funds

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	Estimated \$36,000 grant funded.	May 15 2025	5

May 6, 2025

To: John Davis, RMDZ Zone Administrator
CC: Scott Beckner, RMDZ Program Administrator

Re: Solar panel reuse and repair pilot in Mojave using Zone Incentive Funds (ZIF)

Hello John,

Below is a proposed pilot on behalf of the California Product Stewardship Council (CPSC) with input from the High Desert to address the growing landfill-bound waste stream coming from unwanted solar panels. Currently, there is no public funding for this product type, especially in the reuse and repair efforts to reduce the source of the materials entering the waste stream.

The pilot will work with local zone businesses, such as local glass recyclers [Shark Solutions](#), and established educators such as the local community college, to host an in-person education event with more details below. Several components of solar panels, including glass, aluminum and other materials, are being landfilled and in some cases, entire nonhazardous solar panels are being landfilled in and out of state. The purpose of the event is to educate installers on the reuse, repair, and recycling opportunities, and also build partnerships between DTSC approved solar panel recyclers with regional recyclers of the product components i.e. glass.

This application of ZIF funds will allow the zone to build regional partnerships, expand diversion capacity, and support education in the zone. The following objectives will be carried out with the activities and evaluated by the metrics listed below.

Objective 1: Regional partnerships

- 1. Activities:** Map solar panel waste generators, collectors, and processors in the zone.
Evaluation: Number of businesses on the RMDZ database and number of businesses serving as a reuse/recycling business by adding to CPSC's [Solar Panel Reuse Map](#)
- 2. Activities:** Forge partnerships with solar panel repair and recycling businesses
Evaluation: Number of businesses added to the public map, number of instructors and/or vendors attending the in-person event
- 3. Activities:** Develop a solar panel education campaign
Evaluation: Number of publicly facing outreach material documents, such as fliers, social media graphics, video(s), and website updates.
- 4. Activities:** Solar panel collection application
Evaluation: A CalRecycle-approved survey form and number of responses
- 5. Activities:** Deploy solar panel education
Evaluation: Number of posts, emails, and other outreach metrics
- 6. Activities:** Media Buys
Evaluation: Number of posts, emails, and other outreach metrics
- 7. Activities:** Travel Expenses
Evaluation: Staffing to host an in-person event
- 8. Activities:** Other in-person event expenses
Evaluation: Number of event attendees and qualitative feedback

Objective 2: Diversion and feedstock testing

- 9. **Activities:** Promote collection and reuse
Evaluation: Number of panels collected, number of collected panels getting reused, repaired, and recycled
- 10. **Activities:** Media buys
Evaluation: Number of posts, emails, and other outreach metrics
- 11. **Activities:** Reuse and recycling costs
Evaluation: Number of collected panels getting reused, repaired, and recycled
- 12. **Activities:** Collection costs
Evaluation: Number of collected panels getting reused, repaired, and recycled
- 13. **Activities:** Final report
Evaluation: The report(s) shall contain a description of the project and project deliverables. Materials needed, if any. The type and number of items diverted from the landfill. The project findings. Problems encountered, and actions taken to rectify them. Future recommendations. Supporting documentation (e.g., photos, diagrams, and data).

Project Timeline:

The project will begin with the notice to proceed and will work on the objectives described in the above proposal. Project objectives will be met within a year and will be completed working closely alongside the Zone Administrator.

Project Budget: Total Requested: \$36,000

Objective 1: Regional partnerships		
Number	Activity	Budget
1	Map solar panel waste generators, collectors, and processors in the zone. Collect solar panel building permits within the zone	\$4,304.08
2	Forge partnerships with regional solar panel repair and recycle businesses - establish contractors for educational and collection events	\$2,715.00
3	Developing a solar panel campaign, including developing training documents for collecting, identifying, testing, and processing solar panels deemed non-hazardous	\$2,000.00
4	Solar panel collection application and additional relevant survey questions	\$905.00
5	Deploy customized solar panel education, including outreach to local businesses, advertisements in local news outlets, and targeted social media	\$1,595.00
6	Media buys, including social media boosts, media content, education material, and event information	\$3,000.00
7	Travel costs to attend educational event for two CPSC associates	\$5,480.92
8	Other in-person solar panel education event expenses - includes rental space, educator fees	\$6,000.00
	Total	\$26,000.00



Objective 2: Diversion and feedstock testing		
Number	Activity	Original Budget
9	Promote solar panel collection and reuse - calls to businesses	\$665.00
10	Media buys, including social media boosts, educational content, and event information	\$800.00
11	Costs to subsidize reuse and repair businesses to service panels for resale, including transportation (\$10 per panel for 120 panels)	\$1,200.00
12	Costs for collection, sorting, testing, storage, and preparing panels for transport - \$992 collection rate for six events	\$5,952.00
13	Final report will include a description of the project and project deliverables and findings, type and number of items diverted from the landfill, problems encountered and actions taken to rectify them, future recommendations, and supporting documents.	\$1,383.00
	Total	\$10,000.00

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

PERMA Alternate.

SUMMARY STATEMENT

The Authority is a member of the Public Entity Risk Management Authority (PERMA). The Administrator is a member of PERMA's Board. The Alternate position is open, and PERMA asked that we appoint someone. Adam Cripps, the Town of Apple Valley's Interim Finance Manager and the Authority's Controller, would fill that vacancy.

RECOMMENDED ACTION

Appoint Adam Cripps as PERMA Alternate Board Member.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	None.	May 15, 2025	6

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Regional Organic Materials Characterization.

SUMMARY STATEMENT

The Authorized a regional organic waste characterization in accordance with AB 2346 at its February meeting. ReCreate Waste Collaborative and the Authority Administrator sought clarity from CalRecycle around three issues.

1. Material categories may be combined so long as we isolate the SB 1383 organic materials to determine the appropriate proportion of organic waste in disposal.
2. The study design must account for seasonality. That does not require multi- season sampling but at least should include a justification that the single-season sampling is sufficient.
3. CalRecycle’s guidance requires that we send the re-calculated procurement target for the specific jurisdiction(s). This involves entering the characterization data into the formula used by CalRecycle to determine the statewide per capita procurement requirement. That formula is only available in a summary form. However, we are requesting that CalRecycle share its full formula, and we are working with other agencies to recreate the formula.

Applying the existing CalRecycle formula to the most recent statewide characterization substantially lowers the statewide requirements. For example, Adelanto’s requirement drops from .08 tons per capita to .035 tons. CalRecycle will be updating the formula this year using the more recent statewide numbers.

The seasonality requirement would best be addressed by sampling in October since Fall includes leaf drop as well as warm weather grass. This provides time to resolve the formula issues before proceeding.

The ReCreate authorization was for a cost not to exceed \$60,000 with \$40,000 allocated from the 2024/2025 budget that was proposed to be sequestered in the 2025/2026 budget.

RECOMMENDED ACTION

Delay implementation of the regional waste characterization to address seasonality and formula issues

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	\$60,000 budgeted.	May 15, 2025	7

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Victor Valley Materials Recovery Facility.

SUMMARY STATEMENT

Apple Valley and Victorville own the Victor Valley Materials Recovery Facility (MRF), which is operated under the 2016 Materials Recovery Facility Operating Agreement between the Authority and Burrtec. Apple Valley and Victorville comprise the North Desert Project Committee and are responsible for all MRF financial obligations under a separate Authority Operating Agreement with the two municipalities. The Authority issued system revenue bonds funding the initial construction.

The MRF processes recycling from all Authority communities except Needles. Deliveries arrive through arrangements with designated haulers who pay a tip fee to the Authority for processing and receive rebates for the value of recovered material less disposal charges. The Authority Board updated the tip fee at its November 2023 meeting, including a capital improvement fee. The tip fee will be \$117.42 beginning July 2025.

The MRF was built in 1995, with a major upgrade in 2006. The Operating Agreement distinguishes between capital improvements including facility expansion; and major maintenance addressing repair, replacement, improvement, alteration, or additions to the existing facility. Replacement priorities include equipment no longer manufactured and functionally obsolete. Improvements focus on improved performance of existing equipment or systems. Structural or equipment modifications would be alterations. Additions include new equipment or systems.

Replacement is underway on the optical sorter used to recover aluminum cans and PET plastic containers. Improvements are anticipated for aluminum can and glass recovery, and for separating fiber from containers. Additions would include recovery of packaging and single use food service items to comply with SB 54; although portions of the other identified costs are likely to be reimbursable. Discussions with Circular Action Alliance, the Producer Responsibility Organization, clarified that 2023 is the beginning date for reimbursement once the producers' plan is approved and effective.

RECOMMENDED ACTION

Update on Victor Valley MRF upgrades.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	Capital improvements.	May 15, 2025	8

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

SB 54 Update.

SUMMARY STATEMENT

CalRecycle is restarting the SB 54 regulatory process after Governor Newsom rejected the final draft regulations. CalRecycle’s Executive Director addressed the new timeline during her confirmation hearing before the Senate Rules Committee.

- Between now and May 23rd, the agency will finalize draft regulations
- On May 27th, there will be a public workshop on those regulations
- After the 27th and before the end of June, CalRecycle will submit a revised economic impact assessment
- **In the final quarter of 2025, pending the OAL process, CalRecycle will begin implementing the final regulations for SB 54.**
- Additionally, CalRecycle will work closely with Senator Allen, author of SB 54, throughout the process to uphold the spirit of the law.

Newsom cited costs on businesses and consumers in preventing the regulations from becoming final on March 7. Those costs were identified in CalRecycle’s Standardized Regulatory Impact Assessment (SRIA) issued in December 2023. Costs and benefits must be reported separately and may not be offset in the report. The assessment identified \$36 billion in SB 54 costs and \$59.5 billion in benefits.

The SRIA identified local government costs for outreach, processing and transport, sampling and reporting, contamination mitigation, system improvements and expansion, and infrastructure. According to the SRIA **“As local jurisdictions will be reimbursed for these costs by the PRO, CalRecycle does not anticipate any direct savings to local jurisdictions as a result of the Proposed Regulations.”**

SB 54’s author Senator Ben Allen was part of negotiations to address substantive issues prior to March 7. In a March 6 letter to the Producer Responsibility Organization (Circular Action Alliance) he offered minor changes to the statute “addressing the technical implementation challenges CAA has raised and **do not renegotiate any aspect of the deal that stakeholders agreed to prior to passage of SB 54.**”

Allen and Environmental Quality Committee Chair Catherine Blakespear sent an April 25 letter with items for **“narrow changes** in the regulations that will reduce costs, improve program workability and success, and ensure the regulations are consistent with the Act.”

RECOMMENDED ACTION

Update on SB 54 regulations.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	Unknown local cost reimbursement.	May 15, 2025	9

California State Senate

CAPITOL OFFICE
STATE CAPITOL ROOM 2054
SACRAMENTO, CA 95814
TEL (916) 651-4026
FAX (916) 651-4926

WWW.SENATE.CA.GOV/ALLEN
SENATOR.ALLEN@SENATE.CA.GOV

SENATOR
BENJAMIN ALLEN

TWENTY-SIXTH SENATE DISTRICT

DISTRICT OFFICE
2512 ARTESIA BLVD., SUITE 320
REDONDO BEACH, CA 90278
TEL (310) 318-6994
FAX (310) 318-6733



March 6, 2025

Jeff Fielkow, CEO
Circular Action Alliance
20 F St NW
Washington, District of Columbia 20001

Dear Mr. Fielkow,

I want to thank you and your team for working with my staff and stakeholders these past several days to find a solution to ensure SB 54 can be implemented effectively and on time. As I emphasized during our Wednesday conversation, I remain dedicated to working to address any challenges that arise as program development gets underway. I am confident that our continued constructive dialogue will ensure a positive outcome for California's landmark program.

I am writing to memorialize the plan our staffs agreed to take back to principals and to share that I have been in dialogue with State Senate Pro Tem Mike McGuire, Assembly Speaker Robert Rivas, and Assembly Budget Chair Jessie Gabriel this evening to ensure that if CalRecycle's regulations are submitted on time to the Office of Administrative Law tomorrow we will pass responsive legislation to make minor changes to the statute and to give CalRecycle authority to adopt emergency regulations (e-regs). These changes address the technical implementation challenges CAA has raised and do not renegotiate any aspect of the deal that stakeholders agreed to prior to passage of SB 54. The legislation would do the following:

1. **PRO Plan Timelines** - Direct CalRecycle, through the e-reg authority, to change the deadline for the initial Producer Responsibility Organization (PRO) Plan to be submitted by July 1, 2026.
2. **Producer Registration Deadline** - Amend SB 54 to require producers to join the PRO by July 1, 2025.
3. **Early Fees (Eco-Modulation)** - Direct CalRecycle, through the e-reg authority, to add explicit language that allows for CAA to utilize a simplified eco-modulation fee schedule until December 31, 2029.

4. **Annual Report and Fee Schedule Timing** - Amend SB 54 to allow for the annual report and budget and fee schedule to be reported separately, and direct CalRecycle to allow the proposed budget and fee schedule to be submitted annually on Oct. 1st.
5. **Source Reduction Baseline Adjustment** - Amend SB 54 to require producers to submit baseline source reduction data to the PRO earlier, prior to the plan submission deadline, and to give CalRecycle authority to update the source reduction baseline report based on producer information prior to 2027.
6. **De Minimis Approach** - Direct CalRecycle, though the e-reg authority, to provide clarity and guidance on de minimis criteria prior to the initial plan submission deadline.
7. **Technology Review** - Direct CalRecycle, though the e-reg authority, to clarify that the entity seeking to use technology that employs chemical recycling is responsible for commissioning and funding the peer reviewed research study to determine that the technology meets the criteria of the law.
8. **Refill and Reuse Systems** - Direct CalRecycle, though the e-reg authority, to refine durability standards (e.g. 780 cycles) for reusable food service ware.
9. **Monthly Increment Reporting** - Direct CalRecycle, though the e-reg authority, to allow for annual reporting.
10. **Life Sciences (change negotiated between our office and the Life Sciences industry)** - Amend SB 54 to explicitly exempt secondary and tertiary packaging used for exempted covered material.

I look forward to working with you and your staff to pass these changes and build on the momentum resulting from our state successfully adopting such a robust and ambitious program. Together, through implementation of this law, we will stem packaging waste, reduce plastic pollution, and relieve the burdensome cost of managing this material currently born by California ratepayers.

Sincerely,



Ben Allen
Senator, 26th Senate District



California Legislature

April 25, 2025

The Honorable Gavin Newsom
Governor, State of California
1021 O Street, Suite 9000
Sacramento, CA 95814

Nani Coloretti
Cabinet Secretary, Office of the Governor
1021 O Street, Suite 9000
Sacramento, CA 95814

Yana Garcia
Secretary, CalEPA
1001 "I" Street
Sacramento, CA 95814

Zoe Heller
Director, CalRecycle
1001 "I" Street
Sacramento, CA 95814

RE: Adopting SB 54 (Allen, 2022) Regulations

Dear Governor Newsom, Secretary Coloretti, Secretary Garcia, and Director Heller,

We write to urge you to adopt regulations to implement SB 54 that adhere to the law's objectives and goals and the letter and spirit of the carefully negotiated statute. We supported the final draft regulations that were not submitted to the Office of Administrative Law by March 7, 2025. However, in the spirit of helping to expedite a new package, we have engaged with numerous stakeholders to identify narrow changes that address concerns. We have also identified some priority regulatory text that we urge you *not* to change.

We offer this feedback, along with our rationale, in the spirit of addressing the Governor's generally stated goal of adopting regulations that promote affordability and workability. We hope that this effort is responsive to the request for feedback that Cabinet Secretary Coloretti articulated in the stakeholder meeting held on March 16. We also hope that this helps expedite the process by providing straightforward suggestions on a narrow set of critical issues. We encourage the Department to move expeditiously to restart a formal regulatory process to prevent further delays.

We appreciate that the Department continues to work with Circular Action Alliance (CAA) to ensure that they can develop the Producer Responsibility Organization (PRO) Plan on time. We support these efforts, recognizing that a significant amount of work to draft the Plan can be done in parallel with the regulatory process. We also appreciate that the Department is working to identify aspects of the SB 54 programming and compliance support that can be advanced ahead of the regulations being finalized.

The suggestions below result from feedback we received from numerous stakeholders who helped craft SB 54 and participated in the regulatory development process. Key issues from these stakeholders, including local and regional governments of different sizes, service providers, and environmental NGOs are included here, but this is not an exhaustive list of issues raised by these groups. We also include suggested language to address concerns raised by obligated producers throughout the regulatory process, including those issues addressed in the March 6, 2025 letter sent to Governor Newsom. We are also attaching a more detailed description of the priority items included in this letter and will follow up with a redlined version of the final draft regulations that reflect these proposed changes.

We have identified two items that are critical to maintain within the regulations:

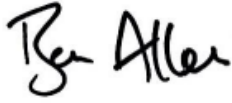
- 1) Inclusion of over-the-counter drugs as covered material (§18980.2)
- 2) Inclusion of other forms of disposal citation in the disposal of covered material (§18980.3.5(e))

We have identified 13 items for narrow changes in the regulations that will reduce costs, improve program workability and success, and ensure the regulations are consistent with the Act:

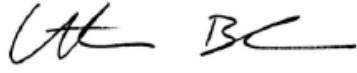
- 1) Establish a more realistic reuse and refill durability threshold (§18980.1(a)(27)(D)(ii), §18980.2.1(a)(4))
- 2) Ensure any form of disposal is not counted as recycling (18980.3.2(b)(3)(B))
- 3) Include a more holistic review of plastic recycling technologies consistent with the Act (§18980.3.6)
- 4) Revise the language on local government compensation to include compensation options beyond reimbursement (§18980.8)
- 5) Ensure source reduction adjustment factors do not affect the overall reduction of plastic covered materials (§18980.8.3)
- 6) Adjust producer reporting timelines (§18980.10.2(b))
- 7) Clarify enforcement on local jurisdictions and recycling service providers (§18980.11, §18980.13.2)
- 8) Include a producer registration deadline (§18980.5)
- 9) Update the source reduction baseline earlier based on producer data (§18980.9)
- 10) Revise the initial PRO Plan submission deadline (§18980.6.1(a))
- 11) Allow for a simplified eco-modulation fee schedule during the first few years of the Plan implementation (§18980.6.7)
- 12) Establish a pathway for the Department to review de minimis covered material before the Plan is submitted (§18980.2.2(b))
- 13) Exclude secondary and tertiary packaging for exempted covered material (§18980.2(b)(3))

We hope this list is helpful as the Administration considers how to move forward to implement this landmark law. We remain committed to engaging all parties to ensure the regulations reflect the letter and spirit of SB 54 and that California remains a leader in reducing plastic and packaging waste.

Sincerely,



BEN ALLEN
Senator, 24th District



CATHERINE BLAKESPEAR
Senator, 38th District

Critical pieces to maintain within the regulations:

1) **Inclusion of over-the-counter drugs as covered material** (§18980.2)

The Act excludes packaging for “prescription drugs” and “drugs that are used for animal medicines” (PRC §40141(e)(2)(A)(i)). These exemptions were carefully negotiated, and over-the-counter drugs were specifically included in the scope of covered materials.

The plain language of the Act is clear, but some legislative history may also be helpful. The language in the Act is the same as the prior version of SB 54 (2019). The negotiations in 2022 that led to the Act’s passage did not modify the language from the 2019 version. Policy committee analyses for both the 2019 and 2022 versions similarly call out “prescription drugs” as explicit exemptions.

- **SB 54 (2019):**
 - Bill/statutory language: “(1) Medical products and products defined as prescription drugs and medical devices, as specified in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Secs. 321(g), 321(h), and 353(b)(1)).”
 - From the [Assembly Natural Resources committee analysis](#) (Sep 2019): “Exempts medical devices, medical products, *prescription drugs*, infant formula, medical food, fortified oral nutritional supplements, and the packaging used for these products, as specified, from the provisions of the bill.
- **SB 54 (2022):**
 - Bill/statutory language: “(i) Medical products and products defined as devices or prescription drugs, as specified in the Federal Food, Drug, and Cosmetic Act (21 U.S.C. Secs. 321(g), 321(h), and 353(b)(1)).”
 - From the [Assembly Natural Resources committee analysis](#) (Sep 2022): “Excludes packaging used for medical products, devices, and *prescription drugs*, animal medicines and drugs, infant formula, medical food, fortified nutritional supplements, insecticides, rodenticides, fungicides, hazardous materials, hazardous or flammable products, beverage containers subject to the Bottle Bill, long-term protection or storage, paint covered by the paint recovery program, as specified.”

2) **Inclusion of other forms of disposal citation in the disposal of covered material**
(§18980.3.5(e))

The inclusion of subdivision (e) in the final round of regulations was critically important to ensure that the regulations were consistent with the definitions of “recycling” (PRC §42041(aa)) and the definition of “recycling rate” (PRC §42041(ab)) as outlined in the law.

Recommended changes to the regulations:

1) **Establish a more realistic reuse and refill durability threshold**

(§18980.1(a)(27)(D)(ii), §18980.2.1(a)(4))

The thresholds included in the regulations for washability and durability standards for reuse and refill are unnecessarily high, which will inadvertently hamper a growing industry and an important pathway for compliance with SB 54. Moreover, switching to reuse, especially for food service ware, is a [well-documented](#) cost-saver for businesses. Making reuse a more accessible means of compliance will help save businesses and consumers money while achieving the overall goal of SB 54 to reduce single-use packaging and deliver a circular economy.

Reuse experts, including groups like PR3, which are developing a [harmonized standard](#) for reuse systems, recommend a durability threshold of at least 45 uses. This threshold was established to optimize the durability of an item and the amount of material it uses, ensuring the reusable item can achieve the expected number of uses without being overbuilt (e.g., requiring excess material).

2) **Ensure all forms of disposal are not counted as recycling** (§18980.3.2(b)(3)(B))

While we appreciate the updated language in §18980.3.5 to include “other forms of disposal” to bring that section into compliance with the law, the calculation of recycling rate as outlined in this section needs to include a reference to §18980.3.5 to ensure the recycling rate calculations are consistent with PRC §42041(ab) “The recycling rate shall be calculated as the amount of covered material that is recycled in a given year *divided by the total amount of covered material disposed of, as defined in subdivision (b) of Section 40192...*”

It is also important that any review of other plastic recycling technologies (with detailed recommendations included below) ensures that the technologies do not incorporate other forms of disposal that would be prohibited from counting towards recycling under the law.

3) **Include a more holistic review of plastic recycling technologies** (§18980.3.6)

The intention of the legislature and the negotiators for SB 54 was to simplify and streamline the waste stream through upstream redesign and infrastructure investments, enabling more packaging to be reused or recycled through California’s recycling infrastructure and responsible facilities that actually recycle materials out of state. PRC §42040(b)(4) states that “Recycling can be an effective way to reclaim some natural resources, such as metals, glass, paper, and some plastic resins. However, in some circumstances, recycling is cost-prohibitive and an ineffective means to handle the end-of-life of a covered material. In these circumstances, the Legislature acknowledges that some material types cannot effectively meet the requirements of this chapter *and producers will be required to eliminate, redesign, or shift packaging or food service ware to a covered material category that can more efficiently meet the requirements of this chapter.*”

The law envisions a pathway for innovation in recycling technology, provided that the technology protects human and environmental health and recovers materials that are then used in new products in the economic mainstream. The law requires new technology to be consistent with the quality standards necessary to ensure that recycled material can be used in the marketplace and prohibits other forms of disposal from being considered recycling, pursuant to existing California law (PRC §42041(aa)-(ab)).

To address concerns raised by stakeholders, we recommend:

- To meet the statutory requirement to establish criteria for the exclusion of technologies that generate a ‘significant amount of hazardous waste’, the Department should adopt the accepted threshold used to determine whether a facility is considered a Large Quantity Generator (LQG) under the California Department of Toxic Substances Control (DTSC) or the US Environmental Protection Agency under part 261 of title 40 of the Code of Federal Regulations.
 - o Following precedent by DTSC, the Department should not adopt an exemption for episodic generation. Thus, a facility that meets the criteria for a large quantity generator should be considered a LQG.
 - Significant amount of hazardous waste generation / LQG threshold:
 - Generates 1,000 kg or more of hazardous waste per calendar month
 - And/or more than 1 kg of acutely or extremely hazardous per calendar month.
 - Very Small Quantity Generator (VSQG)
 - Generates less than 100 kg of non-acute hazardous waste and less than 1 kg of acutely hazardous waste in a calendar month.
 - The criteria would consider the amount of hazardous waste generated by the facility, not whether or not the facility legally meets the definition of a LQG.
 - Determining what constitutes hazardous waste should be based on current California laws and regulations.
- Each responsible end market that wants to receive and be eligible to recycle plastic covered material must submit to the Department:
 - o A description of the technology and how that technology is consistent with the definition of recycling and not considered other forms of disposal pursuant to subdivision (b) of PRC 40192
 - o A description of the covered material feedstock to be processed and the yield of recovered material
 - o The weight (in kg) of non-acute hazardous waste generated in a calendar month
 - o The weight (in kg) of acutely hazardous waste in a calendar month
- A responsible end market that exceeds the Very Small Quantity Generator (VSQG) but is not excluded as a LQG would additionally submit a holistic review (e.g., an ISO

approved LCA) that details the generation of greenhouse gas emissions, environmental impacts, environmental justice impacts, and public health impacts relative to other available technology for that feedstock.

- The Department would appoint a panel of scientific experts, Department staff, DTSC staff, and independent academics to review the proposed technology for a responsible end market and determine whether the facility meets the criteria.
 - o The regulations should outline the process for appointing independent academic experts to the panel, including a nomination process.
 - The nomination and application process must include disclosure of conflicts of interest.

This would ensure a technology-neutral approach, using specific, objective criteria to exclude certain plastic recycling technologies that generate significant amounts of hazardous waste. This process is simplified and streamlined, which will save producers, the PRO, and the Department time and money. Further, this approach includes a holistic review of the non-excluded technologies that satisfies the other requirement of PRC 42041(aa)(5).

In updating this section, it is critical to remember that the Act contemplated and addresses the concern surrounding currently hard-to-recycle materials through a variety of pathways, such as exemptions for materials that present “unique challenges” that also includes pathways for materials to be phased into compliance through the development of a plan with the Department (PRC §42060(a)(3)(B)).

4) **Revise the language on local government compensation to include compensation options beyond reimbursement** (§18980.8)

Using the terms “reimbursing,” “reimbursed,” and “reimbursement” throughout section 18980.8(g) unnecessarily limits payment options, which should include advance or upfront payments, not only reimbursement. This is an equity concern, particularly for jurisdictions and recycling service providers that are unable to front initial investment costs.

5) **Ensure source reduction adjustment factors do not affect the overall reduction of plastic covered materials** (§18980.8.3)

The requirement to source reduce plastic covered material by no less than 25 percent by weight and by number of units by January 1, 2032, is fundamental to the Act and was carefully negotiated as part of withdrawing a ballot initiative. Neither the Department nor the PRO has statutory authority to adjust the amount of plastic covered material required to be reduced relative to the baseline in the codes cited for this section. As the source reduction baseline remains static once set (barring updates based on updated producer data, as detailed in §18980.9, which we support), any adjustments could result in bias regarding the amount of source reduction mandated under PRC §42057. This provision is *only* lawful under SB 54 if implemented so as not to affect the overall amount of covered material reduced relative to the baseline under the source reduction mandate.

6) **Streamline producer reporting** (§18980.10.2(b))

Given the Act's mandates are based on annual metrics, the requirement for producers to report in monthly increments is unnecessary and could create a disproportionate burden on small producers. Streamlined annual reporting will also save producers and the PRO costs by simplifying compliance.

7) **Clarify enforcement of local jurisdictions and recycling service providers**
(§18980.11, §18980.13.2)

The regulations must clearly articulate the circumstances that warrant enforcement actions against a local jurisdiction or recycling service providers. Specifically, the regulations must specify what constitutes compliance for local jurisdictions and recycling service providers required to collect covered material pursuant to §18980.11(b).

Further, it should be clear in the regulations that, per PRC §42081(c)(6), if the PRO or producers fail to develop end markets for covered materials, that failure does not constitute a violation of PRC §42060.5, resulting in enforcement activity towards the local jurisdiction or recycling service provider. The regulations should specify that before imposing penalties for a violation, the Department should first determine whether the PRO or a producer is responsible for preventing the local government or recycling service providers from complying (e.g., payment has not been made to add a covered material to a jurisdiction's program).

In addition, the revised regulations must include greater clarity on how the Department will use its discretionary authority under PRC §42081(a) when setting an administrative civil penalty based on the criteria outlined in §42081(c), particularly when enforcing against local governments and recycling service providers.

8) **Include a producer registration deadline** (§18980.5)

Including a registration deadline in the regulations will enable the PRO to require data and fees from producers earlier, which will help them draft and implement a Plan. PRC 42051(a) clearly states that "producers of covered material shall form **and join** a PRO," (emphasis added), which gives the Department the necessary authority to establish a deadline by which producers must join a PRO, after which they would be considered in violation and would be subject to enforcement. We recommend that the regulations include a deadline of October 1, 2025, after which producers who are not registered will be considered in violation of the Act and subject to enforcement.

9) **Update the source reduction baseline earlier based on producer data** (§18980.9)

An accurate source reduction baseline (currently a modeled estimate of the amount of plastic covered material in calendar year 2023) is critical in achieving the 25 percent source reduction requirement outlined in the Act. The accuracy of this baseline is also important in helping producers and the PRO develop source reduction plans to meet interim deadlines. Given the first interim source reduction deadline in 2027, we recommend updating the source reduction baseline in 2026 based on producer data. Establishing a producer registration deadline, ensuring all producers report to the PRO, will allow the PRO to update this baseline earlier.

10) **Update the initial PRO Plan submission deadline** (§18980.6.1(a))

While we recognize that the initial PRO Plan is just a first draft intended to be iterated based on review by the Department and the Advisory Board, we recommend a 3-month delay in the initial Plan submission deadline, extending it to July 1, 2026. Not only does this accommodate

the delays in regulations, but it will also give the PRO additional time to work with producers to gather the data they need to develop an initial plan.

11) **Allow for a simplified eco-modulation fee schedule during the first few years of the Plan implementation** (§18980.6.7)

We recognize that some producers will need additional time to collect the information necessary to ecomodulate fees. We recommend that the Department include flexibility in the revised regulations to allow the PRO to implement the ecomodulation fee in the first few years after the Plan is adopted. A suggested pathway would be to enable the PRO to implement the ecomodulation fees based on the presence or absence of data on the ecomodulation factors. This flexibility in the first few years will simplify implementation, streamline compliance, and save costs for the PRO overall.

12) **Establish a pathway for the Department to review de minimis covered material prior to plan submission** (§18980.2.2(b))

We recommend that the regulations establish a clear process through which the PRO or individual producers can submit information to the Department to determine whether a material qualifies as de minimis, as defined in this section, prior to submitting the initial PRO Plan. This will help ensure the Plan's accuracy and allow the PRO and producers to focus their resources on materials that will ultimately be considered covered, saving time and money. Any material deemed de minimis, along with the Department's determination, must still be included in the Plan as outlined in this section (§18980.2.2(b)(2)).

13) **Exclude secondary and tertiary packaging for exempted covered materials** (§18980.2)

PRC §42041(s) clearly defines "packaging" as inclusive of primary, secondary, and tertiary packaging and defines covered material exemptions (PRC §42041(e)(2)(A)) as "packaging used for..." To be consistent with the statute, the modified regulations must reflect that secondary and tertiary material associated with exempted items is not covered material.

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Legislation: Edible Food.

SUMMARY STATEMENT

Two edible food recovery bills are moving in the Legislature.

AB 337 would expand the types of activities eligible for CalRecycle’s edible food recovery grant program to include transportation and technology subscriptions and management software. The bill also sets grant standards based on increased recovery rather than requiring increased landfill diversion, which limited opportunities for existing food recovery operations. AB 337 passed the Assembly Natural Resources Committee.

SB 353 would remove the sunset for the Farm to Food Bank Tax Credit, which allows a 15% tax credit for farms that donate food products to food banks. Maintaining the credit especially is important as funding for the Federal Emergency Food Assistance Program has been cut. That program purchased food directly from farmers to send to food banks. The bill’s first hearing is before Senate Revenue & Taxation Committee on May 14.

RECOMMENDED ACTION

Support AB 337 and SB 353.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	No direct impact.	May 15, 2025	10

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Legislation: Household Hazardous Waste.

SUMMARY STATEMENT

Two household hazardous waste (HHW) bills merit Authority support.

SB 501 Would create a producer responsibility program for products classified as HHW, as well as establish a producer responsibility organization (PRO) to oversee collection of producer fees and to produce a stewardship plan that ensures the safe and convenient collection and management of covered products at no cost to consumers or local governments. Costs to manage HHW currently are \$1.25 per capita under San Bernardino County’s program. This bill is a reintroduction of SB 1143 which the Authority Board supported in 2024.

AB 762 Banning Disposable Vapes - Would ban the sale of vapes in California unless they are refillable, rechargeable, and have a removable battery, fostering a transition to safe refillable or reusable alternatives. HHW recyclers will only take the internal battery. The remaining units containing nicotine or cannabis residue can only be disposed at a DEA Drug Take Back event which is usually twice a year and DEA won’t accept the units with the battery. Approximately 80% of vapes sold in California meet the proposed standards.

This bill passed the Assembly Environmental Safety & Toxic Materials Committee but did not pass Assembly Business and Professions Committee ahead of the deadline. AB 762 is now a “2-year bill” that is eligible to move in January.

RECOMMENDED ACTION

Support SB 501 and AB 762.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
John Davis	No direct impact.	May 15, 2025	11

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Board Comments.

SUMMARY STATEMENT

Comments by members of the Board.

RECOMMENDED ACTION

No recommended action.

PRESENTED BY	FISCAL IMPACT	MEETING DATE	ITEM NUMBER
Ivy Esquivel	None.	May 15, 2025	12