

**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:

Amend sections: 2975

Repeal sections:

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2020-1202-01

OAL Matter Type: Emergency (E)

This emergency action amends the reasonable financial return calculation for processing payments paid to recyclers to 10% of the statewide average allowable costs as calculated pursuant to section 2960 of title 14. The emergency is deemed pursuant to Public Resources Code section 14536.1.

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 12/14/2020 and will expire on 6/15/2021. The Certificate of Compliance for this action is due no later than 6/14/2021.

Date: December 14, 2020



Mark Storm
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Ken DaRosa, Acting Director
Copy: Kris Chisholm

NOTICE PUBLICATION/REGULATIONS SUBMISSION

STD. 400 (REV. 10/2019)

EMERGENCY

See instruction on reverse

For use by Secretary of State only

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

DEC 14 2020
1:25pm.

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2020	EMERGENCY NUMBER -1202-01E
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For use by Office of Administrative Law (OAL) only	
<p style="text-align: center;">2020 DEC -2 P 2:29</p> <p style="text-align: center;">OFFICE OF ADMINISTRATIVE LAW</p>	
NOTICE	REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY Department of Resources Recycling and Recovery	AGENCY FILE NUMBER (if any)
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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		NOTICE REGISTER NUMBER		PUBLICATION DATE	
		<input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn					

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Processing Payments		1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)	
2. SPECIFY CALIFORNIA CODE OF REGULATIONS TITLE(S) AND SECTION(S) (Including title 26, if toxics related)			
SECTION(S) AFFECTED (List all section number(s) individually. Attach additional sheet if needed.)	ADOPT		
	AMEND		
	2975		
TITLE(S) 14	REPEAL		

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 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 §§11349.3, 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 checked="" 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)

Effective January 1, April 1, July 1, or October 1 (Gov. Code §11343.4(a))
 Effective on filing with Secretary of State
 \$100 Changes Without Regulatory Effect
 Effective other (Specify)

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

Department of Finance (Form STD. 399) (SAM §6660)
 Fair Political Practices Commission
 State Fire Marshal
 Other (Specify)

7. CONTACT PERSON Kris Chisholm	TELEPHONE NUMBER (916) 322-2404	FAX NUMBER (Optional)	E-MAIL ADDRESS (Optional) Kris.Chisholm@CalRecycle.ca.gov
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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 Sarah Keck <small>Digitally signed by Sarah Keck Date: 2020.11.13 13:36:47 -08'00'</small>	DATE
TYPED NAME AND TITLE OF SIGNATORY Sarah Keck, Deputy Director	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 14 2020

Office of Administrative Law

PROPOSED REGULATION TEXT ⁴

DIVISION OF RECYCLING

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

CALIFORNIA CODE OF REGULATIONS

TITLE 14. NATURAL RESOURCES

DIVISION 2. DEPARTMENT OF CONSERVATION

CHAPTER 5: DIVISION OF RECYCLING

SUBCHAPTER 12. DOR REQUIREMENTS

ARTICLE 2. PROCESSING FEES AND PROCESSING PAYMENTS

§ 2975. REASONABLE FINANCIAL RETURN CALCULATION.

The [begin strikethrough] statewide average [end strikethrough] reasonable financial return for recycling centers shall be equal to [begin underline] 10 percent of [end underline] the statewide average allowable costs calculated in section 2960 of this subchapter [begin strikethrough] , multiplied by the average return on costs for the scrap and waste materials industry as determined from data contained in the most recent Dun and Bradstreet Standard Three Year Norm Report (Published by Dun and Bradstreet Credit Services) [end strikethrough] .

Authority: Section 14530.5(b), [begin underline] 14536, and 14536.1, [end underline] Public Resources Code. Reference: Sections 14501(f) and (g), 14518.5 and 14575(a) and (b), Public Resources Code.

⁴ Proposed Regulation Text has been illustrated for greater accessibility. Proposed changes are illustrated with additions in underlining and the following bracketed text: [begin underline], [end underline], to show where the new text is being added. Proposed text for deletion (repeal) is shown in strikethrough with the additional bracketed text [begin strikethrough] and [end strikethrough] to denote the beginning and end of stricken text.