

**State of California
Office of Administrative Law**

In re:
**Department of Resources Recycling and
Recovery**

Regulatory Action:

Title 14, California Code of Regulations

Amend section: 2975

**NOTICE OF APPROVAL OF EMERGENCY
REGULATORY ACTION**

**Government Code Sections 11346.1 and
11349.6**

OAL Matter Number: 2021-1207-07

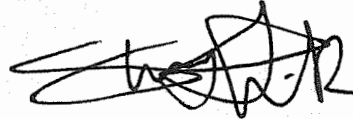
OAL Matter Type: Emergency (E)

In this emergency rulemaking action, the Department of Resources Recycling and Recovery is amending the reasonable financial return for recycling centers to 10 percent of the statewide average allowable costs calculated in Title 14, section 2960.

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 12/17/2021 and will expire on 6/16/2022. The Certificate of Compliance for this action is due no later than 6/15/2022.

Date: December 17, 2021



**Steven J. Escobar
Senior Attorney**

**Original: Rachel Machi Wagoner,
Director**
Copy: Kris Chisholm

**For: Kenneth J. Pogue
Director**

EMERGENCY

STATE OF CALIFORNIA—OFFICE OF ADMINISTRATIVE LAW

NOTICE PUBLICATION/REGULATIONS SUBMISSION

See instructions on reverse)

For use by Secretary of State only

STD. 400 (REV. 10/2019)

OAL FILE NUMBERS	NOTICE FILE NUMBER	REGULATORY ACTION NUMBER	EMERGENCY NUMBER
	Z-	2021-1207-	07E

For use by Office of Administrative Law (OAL) only

OFFICE OF ADMIN. LAW
2021 DEC 7 PM 3:21

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

DEC 17 2021

1:07 PM

NOTICE

REGULATIONS

AGENCY WITH RULEMAKING AUTHORITY

Department of Resources Recycling and Recovery

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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		ACTION ON PROPOSED NOTICE		NOTICE REGISTER NUMBER	PUBLICATION DATE

B. SUBMISSION OF REGULATIONS (Complete when submitting regulations)

1a. SUBJECT OF REGULATION(S) Processing Payments	1b. ALL PREVIOUS RELATED OAL REGULATORY ACTION NUMBER(S)
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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.)	ACTION ON PROPOSED NOTICE
	ADOPT	
	AMEND	
	2975	
TITLE(S)	REPEAL	
14		

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)			
<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 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 Anastasia Baskerville <small>Digitally signed by Anastasia Baskerville Date: 2021.12.07 14:14:52 -0800</small>	DATE
TYPED NAME AND TITLE OF SIGNATORY Anastasia Baskerville, Chief Counsel	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

DEC 17 2021

Office of Administrative Law

REGULATION TEXT

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] .~~

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