

**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: 2022-1021-01

OAL Matter Type: Emergency (E)

This emergency action is a deemed emergency pursuant to Public Resources Code section 14536.1. The Department amends its regulation to change the reasonable financial return for recycling centers to ten percent of the statewide average allowable costs.

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 10/31/2022 and will expire on 5/2/2023. The Certificate of Compliance for this action is due no later than 5/1/2023.

Date: October 31, 2022



Thanh Huynh
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Rachel Machi Wagoner,
Director
Copy: Kris Chisholm

EMERGENCY

For use by Secretary of State only

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2022-1021-01E	EMERGENCY NUMBER
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Resources Recycling and Recovery			AGENCY FILE NUMBER (If any)

ENDORSED FILED
in the office of the Secretary of State
of the State of California**OCT 31 2022**

1:50 pm

OFFICE OF ADMIN. LAW
2022 OCT 21 PM 1:57**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 <input type="checkbox"/> Approved as Submitted <input type="checkbox"/> Approved as Modified <input type="checkbox"/> Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE	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)			
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			
TITLE(S)		AMEND			
14		2975			
3. TYPE OF FILING		REPEAL			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmission of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input checked="" type="checkbox"/> Emergency (Gov. Code, §11346.1(b))		<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"/> Resubmission of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)		<input type="checkbox"/> Emergency Reread (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____	
<input type="checkbox"/> Changes Without Regulatory Effect (Cal. Code Regs., title 1, §100) <input type="checkbox"/> Print Only					
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	

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 Digitally signed by Anastasia Baskerville Date: 2022.10.20 13:36:09 -0700	DATE
TYPED NAME AND TITLE OF SIGNATORY Anastasia Baskerville, Chief Counsel	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED**OCT 31 2022**

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 ~~statewide average~~ reasonable financial return for recycling centers shall be equal to 10 percent of the statewide average allowable costs calculated in section 2960 of this subchapter, ~~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).~~

Note: Authority cited: Sections 14530.5(b), 14536, and 14536.1, Public Resources Code.

Reference: Sections 14501(f), 14501(g), 14518.5 and 14575(a) and 14575(b), Public Resources Code.