

**State of California
Office of Administrative Law**

In re:
Department of Resources Recycling and
Recovery

Regulatory Action:

Title 14, California Code of Regulations

Amend sections: 2000, 2095, 2130

**NOTICE OF APPROVAL OF CHANGES
WITHOUT REGULATORY EFFECT**

**California Code of Regulations, Title 1,
Section 100**

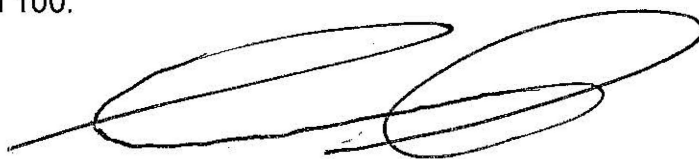
OAL Matter Number: 2023-0628-02

OAL Matter Type: Nonsubstantive (N)

This action without regulatory effect by the Department of Resources Recycling and Recovery amends regulations adopted pursuant to the Beverage Container Recycling and Litter Reduction Act, Division 12.1 (commencing with Section 14500) of the Public Resources Code, by amending existing references to the Department of Conservation to the Department of Resources Recycling and Recovery, consistent with statutes amended by Senate Bill 63 (Stats. 2009, ch. 21).

OAL approves this change without regulatory effect as meeting the requirements of California Code of Regulations, title 1, section 100.

Date: August 2, 2023



**Stephen P. Mehlert
Senior Attorney**

**For: Kenneth J. Pogue
Director**

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

NONSUBSTANTIVE

ENDORSED - FILED
 For the Department of State
 In the Office of the Secretary of State
 of the State of California

AUG 02 2023
 1:58 PM

OAL FILE NUMBERS	NOTICE FILE NUMBER Z-	REGULATORY ACTION NUMBER 2023-0628-02	EMERGENCY NUMBER N
For use by Office of Administrative Law (OAL) only			
NOTICE		REGULATIONS	
AGENCY WITH RULEMAKING AUTHORITY Department of Resources Recycling and Recovery (CalRecycle)			AGENCY FILE NUMBER (If any)

OFFICE OF ADMIN. LAW
 2023 JUN 28 AM 11:04

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 Disapproved/Withdrawn	NOTICE REGISTER NUMBER	PUBLICATION DATE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) Use of Correct Department Name Section 100 Changes	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 2000, 2095 and 2130		
TITLE(S) 14	REPEAL		
3. TYPE OF FILING			
<input type="checkbox"/> Regular Rulemaking (Gov. Code §11346) <input type="checkbox"/> Resubmittal of disapproved or withdrawn nonemergency filing (Gov. Code §§11349.3, 11349.4) <input 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"/> Resubmittal of disapproved or withdrawn emergency filing (Gov. Code, §11346.1)			
<input type="checkbox"/> Emergency Readopt (Gov. Code, §11346.1(h)) <input type="checkbox"/> File & Print <input type="checkbox"/> Other (Specify) _____			
<input checked="" 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 type="checkbox"/> Effective on filing with Secretary of State <input checked="" 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

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: 2023.08.23 11:51:07 -0700</small>	DATE
TYPED NAME AND TITLE OF SIGNATORY Anastasia Baskerville, Chief Counsel	

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

AUG 02 2023

Office of Administrative Law

**Title 14 Natural Resources
Division 2 Department of Conservation
Chapter 5 Division of Recycling**

Section 2000. Definitions.

(a) In addition to the definitions provided in the California Beverage Container Recycling and Litter Reduction Act, except for subdivisions (a)(3.1), (10), (20), (21), (35), (37), (38), (40) and (42) below which modify definitions in the Act for purposes of these regulations, the following definitions shall apply whenever the terms are used in this chapter.

(18) "Division" means the Division of Recycling which is within the Department of ~~Conservation~~Resources Recycling and Recovery.

Authority cited: Sections 14530.5(b), 14536(b), 14536.1 and 14599, Public Resources Code. Reference: Sections 14500, 14501(f), 14503, 14503.6, 14504, 14505, 14506.5, 14509.5(b), 14511.7, 14512, 14512.5, 14513, 14514.4.1, 14514.7, 14517, 14518, 14518.5, 14519.5, 14520, 14520.5, 14520.6, 14522.5, 14524, 14525.5.1, 14526, 14530, 14530.2, 14536(a), 14537, 14538, 14539, 14550, 14552, 14561, 14571.2, 14571.8(b), 14572, 14573, 14573.5, 14573.51, 14574, 14575(a) and 14575(b), Public Resources Code.

Section 2095. Payments.

Payments to consumers shall be in cash or by check or by voucher, which is immediately redeemable for cash. All financial transactions shall be reported and recorded in currency of the United States of America ("dollars"). Where the actual transaction is made in foreign currency it shall be converted to dollars for reporting and recording at the prevailing exchange rate at the time of the payment. All payments to the Division shall be in dollars and made by either check, draft, money order or cashier's check payable to the State of California, Department of ~~Conservation~~Resources Recycling and Recovery.

Authority cited: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14553, 14574 and 14575, Public Resources Code.

Section 2130. Hearings.

(a) Notice shall be given to the operator of record pursuant to chapter 5 (Administrative Adjudication) of division 3 of title 2 of the Government Code, commencing with Section 11500, of the Division's intent to hold adjudication proceedings to consider any or all of the following:

(c) Upon receiving notification of the Division's decision denying a certification application or notification to revoke a certificate issued to a dropoff or collection program or community service program, the operator shall have the right to request a hearing with the Department of ~~Conservation~~Resources Recycling and Recovery.

(1) The operator shall submit directly to the director of the Department of ~~Conservation~~Resources Recycling and Recovery, within ten (10) calendar days of receipt of the notification from the Division, a written request for a hearing. Such request shall include, at a minimum, all of the following:

- (A) The operator's name, mailing address, and daytime telephone number; and
- (B) The requested certification category, as defined in section 2000(a)(5) of these regulations, or current certification number; and
- (C) The facility name and street address, if applicable; and
- (D) The date on the notification from the Division and the stated reasons for denial or revocation; and
- (E) A clear and concise statement of the basis for objecting to denial of the certification application or revocation of the certificate.

(2) The director of the Department of ~~Conservation~~Resources Recycling and Recovery shall schedule the hearing within twenty (20) working days of receipt of the written request for a hearing.

(3) The director shall make a determination to sustain or reverse the Division's denial of a certification application or revocation of a certificate issued to a dropoff or collection program or community service program based on the Division's preliminary review findings and any additional information submitted at the time of the hearing by the operator.

(4) The operator shall be notified of the determination by the director in writing within seven (7) working days from the date the hearing is conducted.

Authority cited: Section 14536, Public Resources Code. Reference: Sections 14511.7, 14538, 14539, 14541 and 14591, Public Resources Code; and Sections 11500-11528, Government Code.