

**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: 2023-1108-01

OAL Matter Type: Emergency (E)

In this emergency rulemaking action, the Department of Resources Recycling and Recovery amends 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 11/20/2023 and will expire on 5/21/2024. The Certificate of Compliance for this action is due no later than 5/20/2024.

Date: November 20, 2023



Amy R. Gowan
Senior Attorney

For: Kenneth J. Pogue
Director

Original: Rachel Machi Wagoner,
Director

Copy: Kris Chisholm

EMERGENCY

For use by Secretary of State only

NOTICE FILE NUMBER

REGULATORY ACTION NUMBER

EMERGENCY NUMBER

Z-

2023-1108-01E

For use by Office of Administrative Law (OAL) only

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

OFFICE OF ADMIN. LAW
2023 NOV 8 AM 9:56

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1:39 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		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 Disapproved/Withdrawn		NOTICE REGISTER NUMBER	PUBLICATION DATE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 Payment Emergency Regulations	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
2975	ADAPT
TITLE(S)	AMEND
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)					
<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.

For use by Office of Administrative Law (OAL) only

ENDORSED APPROVED

NOV 20 2023

Office of Administrative Law

SIGNATURE OF AGENCY HEAD OR DESIGNEE

Anastasia Baskerville

DATE

9-13-23

TYPED NAME AND TITLE OF SIGNATORY

Anastasia Baskerville, Chief Counsel

CalRecycle Form 400 Contact List

Below is a list that shows in recommended order the CalRecycle staff that OAL may contact regarding the submitted rulemaking package.

Order	Name	Title	Email	Phone
1	Kris Chisholm	Attorney IV	kris.chisholm@calrecycle.ca.gov	(916) 322-2404
2	Claire Derksen	Regulatory Analyst	claire.derksen@calrecycle.ca.gov	(916) 341-6173
3	Craig Castleton	Regulations Unit Supervisor	craig.castleton@calrecycle.ca.gov	(916) 322-1238
4	Kate Nitta	Assistant Chief Counsel	kathleen.nitta@calrecycle.ca.gov	(916) 327-2792
5	Jim Huck	Staff Services Manager I	jim.huck@calrecycle.ca.gov	(916) 341-6391
6	Legal Office Mainline	N/A	N/A	(916) 327-0089

PROPOSED REGULATION TEXT

Processing Payment Emergency Regulations
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).~~

Authority: 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.