



Recycling Center Alternative Schedule

(AB 1311)

Informal Preliminary Workshop

will start @ 1:30 PM (PST) **CalRecycle** 



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(AB 1311)
Informal Preliminary Workshop
June 6, 2022



Introductions

- Amy Cameron, Division Chief
- Jennifer Akins, Certification and Registration Branch Chief
- Margo Flores, Certification, Assistance, and Review Section
- Carrie Holler & Shellie Elrod, Certification SMEs
- Ben Kinne, Attorney
- Kristine Beckley, Craig Castleton, Kris Chisholm & Vivian Cruz, CalRecycle Regulations Unit



Workshop Ground Rules

- There will be an opportunity for comments and questions after the presentation
- Confine discussion to the current topic
- Everyone's input is equally valid



Agenda

- Workshop Purpose
- AB 1311 Statutes
- Recycling Center Reduced Hours Certification
- Recycling Center Alternative Schedules
- Questions & Comments



Overview and Purpose

- Present concepts for implementation
- Seek public input to inform the development of the regulations
- Preliminary ideas are not in effect
- Rulemaking in progress



Questions & Comments

Type directly in the question box located on the webinar menu box to the right of your screen.

Comments or questions may also be submitted after the workshop.



AB 1311 (Wood, Chapter 506)

§14503.5.1 Adds bag drop recycling center

§14503.5.1 Allows CalRecycle to temporarily authorize recycling centers to operate on an appointment system until January 1, 2023

§14572.1 Reinforces the existing consumer daily load limits regulations that do not pertain to dealers

§14571(c)(1)(B) Expands eligibility for the approval of reduced hours for certification applicants

§14571(c)(3) Allows certified recycling centers to apply for approval of an alternative schedule



Reduced Hours Certification

§14571(c) (1) Notwithstanding subdivisions (a) and (b), the department may certify a recycling center that will operate less than 30 hours per week, if either of the following conditions are met:

(A) The recycling center is in a rural region. . . .

(B) The needs of the community and the goals of this division will be best served by certification of the operation as a recycling center.



Reduced Hours Certification Application Process

Reduced Hours - Less than 30 hour per week standard, at least 10 hours per week

Application Process – This is part of the recycling center certification application process.

Submit application with desired hours and additional information

Timeline is 30 days to determine application is complete; once complete the department has 60 calendar days to approve or deny application.



Reduced Hours Certification Criteria for Approval

Criteria for Approval –reasonable access to convenient redemption opportunities. To make a determination we would look at what redemption opportunities already exist in the area.

Convenience Zone Recycler eligibility - A recycling center applying to serve a convenience zone cannot serve the needs of the community with reduced hours.

Scheduled Hours - The schedule must be set so that consumers know when the recycler's services are available.

A collage of recycled plastic bottles and a metal can lid. The background features a blue aluminum can lid with a pull tab, a clear plastic bottle, a green plastic bottle, and a blue plastic bottle, all arranged in a circular pattern. The text is overlaid on a semi-transparent white banner.

Alternative Schedule for Certified Recycling Centers Statute

§14571(c)(3)(A) Notwithstanding subdivisions (a) and (b), on or before July 1, 2022, the department shall develop and implement a process pursuant to which a certified recycling center can apply to the department for authorization to operate on an alternative schedule. For purposes of this paragraph, “alternative schedule” means a schedule other than the schedule specified in subdivision (a) or that may be required by the department pursuant to subdivision (b), including reduced hours of operation.



Alternative Schedule for Certified Recycling Centers Statute (cont'd)

§14571(c)(3)(B) The department shall include in the process developed pursuant to subparagraph (A), at a minimum, all of the following:

(i) The form and content of the application required to be submitted to the department by a certified recycling center seeking to operate on an alternative schedule, and the manner in which the application shall be submitted to the department.



Alternative Schedule for Certified Recycling Centers Statute (cont'd)

§14571(c)(3)(B)

(ii) The criteria used by the department to authorize a certified recycling center to operate on an alternative schedule, which shall include, but are not limited to, providing flexibility for certified recycling centers that are owned or operated by small or family-owned businesses and centers that are experiencing operational challenges due to natural disasters or states of emergency, as determined by the department.

A collage of recycled plastic bottles and a metal can lid. The background features a blue aluminum can lid with a pull tab, a clear plastic bottle, a green plastic bottle, and a blue plastic bottle. The items are arranged in a slightly overlapping manner, with the can lid in the foreground on the left and the bottles behind it.

Alternative Schedule for Certified Recycling Centers Statute (cont'd)

§14571(c)(3)(B)

(iii) A minimum number of hours per week, per month, or per year that a recycling center may be open for business and still meet the requirements of subdivision (d).

(iv) Any other requirements the department deems necessary for a certified recycling center to operate on an alternative schedule and still meet the requirements of subdivision (d).



Alternative Schedule for Certified Recycling Centers Statute (cont'd)

§14571(d) *Before establishing operating hours for a certified recycling center pursuant to subdivision (c), the department shall make a determination that this action is necessary to further the goals of this division and that the proposed operating hours will not significantly decrease the ability of consumers to conveniently return beverage containers for the refund value to a certified recycling center redeeming all material types.*



Alternative Schedule for Certified Recycling Centers

There are two types of alternative schedules allowed by statute *§14571(c)(3)(B)(ii)* :

Type 1: Flexibility for certified recycling centers that are owned or operated by small or family-owned businesses

Type 2: Operational challenges due to natural disasters or states of emergency, as determined by the department



Alternative Schedule

An alternative schedule is a schedule other than the 30 hours per week with a minimum of five hours of operation occurring during periods other than Monday to Friday, from 9 a.m. to 5 p.m. *§14571(c)(3)(A)*



Alternative Schedule Criteria

The Department must establish criteria to authorize an alternative schedule. *§14571(c)(3)(B)(ii)*

The Department must set a minimum number of hours that a recycling center may be open for business. *§14571(c)(3)(B)(iii)*


The Department must make a determination that *§14571(d)* is met

- the action is necessary to further the goals of this division
- the proposed operating hours will not significantly decrease the ability of consumers to conveniently return beverage containers for the refund value to a certified recycling center redeeming all material types



Alternative Schedule Type 1:

“flexibility for certified recycling centers that are owned or operated by small or family-owned businesses”



Alternative Schedule Type 1 Eligibility

- Small business or Family-owned business criteria
- Duration is fixed (no end date)
- Must be a set schedule, not floating hours. The schedule is pre-approved to provide convenient redemption opportunities and must be posted. Floating hours are unpredictable; consumers must know the hours of availability.
- Minimum of 10 hours a week (calendar days from Sunday to Saturday).
- Separate applications for each location
- Must not be in a convenience zone (decreases ability of consumers to conveniently return beverage containers)




Alternative Schedule Type 1 Application and Approval Process

- Submit application form
- 30 days to approve or deny
- No limits to the number of times you may apply
- The operator will receive an email notification of the approval effective date.
- Once the regulations are in place the forms will be posted on our website or you will be able to contact our Certification Unit.



Reminder

The examples presented in this presentation are based on the department's preliminary ideas. Recycling centers cannot apply for alternative schedules until regulations are in place. We are seeking public input to inform the development of these regulations.




Alternative Schedule Type 1 Example 1

Recycler wants to be open fewer than hours 30 per week

- ✓ Small business or Family Owned
- ✓ Open a minimum of 10 hours per week
- ✓ There are adequate alternative locations
- ✓ A set schedule is provided that will be posted on site

The request for this site is eligible for approval.

A collage of recycled plastic bottles and a metal can lid. The background features a blue aluminum can lid with a pull tab, a clear plastic bottle, a green plastic bottle, and a blue plastic bottle. The text is overlaid on a semi-transparent white banner.

Alternative Schedule Type 1 Example 2

Recycler wants to close for 30 days.

- ✓ Small business or Family Owned
- ✗ Open a minimum of 10 hours per week

The request for this site is NOT eligible for approval.



Alternative Schedule Type 2:


“centers that are experiencing operational challenges due to natural disasters or states of emergency, as determined by the department”



Alternative Schedule Type 2

Natural Disaster - A natural catastrophe, such as an earthquake, fire, flood, landslide or volcanic eruption, regardless of cause.

State of Emergency – A state of emergency declared by the jurisdiction, state or country.



Alternative Schedule Type 2 Eligibility

- Provide documentation of natural disaster or state of emergency
- Short-term duration with end date
- The application may be submitted prior to the event or within two days of the occurrence
- The recycling center may be closed during approved time period
- All recycling centers are eligible to apply



Alternative Schedule Type 2 Application and Approval Process

- Submit application form and documentation
- 5 days to approve or deny
- No limits to the number of times you may apply




Alternative Schedule Type 2

Example 1

Recycler closes due to hazardous air quality

- ✓ Documentation of recognized emergency or natural disaster
- ✓ Operational challenge to recycler and/or impact to customers
- ✓ The dates of closure and reopening are provided
- ✓ The application was sent within two days of the event

The request for this site is eligible for approval. The approval ends on the date stated on the application.




Alternative Schedule Type 1

Example 2

Recycler in a convenience zone is in the path of a wildfire

- ✓ Documentation of recognized emergency or natural disaster
- ✓ Operational challenge to recycler and/or impact to customers
- ✓ The dates of closure and reopening are provided
- ✓ The application was sent within two days of the event

The request for this site is eligible for approval. The approval ends on the date stated on the application.



Alternative Schedule Type 2

Example 3

Recycling center has closed due to staff experiencing illness from COVID

- ✓ Documentation of recognized emergency or natural disaster
- ✓ Operational challenge to recycler and/or impact to customers
- ✓ The dates of closure and reopening are provided
- ✓ The application was sent within two days of the event

The request for this site is eligible for approval. The approval ends on the date stated on the application.

NOTE: This request would not be approved if there was not a COVID-related state of emergency declared by either the local, state, or federal government.



Regulations

- Regulations will be drafted based on the outlined concepts presented.
- These concepts are subject to change as we develop the regulations and consider public input.
- Draft regulations will be posted for feedback before they are finalized.



Questions and Comments

Type your question or comment directly in the question box located on the webinar menu box to the right of your screen.



Stay Informed

- If you have additional questions, comments or feedback after the workshop, please email them to: Vivian.cruz@calrecycle.ca.gov
- Subscribe to the Beverage Container Recycling Program: General Information listserv for rulemaking updates
<https://www2.calrecycle.ca.gov/Listservs/Subscribe/132>



Thank you!