

October 16, 2024

AB 1311 Alternative Schedule Permanent Regulations

NOTICE OF 15-DAY CHANGES TO PROPOSED RULEMAKING

The Department of Resources Recycling and Recovery (CalRecycle) proposes to revise regulations relative to the AB 1311 Alternative Schedule permanent rulemaking. The proposed regulations establish and clarify requirements related to participating in the Beverage Container Recycling Program (BCRP). CalRecycle intends to adopt the proposed regulations described herein after considering all recommendations, alternatives, comments, and objections regarding the proposed action.

On October 16, 2024, CalRecycle will initiate a 15-day written comment period for the proposed revisions to the AB 1311 Alternative Schedule permanent regulations. This 15-day written comment period follows an initial 45-day public comment period that began on April 12, 2024 and ended on May 29, 2024. On May 29, 2024, CalRecycle held a public hearing to receive public comments. After considering the comments received from stakeholders, CalRecycle has decided to make revisions to the proposed regulatory language.

A copy of the proposed revised regulations is available on the [AB 1311 Alternative Schedule Permanent Regulations - CalRecycle Home Page](#) and attached to this notice. A summary of the proposed changes is also included within this notice.

15-DAY WRITTEN COMMENT PERIOD

The 15-day written comment period permits any interested person, or their authorized representative, to submit written comments addressing the proposed amendments to CalRecycle. Written comments, which offer a recommendation and/or objection, or support the proposed amendment, should indicate the amended subsection or section to which the comment or comments are directed. CalRecycle will only consider written comments sent to CalRecycle and received during the **15-day written comment period which begins on October 16, 2024, and ends on October 31, 2024.**

CalRecycle is only required to respond to comments received during this 15-day public comment period that are related to the newly proposed changes to the regulations.

Written comments received by CalRecycle after the close of the public comment period are considered untimely. CalRecycle may, but is not required to, respond to untimely comments, including those raising significant environmental issues.

Comments submitted in writing must be addressed to one of the following:

Postal Mail:

Csilla Richmond
AB 1311 Alternative Schedule Permanent Regulations
Department of Resources Recycling and Recovery, Regulations Unit
1001 I St., MS-24B, Sacramento, CA 95814

Electronic Submittal: [AB 1311 Alternative Schedule Regulations \(15-Day Public Comment Period\)](#)

In the Final Statement of Reasons, CalRecycle will respond to all relevant comments received during the initial 45-day comment period and this new 15-day comment period.

Please note that under the California Public Records Act (Government Code section 7920.000 et seq.), your written and oral comments, attachments, and associated contact information (e.g., your address, phone number, email address, etc.) become part of the public record and can be released to the public upon request.

SUMMARY OF PROPOSED REVISIONS

As stated above, a copy of the proposed revised regulations is available on the [AB 1311 Alternative Schedule Permanent Regulations - CalRecycle Home Page](#) and attached to this notice.

The originally proposed regulatory language that was made available during the initial 45-day comment period is shown in plain, clean text because it is not being made available for public comment by this notice.

The newly revised regulatory language that is being made available via this notice is shown in ~~strikeout~~ to indicate deletions and underline to indicate additions.

The specific changes to the originally proposed regulatory language are summarized below.

This summary does not contain all modifications made to correct typographical or grammatical errors, changes in numbering or formatting, changing subsection to subdivision, nor does it contain all the non-substantive revisions made to improve the clarity of the proposed regulatory language.

TITLE 14. NATURAL RESOURCES DIVISION 2. DEPARTMENT OF CONSERVATION CHAPTER 5. DIVISION OF RECYCLING SUBCHAPTER 2. GENERAL REQUIREMENTS

ARTICLE 1. CERTIFICATION APPLICATION PROCEDURES

SECTION 2030. REVIEW OF APPLICATIONS

Subsection (h)(3)

The regulatory language has been changed to remove the phrase “may be” and replace with the word “is”.

This change promotes clarity in the regulatory language in that an approved applicant’s failure to meet the prerequisite requirement of (1) being located in a designated rural region or (2) not significantly decreasing consumer convenience will constitute grounds for rescinding the approval to operate a reduced schedule as opposed to being left to the discretion of CalRecycle on whether such failure constitutes grounds for rescission.

ARTICLE 2. CONTENT OF CERTIFICATION APPLICATIONS

SECTION 2045. APPLICATIONS FOR RECYCLING CENTERS AND PROCESSORS

Subsection (a)(11)(B)

The regulatory language has been changed to remove the phrase “may certify the recycling center to operate on a normal schedule without those reduced hours” and replace with “shall either approve or deny the application without those reduced hours”.

This change promotes clarity in the regulatory language by making it clear that CalRecycle will either approve or deny the application to operate a recycling center in the case of a denial of a request for a recycling center to be open fewer than 30 hours per week. This removes any doubt as to what will happen to an application to operate a recycling center coupled with a request to operate fewer than 30 hours per week when the request to operate fewer than 30 hours per week is denied by CalRecycle.

SUBCHAPTER 6. RECYCLING CENTERS

ARTICLE 1. REQUIREMENTS FOR RECYCLING CENTERS

SECTION 2503. ALTERNATIVE SCHEDULES FOR RECYCLING CENTERS

Subsection (a)(1)

The regulatory language has been changed to remove the phrase “a privately owned partnership or sole proprietorship” and replace with “an organization”.

The purpose of this change is to be responsive to a comment received during the 45-day comment period, that recycling centers can be organized in many different types of legal entities beyond partnership or sole proprietorship.

Subsection (a)(2)

The regulatory language has been changed to include the oxford comma in the list of potential examples of “Natural disaster”.

The purpose of this change is to ensure that the fourth example “landslide” is distinct from the intended fifth example “volcanic eruption”.

Subsection (a)(3)

The regulatory language has been changed to remove the phrase “a privately owned partnership or sole proprietorship” and replace with “an organization”.

The purpose of this change is to be responsive to a comment received during the 45-day comment period that recycling centers can be organized in many different types of legal entities beyond partnership or sole proprietorship.

AVAILABILITY STATEMENTS**Availability of Initial Statement of Reasons, Text of Proposed Regulations, Information Upon Which this Proposal is Based, and Rulemaking File**

CalRecycle will have the entire rulemaking file, the express terms of the proposed regulations, and all information that provides the basis for the proposed action, available for public inspection and copying during normal business hours at the address provided above. As of the date this Notice is published, the rulemaking file consists of the original Notice of Proposed Action and original text of proposed regulations that were published for a 45-day public comment period, the Initial Statement of Reasons, the documents relied upon for the proposed action, the economic and fiscal impact statement, and this Notice and proposed revised text of the regulations. Copies may be obtained by contacting the contact persons at the address, email, or phone number listed below.

Availability of Modified Text

CalRecycle may adopt the proposed regulations substantially as described in this Notice. If CalRecycle makes modifications that are sufficiently related to the originally proposed text, it will make the modified text, with the changes clearly indicated, available to the public for at least fifteen (15) days before CalRecycle adopts the regulations as revised. Requests for the modified text should be made to the contact persons named above. CalRecycle will transmit any modified text to all persons who testify at the scheduled public hearing, all persons who submit a written comment at the scheduled public hearing, all persons whose comments are received during the comment period, and all persons who request notification of the availability of such changes. CalRecycle will accept written comments on the modified regulations for fifteen (15) days after the date on which they are made available.

Availability of the Final Statement of Reasons

Upon its completion, copies of the Final Statement of Reasons may be obtained by request from the contact persons identified in this Notice or accessed through CalRecycle’s website at www.calrecycle.ca.gov/Laws/Rulemaking.

INTERNET ACCESS

For more timely access to the rulemaking file, and in the interest of waste prevention, interested parties are encouraged to access CalRecycle’s Internet webpage for the rulemaking at www.calrecycle.ca.gov/Laws/Rulemaking. All rulemaking files published through CalRecycle’s internet website will be available on that page.

CONTACT PERSONS

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Csilla Richmond
1001 I Street, MS-24B
Sacramento, CA 95814
E-Mail: Regulations@calrecycle.ca.gov
Telephone: (916) 327-0089

The backup contact person is:

Craig Castleton
1001 I Street, MS-24B
Sacramento, CA 95814
E-Mail: Regulations@calrecycle.ca.gov
Telephone: (916) 327-0089