

Comment Code	Category	Sub-Category	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
I-1-1	Unclassified		Laura Nakamura		<p>As I understand it, recycling centers have been disappearing and consumers have fewer and fewer options to access their CRV funds. According to a recent news story, over \$672 MILLION dollars are sitting in a fund and those funds belong to consumers. Businesses have been able to pay a nominal in-lieu fee to be excused from having recycling available for consumers. Please fix this problem and get the funds back into the hands of consumers.</p> <p><a href="https://consumerwatchdog.org/in-the-news/kqed-cashing-in-on-the-future-of-californias-bottle-deposit-system/">https://consumerwatchdog.org/in-the-news/kqed-cashing-in-on-the-future-of-californias-bottle-deposit-system/</a></p> <p>Respectfully, Laura Nakamura, Concord City Councilmember</p>	<p>CalRecycle rejects this comment. The scope of this rulemaking is limited to allowing recycling centers to operate an alternative schedule in specific circumstances. To the extent that the commenter is asking for funds to be distributed back to consumers, CalRecycle does not have any statutory authority to implement such a distribution. To the extent that the commenter is requesting that this rulemaking prevent recycling centers from disappearing, CalRecycle notes that this rulemaking is intended to allow more recycling centers to remain open when they are a small or family-owned business that needs a more flexible schedule or for all recycling centers when a natural disaster or state of emergency occurs.</p>
C-1-1	Comment Submission		Juan Olivares	Camarillo Recycling, Inc	<p>HII</p> <p>Regarding proposal for CalRecycle to require opening more than five hours other than 9-5 Monday-Friday: It shouldn't be a mandatory requirement. Individual recycling centers might have difficulties complying with that requirement. For example, difficulty finding staff that can work during those hours. Trucking can be complicated. Bank is closed, so may be impossible to get cash when needed.</p> <p>Natural disaster or emergency – what if it's not declared by the government, such as power outage, road closure, truck break-down, severe weather, etc. In addition, these situations are not pre-planned, so difficult to do the paperwork. It is also usually unknown when the emergency will end, so providing an end date may be impossible.</p> <p>Regarding "small business" or "family-owned business", note that such companies can be in the form of LLC or a corporation.</p>	
C-1-2	[Subchapter 6 Art. 1] Requirements for Recycling Centers	2500. Operation Standards	Juan Olivares	Camarillo Recycling, Inc	<p>Regarding proposal for CalRecycle to require opening more than five hours other than 9-5 Monday-Friday: It shouldn't be a mandatory requirement. Individual recycling centers might have difficulties complying with that requirement. For example, difficulty finding staff that can work during those hours. Trucking can be complicated. Bank is closed, so may be impossible to get cash when needed.</p>	<p>Calrecycle rejects this comment as the commenter is requesting a change that is outside the scope of the proposed regulations. To the extent the commenter is asking for the deletion of subsections 2500(a)(4)(B) or 2030(g)(3), CalRecycle rejects this comment because PRC section 14571(a) specifically requires a recycling center to operate a minimum of 5 hours occurring during periods other than from Monday to Friday, from 9 a.m. to 5 p.m. CalRecycle cannot engage in rulemaking to develop regulations that are contrary to statute.</p>
C-1-3	[Subchapter 6 Art. 1] Requirements for Recycling Centers	2503. Alternative Schedules for Recycling Centers	Juan Olivares	Camarillo Recycling, Inc	<p>Natural disaster or emergency – what if it's not declared by the government, such as power outage, road closure, truck break-down, severe weather, etc.</p>	<p>CalRecycle rejects this comment. The regulation comports with the requirements found in PRC section 14571(c)(3)(B)(ii), which states "experiencing operational challenges due to natural disasters or states of emergency, as determined by the department". CalRecycle does not have the resources to determine if every circumstance is the cause of a natural disaster or state of emergency, and by relying on declarations from a government, CalRecycle is imposing the least costly regulation compliant with statute.</p>
C-1-4	[Subchapter 6 Art. 1] Requirements for Recycling Centers	2503. Alternative Schedules for Recycling Centers	Juan Olivares	Camarillo Recycling, Inc	<p>Regarding "small business" or "family-owned business", note that such companies can be in the form of LLC or a corporation.</p>	<p>CalRecycle accepts this comment and proposes changes to sections 2503(a)(1) and 2503(a)(3) to remove the phrase "a privately owned partnership or sole proprietorship" and replace with "an organization" in order to include other types of business entities.</p>
C-1-5	[Subchapter 6 Art. 1] Requirements for Recycling Centers	2503. Alternative Schedules for Recycling Centers	Juan Olivares	Camarillo Recycling, Inc	<p>In addition, these situations are not pre-planned, so difficult to do the paperwork. It is also usually unknown when the emergency will end, so providing an end date may be impossible.</p>	<p>CalRecycle rejects this comment. The regulation comports with the requirements found in PRC section 14571(c)(3)(B)(ii), which states "experiencing operational challenges due to natural disasters or states of emergency, as determined by the department". Unlike Type 1 alternative schedules that are indefinite, Type 2 alternative schedules are temporary in nature since they are based on a limited time natural disaster or state of emergency. Therefore, an end date for Type 2 alternative schedules is reasonable and necessary.</p>