

Department of Resources Recycling and Recovery

AB 1311 Alternative Schedule

Updated Informative Digest

There have been no changes in applicable statutes that would have an effect on the proposed regulations.

The proposed regulations have been changed from the Notice of Proposed Action published by the Office of Administrative Law on April 12, 2024. The following provides a general description of the sufficiently related and substantial changes made to the proposed action after publication of the Notice of Proposed Action.

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.

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.

A non-substantial change was made to include internal cross-references to clarify that in the case of a denial of the reduced hours schedule being done pursuant to section 2030(h), the application will either be approved or denied without the reduced hours schedule pursuant to section 2030(g). This change does not materially alter any

requirement, right, responsibility, condition, prescription or regulatory element of any California Code of Regulations provision and is a change without regulatory effect.

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.

Subsection (f)(1)

A non-substantial change was made to the language to redraft the provision for clarity. Instead of providing “criteria”, what the recycling center will provide is renamed to “justification”. This change does not materially alter any requirement, right, responsibility, condition, prescription or regulatory element of any California Code of Regulations provision and is a change without regulatory effect.

Subsection (d)(1)

A non-substantial change was made to the language to redraft from having titles for the Type 1 or Type 2 forms and instead to refer to them more generally as applications for a Type 1 or Type 2 alternative schedule. This change does not materially alter any requirement, right, responsibility, condition, prescription or regulatory element of any California Code of Regulations provision and is a change without regulatory effect.

Subsections (d)(4)(A) and (e)(1)

For both subsections, non-substantial changes were made to the language to add the actual email and physical address where applications to Type 1 or 2 Alternative Schedule forms may be sent.

For only (e)(1), a non-substantial change was made to the language to redraft from having a title for the Type 2 form and instead to refer to them more generally as an application for a Type 2 alternative schedule.

These changes do not materially alter any requirement, right, responsibility, condition, prescription or regulatory element of any California Code of Regulations provision and is a change without regulatory effect.

Subsection (h)

A non-substantial change was made to the language to redraft from having titles for the Type 1 or Type 2 forms and instead refer to them more generally as applications for a Type 1 or Type 2 alternative schedule. This change does not materially alter any requirement, right, responsibility, condition, prescription or regulatory element of any California Code of Regulations provision and is a change without regulatory effect.

Subsection (i)(2)(A)

A non-substantial change was made to the language to redraft from having a title for a Type 2 form and instead refer to them more generally as an application for a Type 2 alternative schedule. This change does not materially alter any requirement, right, responsibility, condition, prescription or regulatory element of any California Code of Regulations provision and is a change without regulatory effect.