

CONVENIENCE ZONE EXEMPTION / REVOCATION REQUIREMENTS

Under the California Beverage Container Recycling & Litter Reduction Act

This fact sheet provides information for beverage dealers, recyclers and other interested parties regarding convenience zone exemptions or exemption revocations. These guidelines are advisory only and do not replace law pertaining to convenience zone exemptions. Questions relating to convenience zone exemptions or exemption revocations will be resolved by using the provisions of statute and regulation, rather than by the content of these guidelines.

WHAT IS A CONVENIENCE ZONE EXEMPTION ?

A convenience zone exemption is an exception from the requirement that a certified recycling center which accepts all California Refund Value (CRV) containers be established within a convenience zone.

WHICH CONVENIENCE ZONES ARE CONSIDERED FOR AN EXEMPTION?

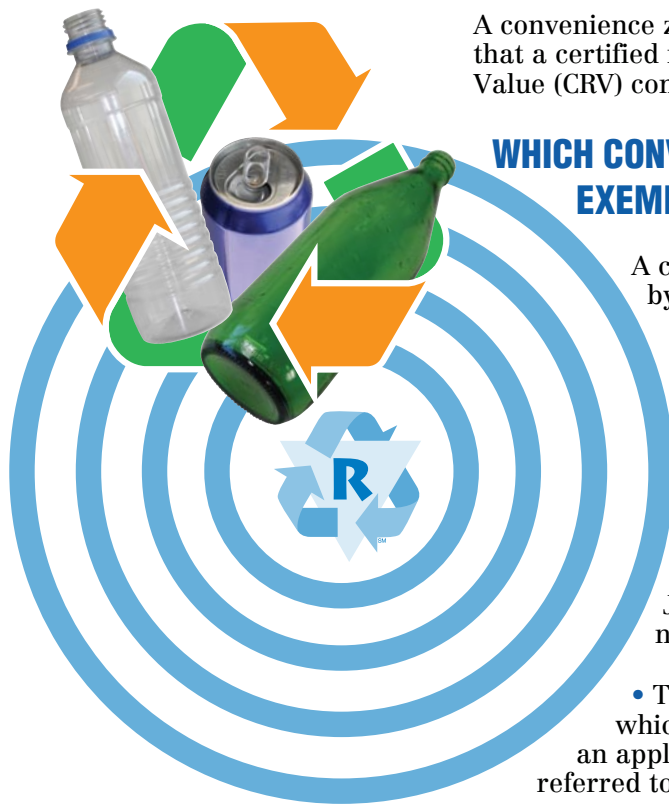
A convenience zone will be considered for an exemption by any one of the following actions:

- An interested party submits an application form to the Department requesting an exemption.
- The only certified recycling center in a convenience zone becomes decertified. (These zones are referred to as hold zones).
- The convenience zone is newly designated on January 1 and July 1 (these zones are referred to as new zones).
- The zone within one-half mile of the supermarket which creates a hold zone, new zone, or a zone for which an application has been submitted. (These zones are referred to as zonemates).

WHEN DOES THE DEPARTMENT GRANT EXEMPTIONS ?

With the new DORIIS system, the Division can open an exemption review case immediately. This new capability speeds up the exemption review process when compared to the former quarterly batch reviews. However, the number of newly activated zones will still warrant those zones being subject to a batch review. Statute requires a public comment period of no less than 30 days from the date a zone is included in the exemption review process. Accordingly, a typical turn-around time will be 45 days from opening an exemption review case and rendering a decision.

Notices on exemption decisions are mailed to beverage retailers in affected zones and applicants.



HOW ARE CONVENIENCE ZONES EVALUATED FOR EXEMPTION ?



Each convenience zone must be evaluated on a case-by-case basis. A decision to grant an exemption is based on one, or a combination of conditions specified in law. These conditions include whether the zone is within a curbside service area which collects CRV containers at least twice a month; whether there is a sufficient number of recycling centers in the area; and whether the volume collected by the last recycler in the zone is below 60,000 containers in the past 12 months.

The Department will consider any testimony submitted in writing during the public comment period when evaluating zone exemptions.

HOW IS THE EXEMPT STATUS OF A CONVENIENCE ZONE REVOKED ?

To revoke a convenience zone exemption, any interested party may submit an exemption revocation application to the Division, or the Division may initiate a revocation case as a result of ongoing monitoring and review. Thanks to our new DORIIS system, a revocation case can be initiated within a few days. This new capability speeds up the revocation review process when compared to the former quarterly batch reviews. A case for revoking an exemption can be initiated immediately, and unlike the exemption process, there is no statutory requirement for a public comment period. This means that the turnaround time between opening a case for revocation and rendering a decision will seldom exceed two weeks.

To determine if a convenience zone exemption should be revoked, the Division will analyze the conditions which apply to granting exemptions. A zone exemption may be revoked for any one of the following reasons:

- The conditions upon which an exemption was originally based have changed.
- The supermarket designating an exempt convenience zone goes out of business.
- An administrative error voids the conditions on which the granting of an exemption was originally based.

WHO CAN YOU CALL IF YOU NEED AN APPLICATION FORM OR HAVE FURTHER QUESTIONS ?

If you wish to obtain an Application for Convenience Zone Exemption or an Application for Exemption Revocation, or seek additional information, please contact the Exemption Unit of the Convenience Zone Section at (916) 332-3909.

