

REQUEST FOR APPROVAL

To: **Caroll Mortensen**
Director

From: **Elliot Block**
Chief Counsel

Request Date: **January 2, 2013**

Decision Subject: **Approval of 2013 Annual Rulemaking Calendar**

Action By: **January 30, 2013**

Summary of Request: Government Code Section 11017.6 requires all State agencies to prepare each year, a rulemaking calendar for that year. Rulemaking calendar requirements are prescribed in this Government Code section as well as in Executive Order W-144-97.

The proposed 2013 Rulemaking Calendar was developed with input from each of the Department's divisions and offices. Staff is seeking approval of the Calendar so that it can be submitted to the Office of Administrative Law (OAL) as required by Government Code Section 11017.6.

Recommendation: Approve the proposed 2013 Rulemaking Calendar so that it may be forwarded to the Office of Administrative Law for publication.

Action:

On the basis of the information and analysis in this Request for Approval and the findings set out above, I hereby approve the 2013 Annual Rulemaking Calendar.

Dated: 12/24/2012



Caroll Mortensen
Director

Attachments: Proposed 2013 Rulemaking Calendar

Background

Government Code Section 11017.6 requires all State agencies to prepare each year, a rulemaking calendar for that year. The rulemaking calendar must be prepared in accordance with a format specified by the Office of Administrative Law (OAL) and approved by

“...the head of the department or, if the rulemaking agency is an entity other than a department, by the officer, board, commission, or other entity which has been delegated the authority to adopt, amend, or repeal regulations...”

These annual calendars are then published by the Office of Administrative Law in its *Regulatory Notice Register*, giving interested parties advance notice of State agency rulemaking plans for the year.

Government Code Section 11017.6 describes two schedules included in the Rulemaking Calendar. Schedule A describes the rulemaking necessary to implement statutes enacted during the previous year. Schedule B describes all other rulemaking the agency plans to propose, to implement or interpret other statutes enacted during years prior to the previous year. For each proposed rulemaking, the Calendar is to contain information specified in Government Code Section 11017.6 and Executive Order W-144-97.

Key Issues

Effect of the Rulemaking Calendar

The rulemaking calendar is designed to be a "snapshot in time." It provides a once a year overview of each agency's potential regulations for the coming year. A particular regulatory package must be listed on the calendar at the time the Office of Administrative Law is reviewing it for approval. However, the calendar is not restrictive in nature. Emergency regulations need not be on the calendar. The Department is not bound by the projected dates on the calendar. New packages may be added to the calendar during the year if they were not "reasonably anticipated."

The Proposed 2013 Rulemaking Calendar

The 2012 rulemaking calendar listed 19 potential rulemaking packages.

The 2013 rulemaking calendar (attachment) was prepared with input collected by the regulations coordinators of the Department's various divisions. The 2013 calendar lists 16 potential regulatory packages.

Four rulemaking packages with new or revised regulations were completed in the last year:

- Mandatory Commercial Recycling
- Rigid Plastic Packaging Containers –SB 743 and SB1344 (Chesbro)
- Architectural Paint Recovery Program
- Product Stewardship for Carpets

One potential rulemaking package did not become operative due to lack of statutorily required participation:

- AB 274 (Portantino) Trust Fund

Fourteen rulemaking packages are being carried over from last year in the following areas (but two of them regarding permitting requirements were combined into one):

- State Minimum Standards for various operations and facilities
- Revisions to Title 14 and 27 (Compostable Materials, Transfer Processing, Permit)
- Closure, Postclosure Maintenance and Financial Assurance Fee
- Waste Hauler and Storage Regulations
- Waste Tire Storage/Permitting, New Fire Standards and Simplification of the Five-year Permit Reapplication Process, Penalties
- California Oil Recycling Enhancement
- Procedural Rules for Conducting Hearings
- E-Waste regulations
- Notice of Violations and Hearings
- Cancellation of Beverage Containers
- Load Limits for Plastic and Aluminum Beverage Containers
- Persons Importing Beverage Container Material
- Revisions to Definitions and Requirements for Beverage Container Program

Three potential rulemaking packages are being added:

- Revisions to Architectural Paint Recovery Program (Eligible Products)
- Revisions to RMDZ Loan Regulations
- Revisions to Form 303 Regulations

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

2013 RULEMAKING CALENDAR

SCHEDULE A: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED DURING THE YEAR 2012

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)
2013 RULEMAKING CALENDAR**

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2012

<p>Subject: Revisions to State Minimum Standards for Various Types of Solid Waste Operations and Facilities</p>	<p>CCR Title & Sections Affected: 14 CCR, Div. 7, Chap. 3 and 3.1 (commencing with section 17200); 27 CCR, Div. 2, Subdiv. 1 (commencing with section 20005) 14 CCR, Div. 7, Chap. 5 (commencing with section 18010) and Chap. 6 (commencing with section 18420); 27 CCR, Div. 2, Subdiv. 1, Chap. 4, Subchap. 3, Art. 2, 3 and 3.1 (commencing with section 21570)</p>		<p>Statutes Being Implemented: PRC Sections 43020</p>									
<p>Responsible Agency Unit: WPCMD</p>	<p>Contact Person & Phone Number: Robert Holmes (916) 341-6376</p>		<p>Projected Dates:</p> <table border="1"> <tr> <td data-bbox="824 1203 898 1381">Notice: TBD</td> <td data-bbox="824 1381 898 1560">Hearing: TBD</td> <td data-bbox="824 1560 898 1738">Adoption: TBD</td> <td colspan="3" data-bbox="824 1738 898 1917">To OAL: TBD</td> </tr> </table>				Notice: TBD	Hearing: TBD	Adoption: TBD	To OAL: TBD		
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<p>Report on the status of all uncompleted rulemaking described on previous calendars: On-going project</p>												
<p>Subject: Revisions to 14 CCR and 27 CCR (Compostable Materials, Transfer Processing, Permit Application Form, Permit Exemptions)</p>	<p>CCR Title & Sections Affected: 14 CCR, Div. 7, Ch. 3 and 3.1 (commencing with section 17200); 27 CCR, Div.2, Subdiv.1, Ch. 4 (commencing with section 21450)</p>		<p>Statutes Being Implemented: PRC Sections 43020, 43021, and 43209.1</p>									
<p>Responsible Agency Unit: WPCMD</p>	<p>Contact Person & Phone Number: Robert Holmes (916) 341-6376</p>		<p>Projected Dates:</p> <table border="1"> <tr> <td data-bbox="321 1203 394 1381">Notice: TBD</td> <td data-bbox="321 1381 394 1560">Hearing: TBD</td> <td data-bbox="321 1560 394 1738">Adoption: TBD</td> <td colspan="3" data-bbox="321 1738 394 1917">To OAL: TBD</td> </tr> </table>				Notice: TBD	Hearing: TBD	Adoption: TBD	To OAL: TBD		
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DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

2013 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2012

<p>Subject: New regulations concerning the administration of a statutorily authorized regulatory fee to recover the costs CalRecycle incurs in meeting the requirements for landfill closure and postclosure maintenance plans and financial assurances.</p>	<p>CCR Title & Sections Affected: 27 CCR, Division 2, Subdivision 1, Chapter 8.</p>	<p>Statutes Being Implemented: PRC Sections 43508 and 47901</p>
<p>Responsible Agency Unit: WPCMD</p>	<p>Contact Person & Phone Number: Michael Wochnick (916) 341-6318</p>	<p>Projected Dates: Notice: TBD Hearing: TBD Adoption: TBD To OAL: TBD</p>
<p>Report on the status of all uncompleted rulemaking described on previous calendars: On-going project</p>		

<p>Subject: Waste Tire Hauler and Storage Regs</p>	<p>CCR Title & Sections Affected: 14 CCR sections 18450, 18456, 18459.3, 18460.1.1, 18460.2, & 18461</p>	<p>Statutes Being Implemented: PRC Sections 40400, 40401, 40502, 42966, and 43020.</p>
<p>Responsible Agency Unit: CalRecycle</p>	<p>Contact Person & Phone Number: Keith Cambridge (916) 341-6422</p>	<p>Projected Dates: Notice: TBD Hearing: TBD Adoption: TBD To OAL: TBD</p>
<p>Report on the status of all uncompleted rulemaking described on previous calendars: On-going project</p>		

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)
2013 RULEMAKING CALENDAR**

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2012

<p>Subject:</p> <p>Revision of Existing Waste Tire Storage/Permit and Penalty Criteria Regulations, Aimed at: Incorporating CA Fire Code Standards, Simplification of Five-Year Waste Tire Facility Permit Reapplication Process, and Streamlined Settlement of Lower Waste Tire Facility Violation Penalty Amounts, and other related clarifications, including definition and revisions and additions</p>	<p>CCR Title & Sections Affected:</p> <p>14 CCR, Div. 7, Chap. 3, Art. 4.1, (commencing with section 17225.717), Art. 5.4, section 17346, and Art. 5.5, (commencing with section 17350). 14 CCR, Div. 7, Chap. 6, Art. 1, section 18420, Art. 2, (commencing with section 18423), Art. 3, (commencing with section 18425), Art. 3.5, (commencing with section 18429), Art. 4, (commencing with section 18431), and Art. 8.5 (commencing with section 18450).</p>	<p>Statute(s) Being Implemented:</p> <p>PRC Sections 40400, 40401, 40502, 42800 et seq, 42966, 43020, 43021. PRC Section 42800 et se</p>				
<p>Responsible Agency Unit:</p> <p>WPCMD</p>	<p>Contact Person & Phone Number:</p> <p>Paulino Luna (916) 341-6412</p>	<p>Projected Dates:</p> <table border="1"> <tr> <td data-bbox="349 1207 422 1386"> <p>Notice Published: TBD</p> </td> <td data-bbox="349 1386 422 1564"> <p>Public Hearing: TBD</p> </td> <td data-bbox="349 1564 422 1743"> <p>Adoption by your agency: TBD</p> </td> <td data-bbox="349 1743 422 1921"> <p>To OAL for review: TBD</p> </td> </tr> </table>	<p>Notice Published: TBD</p>	<p>Public Hearing: TBD</p>	<p>Adoption by your agency: TBD</p>	<p>To OAL for review: TBD</p>
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<p>Report on the status of all uncompleted rulemaking described on previous calendars:</p> <p>On-going Project</p>						

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)

2013 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2012

Subject: Revisions to Architectural Paint Recovery Program (Determination of Eligible Products)	CCR Title & Sections Affected: 14 CCR 18950-18959	Statutes Being Implemented: PRC Sections 48700 et seq.
Responsible Agency Unit: MMLAD	Contact Person & Phone Number: Fareed Farhut (916) 341-6482	Projected Dates: Notice: TBD Hearing: TBD Adoption: TBD To OAL: TBD
Report on the status of all uncompleted rulemaking described on previous calendars: New Revision to existing Regulations		

Subject: California Oil Recycling Enhancement Act Regulations Revisions	CCR Title & Sections Affected: 14 CCR Division 7, Chapter 8, sections 18600-18659.5	Statutes Being Implemented: PRC Sections 48600-48691
Responsible Agency Unit: MMLAD	Contact Person & Phone Number: Emily Wang (916) 322-2888	Projected Dates: Notice: TBD Hearing: TBD Adoption: TBD To OAL: TBD
Report on the status of all uncompleted rulemaking described on previous calendars: On-going Project		

**DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY (CALRECYCLE)
2013 RULEMAKING CALENDAR**

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2012

Subject: Procedural Rules for Conducting Hearings		CCR Title & Sections Affected: 27 CCR Div. 2, Subdiv. 1, (section numbers not determined yet) Title 14 (sections to be determined)		Statutes Being Implemented: PRC Sections 44305-44310, 45017, and 45030 – 45033, 42843-42852	
Responsible Agency Unit: Legal	Contact Person & Phone Number: Elliot Block (916) 341-6080	Projected Dates:			
	Notice: TBD	Hearing: TBD	Adoption: TBD	To OAL: TBD	
Report on the status of all uncompleted rulemaking described on previous calendars: On-going Project					

Subject: Electronic Waste Recycling Act – Revisions to Improve and Clarify Covered Electronic Waste (CEW) Recovery and Recycling Payment System		CCR Title & Sections Affected: 14, California Code of Regulations, Division 7, Chapter 8.2, Articles 1 through 5, Section 18660		Statutes Being Implemented: PRC Sections 42460 through 42486	
Responsible Agency Unit:	Contact Person & Phone Number:	Projected Dates:			
Electronic Waste Section	Jeff Hunts – (916) 341-6603	Notice: TBD	Hearing: TBD	Adoption: TBD	To OAL: TBD
Report on the status of all uncompleted rulemaking described on previous calendars: On-going Project					

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2013 RULEMAKING CALENDAR

SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2012

Subject: Revisions to RMDZ Loan regulations	CCR Title & Sections Affected: Title 14 CCR section 17900 et seq	Statutes Being Implemented: PRC Sections 42010 and 42023.1
Responsible Agency Unit: MMLAD	Contact Person & Phone Number: Jim LaTanner (916) 341-6497	Projected Dates:
	Notice: TBD	Hearing: TBD
		Adoption: TBD
		To OAL: TBD
Report on the status of all uncompleted rulemaking described on previous calendars:		
New Regulations		

Subject: Revisions to HHW – Form 303	CCR Title & Sections Affected: 14, California Code of Regulations, Section 18751 et seq	Statutes Being Implemented: PRC Sections 41500, 41510, 41750 and 47103
Responsible Agency Unit: MMLAD	Contact Person & Phone Number: Emily Wang – (916) 322-2888	Projected Dates:
	Notice: TBD	Hearing: TBD
		Adoption: TBD
		To OAL: TBD
Report on the status of all uncompleted rulemaking described on previous calendars:		
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SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2012

Subject: Notice of Violations and Hearings	CCR Title & Sections Affected: 14 Sections 2100 and 2130	Statute(s) Being Implemented: PRC Sections 14511.7, 14538, 14539, 14541, 14591, 14591.1, 14591.2, 14593, 14594 and Government Code Sections 11500 -11528								
Responsible Agency Unit:	Contact Person & Phone Number: Karen Denz (916) 341-6364	<table border="1"> <tr> <td align="center" data-bbox="1047 1207 1088 1386">Projected Dates:</td> <td data-bbox="1047 1386 1088 1921"></td> </tr> <tr> <td data-bbox="974 1207 1047 1386"> Notice Published: TBD </td> <td data-bbox="974 1386 1047 1921"> Public Hearing: TBD </td> </tr> <tr> <td data-bbox="966 1207 974 1386"></td> <td data-bbox="966 1386 974 1921"> Adoption by your agency: TBD </td> </tr> <tr> <td data-bbox="966 1207 974 1386"></td> <td data-bbox="966 1386 974 1921"> To OAL for review: TBD </td> </tr> </table>	Projected Dates:		Notice Published: TBD	Public Hearing: TBD		Adoption by your agency: TBD		To OAL for review: TBD
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DOR Report on the status of all uncompleted rulemaking described on previous calendars: On-going Project										
Subject: Cancellation of Beverage Containers	CCR Title & Sections Affected: 14 Sections 2000, 2110, 2401, and 2501	Statute(s) Being Implemented: PRC Sections 14518, 14538, 14539 and 14573.5								
Responsible Agency Unit:	Contact Person & Phone Number: Karen Denz (916) 341-6364	<table border="1"> <tr> <td align="center" data-bbox="462 1207 503 1921">Projected Dates:</td> <td data-bbox="462 1207 503 1921"></td> </tr> <tr> <td data-bbox="389 1207 462 1386"> Notice Published: TBD </td> <td data-bbox="389 1386 462 1921"> Public Hearing: TBD </td> </tr> <tr> <td data-bbox="381 1207 389 1386"></td> <td data-bbox="381 1386 389 1921"> Adoption by your agency: TBD </td> </tr> <tr> <td data-bbox="381 1207 389 1386"></td> <td data-bbox="381 1386 389 1921"> To OAL for review: TBD </td> </tr> </table>	Projected Dates:		Notice Published: TBD	Public Hearing: TBD		Adoption by your agency: TBD		To OAL for review: TBD
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SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2012

Subject: Load Limits for Plastic and Aluminum Beverage Containers	CCR Title & Sections Affected: 14 Sections 2530 and 2535	Statute(s) Being Implemented: PRC Sections 14520, 14538, 14552, 14572 and 14572.5		
Responsible Agency Unit: DOR	Contact Person & Phone Number: Karen Denz (916) 341-6364	Projected Dates:		
	Notice Published: TBD	Public Hearing: TBD	Adoption by your agency: TBD	To OAL for review: TBD
Report on the status of all uncompleted rulemaking described on previous calendars:				
On-going Project				

Subject: Persons Importing Beverage Container Material	CCR Title & Sections Affected: 14 Sections 2000, 2150, 2155 and 2160	Statute(s) Being Implemented: PRC Sections 14518, 14519.5, 14538, 14539, 14595, 14595.4, 14595.5, 14596 and 14597		
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SCHEDULE B: PROPOSED REGULATIONS IMPLEMENTING STATUTES ENACTED PRIOR TO THE YEAR 2012

Subject: Revisions to various definitions and requirements for Beverage Container Program	CCR Title & Sections Affected: 14 CCR sections 2000, 2045, 2110, 2405, 2425, 2505, 2525, 2530	Statute(s) Being Implemented: PRC sections 14500 et seq.												
Responsible Agency Unit: DOR	Contact Person & Phone Number: Karen Denz (916) 341-6364	<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th colspan="4" style="text-align: center;">Projected Dates:</th> </tr> <tr> <th style="width: 25%;">Notice Published:</th> <th style="width: 25%;">Public Hearing:</th> <th style="width: 25%;">Adoption by your agency</th> <th style="width: 25%;">To OAL for review:</th> </tr> </thead> <tbody> <tr> <td style="text-align: center;">TBD</td> <td style="text-align: center;">TBD</td> <td style="text-align: center;">TBD</td> <td style="text-align: center;">TBD</td> </tr> </tbody> </table>	Projected Dates:				Notice Published:	Public Hearing:	Adoption by your agency	To OAL for review:	TBD	TBD	TBD	TBD
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