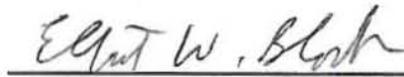


MEMORANDUM

To: Debra Cornez
Director
Office of Administrative Law

July 6, 2012

From:



Elliot Block
Chief Counsel
Legal Office
California Department of Resources Recycling and Recovery

Subject: **CHANGES WITHOUT REGULATORY EFFECT UNDER CALIFORNIA
CODE OF REGULATIONS, TITLE 1, SECTION 100**

Statement of Explanation

On May 7, 2012, the California Department of Resources Regulation and Recovery ("CalRecycle") adopted California Code of Regulations, Title 14, Sections 18835-18839 ("Regulation") to clarify the procedures for implementing Part 3 of Division 30 of the Public Resources Code §42469 through §42649.7 regarding Recycling of Commercial Solid Waste [Chapter 12.8, Statutes of 2011, Chesbro, AB 341] ("Statute").

On June 27, 2012, the Governor signed SB 1018 [Public Resources, Committee on Budget and Fiscal Review] which included an amendment to Section 42649.2 of the Statute changing the threshold for businesses subject to mandatory commercial recycling from "more than 4 cubic yards of commercial solid waste per week" to "4 or more cubic yards of commercial solid waste per week." The relevant text from SB 1018 states:

SEC. 108. Section 42649.2 of the Public Resources Code is amended to read:

42649.2. (a) On and after July 1, 2012, a business ***that generates four cubic yards or more of commercial solid waste per week*** or is a multifamily residential dwelling of five units or more shall arrange for recycling services, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste, to the extent that these services are offered and reasonably available from a local service provider.

- (b) A commercial waste generator shall take at least one of the following actions:
- (1) Source separate recyclable materials from solid waste and subscribe to a basic level of recycling service that includes collection, self-hauling, or other arrangements for the pickup of the recyclable materials.
 - (2) Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.