



DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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Date: February 1, 2012
TO: Interested Parties
FROM: Cynthia Dunn, Integrated Waste Management Specialist
SUBJECT: Notice of Changes to Proposed Regulation for Architectural Paint Recovery Program

The purpose of this notice is to announce a third 15-day comment period for the proposed Architectural Paint Recovery Program Regulation, beginning on February 1, 2012. After taking into consideration the totality of comments received during the three previous comment periods described below, the Director of CalRecycle stated her intent to adopt the Proposed Architectural Paint Recovery Program Regulation at its January 17, 2012, public meeting. Subsequently, however, staff determined that amendments should be incorporated to Section 18958 of the regulation prior to submittal to the Office of Administrative Law (OAL), in order to mirror decisions made by the OAL on a similar provision in the Carpet Stewardship rulemaking. Staff anticipates that the proposed amendments to Section 18958 will assist in the approval of the regulation by the OAL. Therefore, CalRecycle will initiate an additional 15-day comment period on February 1, 2012 on Section 18958 only.

As background, a 45-day public comment period for the proposed Architectural Paint Recovery Program Regulation ran from July 22, 2011 through September 5, 2011. The California Department of Resources Recycling and Recovery (CalRecycle) staff held a public meeting on the proposed regulation on September 8, 2011. On October 3, 2011 CalRecycle staff held a public meeting to present potential changes to the proposed regulation based on comments received during the 45-day public comment period and the September 8, 2011 public meeting. After considering comments received during the 45-day comment period and comments made at the public meetings, CalRecycle staff revised the proposed Architectural Paint Recovery Program Regulation and initiated a 15-day public comment period that ran from October 10, 2011 through October 25, 2011. The revisions sought to add clarity to the existing language where needed. On November 2, 2011, CalRecycle staff held a public meeting to present potential changes to the proposed regulation based on comments received during the initial 15-day comment period. CalRecycle initiated a second 15-day comment period for proposed changes that ran from December 7, 2011 through December 22, 2011.

A copy of the full text of the regulation as originally proposed with the newly proposed changes for the third 15-day comment period clearly indicated is available on Paint Stewardship rulemaking website at: <http://calrecycle.ca.gov/Laws/Rulemaking/Paint/>. Text shown in double-underline (addition) and ~~double-strikeout~~ (deletion) and green highlight depict proposed changes made for the third 15-day comment period. CalRecycle staff is only required to respond to comments related to the newly proposed changes to the regulation for the third 15-day comment period (this will be in Section



18958 only; double-underline, double-strikeout, and green highlighted text elsewhere in the document reflect non-substantive grammatical and/or formatting edits only).

The 15-day written public comment period for this rulemaking ends at noon February 16, 2012.

Please submit your written comments to:

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Thank you for your interest and participation in this process.