



## DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY

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Date: April 13, 2012  
TO: Interested Parties  
FROM: Cynthia Dunn, Integrated Waste Management Specialist  
**SUBJECT: Notice of Changes to Proposed Regulation for Architectural Paint Recovery Program**

Per the Office of Administrative Law's (OAL) review, dated April 10, 2012, of the proposed Architectural Paint Recovery Program Regulation filed on February 24, 2012, CalRecycle staff is initiating a fourth 15-day public comment period on the changes to the proposed regulations. Additionally, and within the same 15-day written comment period, CalRecycle is providing the opportunity to review its complete rulemaking file, which is further discussed below. The 15-day public comment period begins on April 13, 2012, and ends at noon on April 30, 2012. There will not be a public hearing to provide any further comments on these changes.

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. On January 17, 2012, CalRecycle staff presented the revised proposed regulation at a public meeting and the Director stated her intent to adopt it. However, subsequent to the public meeting staff determined that amendments should be incorporated to Section 18958 in order to mirror decisions made by the Office of the Administrative Law on a similar provision in the Carpet Stewardship rulemaking. Therefore, staff initiated a third 15-day public comment period that ran from February 1 to February 16, 2012. At the February 21, 2012 CalRecycle public meeting, Chief Deputy Director Leary stated his intent to present this new version of the Proposed Architectural Paint Recovery Program Regulation to Director Mortensen for her approval (note: the Director was not present at this meeting). Chief Deputy Director Leary subsequently approved the Proposed Regulation on the Director's behalf on February 22, 2012, and staff submitted the Proposed Regulation to OAL



for review on February 24, 2012. On April 10, 2012, CalRecycle received a formal notice of disapproval of the proposed regulation.

A copy of the full text of the regulation as submitted to OAL on February 24, 2012 with the newly proposed changes clearly indicated for the fourth 15-day comment period is available on the Paint Stewardship rulemaking website at:

<http://calrecycle.ca.gov/Laws/Rulemaking/Paint/>. Text shown in double-underline (addition)

and ~~double-strikeout~~ (deletion) and **22-point font** depict proposed changes made for the fourth 15-day comment period. CalRecycle staff is only required to respond to comments related to the newly proposed changes to the regulation for the fourth 15-day comment period.

The 15-day written public comment period for this rulemaking ends at noon April 30, 2012.

Please submit your written comments to:

Cynthia Dunn  
Materials Management and Local Assistance Division  
California Department of Resources Recycling and Recovery (CalRecycle)  
P.O.Box 4025  
Sacramento, CA 95812-4025  
FAX: (916) 319-7495  
E-mail: [paint@calrecycle.ca.gov](mailto:paint@calrecycle.ca.gov)

The documents within the rulemaking file that were relied upon for the development of the proposed regulations but not previously included in the Initial Statement of Reasons are listed below. These documents will be available for viewing online (<http://calrecycle.ca.gov/Laws/Rulemaking/Paint/>) and at our offices between 9:00 a.m. and 3:30 p.m. from April 13 to April 30, 2012. To make an appointment to view these documents, please contact:

Emily Wang  
Materials Management and Local Assistance Division  
California Department of Resources Recycling and Recovery (CalRecycle)  
P.O.Box 4025  
Sacramento, CA 95812-4025  
FAX: (916) 319-7628  
E-mail: [paint@calrecycle.ca.gov](mailto:paint@calrecycle.ca.gov)

- Assembly Bill 1343 (Chapter 420, Statutes of 2010 [Huffman, AB 1343])
- Letter to Mark Leary, Acting Director of CalRecycle, from Assembly Member Jared Huffman, dated April 12, 2011
- Oregon Paint Stewardship Pilot Program Plan
- Oregon Paint Stewardship Pilot Program Annual Report, 2011
- Paint Product Stewardship Initiative (PPSI) Memorandum of Understanding
- PPSI Memorandum of Understanding, CIWMB Signing Statement

Thank you for your interest and participation in this process.