

ATTACHMENT TO NOTICE OF EXEMPTION

Project Title: SB 156 Handling Fee Emergency Regulations

Project Applicant: Department of Resources Recycling and Recovery (CalRecycle)

Description of Nature, Purpose and Beneficiaries of Project:

In 2024, the Legislature enacted SB 156, requiring CalRecycle to adopt regulations establishing a handling fee payment rate using a methodology reflecting the cost of providing and maintaining recycling in convenience zones by handling fee recipients. CalRecycle has developed a proposed regulation to revise the handling fee payment rate methodology and meet its responsibilities under SB 156.

Reasons Why Project is Exempt:

The adoption of the regulation is categorically exempt from the California Environmental Quality Act (CEQA) because it is an action to assure the maintenance, restoration, enhancement, or protection of the environment. (California Code of Regulations, Title 14, § 15308 (Class 8)). The proposed regulation is expected to reduce the volatility of handling fee payments to recyclers in convenience zones. The evidence gathered in this regulatory procedure indicates that this will encourage redemption of empty beverage containers in convenient locations for California consumers, which in turn helps California meet its resource recovery and recycling goals. There is no evidence in the record suggesting that the proposed regulation could cause any harm to the environment.

The adoption of the regulation also falls under the “general rule”, or “common sense” exemption as defined in the CEQA Guidelines. The common sense exemption states a project is exempt from CEQA if “the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA” (CEQA Guidelines, § 15061(b)(3)). For the same reasons that CalRecycle has determined that the regulation is categorically exempt, it can also be seen with certainty that there is no possibility that the regulation would result in a significant effect on the environment and is exempt from consideration under CEQA.