

PROPOSED REGULATION TEXT

AB 1311 Alternative Schedule Permanent Regulations  
Beverage Container Recycling Program

DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY  
CALIFORNIA CODE OF REGULATIONS

Note: Amendments are shown in underline to indicate additions and strikeout to indicate deletions from the existing regulatory text.

TITLE 14

DIVISION 2

CHAPTER 5. Division of Recycling

**AMEND**

SUBCHAPTER 2, ARTICLE 1-2

SUBCHAPTER 6, ARTICLE 1-2

**Adopt section 2503, California Code of Regulations, title 14.**

**Amend sections 2030, 2045, 2500, 2516, California Code of Regulations, title 14.**

## ARTICLE 1: Certification Application Procedures

### Section 2030. Review of Applications

- (a) All applications for certification shall be reviewed by the ~~Division~~department for compliance with ~~these regulations~~ this chapter.
- (b) The ~~Division~~department shall assess the readiness of all new applicant(s) and periodically conduct field investigations to verify the accuracy of information contained in the certification application and explain program requirements.
- (c) The ~~Division~~department shall notify the applicant in writing within thirty (30) working days of receipt of the application, or receipt of additional information if the application was initially incomplete, that it is either:
  - (1) Complete and accepted for further review, or
  - (2) Incomplete and the reasons for the incompleteness.
- (d) Upon determining that an application is complete, the ~~Division~~department shall notify the applicant in writing within sixty (60) calendar days that such application is either:
  - (1) Approved,
  - (2) Approved with a probationary status, or
  - (3) Denied and the reasons for denial.
- (e) In determining whether the operator is likely to operate in accordance with ~~these regulations~~ this chapter, the ~~Division~~department shall review the certification history of the operator and other individuals identified in the application as responsible for the recycling center, processing facility, dropoff or collection program, or community service program operation.
- (f) The ~~Division~~department shall review its records to determine whether one or more certified entities have operated within the past five years at the same location that is the subject of an application for certification of a recycling center or processor. If one or more entities have operated at the same location, the ~~Division~~department shall review the certification history of the entity or entities certified at the same location within the past five years and determine whether the operations at the location exhibit, to the ~~Division's~~department's satisfaction, a pattern of operation in compliance with the requirements of the California Beverage Container Recycling and Litter Reduction Act, including all relevant regulations adopted thereunder.
- (g) Reasons for denial of applications may include, but shall not be limited to, any of the following:
  - (1) Failure to provide information or documentation to complete the application as stipulated in section 2045 and 2055 ~~of these regulations~~;
  - (2) The operator is unwilling to accept and redeem all beverage container types;

- (3) The recycling center operator does not agree to be open for business at least thirty (30) hours per week, five (5) of which are other than from 9 a.m. to 5 p.m. on Monday through Friday;
- (4) The operator's certification history demonstrates outstanding fines, penalties, or audit findings;
- (5) The operator's certification history discloses decertification of a recycling center, processing facility, dropoff or collection program, or community service program within the past two-year period;
- (6) The operator's certification history demonstrates a pattern of operation in conflict with the requirements of the California Beverage Container Recycling and Litter Reduction Act, including all relevant regulations adopted thereunder; or
- (7) For applications for certification of recycling centers or processors, the certification history of one or more entities certified at the same location within the past five years fails to demonstrate to the ~~Division's~~ department's satisfaction a pattern of operation in compliance with the requirements of the California Beverage Container Recycling and Litter Reduction Act, including all relevant regulations adopted thereunder.
- (8) The renewal applicant does not possess a valid application voucher that expires on or after the expiration date of the certification being renewed.
- (h) (1) Notwithstanding paragraph (3) of ~~subsection subdivision~~ (g) above, the ~~Division~~ department may allow the applicant to operate less than 30 hours per week if ~~either~~ of the following conditions are met:
  - ~~(1)(A) The recycling center will be located in a designated rural region; and,~~
  - ~~(2) the recycling center will not be located within a convenience zone; and,~~
  - ~~(3)(B) The proposed operating hours will not significantly decrease the ability of consumers to conveniently return beverage containers for the refund value to a certified recycling center redeeming all material types.~~
- (2) The department shall not approve a recycling center to operate under paragraph (1) for fewer than 10 hours per week.
- (3) For an applicant approved to operate under paragraph (1), failing to continue to meet the criteria specified in subparagraph (A) or (B) of paragraph (1) is grounds for rescinding the approval to operate the reduced schedule.

Authority cited: Sections 14530.5~~(b)~~ and 14536~~(b)~~, Public Resources Code. Reference: Sections 14511.7, 14538, 14539, 14540, 14541 and 14571, Public Resources Code.

## **ARTICLE 2: Content of Certification Applications**

### **Section 2045. Applications for Recycling Centers, Processors, and Bottle Washer Processors.**

- (a) To be considered complete, the applications shall contain the following information:
  - (1) The category of certification requested.
  - (2) The business address, mailing address, e-mail address, website and telephone number of the organization. The name of the contact person and the following information about the contact person:
    - (A) Residential address;
    - (B) Residential phone number;
    - (C) Mobile phone number;
    - (D) E-mail address;
    - (E) A valid Driver License or Identification Card issued by the State of California, or a United States federal or state government issued photo identification;
    - (F) Date of birth; and
    - (G) Social Security Number, on a voluntary basis.
  - (3) The type of organization which is requesting certification.
    - (A) If the organization is an individual doing or proposing to do business under a different name, the applicant shall provide a copy of any fictitious business name statement.
    - (B) If the organization is a partnership, the applicant shall provide a copy of the current partnership agreement and any fictitious business name statement.
    - (C) If the organization is a corporation, the applicant shall provide the corporate number and Articles of Incorporation and name and position of all current corporate officers as filed with the Secretary of State, any fictitious business name statement, and the agent for service of process.
    - (D) If the organization is a corporation from a state other than California, the applicant shall provide a copy of the approved certificate from the California Secretary of State qualifying and authorizing the corporation to transact business in California.
    - (E) If the organization is a married couple co-ownership, the applicant shall provide both names and any fictitious business name statement.
    - (F) If the organization is a local government agency, the applicant shall provide a copy of the authorizing resolution from the governing board.

- (G) If the organization is a limited liability company (LLC), the applicant shall provide a copy of the Articles of Organization and Statement of Information as filed with the Secretary of State, any operating agreement, any fictitious business name statement, and the agent for service of process.
  - (H) If the organization is a limited liability company from a state other than California, the applicant shall provide a copy of their certificate from the California Secretary of State authorizing the LLC to transact business in California.
- (4) The federal identification number (employer ID number) of the organization.
  - (5) A history of past and pending certifications requested from the department.
  - (6) The name, address, and phone number (if applicable) of the recycling center or processing facility.
  - (7) (A) The physical location of the facility in relation to the nearest cross street.  
(B) For a bottle washer processor, the physical location of the facility in relation to the nearest cross street where the reusable beverage containers will be washed, if different from the physical location specified in subparagraph (A).
  - (8) The name, address and phone number of the owner or leaseholder, if applicable, of the facility premises.
    - (A) If the applicant owns the property, a current mortgage statement or a current tax bill which specifically identifies the organization name and the facility location.
    - (B) If applicant is leasing, renting, or operating on donated space, a signed copy of a current lease, rental agreement or written permission from the property owner or leaseholder who has authority to determine use of the specific property shall be provided.
    - (C) If the applicant purchased the recycling center or processing facility business, the name of the person(s) from whom it was purchased.
  - (9) Processors and bottle washer processors shall provide the actual days and hours open for business if a regular schedule is maintained or, if a regular schedule is not maintained, processors and bottle washer processors shall indicate that they transact business by appointment only. This is for informational purposes only and does not subject processors or bottle washer processors to the fine and penalty provisions of the Act.
  - (10) Recycling centers shall provide the actual days and hours open for business.
    - (A) For recycling centers which are staffed, "actual days and hours open for business" shall be those days and hours where staff are scheduled to be present and do not include lunch breaks.

(B) For recycling centers which consist of reverse vending machines, “actual days and hours open for business” shall include all of the following:

1-(i) The days and hours when the machine is scheduled to be in operation, and

2-(ii) The days and hours when beverage containers which are odd-sized or made from materials other than aluminum, glass and plastic will be redeemed, and

3-(iii) The days and hours when any beverage containers not accepted by the reverse vending machine will be redeemed by the host dealer.

(11) (A) Recycling centers shall state whether the recycling center is requesting to be open fewer than 30 hours per week.

(B) If the department denies a request for a recycling center to be open fewer than 30 hours per week pursuant to section 2030(h), the department shall either approve or deny the application without those reduced hours pursuant to section 2030(g).

~~(11)~~(12) With the exception of recycling centers which meet the criteria for grandfathering, processors, and bottle washer processors, acknowledgment that the organization agrees to accept and redeem all types of redeemable beverage containers.

~~(12)~~(13) For recycling centers, a general description of the methods used to collect, store and/or cancel redeemed beverage containers. This shall include, but is not limited to, the types of equipment and/or receptacles used and the staffing.

~~(13)~~(14) For recycling centers, the organization shall indicate if applying as a rural region recycler or a nonprofit convenience zone recycler.

~~(14)~~(15) Recycling centers which consist of reverse vending machines shall specify a method for redeeming empty beverage containers which are odd-sized, made from materials other than aluminum, glass and plastic, or otherwise not accepted by the reverse vending machine. In determining whether the method is acceptable, the department shall consider, but not be limited to, the following:

(A) Convenience to the public,

(B) Volume of containers sold, and

(C) Size and shape of containers

~~(15)~~(16) For processors and bottle washer processors, the type(s) of beverage containers which will be accepted.

~~(16)~~(17) Processors and bottle washer processors shall describe which of the acceptable methods prescribed in section 2000(a)(4) will be used to cancel redeemable beverage containers.

- ~~(17)~~(18) The name, residence address, including city and zip code, and residence phone number of the applicant. Programs operated by limited liability companies, corporations or governmental agencies are exempt from this provision.
- ~~(18)~~(19) For an organization seeking certification of a recycling center located on federal land, a written authorization from an authorized agent of the federal government which will allow inspectors from the department to enter the federal property for the purpose of conducting audits and unannounced inspections of the recycling center, pursuant to section 2125.
- ~~(19)~~(20) For organizations requesting certification to operate a grandfathered facility, evidence that the recycling center was in operation on January 1, 1986, and the types of beverage containers accepted on that date.
- ~~(20)~~(21) The application voucher number and the name of the person on the application voucher.
- (b) The application shall be submitted on a form entitled "Certification Application, Recycling Centers, Processors, and Bottle Washer Processors" provided by the department and signed by the applicant under penalty of perjury. The signature block shall contain an affidavit that the information in the application is true and that the organization agrees to operate in compliance with the Act and this chapter.
- (1) If the organization is a partnership, the application shall be signed by each partner.
  - (2) If the organization is a firm, association, corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the individual with authority to legally bind said entity to a contract.
  - (3) If the organization is owned by a married couple the application shall be signed by each spouse.
  - (4) If the organization is a limited liability company, the application shall be signed by a managing member, Executive Officer, or other designated member with the authority to legally bind the limited liability company to a contract.
  - (5) The applicant shall provide a valid Driver License or Identification Card issued by the State of California, or a United States federal or state government issued photo identification of the applicant for identification purposes.
  - (6) The applicant shall provide the following:
    - (A) Registry ID, issued by the department, of the applicant;
    - (B) Date of birth of the applicant;
    - (C) E-mail address of the applicant;
    - (D) Mobile phone number of the applicant;

- (E) The application voucher number and the name of the person on the application voucher.
- (c) An organization seeking certification to operate a recycling center as a nonprofit convenience zone recycler shall provide written documentation showing that its organization was established under ~~S~~section 501(c) or 501(d) of ~~T~~title 26 of the United States Code.
- (d) The applicant shall prepare and submit with the certification application a Readiness Plan which shall demonstrate the applicant's ability to meet the conditions necessary to successfully operate a recycling center, processing facility, or bottle washer processing facility.
  - (1) The applicant shall demonstrate preparedness in the following areas of responsibility and provide any applicable dollar amounts or information. The Readiness Plan shall contain at a minimum the following information:
    - (A) Projected startup costs for expenditures such as local government permit fees and licenses, land, construction, and initial operating costs;
    - (B) Projected monthly expenses for expenditures such as labor, taxes and fees, equipment and capital, and overhead;
    - (C) Projected monthly revenues for earnings such as sale of scrap, payments from processors and bottle washer processors in addition to CRV payments, or potential grants; and
    - (D) Projected financing to operate successfully including sufficient cash flow to cover costs during slower business cycles.

Authority cited: Sections 14530.5, 14536 and 14539, Public Resources Code.

Reference: Sections 14514.7, 14515.6, 14538, 14539, 14540 and 14571, Public Resources Code.

## **ARTICLE 1: Requirements for Recycling Centers**

### **Section 2500. Operation Standards**

- (a) With the exception of recycling centers which meet the criteria for grandfathering, all certified recycling centers shall operate in accordance with all of the following requirements:
  - (1) Recycling centers certified by the ~~Division~~department shall begin operation within sixty (60) calendar days of approval of the certification. Failure to begin operating within sixty (60) calendar days shall result in invalidation of the certification by the ~~Division~~department.
  - (2) The recycling center shall accept from customers all of the following:
    - (A) All types of redeemable beverage containers; and



- (B) With the exception of reverse vending machines, refillable beer and malt beverage containers.
- (3) The recycling center shall make all payments in accordance with section 2535 of ~~these regulations~~.
- (4) Unless an exception is provided for elsewhere in this ~~C~~chapter, each certified recycling center shall be open for business during the following hours:
  - (A) At least thirty (30) hours per week, and
  - (B) At least five (5) hours per week shall be other than 9:00 a.m. to 5:00 p.m. on Monday through Friday; ~~and,~~
  - ~~(C) Up to fifteen (15) hours each week shall be other than 9:00 a.m. to 5:00 p.m. on Monday through Friday if the Division, subsequent to a public hearing, determines that it is necessary to further the recycling goals specified in Section 14501 of the Act. In making its determination, the Division shall consider, but not be limited to, the following:~~
    - ~~1. Convenience to the public,~~
    - ~~2. Alternative recycling opportunities available to the public, and~~
    - ~~3. If the Division has received three or more complaints against the certified recycling center regarding its operating hours outside of 9:00 a.m. to 5:00 p.m., Monday through Friday.~~
- (5) Notwithstanding paragraph (4), the department may require a recycling center to operate up to fifty (50) percent of its hours of operation other than during 9:00 a.m. to 5:00 p.m. if the department can demonstrate it is necessary to further the goals of the Act as specified in section 14501 of the Act.
- (b) A recycling center which is staffed and is not a reverse vending machine shall have an employee present during its posted hours and shall display a sign having a minimum size of two feet by two feet (576 square inches) informing the public that the recycling center is open for business. Where local zoning or ordinance restricts the size of the sign to less than two feet by two feet, the sign shall be the maximum size allowable. Where the physical location of the posted sign restricts the size of the sign, a sign varying from the specifications contained in this section may be posted if requested in writing and approved in writing by the ~~Division~~department. The sign shall contain, at a minimum, the word "OPEN" in lettering at least 10 inches in height.
- (1) If the recycling center consists of dropoff receptacles with refund value payment occurring elsewhere on the property, the operator of the recycling center shall take the following actions:
  - (A) A sign shall be placed on or at the front of the receptacles with lettering of at least  $\frac{3}{8}$  inch in height which informs the customer that all types of empty beverage containers will be accepted and redeemed at all open check-out

stands, or exactly where on the property the customer may redeem the beverage containers.

- (B) A person shall be present during the hours posted at the recycling center to inspect the empty beverage containers pursuant to Article 3 of this subchapter and pay customers the refund value.
- (C) A sign shall be posted during the hours open for business at the designated area where the public may redeem beverage containers. The sign shall contain, at a minimum, the words "OPEN" and "RECYCLING CENTER." The word "OPEN" shall consist of lettering at least 10 inches in height. The words "RECYCLING CENTER" shall be on a separate line and consist of lettering at least 3 ½ inches in height.
- (c) An operator of a recycling center who does not accept all types of redeemable beverage containers may continue to do so and shall be certified as a recycling center, provided all of the following conditions are met:
  - (1) The recycling center was operating in the same location on January 1, 1986, or if it is a reverse vending machine, the machine was operational on January 1, 1986;
  - (2) The recycling center did not accept all types of redeemable beverage containers at the same location as of January 1, 1986; and
  - (3) The recycling center continues to redeem, at a minimum, those beverage containers it accepted at the same location as of January 1, 1986; ~~and.~~
- (d) A recycling center which meets the criteria to be grandfathered shall make payments in accordance with section 2535 ~~of these regulations.~~
- (e) Each certified recycling center which does not utilize a reverse vending machine shall post the following near the certification sign provided by the ~~Division~~ department and in a conspicuous location which can be easily seen by the public:
  - (1) A legible sign indicating its hours of operation; and
  - (2) A refund price sign indicating the prices paid by weight or per container and by material type (i.e. aluminum, glass, plastic or bimetal). A refund price sign shall meet the following specifications:
    - (A) Dimensions. The sign shall be two feet by two feet (576 square inches).
    - (B) Content. In addition to the prices paid as required in subsection (e)(2) above, the sign shall contain, at a minimum, the statements as indicated in Figure 9. A refund price sign varying from the specifications of this section may be posted if requested in writing and approved in writing by the ~~Division~~ department.

\* Refund is not paid for packaging, contamination such as dirt or moisture, nor beverage containers not properly labeled with the California redemption value message.

\* This recycler will discount the refund value, and may discount scrap value for loads of containers which include nonredemption material.

\* The consumer has the right to:

- a. Accept a discounted refund and/or scrap price.
- b. Separate refund from nonrefund material.
- c. Take material back.

### **Figure 9.**

- (f) Each certified recycling center utilizing a reverse vending machine shall post the following on each machine near the certification sign provided by the ~~Division~~ department:
- (1) A legible sign indicating its hours of operation, and
  - (2) A refund price sign or decal indicating the prices paid by weight or per container for each material type accepted by that reverse vending machine. The refund price sign or decal shall be at a minimum 15 square inches with lettering of at least  $\frac{3}{8}$  inch in height. A refund price sign or decal not meeting the requirements of this section may be posted if requested in writing and approved in writing by the ~~Division~~ department.
  - (3) A sign which specifies the method approved by the ~~Division~~ department for redeeming empty beverage containers which are odd-sized, made of materials other than aluminum, glass or plastic, or otherwise not accepted by the reverse vending machine or if the reverse vending machine is out of order. If in-store redemption is the alternative method, a sign which is at a minimum 120 square inches with lettering of at least  $\frac{1}{2}$  inch in height shall be posted which specifies that containers will be redeemed at all open cash registers or the sign must designate exactly where redemption will occur.
    - (A) If beverage containers are not redeemed at all open registers, a sign shall be posted where refund value payment occurs within the store. The sign shall contain, at a minimum, the words "Redeem CA beverage containers here", and consist of lettering at least 3 inches in height.
- (g) The operator of a certified recycling center shall maintain records and submit reports regarding redemption activities in compliance with Article 3 of this subchapter.
- (h) Notwithstanding section 2060(e) ~~of these regulations~~, if all of the requirements of section 2525(k) are met, a certified recycling center may collect, and pay refund value for, empty beverage containers at a church, school, business where beverages are consumed, or other community service organization.

Authority cited: Sections 14530.5~~(b)~~ and 14536~~(b)~~, Public Resources Code. Reference: Sections 14501~~(i)~~, 14515.6, 14538, 14571, 14571.3, 14572~~(a)~~, ~~(b)~~ and ~~(c)~~ and 14572.5, Public Resources Code.

### Section 2503. Alternative Schedules for Recycling Centers

(a) For purposes of this section, the following definitions apply:

- (1) "Family-owned business" means an organization owned by two or more members of the same family and with more than 50 percent of the employees of the business being members of the same family.
- (2) "Natural disaster" means a natural catastrophe, such as an earthquake, fire, flood, landslide, or volcanic eruption, regardless of cause.
- (3) "Small business" means an organization that has five or fewer employees.
- (4) "State of emergency" means a natural or manmade disaster or emergency for which a state of emergency has been declared by the President of the United States or the Governor, or for which a state of emergency has been declared by a municipal emergency management coordinator. The conditions of disaster or of extreme peril to the safety of persons and property within the state are caused by such conditions as air pollution, fire, extreme heat, flood, storm, epidemic, riot, drought, sudden and severe energy shortage, plant or animal infestation or disease, earthquake, volcanic eruption, or other conditions, which, by reason of their magnitude, are or are likely to be beyond the control of the services, personnel, equipment, and facilities of any single county, city and county, or city.

(b) Notwithstanding paragraph (4) of subdivision (a) of section 2500, a recycling center may apply to the department for authorization to operate on an alternative schedule that complies with either of the following:

- (1) For a Type 1 alternative schedule, the schedule allows the recycling center to operate between 10 and 29 hours, inclusive, per week.
- (2) For a Type 2 alternative schedule, the schedule allows the recycling center to operate any number of hours, including ceasing operations entirely, due to operational challenges resulting from a natural disaster or state of emergency.

(c) Notwithstanding paragraph (5) of subdivision (a) of section 2500, the department shall not require a recycling center to operate up to 50 percent of its hours other than during 9:00 a.m. to 5:00 p.m. as part of an alternative schedule. However, the department may approve an alternative schedule that allows a recycling center to operate up to 50 percent of its hours other than during 9:00 a.m. to 5:00 p.m. if the schedule complies with the requirements of the Act and this chapter.

(d) (1) A certified recycling center operator may submit an application form to request a Type 1 alternative schedule as often as desired at least 30 calendar days prior to the effective date of the proposed Type 1 alternative schedule hours. The form shall be

submitted via e-mail to DORCertFileRoom@CalRecycle.ca.gov or by mailing to 1001 I Street, MS 9A, Sacramento, CA 95814.

(2) The department shall notify, in writing, the recycling center operator of approval or denial of the Type 1 alternative schedule application within 30 calendar days from the date of receipt.

(3) The department shall only approve a Type 1 alternative schedule application from those recycling centers that qualify as a small business or family-owned business.

(4) (A) For an increase to hours requested in the initial application, the applicant may amend the initial application with the new increased hours and schedule and submit the amended application to the department through either e-mail to DORCertFileRoom@CalRecycle.ca.gov or physical mail to 1001 I Street, MS 9A, Sacramento, CA 95814. The amended application shall be deemed approved upon receipt by the department.

(B) For a decrease to hours requested in the initial application, the applicant shall reapply to the department with a new application for any reduction beyond what is declared in the initial application. The department shall notify, in writing, the recycling center operator of approval or denial of the amended Type 1 alternative schedule application within 30 calendar days from the date of receipt.

(5) A recycling center that has received approval from the department to operate a Type 1 alternative schedule shall comply with both of the following:

(A) Post the approved hours in a conspicuous location in accordance with sections 2500(e) and (e)(1). The hours shall be fixed hours of operation and shall not be flexible, such as merely providing a range of several hours during which the recycling center will open or close.

(B) Post in a conspicuous location in accordance with section 2500(e) the name and address of the nearest recycling center that is open at least 30 hours per week.

(e) (1) A certified recycling center operator may submit an application form to request a Type 2 alternative schedule to the department when experiencing operational challenges due to a natural disaster or state of emergency. The form shall be submitted via e-mail to DORCertFileRoom@CalRecycle.ca.gov or by mailing to 1001 I Street, MS 9A, Sacramento, CA 95814. The application shall be submitted within seven working days before or after the natural disaster or the state of emergency. The application shall be submitted via e-mail or by hard copy.

(2) The department shall notify the recycling center operator of approval or denial within two working days from the date of receipt.

(3) If the application form is incomplete, the department shall notify the operator within two working days of receipt. If the operator does not submit information to

complete the application within three working days of that notification, the department shall deny the application.

(4) Type 2 alternative hours shall not exceed six months after the end of the natural disaster or state of emergency. If physical access to the recycling center is prohibited by state or local authorities or by clean-up efforts undertaken by the Office of Emergency Services or the department as a result of the natural disaster or state of emergency, the department shall grant an extension of the Type 2 alternative hour schedule.

(f) The department shall deny a request for a Type 1 or Type 2 alternative schedule if the department determines any of the following:

(1) Sufficient justification has not been provided by the recycling center for the alternative schedule.

(2) The alternative schedule does not further the goals of the Act.

(3) The alternative schedule significantly decreases consumers' ability to conveniently redeem beverage containers.

(g) The application form for a Type 1 or Type 2 alternative schedule shall include all of the following, as applicable:

(1) The certification number, organization name, facility name, and facility address of the applicant recycling center.

(2) (A) The proposed actual days and hours open for business and proposed lunch breaks.

(B) For a recycling center that is staffed, "actual days and hours open for business" shall be those days and hours where staff are scheduled to be present and do not include lunch breaks.

(C) For a recycling center that consists of a reverse vending machine, "actual days and hours open for business" shall include days and hours when all of the following criteria are met:

(i) The days and hours when the reverse vending machine is scheduled to be in operation.

(ii) The days and hours when beverage containers that are odd-sized or made from materials other than aluminum, glass, and plastic will be redeemed.

(iii) The days and hours when any beverage containers not accepted by the reverse vending machine will be redeemed by the host dealer.

(3) The basis for the request being made. If it is the result of a natural disaster or state of emergency for a Type 2 application, the applicant shall include both of the following:

(A) Documentation to substantiate the natural disaster or state of emergency.

- (B) The operational challenges experienced as a result of the natural disaster or state of emergency.
- (4) If the business is a small or family-owned business, the applicant shall include the number of employees and the basis for the family relationships, respectively.
- (5) For a Type 2 application, the end date of the alternative schedule.
- (6) Why the alternative schedule is necessary to further the goals of the Act and this chapter and how the alternative schedule will not significantly decrease the ability of consumers to conveniently return beverage containers.
- (7) The consequences if the department denies the request for an alternative schedule, such as decreasing consumers' ability to conveniently redeem beverage containers.
- (8) The name and signature of the applicant; the date the form was signed; and the applicant's e-mail address. Only a responsible party, as described in subdivision (a) of section 14591.2 of the Public Resources Code, of the recycling center is eligible to apply and sign as an applicant.
- (h) The department shall post on its internet website, and provide to any person upon request, application forms containing the information required by subdivision (g) of this section to request a Type 1 alternative schedule and Type 2 alternative schedule.
- (i) In the event of a natural disaster or state of emergency, the department may issue a General Notice to recycling centers affected by the natural disaster or state of emergency, through both e-mail and physical mail and using the contact information found in the recycling center's certification. The General Notice shall include both of the following:
- (1) The recycling center may operate at a reduced number of hours, including ceasing operations entirely, due to operational challenges resulting from the natural disaster or state of emergency as of the date specified in the General Notice.
- (2) (A) The recycling center shall submit to the department an application form to request a Type 2 alternative schedule due to a Natural Disaster or State of Emergency, pursuant to subdivision (e) within seven working days of the date specified in the General Notice pursuant to paragraph (1).
- (B) The form need only address the recycling center's operations subsequent to the submittal of the form. Any reduced hours of the recycling center's operations preceding the submittal of the form and subsequent to the department's General Notice shall be deemed approved.

Authority cited: Section 14530.5, Public Resources Code. Reference: Section 14571, Public Resources Code.

## ARTICLE 2: Handling Fees

### Section 2516. Eligibility Criteria

- (a) In addition to meeting the requirements of ~~S~~section 14585 of the Act, a recycling center shall meet all of the following criteria for handling fees eligibility on the first day of the calendar month for which they are claimed. A recycling center must be:
- (1) certified, operational, and accepting and paying refund value to consumers for all empty beverage container material types; and
  - (2) located within a convenience zone; and
  - (3) a “supermarket-site” recycling center as defined in ~~S~~section 14526.6 of the Act, or a nonprofit convenience zone recycler as defined in ~~S~~section 14514.7 of the Act, or a rural region recycler as defined in ~~S~~section 14525.5.1 of the Act; and
  - (4) the only certified, non-grandfathered recycling center in the convenience zone.
- (5) not operating fewer than 30 hours per week on a reduced schedule pursuant to section 2045(a)(11) or on a Type 1 alternative schedule pursuant to section 2503.
- (b) The ~~Division~~department shall inspect each supermarket site, nonprofit convenience zone recycler, or rural region recycler to determine whether such sites satisfy the requirements of this section.
- (c) Commencing January 1, 1993, a recycling center, which locates within a convenience zone, thereby causing a preexisting recycling center to become ineligible to receive handling fees, shall never be eligible to receive handling fees in that convenience zone. Such ineligibility shall apply to the parent company, its subsidiaries and affiliates even if the preexisting recycling center ceases to operate within the convenience zone. Such ineligibility shall also apply to the parent, the subsidiaries and the affiliates of any grandfathered recycling center which elects to begin accepting all material types.
- (d) A rural region recycler may combine total monthly beverage container purchases from two or more of its convenience zone sites to establish eligibility for a single handling fee payment by submitting the following information monthly in writing:
- (1) The certification numbers and addresses of the locations where receipt and/or log transactions are to be combined;
  - (2) The month and year of the transactions to be combined;
  - (3) The company name, address, contact person and business phone number, signed and dated by the contact person.
- (e) The additional information required in ~~subsection~~subdivision (d) shall be submitted no later than the fifth day of the first month following the reporting month. A rural region recycler that fails to provide this information by the date specified in this



~~subsection~~ subdivision shall not be eligible for a single handling fee payment based on combined monthly beverage container purchases from two or more of its convenience zone sites.

- (f) A rural region recycler shall submit a separate Handling Fee Application Form (Form DR-14 (1/00)) for each convenience zone site which is combined with one or more convenience zone sites to establish eligibility for a single handling fee payment.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14513.4, 14514.7, 14525.5.1, 14526.6, 14552, 14571, 14571.8~~(b)~~, 14572 and 14585, Public Resources Code.