

PROPOSED REGULATION TEXT

SB 1013 Addition of New Beverage Containers 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. The symbol “* * * **” means that intervening text not proposed for amendment is not shown.

TITLE 14

DIVISION 2

CHAPTER 5.

AMEND

SUBCHAPTER 1

SUBCHAPTER 3

SUBCHAPTER 4

SUBCHAPTER 5

SUBCHAPTER 6

SUBCHAPTER 11.1

SUBCHAPTER 12

Adopt sections 2205, 2241, and 2243, California Code of Regulations, title 14.

Amend sections 2000, 2200, 2230, 2231, 2235, 2240, 2300, 2301, 2305, 2310, 2320, 2400, 2401, 2500, 2501, 2525, 2535, 2830, 2831, 2831.1, 2831.5, 2834, 2835, 2900, California Code of Regulations, title 14.

SUBCHAPTER 1. Definitions

Section 2000. Definitions.

(3.05) “Bag in box” means a beverage container containing wine, distilled spirits, or wine and distilled spirit cooler that has both of the following:

(A) An interior flexible bag with a valve to dispense a beverage.

(B) An exterior rigid box with the valve described in subparagraph (A) designed to extend through the box to dispense the beverage. The box is not required to be rectangular in shape.

(4) “Cancellation” means the act of removing the refund value of an empty beverage container by any of the following actions:

(D) A bag in box, multi-layer pouch, or paperboard carton shall be deemed cancelled when the original form has been so altered as to make its reconstitution physically impossible.

(DE) Bimetal empty beverage containers shall be deemed cancelled by densification sufficient to ensure that separation of a single container is no longer possible, or by shredding, milling, or nuggeting.

(EF) Any empty beverage container shall be deemed cancelled when it is permanently exported from the State and export verified in accordance with ~~subsections~~ sections 2420(d)(1), (2) and (3) ~~of these regulations~~ provided that, if aluminum beverage containers, they are first densified to no less than 15 pounds per cubic foot, or shredded.

(FG) Any empty beverage container shall be deemed cancelled when it is delivered to a location of end use and the delivery verified in accordance with ~~subsections~~ sections 2420(d)(1), (2) and (3) ~~of these regulations~~ provided that the following requirements are met:

1. aluminum beverage containers are first densified to not less than 15 pounds per cubic foot, or shredded.

2. glass beverage containers are delivered to a location of end use, which includes a beneficiating processor, as defined in Public Resources Code section 14503.6.

(31.5) "Multi-layer pouch" means a beverage container containing wine, distilled spirits, or wine and distilled spirit cooler with a flexible body that contains more than one layer of material, with at least one layer consisting of plastic and one layer consisting of a type of material other than plastic.

(33.5) "Paperboard carton" means a beverage container containing wine, distilled spirits, or wine and distilled spirit cooler that is semi-rigid and that contains more than one layer of material, with at least one layer consisting of paperboard.

(34.8) "Pouch" means a beverage container with a flexible body.

(37) "Redeem" means to return an empty beverage container, including, but not limited to, a beverage container that ~~which~~ bears the message ~~as required~~ specified in Section section 14561 of the Act, to a certified recycling or processing facility and receive refund value for the container.

(38) "Redeemable Beverage Container" means a container, including, but not limited to, a beverage container that ~~which~~ bears the message ~~as required~~ specified in Section section 14561 of the Act, which ~~and~~ has an established refund value.

(39) "Redemption Weight" is the weight of empty ~~California redemption-labeled~~ beverage containers, including, but not limited to, beverage containers that bear the message specified in section 14561 of the Act.

(41) "Rejected Container" means a ~~California redemption-labeled~~ beverage container, including, but not limited to, a beverage container that bears the message specified in section 14561 of the Act, which a container manufacturer or beverage manufacturer elects to recycle or dispose of without paying any applicable processing fee, or which a distributor elects to recycle or dispose of without paying the redemption payment. "Rejected containers" includes container tops, lids, or other components which bear the message ~~as required~~ specified in Section section 14561 of the Act.

Authority cited: Sections 14530.5, 14536(b), 14536.1, 14539 and 14599, Public Resources Code. Reference: Sections 14500, 14501, 14503, 14503.6, 14504, 14505, 14506.5, 14509.5, 14511.7, 14512, 14512.5, 14513, 14514.4.1, 14514.7, 14517, 14518, 14518.5, 14519.5, 14520, 14520.5, 14520.6, 14522.5, 14524, 14525.5.1, 14526, 14530, 14530.2, 14536, 14537, 14538, 14539, 14547, 14549.3, 14550, 14552, 14561, 14571.2, 14571.8, 14572, 14573, 14573.5, 14573.51, 14574 and 14575, Public Resources Code.

SUBCHAPTER 3. Manufacturers

Section 2200. Labeling Required.

(a) A beverage manufacturer shall, prior to the offer for sale, sale, or transfer of nonrefillable beverage containers in the state by the beverage manufacturer, label every nonrefillable beverage container with the message as ~~required~~ specified in Section section 14561(a) of the Act.

~~(1) Prior to, or at the time of, the initial registration, a beverage manufacturer shall provide samples of their proposed labels or the beverage container, for each container type to the Division for approval, prior to the sale or transfer of beverage containers in the state.~~

~~(2)~~(1) A currently registered beverage manufacturer, a person applying for beverage manufacturer registration, or a person planning to apply for beverage manufacturer registration may choose to submit to the ~~Division department~~, any product label or the beverage container for review and approval. However, should the ~~Division department~~ deem it necessary to request any product label or the beverage container, the beverage manufacturer shall submit the product label or the beverage container for review and approval.

~~(3)~~(2) All nonrefillable beverage containers sold, on and after the effective date of inclusion under the Act, by any person to a distributor, dealer, or consumer shall be labeled in accordance with this section.

(b) Beverage containers shall be clearly, prominently, and indelibly marked as ~~indicated in subsection (a) specified in section 14561(a) of the Act~~ by painting, printing, scratch embossing, raised letter embossing, or permanent ink jetting, in the ~~specific manner indicated in paragraphs (1), (2), (3), or (4):~~ following manner:

(1) (A) Metal containers, excluding metal bottles, shall be marked on the top or bottom end of the container in minimum lettering size at least $\frac{3}{16}$ inch in height. Metal containers, excluding metal bottles, with a top lid of two inches or less in diameter shall have a minimum lettering size of at least $\frac{1}{8}$ inch in height.

~~(A)~~(B) Scratch embossed lettering shall be of a minimum width of 0.004 inch of disturbed surface metal.

(2) Glass containers and plastic containers shall be free of notations resembling "No Deposit--No Return," and shall be marked ~~either: anywhere on the container body or label at least 3/16 inch in height. The marking shall be in contrasting colors and prominent both when the container is filled or empty.~~

~~(A) Along the bottom edge of the container body label in minimum lettering size at least $\frac{3}{16}$ inch in height;~~

~~(B) On or in a secondary label in minimum lettering size at least $\frac{3}{16}$ inch in height; or~~

~~(C) On a container body label or secondary label with contrasting colors with legible lettering in minimum lettering size at least 1/8 inch in height. Contrasting colors shall direct the reader to the message required in subsection (a).~~

(3) Plastic portion-controlled cups that have peelable, heat sealed lids that are not resealable, shall be marked in a minimum lettering size of at least 1/8 inch in height on either the side of the container only, or on the lid and bottom of the container.

~~(4) MA metal bottles, plastic #1-7 pouch, multi-layer pouch, or paperboard carton shall be marked on the side of the bottle in minimum lettering size at least 3/16 inch in height, in contrasting colors anywhere on the container body or label at least 3/16 inch in height.~~

~~(5) A bag in box shall be marked in contrasting colors anywhere on the external box or label at least 3/16 inch in height. The CRV message shall not be located on the panel which provides access to the dispenser. The interior flexible bag shall not be marked with the CRV message.~~

~~(c) Labeling a beverage container pursuant to this section constitutes self-certification by the beverage manufacturer that the labeling is compliant with the Act and this chapter.~~

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14504, 14505, 14506, 14561 and 14575, Public Resources Code.

Section 2205. Machine-Readable Labeling.

(a) A quick response (QR) code, universal product code, or similar machine-readable indicia capable of being digitally scanned may be printed, embossed, stamped, labeled, or otherwise marked on a beverage container to indicate the CRV redemption eligibility instead of the labeling specified in section 2200.

(b) (1) The beverage container labeling shall clearly indicate the purpose of the machine-readable indicia by clearly and prominently marking the message "DEPOSIT" in all capital letters adjacent to or within the machine-readable indicia.

(2) The machine-readable indicia shall be clearly and prominently marked in a contrasting color to the label or container on which it is marked.

(c) (1) The machine-readable indicia shall be at least 3/4 inch in height and width.

(2) The machine-readable indicia shall be indelibly marked by painting, printing, scratch embossing, raised letter embossing, or permanent ink jetting, in the following manner:

(A) Metal containers, excluding metal bottles, shall be marked on the top or bottom end of the container.

(B) Glass containers and plastic containers shall be marked anywhere on the container body or label. The marking shall be prominent both when the container is filled or empty.

(C) Plastic portion-controlled cups that have peelable, heat sealed lids that are not resealable, shall be marked on either the side of the container only, or on the lid and bottom of the container.

(D) A metal bottle, plastic #1-7 pouch, multi-layer pouch, or paperboard carton shall be marked anywhere on the container body or label.

(E) A bag in box shall be marked anywhere on the external box or label. The machine-readable indicia shall not be located on the panel which provides access to the dispenser. The interior flexible bag shall not be marked with the machine-readable indicia.

(d) A beverage container that includes a machine-readable indicia pursuant to this section shall include a toll-free telephone number or internet website on the beverage container for customer assistance to address technical issues related to scanning the machine-readable indicia.

(e) (1) Upon scanning the machine-readable indicia, the message required by section 14561(a) of the Act shall be displayed clearly and prominently and shall appear separately and before any other information. The message specified in section 14561(a) of the Act shall be visible immediately without having to scroll, open any additional page, or click on any additional link.

(2) The text or other information linked to the machine-readable indicia shall conform to the standards set forth in the Web Content Accessibility Guidelines (WCAG) 2.0 published in 2008 by the World Wide Web Consortium. The entirety of the Web Content Accessibility Guidelines (WCAG) 2.0 published in 2008 are incorporated by reference.

(f) A beverage manufacturer that marks a beverage container pursuant to this section shall submit the following at the request of the department within 10 working days of the request:

(1) The machine-readable indicia displayed on the beverage container sold, transferred, or offered for sale by the beverage manufacturer.

(2) The text or other information linked to the machine-readable indicia displayed on the beverage container sold, transferred, or offered for sale by the beverage manufacturer.

(g) The failure of the machine-readable indicia to link to text or other information that satisfies the requirements of this section when scanned is a violation of this section by the beverage manufacturer and subject to penalties available under the Act and this chapter.

(h) Marking a beverage container with a machine-readable indicia pursuant to this section constitutes self-certification by the beverage manufacturer that the machine-readable indicia is compliant with the Act and this chapter.

Authority cited: Section 14530.5, Public Resources Code. Reference: Section 14561, Public Resources Code.

Section 2230. Applicability.

(a) Except where other persons are responsible as provided in ~~subsections~~ subdivisions (b) and (c), in addition to the general requirements of subchapter 2 ~~of these regulations~~, a beverage manufacturer shall be responsible for the registration, recordkeeping, reporting, and processing fee payment requirements of this article.

(b) (1) An out-of-state vendor, holding a certificate of compliance with the Department of Alcoholic Beverage Control, of beer and other malt beverages located outside of California which sells or transfers filled beverage containers to California shall, pursuant to ~~Section~~ section 14575(g)(2) of the Act, be deemed to be the beverage manufacturer for payment of processing fees and shall be responsible for the registration, recordkeeping, reporting, and payment responsibilities described in sections 2231, 2235(d), 2240, and 2245.

(2) An out-of-state vendor, holding a direct shipper permit issued by the Department of Alcoholic Beverage Control, for beverages manufactured outside the state and sold directly to consumers within the state shall, pursuant to section 14575(g)(2) of the Act, be deemed to be the beverage manufacturer for payment of processing fees, and shall be responsible for the registration, recordkeeping, reporting, and payment responsibilities described in sections 2231, 2235(d), 2240, and 2245, for those beverages.

(c) A beverage manufacturer shall notify the ~~Division~~ department in writing if another entity has agreed to report and make payments on the beverage manufacturer's behalf for either processing fees under section 2240(a) or the plastic beverage container virgin and postconsumer resin report under section 2240(b). A beverage manufacturer that is not submitting a consolidated report under section 14549.9 of the Act may participate in report-on-behalf agreements for virgin and postconsumer recycled plastic minimum content if the agreement is received by the department by June 30 of the previous year for which the report is due. A beverage manufacturer that is submitting a consolidated report under section 14549.9 of the Act is not eligible to participate in report-on-behalf agreements for virgin and postconsumer recycled plastic minimum content. The beverage manufacturer shall submit to the ~~Division~~ department a copy of the written agreement between the beverage manufacturer and the entity, which has agreed to report and make payments on the beverage manufacturer's behalf. A copy of the written agreement shall be submitted to the ~~Division~~ department within twenty (20) working days of the initial agreement. Any subsequent changes to the agreement, including termination of the agreement, shall also be submitted to the ~~Division~~ department within twenty (20) working days of that change. The agreement shall include but is not limited to:

- (1) The name of each entity involved in the agreement.
- (2) The beverage manufacturer identification number of each entity.
- (3) The business and mailing address(es) of each entity.
- (4) A statement signed and dated by an authorized representative from each entity indicating one entity has agreed to report and pay for another.
- (5) (A) Clearly indicate the beverage manufacturer(s) reporting and paying on behalf of the other.
- (B) Clearly indicate who the beverage manufacturer(s) is reporting and paying on behalf of.
- (d) By June 30 of each year, a beverage manufacturer shall provide the ~~Division~~ department a listing of all entities with which the beverage manufacturer has entered into an agreement, pursuant to ~~subsection-subdivision~~ (c).
- (e) A beverage manufacturer shall apprise the ~~Division-department~~ of any changes to the information provided pursuant to ~~Section-section~~ 2231 within twenty (20) working days of that change.
- (f) Nothing in this article shall be construed to require the ~~Division-department~~ to transfer any of the responsibilities set forth in this article, nor shall the ~~Division-department~~ be prohibited from holding the in-state beverage manufacturer, distributor, dealer, and/or consumer liable for any due and unpaid processing fees.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14505, 14506 and 14575~~(g)~~, Public Resources Code.

Section 2231. Registration.

- (a) In order to meet the reporting and payment requirements pursuant to ~~Sections sections~~ 2240 and 2245 ~~of these regulations~~, a beverage manufacturer shall register with the ~~Division-department~~ and receive a Beverage Manufacturer Identification Number issued by the ~~Division-department~~.
- (b) A beverage manufacturer shall contact the ~~Division-department~~ prior to the initial sale or transfer of beverages, as defined by ~~Section-section~~ 14504 of the Act. A beverage manufacturer shall:
 - (1) Provide the legal name of the entity and the “Doing Business As” (DBA) name(s);
 - (2) Provide the Federal Tax Identification Number (also known as an Employer Identification Number);
 - (3) (A) Provide the Department of Alcoholic Beverage Control Certificate of Compliance Number, if an out-of-state beer or other malt beverage manufacturer;

(B) Provide the Department of Alcoholic Beverage Control direct shipper permit number, if an out-of-state beverage manufacturer of beverages manufactured outside the state and sold directly to consumers within the state with the direct shipper permit;

(4) Provide the physical business address;

(5) Provide the mailing address;

(6) Provide, if applicable, additional business addresses, including;

(A) Rented, leased, or owned California warehouse(s);

(B) Sales office(s);

(C) Corporate office(s); and

(D) Other.

(7) Provide primary and secondary contact information, including name, title, telephone number, e-mail address, facsimile number, and website, as applicable;

(8) Indicate the type of business ownership structure:

(A) Sole Proprietorship;

(B) Married Co-Ownership;

(C) Corporation;

(D) Non Profit Corporation;

(E) Cooperative;

(F) Limited Liability Company;

(G) General Partnership;

(H) Limited Partnership;

(I) Limited Liability Partnership; or

(J) Other.

(9) Provide the effective date of beverage sales or transfer in California;

(10) Indicate if beverages are offered for sale or transfer, or proposed to be offered for sale or transfer to common carriers;

(11) Indicate if free beverage samples are offered, or proposed to be offered in California;

(12) Provide the types of beverages, their container types, and container sizes offered for sale or transfer, or proposed to be offered for sale or transfer in California;

(13) Indicate if the beverages for sale or transfer are refillable or nonrefillable;

(14) Provide the name and contact information of beverage suppliers, co-packers, and /or bottlers;

(15) Indicate whether beverages are purchased or supplied from an entity outside of California;

(16) Identify the entities in California to which beverages are sold or transferred, including distributor contact information, if applicable.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14506 and 14575, Public Resources Code.

Section 2235. Recordkeeping.

A beverage manufacturer shall maintain the following records in accordance with the general requirements set forth in section 2085 of subchapter 2 of these regulations.

(a) Transactions with a Container Manufacturer. A beverage manufacturer shall maintain the following records evidencing the receipt of beverage containers or components thereof. Such records shall include all bills of lading, other shipping documents, and the following information:

(1) Date of receipt of shipment;

(2) Quantity, material type, size, and component type, if applicable, of beverage containers or components in shipment;

(3) Full name and address of shipper; and

(4) Cancelled checks or other proof of payment (receipts), invoices, and statements regarding container manufacturers' payment or credit for processing fees pursuant to the Act.

(b) Rejected Containers. A beverage manufacturer shall maintain records of any recycling, processing, or other disposition of rejected containers and any payments therefor. These records shall include receipts or statements signed by the recycling center, processor, or other recipient. Such receipts or statements shall state the weight by material type of rejected containers and any payment made or credit granted therefor.

(c) Sales and Transfers of Beverage Containers by a Beverage Manufacturer. A beverage manufacturer shall maintain records, by individual sale or transfer, of all sales or transfers of beverage containers to distributors, dealers, or consumers, and any payments made therefor. The records shall include all of the following:

(1) The number, by material type, of beverage containers sold or transferred to dealers, distributors, or consumers;

(2) The date of the sale or transfer;

(3) The full name and address of the buyer or other transferee, and shipping name and address if different; and

(4) Proof of payment for the beverage containers sold or transferred, such as invoices and statements.

(d) Processing Fee Report Records. A beverage manufacturer shall retain a copy of the Beverage Manufacturer Report, submitted to the ~~Division~~ department pursuant to section 2240 ~~of this subchapter~~, and proof of payment and receipts for processing fee payments made to the ~~Division~~ department.

(e) Documentation of minimum recycled plastic content for beverage containers containing any percentage of minimum recycled plastic content evidencing the recycled plastic content of beverage containers sold or transferred to distributors, dealers, or consumers. Suitable records for examination and audit by the ~~Department~~ department shall include all of the following:

(1) Material data sheets and purchase records associated with the beverage container and beverage container components,

(2) Manifests, bills of lading or other sales documents to show shipping of beverage containers with postconsumer material content,

(3) Purchase records of postconsumer recycled material and virgin material used to manufacture beverage containers,

(4) Certifications made by a container manufacturer of the postconsumer recycled material content of the beverage containers, and

(5) Financial, transactional, or legal documentation provided by the container manufacturer that documents the postconsumer recycled material content of the beverage containers.

(f) A beverage manufacturer shall maintain records of any report on behalf or pay on behalf of agreements, including:

(1) Copy of the signed agreement for each beverage manufacturer.

(2) For beverage manufacturers that are reporting on behalf of other beverage manufacturers for processing fees:

(A) Number of containers reported for each beverage manufacturer by each beverage manufacturer's department-issued identification number by month.

(B) Processing fees paid by container material type reported for each beverage manufacturer by each beverage manufacturer's department-issued identification number by month.

(3) For beverage manufacturers that are reporting on behalf of other beverage manufacturers for virgin and postconsumer recycled plastic minimum content:

(A) The amount of virgin plastic, by resin type and in pounds reported for each beverage manufacturer by each beverage manufacturer's department-issued identification number for each reporting period.

(B) The amount of postconsumer recycled plastic, by resin type and in pounds reported for each beverage manufacturer by each beverage manufacturer's department-issued identification number for each reporting period.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14537, 14547, 14549.3, 14552 and 14575, Public Resources Code.

Section 2240. Reporting.

(a) (1) For each month during which a processing fee applies to any beverage container material type sold or transferred by a beverage manufacturer, the appropriate beverage manufacturer, as determined by section 2230, shall prepare and submit to the ~~Division~~ department the Beverage Manufacturer Report. The Beverage Manufacturer Report shall contain the following information in accordance with the general requirements for reporting as contained in section 2090 ~~of these regulations~~.

(42) Sales and Transfers of Beverage Containers Subject to a Processing Fee. Each report shall contain all of the following information:

(A) The beverage manufacturer's name, address, manufacturer identification number, contact person, and telephone number of contact person;

(B) The reporting period;

(C) The number of beverage containers, by material type, sold or transferred in or into this state during the reporting period which are subject to a processing fee;

(D) The amount of the processing fee per beverage container and material type ("unit fee");

(E) The amount of the processing fee payment for each material type, calculated by multiplying the beverage container count for each material type by the applicable processing fee per container;

(F) The amount of the total processing fee payment due, which is equal to the sum of the processing fee payments by material type pursuant to ~~subsection (5)~~ subparagraph (E); and

(G) The signature of an authorized representative and date signed.

(3) (A) For beverage manufacturers with a pay on behalf of agreement and reporting on behalf of other beverage manufacturers for processing fees, the report shall contain all of the following information:

(i) Separately identify the number of containers by material type for each beverage manufacturer by each beverage manufacturer's department-issued identification number by month.

(ii) Separately identify the processing fees by container material type for each beverage manufacturer by each beverage manufacturer's department-issued identification number by month.

(iii) Total of all containers and processing fees to be paid for the reporting period by material type.

(B) Subparagraph (A) shall become operative on January 1, 2030.

(4) For beverage manufacturers reporting on behalf of other beverage manufacturers for virgin and postconsumer recycled plastic minimum content under section 2230(c), the report shall contain all of the following information:

(A) Separately identify the amount of virgin plastic, by resin type and in pounds, including any component that is part of or affixed to the beverage container at the point of sale, used in beverage containers subject to the California Redemption Value for sale or transfer in the state for each beverage manufacturer by each beverage manufacturer's department-issued identification number for each reporting period.

(B) Separately identify the amount of postconsumer recycled plastic material, by resin type and in pounds, including any component that is part of or affixed to the beverage container at the point of sale, used in beverage containers subject to the California Redemption Value for sale or transfer in the state for each beverage manufacturer by each beverage manufacturer's department-issued identification number for each reporting period.

~~(2)~~(5) The Beverage Manufacturer Report shall be submitted no later than the tenth day of the second month following the month of sales. For example, sales of January 2010 shall be reported no later than March 10, 2010; sales of February 2010 shall be reported no later than April 10, 2010; sales of March 2010 shall be reported no later than May 10, 2010, etc.

(b) For each year, a beverage manufacturer of a beverage sold in a bag in box, multi-layer pouch, or paperboard carton with a plastic component that is part of or affixed to the beverage container at the point of sale or a plastic beverage container subject to the California Redemption Value, or the appropriate entity as determined by section 2230(c), shall prepare and submit to the ~~Division~~ department the plastic beverage container virgin and postconsumer resin report. The plastic beverage container virgin and postconsumer resin report shall contain all of the following information in accordance with the general requirements for reporting as contained in section 2090 ~~of these regulations~~.

(1) Plastic beverage container virgin and postconsumer resin report. Each report shall contain all of the following information:

(A) The beverage manufacturer's name and unique manufacturer identification number; and

1. A separate report must be submitted for each manufacturer identification number.

(B) The reporting period; and

(C) The amount of virgin plastic, by resin type and in pounds, ~~including caps and labels,~~ used in beverage containers subject to the California Redemption Value for sale or transfer in the state. This shall include any component that is part of or affixed to the beverage container at the point of sale, such as caps, labels, straws, or dispensing valves; and

(D) The amount of postconsumer recycled plastic material, by resin type and in pounds, ~~including caps and labels,~~ used in beverage containers subject to the California Redemption Value for sale or transfer in the state. This shall include any component that is part of or affixed to the beverage container at the point of sale, such as caps, labels, straws, or dispensing valves; and

1. Any non-numerical answer for the amount of postconsumer recycled plastic material in pounds shall be treated as a zero for purposes of calculating the postconsumer recycled plastic material content of a plastic beverage container and potential administrative penalties pursuant to subdivision (c) of section 14547 of the Public Resources Code.

(E) The printed name, title, email address, and signature of the person preparing the report; and

1. The Signature block shall state the information in the report is true and correct, subject to penalty of perjury, and the person signing is authorized to do so; and

(F) The date and the place the report was signed.

(2) The plastic beverage container virgin and postconsumer resin report shall be submitted no later than March 1 of each year for plastic beverage containers subject to the California Redemption Value for sale in the state for the previous calendar year and to the ~~Division~~ department by email to MarketInformation@CalRecycle.ca.gov or by mail to Statistical Information Section, Division of Recycling, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, California, 95812-4025.

(3) If a component that is part of or affixed to a bag in box, multi-layer pouch, or paperboard carton at the point of sale is resin type PETE #1, HDPE #2, V #3, LDPE #4, PP #5, PS #6, or Other #7, the beverage manufacturer shall report that component under the relevant resin type. This requirement applies to a beverage manufacturer of a beverage sold in a bag in box, multi-layer pouch, or paperboard carton, regardless of whether or not the bag in box, multi-layer pouch, or paperboard carton is a plastic beverage container.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14504, 14505, 14547, 14549.3, 14552 and 14575, Public Resources Code.

Section 2241. Annual Reporting

(a) Notwithstanding any provision of section 2240 establishing a monthly reporting schedule, a beverage manufacturer may report on an annual basis, and make a single annual payment of processing fees, on or before February 1 of each year in accordance with the requirements of section 14575 of the Act for every beverage container sold or transferred by the beverage manufacturer in the previous calendar year if it satisfies both of the following:

(1) The beverage manufacturer notifies the department of its intent to report annually either at the time of registration or by January 31 of the calendar year and every year thereafter for which the monthly reports and payments would be due. The notification shall be submitted electronically in writing in the format provided by the department.

(2) The beverage manufacturer meets either of the following criteria:

(A) Submits a notice under paragraph (1), submits 12 accurate monthly reports and payments to the department by the required due dates, and projects to owe less than \$15,000 in processing fees in the calendar year.

(B) Submits a notice under paragraph (1), projects to sell fewer than 375,000 beverage containers in the calendar year, and projects owe less than \$15,000 in processing fees in the calendar year.

(b) The department may revoke a beverage manufacturer's option to make a single annual payment of processing fees who otherwise meets the criteria in subdivision (a) if the department determines the beverage manufacturer is not in compliance with the Act or this chapter.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Section 14575, Public Resources Code.

Section 2243. Postconsumer Recycled Plastic Requirements and Reporting.

(a) The total weight of plastic in bags in boxes, multi-layer pouches, or paperboard cartons sold in the state by a beverage manufacturer shall, on average, contain no less than the following percentages of postconsumer recycled plastic per year out of the total amount of plastic contained in the beverage containers:

(1) Between the effective date of this section and December 31, 2026: 15 percent.

(2) Between January 1, 2027, and December 31, 2031: 25 percent.

(3) On and after January 1, 2032: 50 percent.

(b) In accordance with section 14547(i)(2) of the Act, the minimum content standards established in section 14547 of the Act and in this section do not apply to a beverage

manufacturer that sells or transfers 16,000,000 or fewer of any combination of the following to a distributor, dealer, or consumer located in the State of California during the calendar year for which the beverage manufacturer is reporting pursuant to section 14549.3 of the Act and section 2240(b):

- (1) Plastic beverage containers.
- (2) Bags in boxes containing plastic.
- (3) Multi-layer pouches containing plastic.
- (4) Paperboard cartons containing plastic.

Authority cited: Section 14530.5, Public Resources Code. Reference: Sections 14504, 14547 and 14549.3, Public Resources Code.

SUBCHAPTER 4. Distributors

Section 2300. Applicability.

(a) In addition to the general requirements of subchapter 2 ~~of these regulations~~, a distributor shall be responsible for the registration, recordkeeping, reporting, and redemption payment requirements of this article.

(b) A distributor shall notify the ~~Division~~ department in writing if another entity has agreed to report and make payments on the distributor's behalf within twenty (20) working days of the initial agreement. Any subsequent changes to the agreement, including termination of the agreement, shall also be submitted to the ~~Division~~ department within twenty (20) working days of that change. The distributor shall provide the ~~Division~~ department with the following information:

- (1) The name of each entity involved in the agreement.
- (2) The distributor identification number of each entity.
- (3) The business and mailing address(es) of each entity.
- (4) A statement signed and dated by an authorized representative from each entity indicating one entity has agreed to report and pay for another.
- (5) (A) Clearly indicate the distributor(s) reporting and paying on behalf of the other.
(B) Clearly indicate who the distributor(s) is reporting and paying on behalf of.

(c) By June 30 of each year, a distributor shall provide the ~~Division~~ department a listing of all entities with which the distributor has entered into an agreement, pursuant to ~~subsection~~ subdivision (b).

(d) A distributor shall apprise the ~~Division~~ department of any changes to the information provided pursuant to ~~Section~~ section 2301 within twenty (20) working days of that change.

(e) Nothing in this article shall be construed to require the ~~Division~~ department to transfer any of the responsibilities set forth in this article, nor shall the ~~Division~~ department be prohibited from holding the in-state distributor, dealer, and/or consumer liable for any due and unpaid redemption payments.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14511, 14523, 14537 and 14550, Public Resources Code.

Section 2301. Registration.

(a) (1) In order to meet the reporting and payment requirements pursuant to ~~Sections~~ sections 2310 and 2320 ~~of these regulations~~, a distributor shall register with the ~~Division~~ department and receive a Distributor Identification Number issued by the ~~Division~~ department.

(2) An out-of-state vendor, holding a direct shipper permit issued by the Department of Alcoholic Beverage Control, which sells or transfers filled beverage containers to California consumers shall, pursuant to section 14560(a)(4)(A) of the Act, be deemed to be the distributor for payment of the redemption payment, and shall be responsible for the registration, recordkeeping, reporting, and payment responsibilities described in sections 2301, 2305, 2310, and 2320, for those filled beverage containers.

(b) A distributor shall contact the ~~Division~~ department prior to the initial sale or transfer of beverages, as defined by ~~Section~~ section 14504 of the Act. A distributor shall:

- (1) Provide the legal name of the entity and the "Doing Business As" name(s);
- (2) Provide the Federal Tax Identification Number (also known as an Employer Identification Number);
- (3) Provide the physical business address;
- (4) Provide the mailing address;
- (5) Provide, if applicable, additional business addresses, including:
 - (A) Rented, leased, or owned California warehouse(s);
 - (B) Sales office(s);
 - (C) Corporate office(s); and
 - (D) Other.

(6) Provide primary and secondary contact information, including name, title, telephone number, e-mail address, facsimile number, and website, as applicable;

(7) Indicate the type of business ownership structure:

- (A) Sole Proprietorship;
- (B) Married Co-Ownership;
- (C) Corporation;
- (D) Non Profit Corporation;
- (E) Cooperative;
- (F) Limited Liability Company;
- (G) General Partnership;
- (H) Limited Partnership;
- (I) Limited Liability Partnership; or
- (J) Other.

(8) Provide the effective date of beverage sales or transfers in California;

(9) Indicate if beverages are offered for sale or transfer, or proposed to be offered for sale or transfer to common carriers;

(10) Indicate if free beverage samples are offered, or proposed to be offered in California;

(11) Provide the types of beverages, their container types, and container sizes offered for sale or transfer, or proposed to be offered for sale or transfer in California;

(12) Indicate if the beverages for sale or transfer are refillable or nonrefillable;

(13) Provide the name and location of beverage suppliers in California, including contact information;

(14) Indicate whether beverages are purchased or supplied from an entity outside of California;

(15) Identify the entities in California to which beverages are sold or transferred, including distributor contact information, if applicable.

(16) Provide the Department of Alcoholic Beverage Control direct shipper permit number, if an out-of-state vendor that sells or transfers filled beverage containers to California consumers.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14501.5, 14511, 14550, 14560 and 14574, Public Resources Code.

Section 2305. Recordkeeping.

A distributor shall maintain the following records by individual sale or transfer and in accordance with the general requirements set forth in section 2085 of subchapter 2 of these regulations.

(a) Receipt of Beverage Containers. A distributor shall maintain records, by individual sale or transfer, of all beverage containers received, including, but not limited to, all containers which bear the message ~~as required~~ specified in ~~Section~~ section 14561 of the Act. The records shall contain all of the following information:

(1) The quantity received by material type, of beverage containers, including, but not limited to, all containers which bear the message ~~as required~~ specified in ~~Section~~ section 14561 of the Act.

(2) The full name and address of the beverage manufacturer or other originating person; and

(3) The date the beverage containers, including, but not limited to, all containers which bear the message ~~as required~~ specified in ~~Section~~ section 14561 of the Act, were received by the distributor.

(b) Sale or Transfer of Beverage Containers. A distributor shall maintain records, by individual sale or transfer, of all beverage containers, including, but not limited to, all containers which bear the message ~~as required~~ specified in ~~Section~~ section 14561 of the Act on all CRV beverage containers, and refillable beverage containers sold or transferred to other distributors, dealers, or consumers. The records shall contain all of the following information:

(1) The quantity by material type of all beverage containers, including, but not limited to, all containers which bear the message ~~as required~~ specified in ~~Section~~ section 14561 of the Act, and refillable beverage containers;

(2) The full name and address (and the shipping or destination name and address, if different) of the dealer, consumer, or other distributor to whom the beverage containers, including, but not limited to, refillable beverage containers and containers which bear the message ~~as required~~ specified in ~~Section~~ section 14561 of the Act, were sold or transferred; and

(3) The date(s) the beverage containers, including, but not limited to, all the containers which bear the message ~~as required~~ specified in ~~Section~~ section 14561 of the Act, and refillable beverage containers, were sold or transferred.

(c) The Distributor Report and Payments to the ~~Division~~ department. A distributor shall maintain the Distributor Report and payment records prepared pursuant to sections 2310 and 2320 ~~of this subchapter~~.

(d) Rejected Containers. A distributor shall maintain records of any recycling, processing, or other disposition of rejected containers and any payments therefor. These records shall include receipts or statements signed by the recycling center,

processor, or other recipient. Such receipts shall state the weight by material type of the rejected containers and any payment made or credit granted therefor.

(e) A distributor shall maintain records of any pay on behalf of agreements, including:

(1) Copy of the signed agreement for each distributor.

(2) For distributors that are reporting on behalf of other distributors:

(A) Number of containers reported for each distributor by each distributor's department-issued identification number by month.

(B) Redemption payments paid by container material type reported for each distributor by each distributor's department-issued identification number by month.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14537, 14550(b), 14550(e), 14561 and 14572.5, Public Resources Code.

Section 2310. Reporting.

(a) A distributor shall prepare and submit to the ~~Division~~ department the Distributor Report, in accordance with the general requirements for reporting contained in section 2090 of ~~these regulations~~ this chapter and ~~Section~~ section 14550 of the Act.

(1) In accordance with the requirements as set forth in ~~Section~~ section 14574 of the Act, the Distributor Report for sales or transfer of beverage containers shall be submitted to the ~~Division~~ department consistent with the payment schedule established in that section.

(2) The Distributor Report shall contain all of the following information:

(A) The distributor's name, address, contact person, and telephone number of the contact person;

(B) The distributor's assigned identification number beginning with the prefix "DS".

(C) The reporting period;

(D) The total number of beverage containers, by material type and size, including, but not limited to, all containers which bear the message as ~~required~~ specified in ~~Section~~ section 14561 of the Act, sold or transferred;

(E) Redemption payment and administrative fee:

1. The redemption payment for each material type by size, and

2. The total redemption payment,

3. The administrative fee deducted, and

4. The total due to the ~~Division~~ department;

(F) The total number and total empty weight of refillable beverage containers sold, transferred, and returned to the distributor. Each of these items shall be reported by material type; and

(G) The signature of an authorized representative and date signed.

(b) (1) For distributors with a pay on behalf of agreement and reporting on behalf of other distributors, the report shall:

(A) Separately identify the number of containers by material type and size for each distributor by each distributor's department-issued identification number by month.

(B) Separately identify the redemption payment by container material type and size for each distributor by each distributor's department-issued identification number by month.

(C) Total of all containers and redemption payments to be paid for the reporting period by material type and size.

(2) Paragraph (1) shall become operative on January 1, 2030.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14501, 14505, 14550(b), ~~14550(c)~~, 14560, 14561 and 14574, Public Resources Code.

Section 2320. Payments.

(a) The distributor shall pay to the ~~Division~~department the total redemption payment for all beverage containers, including, but not limited to, all containers which bear the message ~~as required specified~~ in ~~Section~~section 14561 of the Act, sold or transferred to dealers or consumers, less the administrative fee authorized in ~~Section~~section 14574 of the Act. Notwithstanding any other provisions of this subchapter, this administrative fee shall not be deducted from the calculated redemption payment, if the ~~Division~~department calculates the redemption payment owed by the distributor to the ~~Division~~department.

(b) Redemption Payments. The distributor shall compute the total redemption payment, by material type, by multiplying the number of beverage containers, including, but not limited to, all containers which bear the message ~~as required specified~~ in ~~Section~~section 14561 of the Act, reported pursuant to section 2310(a), by the currently effective redemption payment per container for that material type. The currently effective redemption payment shall also be applicable for all containers, including, but not limited to, those which bear the message ~~as required specified~~ in ~~Section~~section 14561 of the Act.

(c) The redemption payment per container is determined by the ~~Division~~ department pursuant to section 14560 of the Act and section 2900(b) ~~of subchapter 12 of these regulations.~~

(d) The sum of the individual redemption payments by material type computed pursuant to ~~subsection~~ subdivision (b), shall equal the total redemption payment for the reporting period.

(e) Total Payment Due. The total payment due to the ~~Division~~ department for each reporting period is calculated by subtracting the administrative fee computed pursuant to ~~Section~~ section 14574(a) of the Act from the total redemption payment computed pursuant to ~~subsection~~ subdivision (b).

(f) Recycling Center Handling Fee. The distributor shall negotiate a handling fee with each recycling center which returns or causes to be returned empty refillable beer or other refillable malt containers.

(g) Redemption Payment Due Date. The redemption payment for sales or transfers of beverage containers is due to the ~~Division~~ department in accordance with the requirements set forth in ~~Section~~ section 14574 of the Act.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14505, 14523, 14560, 14561, 14572.5 and 14574, Public Resources Code.

SUBCHAPTER 5. Processors

Section 2400. Operation Standards.

(a) All certified processors shall operate in accordance with all of the following requirements:

(1) Processors certified by the department shall begin operation within sixty (60) calendar days of approval of the certification. Failure to begin operation within sixty (60) calendar days shall result in invalidation of the certification by the department.

(2) (A) The processor shall accept one or more type(s) of redeemable beverage container(s).

(B) A processor that accepts plastic beverage containers shall accept bags in boxes, multi-layer pouches, and paperboard cartons.

(3) Certified processors shall redeem empty beverage containers from any certified operators of recycling centers, dropoff or collection programs, or community service programs and operators of curbside programs which have been issued an identification number in accordance with this chapter. Payments shall be made in accordance with section 2430.

(4) Certified processors shall make payments and invoice the department within the time periods specified in article 3 of this subchapter.

(5) Certified processors shall cancel redeemable beverage containers in any one or more of the manners prescribed in section 2000(a)(4).

(b) Notwithstanding paragraph (3) of subdivision (a), a bottle washer processor may reject a shipment of beverage containers that contains any of the following:

(1) A beverage container not capable of being washed for refill and sale by a beverage manufacturer, such as a broken glass beverage container.

(2) A beverage container other than a glass beverage container.

(3) A beverage container of a type or size that the bottle washer processor is not capable of processing.

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

Reference: Sections 14504, 14539, 14573, 14573.5 and 14573.6, Public Resources Code.

Section 2401. Load Inspection Requirements.

(a) Certified processors shall inspect each load of containers, subject to the Act, delivered to the processor, for which refund value is claimed, to determine whether the load is eligible for any refund value and, if so, to determine whether the load is segregated or commingled, as follows:

(1) For any load delivered to a processor from a dropoff or collection program, community service program, curbside program or recycling center, each processor taking delivery of the material shall visually inspect each load of material by monitoring the unloading and/or conveyor process to determine eligibility and whether the load is segregated or commingled.

(2) For a beverage container marked with a machine-readable indicia pursuant to section 2205, the visual inspection shall include visually verifying the machine-readable indicia is marked on the beverage container paired with the indicator required pursuant to section 2205(b). This section does not require scanning the machine-readable indicia to determine CRV eligibility.

(b) ~~(1)~~ In addition to the requirements of section 2110 ~~of these regulations~~, a load of aluminum material shall be deemed not eligible for any refund value if there are pieces of broken, densified bales or biscuits of aluminum beverage containers within the load. This does not include cans which have merely been flattened. A load of plastic material shall be deemed not eligible for any refund value, if pieces of bales of plastic are found in the load.

(2) Each bag in box in a load of bags in boxes shall be intact for the load to be eligible for the refund value. "Intact" means that the interior flexible bag is connected to the dispensing valve and inside of the exterior box. A load of bags in boxes shall be deemed not eligible for any refund value if the load contains any individual interior

flexible bag, dispensing valve, or exterior box that is separated from the other bag in box components.

(c) Once eligibility is determined, payment shall be calculated pursuant to section 2430 ~~of these regulations.~~

(d) All out-of-state material, whether labeled with the message ~~required~~ specified in ~~Section~~ section 14561 of the Act or not, and all rejected and line breakage containers are not eligible for any refund value payments.

(e) Notwithstanding ~~Section~~ section 2530(b)(1) ~~of these regulations,~~ a certified processor shall not inspect, weigh or receive a load of material subject to the Act from a recycling center unless and until the shipper's section of the shipping report is completed and accompanies the load of material delivered to the certified processor's site.

(f) All rejected, line breakage or out-of-state containers in the load, whether labeled or not with the message ~~required~~ specified in ~~Section 1451~~ section 14561 of the Act, must be excluded from the received weight of the load.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14504, 14539 and 14553, Public Resources Code.

SUBCHAPTER 6. 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 ~~Chapter~~ 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~~department, subsequent to a public hearing, determines that it is necessary to further the recycling goals specified in ~~Section~~section 14501 of the Act. In making its determination, the ~~Division~~department 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~~department 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.

(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~~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 $3\frac{1}{2}$ 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;
- (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. such as~~ aluminum, glass, plastic, or bimetal, bag in box, multi-layer pouch, or paperboard carton). 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~~ subdivision (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~~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)~~, 14504, 14515.6, 14538, 14571, 14571.3, 14572~~(a)~~, ~~(b)~~ and ~~(c)~~ and 14572.5, Public Resources Code.

Section 2501. Load Inspection Requirements.

(a) Certified recycling centers shall inspect each load of containers, subject to the Act, delivered to the recycling center, for which refund value is claimed, to determine whether the load is eligible for any refund value and, if so, to determine whether the load is segregated or commingled, as follows:

(1) For transactions with consumers, the recycling center shall remove the containers from any bag, box or other receptacle used to deliver the material to the recycling center and visually inspect the containers prior to determining the basis for payment and paying the seller. In no case shall a certified recycling center pay or claim the refund value for any material not inspected by the recycling center.

(2) For any load delivered to a recycling center, from a dropoff or collection program, community service program, curbside program or other recycling center, each recycling center taking delivery of the material shall visually inspect each load of material by

monitoring the unloading and/or conveyor process to determine eligibility and whether the load is segregated or commingled.

(3) For a beverage container marked with a machine-readable indicia pursuant to section 2205, the visual inspection shall include visually verifying the machine-readable indicia is marked on the beverage container paired with the indicator required pursuant to section 2205(b). This section does not require scanning the machine-readable indicia to determine CRV eligibility.

(b) In addition to the requirements of section 2110 ~~of these regulations~~, a load of material shall be deemed not eligible for any refund value if any one of the following conditions exist:

(1) There are pieces of broken, densified bales or biscuits of aluminum beverage containers within the load. This does not include cans which have merely been flattened.

(2) Pieces of bales of plastic are found in the load.

(3) The motor vehicle, if any, used to deliver the load has a license plate from any foreign country, or any state other than California, unless all of the following conditions are met:

(A) The person delivering the load is not a noncertified recycler, as defined at ~~Section~~ section 14520.6 of the Act; and,

(B) The total refund value of material delivered by any one person per day does not exceed fifty dollars (\$50.00); and,

(C) The load is not ineligible pursuant to ~~subsection-subdivision~~ (b)(1), above.

(4) Each bag in box in a load of bags in boxes shall be intact for the load to be eligible for the refund value. "Intact" means that the interior flexible bag is connected to the dispensing valve and inside of the exterior box. A load of bags in boxes shall be deemed not eligible for any refund value if the load contains any individual interior flexible bag, dispensing valve, or exterior box that is separated from the other bag in box components.

(5) Bags in boxes, multi-layer pouches, and paperboard cartons shall be shipped separately from other container types. Bags in boxes, multi-layer pouches, and paperboard cartons shall not be commingled.

(c) Once eligibility is determined payment shall be calculated pursuant to section 2535(d) ~~, of these regulations~~.

(d) All out-of-state material, whether labeled with the message ~~required-specified~~ in Section-section 14561 of the Act or not, and all rejected and line breakage containers are not eligible for any refund value payments.

(e) All rejected and line breakage containers in a load delivered from another recycling center, dropoff or collection program, community service program or curbside program,

whether labeled or not with the message ~~required specified~~ in ~~Section section~~ 14561 of the Act, must be excluded from the received weight of the load.

(f) Certified recycling centers shall not receive, accept, or take delivery from any source material that the certified recycling center knows, or should know, was imported into this State, whether labeled with the message ~~required specified~~ in ~~Section section~~ 14561 of the Act or not. All loads containing out-of-state material are not eligible for any refund value payments.

(g) Loads received from consumers shall have rejected or line breakage containers removed from the load or the load is not eligible for any refund value payments.

Authority cited: Sections 14530.5, 14536, 14596 and 14599, Public Resources Code.
Reference: Sections 14504, 14538, 14539, 14539.5, 14553, 14572(d)(2), 14595, 14595.4, 14595.5, 14596 and 14597, Public Resources Code.

Section 2525. Recordkeeping.

Recycling centers shall maintain the following records in accordance with the general requirements set forth in section 2085 ~~of these regulations~~.

(a) Except for reverse vending machines as provided in ~~subsection section~~ 2525(c) below, the recycling centers shall prepare and maintain a copy of a press pre-numbered receipt or a receipt produced by an automatic computer-generated numbering system that cannot be altered by the participant, for any purchase or donation of empty beverage containers in the amount of one hundred dollars (\$100.00) or more in refund value, or for fifteen dollars (\$15.00) or more in refund value for any combination of empty bag in box, multi-layer pouch, or paperboard carton beverage containers. A copy of the receipt shall be provided to the person selling or donating the material, and shall include all of the following information:

(1) The total weight or count of materials by material type (the recycling center shall comply with section 2535(f) but may treat different colors of glass as different material types only for recordkeeping purposes pursuant to this section); and

(2) The total payment made by the recycling center or the amount paid for each material type; and

(3) The basis for the refund value payment (e.g., segregated and counted, segregated and weighed, commingled, or, if no refund value is paid, indicate scrap only); and

(4) The certification number of the recycling center; and

(5) The date of the sale or donation; and

(6) The printed name and signature of the person selling or donating the material, or a statement explaining why such could not be obtained; and

(7) Additional information identifying the person selling or donating the material. The additional information shall be either: the person's valid driver license number and state

of issuance or vehicle license number and state of issuance. If neither identifying item is available, a California Identification Card number may be substituted. In the absence of any of these items of identification, a statement shall be required explaining why the additional information could not be obtained.

(b) Except for reverse vending machines as provided in ~~subsection~~section 2525(c) below, for all purchases or donations with a total refund value of less than one hundred dollars (\$100.00), or of less than fifteen dollars (\$15.00) for any combination of empty bag in box, multi-layer pouch, or paperboard carton beverage containers, the recycling center shall either prepare a receipt pursuant to ~~subsection~~section 2525(a), or shall maintain a log setting forth the information required by subsections (a)(1) through (a)(6) above. Any item of additional identifying information specified in ~~subsection~~section 2525(a)(7) above may be substituted for the printed name of the person selling or donating the material.

(c) For all material received from a reverse vending machine owned or operated by the recycling center, the recycling center shall prepare a receipt or log each time material is removed from the reverse vending machine, or if material is removed more than once a day, on a daily basis. The receipt or log shall set forth the meter reading, date, total weight, and certification number. Recycling centers shall retain such receipts or logs in their records along with the copies of any receipts issued by the machine. For redemption transactions other than machine transactions, receipt and log requirements pursuant to section 2525(a) or (b) shall be followed.

(d) For all donations made anonymously, such as those left at the recycling center when the recycling center is not open for business, the recycling center shall prepare a receipt or log setting forth the information required by ~~subsections~~section 2525(a)(1) through (a)(5) above. The refund value stated on such a receipt shall be based on the applicable commingled rate. Such receipts or log entries shall be prepared on at least a daily basis for all days when the recycling center receives anonymous donations.

(e) The recycling center shall retain a copy of any shipping report which the recycling center prepares or receives from another recycling center pursuant to section 2530 ~~of these regulations~~.

(f) The recycling center shall retain a copy of the weight ticket prepared by the recycling center, or provided by the person receiving material from the recycling center, describing the weight of shipped material by material type.

(g) The recycling center shall retain a copy of any report to the ~~Division~~department for handling fee prepared pursuant to section 2530 ~~of these regulations~~.

(h) The recycling center shall prepare and retain a receipt setting forth the information required by ~~subsection~~subdivision (b) of this section for all scrap transactions. In addition, the receipt shall indicate whether the load consisted of rejected containers, line-breakage containers, or out-of-state beverage containers.

(i) The recycling center shall prepare and retain daily summaries of all receipt and log transactions, including donations, for each shipping report. The summaries shall contain

the total weight or the weight by basis for the refund value payment (e.g., segregated and counted, segregated and weighed, commingled, or, if no refund value is paid, indicate scrap only) and the corresponding refund value for each day of the shipping report period.

(j) Records of allowable cost. Recycling centers shall maintain records containing the information specified at section 2960(b)(1) through (12), inclusive.

(k) Certified recycling centers collecting materials pursuant to section 2500(h) shall, in addition to ~~subsections~~ subdivisions (a) through (j) of this section, do both of the following:

(1) Maintain a written agreement at the recycling center which is between the recycling center and the church, school, business where beverages are consumed, or other community service organization. The agreement must include, at a minimum, the following:

(A) The name, address, and certification number of the recycling center, as well as the name and phone number of a contact person at the recycling center; and

(B) The name and address of the organization to be served by the recycling center, as well as the name and phone number of a contact person at the organization; and

(C) Language, typed or legibly handwritten in English, which states the agreement between the recycling center and the organization and includes the material type of beverage containers to be picked up and the method of determining the weight of beverage containers picked up.

(2) Prepare, issue and maintain a receipt for the transaction, regardless of the amount of the transaction. The receipt shall be in the form of a press pre-numbered receipt and shall include all of the information specified in section 2525(a)(1) through (a)(6) and section 2525(k)(1)(B) ~~of these regulations~~.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14537, 14538, 14552, 14575 and 14585, Public Resources Code.

Section 2535. Payments to Consumers, Curbside Programs, Community Service Programs and Dropoff or Collection Programs.

(a) Recycling centers shall pay on delivery the refund value for every empty beverage container not donated to the recycling center.

(b) For deliveries to a recycling center, except reverse vending machines:

(1) ~~The (A)~~ Except as specified in subparagraph (B), the consumer has the option of being paid based on count for up to 50 empty beverage containers of each material type per transaction.

(B) The consumer has the option of being paid based on count for up to 25 of each of the following per transaction: empty bag in box, multi-layer pouch, or paperboard carton beverage containers.

(C) A recycling center is not required to process more than one consecutive transaction for an individual consumer under this paragraph if there is one or more other consumers waiting to redeem empty beverage containers at the recycling center.

(2) The recycler may pay based on count for all deliveries of empty beverage containers received from consumers.

(c) Notwithstanding any other provision of this subchapter, recycling centers shall not pay dropoff or collection, community service, and curbside programs more than the relevant commingled rate.

(d) Calculation of Payment.

(1) If the material received from consumers is segregated, as determined by the load inspection required by section 2501 ~~of these regulations~~, and payment is based upon weight, payment shall be calculated by multiplying the actual weight of the empty beverage containers, by the applicable segregated refund value per pound for the relevant material type.

(2) If the payment is based on the actual number of empty beverage containers, the payment shall be based upon the following:

(A) in the case of recycling centers other than a reverse vending machine, the number of the empty beverage containers, multiplied by the refund value per empty beverage container for the relevant material type and size; or,

(B) in the case of a reverse vending machine, the number of empty beverage containers, multiplied by the refund value per empty beverage container for the relevant material type and size. If the reverse vending machine accepts empty beverage containers in gross, rather than by individual containers, and pays based on weight, the payment shall be based on the applicable refund value per pound rate.

(3) For commingled materials delivered from a dropoff or collection program, community service program or curbside program, payment shall be based on the received weight of the commingled material, excluding the weight of line breakage, rejected and out-of-state material, multiplied by the applicable commingled rate, or the ~~Division's~~ department's approved individual commingled rate.

(4) For commingled materials delivered from another recycling center, payment shall be based on the received weight of the commingled material, excluding the weight of line breakage, rejected and out-of-state material, multiplied by the applicable commingled rate.

(5) For commingled materials delivered from consumers, payment shall be based on the received weight of the material, multiplied by the applicable commingled rate.

(e) Recycling centers shall have the option to refuse to accept empty beverage containers which, in the opinion of the recycling center, are excessively contaminated with dirt, moisture, or other foreign substances (“shrinkage”). Alternatively, recycling centers may adjust downward the refund value per pound used to calculate payment by the ratio of such substances to empty beverage containers.

(f) A certified recycler shall not pay the refund value to, or claim refund value for any material received from any person, operation or entity who is not certified by the ~~Division~~ department, delivering a load of material in excess of 50 pounds of bag in box beverage containers, 25 pounds of multi-layer pouch or paperboard carton beverage containers, 100 pounds of aluminum or plastic beverage containers, or ~~1,000~~ 2,000 pounds of glass beverage containers, per day. This limitation is applicable to all transactions, including those performed pursuant to section 2500(h) ~~of these regulations~~.

(1) It is a violation of this ~~Section~~ section for a recycling center to split loads in excess of the aforementioned weights, or accept during any one day an aggregate total of material in excess of the aforementioned weights from any person not certified by the ~~Division~~ department.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14552(a), 14572 and 14572.5, Public Resources Code.

SUBCHAPTER 11.1. Out-Of-State Importation

Section 2830. Definitions.

(a) Notwithstanding the definitions provided in the California Beverage Container Recycling and Litter Reduction Act and ~~Section~~ section 2000 ~~of these regulations~~, the following definitions shall apply whenever the terms are used in this subchapter.

(1) “Empty beverage container material” means glass, plastic, aluminum, or bimetal, bag in box, multi-layer pouch, or paperboard carton beverage containers or pieces of beverage containers, whether or not they are labeled with the message ~~required~~ specified in ~~Section~~ section 14561 of the Act, that:

(A) Have the seal or closure installed by the manufacturer broken or removed; and

(B) Are imported into this State.

(2) “Imported Material Report” means the report required by ~~Section~~ section 2835 ~~of these regulations~~.

(3) “Persons importing empty beverage container material” means any person bringing or transporting empty beverage container material into this State and any persons responsible for hiring, paying, directing, contributing to, participating in, or otherwise influencing others to bring or transport empty beverage container material into this State.

(4) "Persons receiving imported empty beverage container material" means any person that takes delivery of empty beverage container material that was imported into this State and any persons responsible for hiring, paying, directing, contributing to, participating in, or otherwise influencing others to take delivery of empty beverage container material imported into this State.

(5) "Proof of inspection" means a written document issued by a California Department of Food and Agriculture inspector, ~~Division~~ department staff person, law enforcement officer, or other appropriate official after a load of empty beverage container material passes inspection for entry into this State.

Authority cited: Sections 14530.5(~~b~~), 14536, 14596 and 14599, Public Resources Code. Reference: Sections 14504, 14512, 14536.5, 14553(~~b~~), 14561, 14595, 14595.4 and 14596, Public Resources Code.

Section 2831. Operating Standards.

(a) Persons importing more than 25 pounds of aluminum, bimetal or plastic, 10 pounds of bag in box, or 5 pounds of multi-layer pouch or paperboard carton empty beverage container material, or more than 250 pounds of glass empty beverage container material, into this State for storage, sale, transfer or export shall operate in accordance with all of the following requirements.

(1) Persons importing empty beverage container material in a motor vehicle shall enter this State only through an open and staffed plant quarantine inspection station maintained pursuant to ~~Section~~ section 5341 of the Food and Agricultural Code.

(2) Persons importing empty beverage container material shall complete and sign all appropriate sections of the Imported Material Report for each load of imported empty beverage container material entering this State.

(3) Persons importing empty beverage container material shall maintain copies of all Imported Material Reports, proofs of inspection, and other documentation, and shall provide copies to officials inspecting and persons receiving the material, in accordance with the requirements set forth in this ~~Subchapter~~ subchapter and ~~Sections~~ sections 2085 and 2090 ~~of these regulations~~. The requirement to provide and maintain these records is in addition to the documentation requirements of any other laws applicable to the storage, transportation, delivery, sale, or transfer of the material.

(4) Persons importing empty beverage container material shall not deliver any imported empty beverage container material to a facility registered by the ~~Division~~ department as a curbside program or certified by the ~~Division~~ department as a recycling center, dropoff or collection program, or community service program.

(5) Persons importing empty beverage container material may deliver imported empty beverage container material to a certified processor, including the processor at a dual-certified entity, but the material is ineligible for refund value or other recycling program

payments. Dual-certified entities shall receive empty beverage container material imported into this State only as a processor.

(6) Persons importing empty beverage container material may deliver the material to a junk dealer, as defined in ~~Section~~section 21601 of the Business and Professions Code, that is not registered by the ~~Division~~department as a curbside program or certified by the ~~Division~~department as a recycling center, dropoff or collection program, or community service program, but the material is ineligible for refund value or other recycling program payments.

(A) Aluminum empty beverage container material imported into this State and delivered, sold, or transferred to a junk dealer is ineligible for refund value and other recycling program payments and shall be handled as nonferrous material subject to the laws governing scrap metals and alloys in accordance with article 3 of chapter 9 of division 8 of the Business and Professions Code (commencing with ~~Section~~section 21600).

(7) Persons importing empty beverage container material weighing more than 100 pounds shall obtain and retain a weight ticket issued by a weighmaster licensed, certified, registered, or otherwise officially credentialed by the applicable jurisdiction describing the material and indicating the weight for each individual load of empty beverage container material. A separate weight ticket shall be prepared and retained for each load by material type. The weight tickets shall be maintained attached to the corresponding Imported Material Report.

(8) Persons importing empty beverage container material shall not receive any refund value or other recycling program payments for the material.

(9) Persons importing empty beverage container material shall cooperate fully with any California Department of Food and Agriculture inspector, ~~Division~~department staff person, law enforcement officer, or other appropriate official to fulfill the purposes of ~~Section~~section 14596 of the Act and ~~these regulations~~this chapter, including declaring the material at the inspection station, providing an Imported Material Report with the appropriate sections completed and the proper supporting documents attached, offering the material for inspection, following directions for completing the inspection, preparing, submitting, and maintaining the required records, making available for review and examination all records related to the material, providing full, true and correct information, delivering the material with all required documentation to the destination indicated on the Imported Material Report, and granting access to records, premises, equipment, facilities, and operations.

(b) Persons receiving imported empty beverage container material shall operate in accordance with all of the following requirements.

(1) Persons receiving imported empty beverage container material shall not take delivery of any imported empty beverage container material that is not accompanied by a proof of inspection and an Imported Material Report that has the appropriate sections completed, has the proper supporting documents attached, correctly identifies the delivery location, and accurately describes the material.

(2) Persons receiving imported empty beverage container material shall inspect each load of material to determine whether the material matches the description on the accompanying Imported Material Report.

(3) Persons receiving imported empty beverage container material shall prepare weight tickets describing the material and indicating the weight for each individual load of imported empty beverage container material received. A separate weight ticket shall be prepared for each material type received. Weight tickets for loads of material weighing more than 100 pounds shall be issued by a weighmaster licensed pursuant to ~~Chapter~~ chapter 7 of ~~Division~~ division 5 of the Business and Professions Code (commencing with section 12700). A copy of each weight ticket shall be provided to the person delivering the material.

(4) Persons receiving imported empty beverage container material shall complete and sign all appropriate sections of the Imported Material Report upon taking delivery of the material.

(5) Persons receiving imported empty beverage container material shall not pay, claim, or receive any refund value or other recycling program payments for the material.

(6) Persons receiving imported empty beverage container material shall cooperate fully with any California Department of Food and Agriculture inspector, ~~Division~~ department staff person, law enforcement officer, or other appropriate official to fulfill the purposes of ~~Section~~ section 14596 of the Act and ~~these regulations~~ this chapter, including preparing and completing all required documentation, providing full, true and correct information, and granting access to records, premises, equipment, facilities, and operations.

Authority cited: Sections 14530.5(~~b~~), 14536, 14596 and 14599, Public Resources Code. Reference: Sections 14504, ~~14538(d)(5)~~, ~~14538(d)(6)~~, ~~14539(d)(5)~~, ~~14539(d)(6)~~, ~~14539.5(b)~~, 14551.5, 14552, 14553, 14572, 14573.6, 14595, 14595.4, 14595.5 and 14596, Public Resources Code.

Section 2831.1. Load Inspections upon Entering California in a Motor Vehicle.

(a) Pursuant to ~~Section~~ section 14596 of the Act, persons importing empty beverage container material containing more than 25 pounds of aluminum, bimetal, or plastic, 10 pounds of bag in box, or 5 pounds of multi-layer pouch or paperboard carton empty beverage container material, or more than 250 pounds of glass empty beverage container material using a motor vehicle shall, upon entering this State:

(1) Pass through the nearest open and staffed plant quarantine inspection station maintained pursuant to ~~Section~~ section 5341 of the Food and Agricultural Code; and

(2) Declare that empty beverage container material is being imported into this State and submit the material for inspection; and

(3) Provide to a California Department of Food and Agriculture inspector, ~~Division~~ department staff person, law enforcement officer, or other appropriate official an

Imported Material Report that has the appropriate sections completed, has the proper supporting documents attached, correctly identifies the delivery location, and accurately describes the material; and

(4) Obtain from the California Department of Food and Agriculture inspector, ~~Division~~ department, law enforcement officer, or other appropriate official a copy of the Imported Material Report with the appropriate sections completed by the official to record information about the inspection of the material; and

(A) A copy of an Imported Material Report with the appropriate sections completed and all required supporting documents attached shall be in the possession of the driver of the vehicle at all times while the imported empty beverage container material is being transported in this State; and

(5) Obtain from the California Department of Food and Agriculture inspector, ~~Division~~ department, law enforcement officer, or other appropriate official a proof of inspection of the empty beverage container material; and

(A) The proof of inspection shall be in the possession of the driver of the vehicle at all times while the imported empty beverage container material is being transported in this State; and

(6) Proceed immediately and directly to a secondary inspection location when directed to do so by a California Department of Food and Agriculture inspector, ~~Division~~ department staff person, law enforcement officer, or other appropriate official, and present the empty beverage container material for inspection immediately upon arrival.

(b) After meeting the requirements of ~~subsection-subdivision~~ (a) above, persons importing empty beverage container material using a motor vehicle shall proceed with copies of the Imported Material Report, proof of inspection, and any other required documents to promptly deliver the empty beverage container material to the destination indicated on the report.

Authority cited: Sections 14530.5(~~b~~), 14536, 14536.5, 14596 and 14599, Public Resources Code. Reference: ~~Section~~ Sections 14504 and 14596, Public Resources Code.

Section 2831.5. Prohibition Against Entering State Without Passing Through Inspection Station, Providing and Maintaining Proper Documentation, and Passing Inspection.

No person shall enter this State with empty beverage container material containing more than 25 pounds of aluminum, bimetal, or plastic, 10 pounds of bag in box, or 5 pounds of multi-layer pouch or paperboard carton empty beverage container material, or more than 250 pounds of glass empty beverage container material using a motor vehicle without passing through an open and staffed plant quarantine inspection station maintained pursuant to ~~Section~~ section 5341 of the Food and Agricultural Code, declaring the material, submitting the material for inspection, providing an Imported

Material Report with the appropriate sections completed and the proper supporting documents attached, and passing all required inspections.

Authority cited: Sections 14530.5(b), 14536, 14596 and 14599, Public Resources Code.
Reference: ~~Section~~ Sections 14504 and 14596, Public Resources Code.

Section 2834. Recordkeeping.

Persons importing more than 25 pounds of aluminum, bimetals, or plastic, 10 pounds of bag in box, or 5 pounds of multi-layer pouch or paperboard carton empty beverage container material, or more than 250 pounds of glass empty beverage container material, shall maintain the following records in accordance with this ~~Article~~ article and the general requirements set forth in ~~Sections~~ sections 2085 and 2090 ~~of these regulations~~. Records shall be maintained for at least five years following their preparation, in accordance with ~~Section~~ section 2085(b) ~~of these regulations~~.

(a) Imported Material Reports. Persons importing empty beverage container material shall retain copies of all Imported Material Reports prepared, submitted, or received pursuant to ~~these regulations~~ this chapter. The Imported Material Reports shall be maintained with all other corresponding documents attached, including proofs of inspection and weight tickets.

(b) Proofs of Inspection. Persons importing empty beverage container material shall maintain copies of all proofs of inspection received pursuant to ~~Section~~ section 2831.1 ~~of these regulations~~. The proofs of inspection shall be maintained attached to the corresponding Imported Material Report.

(c) Weight Tickets. Persons importing empty beverage container material shall prepare and maintain weight tickets indicating the material types(s) and weight(s) of each individual load of imported empty beverage container material. The weight tickets shall be maintained attached to the corresponding Imported Material Report.

(d) Location of Records. Records of persons importing empty beverage container material shall be kept at the address of the person preparing the report that is provided in the signature section of the Imported Material Report required by ~~Section~~ section 2835(a)(6) ~~of these regulations~~. Records may be moved to and kept at a different location if notice is given to the ~~Division~~ department pursuant to ~~Section~~ section 2085(a)(3) ~~of these regulations~~.

Authority cited: Sections 14530.5(b), 14536, 14596 and 14599, Public Resources Code.
Reference: Sections 14504, 14553, 14595, 14595.4, 14595.5, 14596 and 14597, Public Resources Code.

Section 2835. Reporting.

Persons importing empty beverage container material and persons receiving imported empty beverage container material in excess of the minimum weights specified in

~~Section-section~~ 14596(a) of the Act shall prepare the applicable sections of the Imported Material Report described in this ~~Section-section~~ for each load of empty beverage container material imported into California. A separate Imported Material Report shall be prepared for each material type entering this State. Each Imported Material Report and all related documents shall be prepared in accordance with the requirements outlined in this ~~Article-article~~ and ~~Sections-sections~~ 2085 and 2090 of these regulations. Notwithstanding ~~Section-section~~ 2090(d)(1) of these regulations, persons importing empty beverage container material and persons receiving imported empty beverage container material that have no certification number or Seller's Permit Number may submit Imported Material Reports without obtaining an identification number from the ~~Division-department~~.

(a) Persons importing empty beverage container material shall prepare and provide to a California Department of Food and Agriculture inspector, ~~Division-department~~ staff person, law enforcement officer, or other appropriate official upon entry to this State a hardcopy printout of an Imported Material Report with the appropriate sections completed, whether or not the report was created or submitted electronically, that includes all of the following:

(1) A description of the empty beverage container material, including:

(A) The type of material, such as, aluminum, glass, plastic, ~~or bimetal~~, bag in box, multi-layer pouch, or paperboard carton; and

(B) The condition of the material, such as, loose, baled, densified, shredded, flaked, or other conditions; and

(C) The weight of the material; and

(D) How the weight was calculated; and

1. Loads of imported empty beverage container material weighing more than 100 pounds must be accompanied by a weight ticket prepared by a weighmaster licensed, certified, registered, or otherwise officially credentialed by the applicable jurisdiction; and

(E) The percentage of the load that is empty beverage container material.

(2) Information about the point of origin of the material, including:

(A) The name, address, phone number, and other contact information of the consignor or other person shipping the material; and

(B) The address where the material was loaded for transportation into California.

(3) Information about the vehicles and other equipment used to transport the material, including:

(A) The motor vehicle license number and state or country of issuance; and

(B) The license number and state or country of issuance for any trailer being used; and

(C) The unit numbers of any shipping containers being used; and

- (D) The type of vehicle used to transport the imported empty beverage container material; and
- (E) The year, make, and model of the vehicle used to transport the imported empty beverage container material; and
- (F) For vehicles or combinations of vehicles being operated under a rental agreement with a term of not more than 30 calendar days, the name, addresses, phone numbers, and other contact information of the rental company or other lessor, the vehicle tracking ID number, the rental contract number, and the name of the driver indicated on the rental contract.
- (4) Information about the vehicle operator, including:
- (A) The name and driver's license number with the state or country of issuance of the person driving the vehicle; and
- (B) The signature of the person driving the vehicle with date the driver signed; and
- (C) Whether the vehicle operator is a "for-hire motor carrier" or "private motor carrier" as defined in ~~Section-section~~ 390.5 of ~~Title-title~~ 49 of the Code of Federal Regulations (~~49 Code Fed. Regs. § 390.5~~); and
- (D) For-hire motor carriers and private motor carriers, as defined above, shall provide the following information:
1. The name, addresses, phone numbers, and other contact information of the motor carrier; and
 2. The USDOT number assigned to the motor carrier by the United States Department of Transportation; and
 3. The California Motor Carrier Permit number assigned by the California Department of Motor Vehicles pursuant to ~~Section-section~~ 34507.5 and ~~Division-division~~ 14.85 of the Vehicle Code (commencing with ~~Section-section~~ 34600).
- (5) Information about the destination to which the material will be delivered, including:
- (A) The type of facility and business activity conducted at the location, such as, a manufacturing facility, certified processor, port or rail terminal, storage yard, warehouse, truck terminal, junk dealer, scrap metal dealer, personal residence, undeveloped parcel, or other facility or business type; and
- (B) The complete street address where the material will be delivered; and
- (C) The name, address, phone number, and other contact information of the consignee or other person receiving the imported empty beverage container material.
- (6) In accordance with the general requirements outlined in ~~Section-section~~ 2090 of ~~these regulations~~, the signature of the person preparing the sections of the Imported Materials Report required upon entry to this State and other information, including:

(A) The name, address, phone number, and other contact information of the person preparing the report. If the person is preparing the report on behalf of another, the name, address, phone number, and other contact information of that person shall also be provided; and

(B) The printed name, title, and signature of the person preparing the report; and

1. The signature block shall state that the information in the report is true and correct to the best knowledge of the person signing the report, the person signing is authorized to do so, and the person signing the report acknowledges that empty beverage container material imported into California is ineligible for refund value and other recycling program payments; and

(C) The date the report was signed.

(b) Persons importing empty beverage container material shall provide to the person taking delivery of the material copies of the proof of inspection and the Imported Material Report with the appropriate sections completed and the proper supporting documents attached for each load of imported empty beverage container material delivered in this State. The copies shall be provided at the time the material is delivered. The requirement to provide these records is in addition to the documentation requirements of any other laws applicable to the storage, transportation, delivery, sale, or transfer of the material.

(c) Persons receiving imported empty beverage container material shall, in the course of taking delivery of the material, complete all appropriate sections of the Imported Material Report that includes all of the following:

(1) The name, address, phone number, and other contact information of the person receiving the imported empty beverage container material; and

(2) Confirmation that the material is being delivered to the destination indicated on the Imported Material Report; and

(3) Confirmation that the material presented for delivery matches the description of the material on the Imported Material Report; and

(4) The printed name, title, and signature of the person accepting delivery of the material; and

(A) The signature block shall state that the information in the report is true and correct to the best knowledge of the person signing the report, the person signing is authorized to do so, and the person signing the report acknowledges that empty beverage container material imported into California is ineligible for refund value and other recycling program payments; and

(5) The date the report was signed by the person taking delivery.

Authority cited: Sections 14530.5(b), 14536, 14596 and 14599, Public Resources Code. Reference: Sections 14504, 14536.5, 14552, 14553, 14595, 14595.4, 14595.5, 14596 and 14597, Public Resources Code.

SUBCHAPTER 12. DOR Requirements

Section 2900. Determinations.

(b) (1) Notice of redemption payment or refund value. The ~~Division~~ department shall provide notice of any change pursuant to ~~Section~~ section 14560 of the Act to the redemption payment or refund value per container, by material type, as follows.

~~(1)~~ (A) Timing: Notice shall be given no less than 30 days prior to the effective date of the change.

~~(2)~~ (B) Recipients: Notice shall be mailed to the last known addresses of the following parties:

~~(A)~~ (i) Persons certified pursuant to subchapter 2 ~~of these regulations~~.

~~(B)~~ (ii) Distributors having submitted a report to the ~~Division~~ department within the previous 6 months.

~~(C)~~ (iii) Persons requesting such notice in writing.

~~(3)~~ (C) Contents: The notice shall state the changed redemption payment and/or refund value by material type, and its effective date.

(2) All of the following are subject to a redemption payment and refund value in the amount of twenty-five cents (\$0.25):

(A) Bag in box.

(B) Multi-layer pouch.

(C) Plastic #1-7 pouch containing wine, distilled spirits, or wine and distilled spirit cooler.

(D) Paperboard carton.

Authority cited: Sections 14530.5~~(b)~~ and 14536, Public Resources Code. Reference: Sections 14551, 14553, 14560 and 14581, Public Resources Code.