

Regulations

Division of Recycling

Department of Resources Recycling and Recovery

California Code of Regulations

Title 14. Natural Resources
Division 2. Department of Conservation

Chapter 5: Division of Recycling

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State of California

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From its inception in 1986 through 2009, the Division of Recycling (DOR) was part of the Department of Conservation (DOC). (Stats. 1986, ch. 1290.) However, as of January 1, 2010, DOR was transferred from DOC to the new Department of Resources Recycling and Recovery (CalRecycle). (Stats. 2009, ch. 21 (SB 63, 2008-2009 Reg. Sess.), eff. Jan. 1, 2010.) CalRecycle succeeded to and is vested with all of the authority, duties, powers, purposes, responsibilities, and jurisdiction of the DOC in the performance of a function carrying out the Beverage Container Recycling and Litter Reduction Act. (Div. 12.1 of the Public Resources Code (commencing with § 14500).) (See Pub. Res. Code § 40401).

This publication has been prepared by CalRecycle and contains regulations implementing programs administered by its Division of Recycling. This revised edition contains regulations in effect on April 1, 2014, unless otherwise stated. While every effort has been made to ensure accuracy, any errors or omissions do not negate the rights and duties of program participants. In addition, this edition does not correct grammatical or typographical errors that appear in the regulations as adopted.

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CALIFORNIA CODE OF REGULATIONS

TITLE 14. NATURAL RESOURCES

DIVISION 2. DEPARTMENT OF CONSERVATION

CHAPTER 5. DIVISION OF RECYCLING

SUBCHAPTER 1. DEFINITIONS

§ 2000. DEFINITIONS.

(a) In addition to the definitions provided in the California Beverage Container Recycling and Litter Reduction Act, except for subdivisions (a)(3.1), (10), (20), (21), (35), (37), (38), (40) and

(42) below which modify definitions in the Act for purposes of these regulations, the following definitions shall apply whenever the terms are used in this chapter.

(1) "Act" means the California Beverage Container Recycling and Litter Reduction Act (Division 12.1 of the Public Resources Code).

(2) "Administrative Costs" means the cost of recordkeeping and accounting required of curbside programs, distributors, recycling centers and processors to comply with the requirements of the Act and these regulations.

(2.1) "Amended Processor Invoice" means an invoice submitted by a processor correcting an original report that has been processed and paid.

(2.2) "Amended Shipping Report" means a shipping report submitted by a processor correcting an original shipping report that has been processed and paid.

(2.5) "Alternative Methodology" means an individual commingled rate survey methodology, which either employs the Division's methodology with variations or creates a proposed methodology for the dropoff or collection, community service or curbside programs to arrive at an individual commingled rate.

(3) "Applicant" means the person(s) who has authority to legally bind the operator to a contract.

(3.1) "Beneficiating Processor" means any processor certified by the department who sells cullet to another certified processor or to a glass container manufacturer during the three months preceding the month in which scrap value data is reported to the Division and who beneficiates purchased cullet so that the cullet either:

(A) meets the American Society for Testing and Materials (ASTM) standard specification for waste glass as a raw material for the manufacture of glass containers [E708-79 (Reapproved 1988) Standard Specification for Waste Glass As A Raw Material For The Manufacture of Glass Containers. Current Edition Approved Nov. 30, 1979; published January 1980, see appendix A]; or

(B) is free from nonglass contaminants and non-container glass compositions, cleansed, crushed to size, free-flowing with minimum water content, absent of hazardous material residue and passes furnace ready sampling and testing methods of a purchasing glass container manufacturer.

(C) Notwithstanding the other provisions of this section, any certified processor shall not be considered a beneficiating processor if fifty percent (50%) or more of the cullet purchased by that processor during the survey month in which the scrap value data is reported was purchased as beneficiated cullet.

(3.2) "Beverage manufacturer" shall have the same definition as provided in Public Resources Code section 14506, and "any person ... who imports", as provided in that section, shall include, in the following order of preference:

(A) Any consignee of filled beverage containers brought into this State from without this State, when the filled beverage containers are for delivery, use, or sale within this State.

(B) Any person or entity to whom delivery is first made in this State of filled beverage containers brought into this State from without this State, when the filled beverage containers are for delivery, use, or sale within this State.

(C) Any person or entity bringing filled beverage containers into this State from without this State which are not consigned to any person, when the filled beverage containers are for delivery, use, or sale within this State.

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

(A) Aluminum empty beverage containers shall be deemed cancelled when such containers can no longer be physically reconstituted or distinguished as container units. Except as provided in section 2110(b), this may be accomplished by shredding or densification to thirty pounds per cubic foot or more.

(B) Glass empty beverage containers shall be deemed cancelled when such containers have been substantially cleaned of non-glass contaminants and they are crushed size in such a manner as to be acceptable without further processing by a willing user.

(C) Plastic empty beverage containers shall be deemed cancelled when the original form has been so altered as to make its reconstitution physically impossible.

(D) 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.

(E) Any empty beverage container shall be deemed cancelled when it is permanently exported from the State and export verified in accordance with subsections 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.

(F) 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 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.

(5) "Category" means the classification of operation, i.e., processor, recycling center, grandfathered recycling center, dropoff or collection program, or community service program.

(6) "Certificate" means the official document issued by the Division which identifies an operator of a recycling center, dropoff or collection program, community service program or processing facility as meeting the requirements for certification by the Division.

(7) "Certified" means an operator of a recycling center, dropoff or collection program, community service program or processing facility has met the minimum requirements established by the Division to receive the certificate defined in (6) above.

(8) "Certification Sign" means a sign or decal issued by the Division for display which identifies the operator of a recycling center as meeting the requirements for certification by the Division.

(9) "Clearly and Prominently" means that the redemption message is displayed so that it is easily found and read by consumers and recyclers. Each letter comprising the message is complete, legible, and cannot be readily obscured. Other factors include boldness, width, spacing, and location of lettering. The message must be distinguishable from refund messages of other states.

(9.5) "Close proximity" means the area within, or adjacent to, a convenience zone, as determined by the Division on a case-by-case basis considering geographic and demographic factors, and consumer convenience.

(10) "Commingled" means a mix of empty beverage containers and other containers of the same material type. Any broken glass empty beverage container(s) purchased from consumers, dropoff or collection programs, or community service programs shall be deemed commingled. Any broken or partial beverage container(s) or rejected, line breakage or out-of-state containers shall not be included when performing a survey methodology to arrive at an individual commingled rate or statewide average commingled rate. Dropoff or collection, curbside and community service programs' individual commingled rate shall be determined pursuant to subsection 2620 through 2645, 2660 through 2685, and 2720 through 2745, respectively. The statewide average commingled rates shall be determined by the Division pursuant to subsections 2900(a)(1)(B) and section 2930 of these regulations.

(11) "Community Service Program" means a program, certified by the Division, which does not pay a refund value and accepts or collects empty beverage containers at a specific location or locations and meets one of the following criteria:

(A) The program is organized under Section 501(c) or 501(d) of the Internal Revenue Code [26 U.S.C. 501(c) and 501(d)], or

(B) The program is a charitable group organized under Section 23701 of the California Revenue and Taxation Code, or

(C) The program is operated by, or caused to be operated by, a city, county or other public agency.

(11.1) "Consolidated Shipping Report" documents the delivery and receipt of material for processors or recycling centers that operate multiple recycling centers or receive material from dropoff or collection programs, community service programs, or curbside programs and is prepared pursuant to subsection 2090(f) of these regulations.

(12) "Contrasting Colors" as used in reference to the redemption message lettering means a clear differentiation in hue, value, and intensity with the background on which the redemption message appears, surrounding artwork, and other nearby printed information.

(13) "Days" means all calendar days unless provided otherwise.

(14) "Delivered" or "Delivery", as used in subchapters 5 & 6 of these regulations, means physically taking possession of the material.

(15) "Dual Certified Entity" means any person who is certified as a processor and also a recycling center at the same location as the processor.

(16) "Densification" means the process of compressing material for the purpose of increasing the weight to volume ratio.

(17) "Disposal Cost" means the transportation cost for hauling postfilled beverage container types to a state-permitted disposal site (landfill, incinerator, or other type of state-permitted site), plus the specified disposal fee.

(18) "Division" means the Division of Recycling, which is within the Department of Conservation.

(19) (Reserved)

(20) "Dropoff or Collection Program" means a recycling program which does not pay refund value and accepts or collects empty beverage containers, and which cannot qualify as a curbside program as defined in Section 14509.5 of the Act. "Dropoff or Collection Program" also means a program which separates recyclables from mixed municipal waste. "Dropoff or Collection Program" does not mean a program which accepts or collects recyclable materials which have already been separated from mixed municipal waste. Dropoff or Collection Program includes a Neighborhood Dropoff Program which meets all of the criteria in Section 14514.4.1 of the Act.

(21) "Empty Beverage Container" means a beverage container which meets all the requirements in Section 14512 of the Act except that such term does not include refillable beverage containers.

(22) "Exemption" means an exclusion to the requirement that a recycling center must be established in a convenience zone.

(22.5) "Exempt convenience zone" or "Exempt zone" means a convenience zone which has been granted an exemption pursuant to Section 14571.8 of the Act.

(23) "Exporting" means the act of sending a filled or unfilled empty beverage container or empty beverage container component permanently out of this State.

(24) "Facility" means a recycling or processing operation that has been built, installed or established to serve as a collection or processing point for redeemable beverage containers.

(25) "Grandfathered" is a term which refers to recycling centers that meet the requirements of section 2500(c) of these regulations.

(27) "Indelibly" means that the redemption message is permanently affixed on the beverage container from the point of purchase until the point of redemption and cannot be smeared or removed during regular use.

(27.1) "Individual Commingled Rate" means a commingled rate approved by the Division which is applicable to dropoff or collection, community service, or curbside programs, which have obtained prior approval from the Division.

(27.5) "Interested person" means a supermarket, dealer, certified recycling center, person with a pending certification application, located in or in close proximity to the zone under consideration for an exemption or revocation of an exemption, or a local government agency with jurisdiction over the area where the zone under consideration for an exemption or revocation is located.

(27.6) "Line Breakage," for purposes of these regulations, means preconsumer material that is recycled or disposed of by a container manufacturer, beverage manufacturer, distributor, or dealer.

(27.7) "Letter of Denial" (LED) means a notice sent to program participants denying requests to conduct an individual commingled rate survey or denying approval of an individual commingled rate, or revoking an individual commingled rate for reason(s) indicated in the LED.

(28) "Location" means the street address where the facility operates.

(29) "Location of End Use" means the place where beverage containers or materials are physically reconstituted for purposes other than sorting, shredding, stripping, compressing, storing, landfilling, disposing, or other activities which do not result in recycling.

(29.5) "Low volume" means an average monthly volume, as defined at Section 14503.5 of the Act, which is less than the statewide average monthly volume of recycling centers in convenience zones. Average monthly volumes shall be calculated annually and shall apply during the calendar year immediately following the calculation.

(30) "Material" means the physical substance used to manufacture a beverage container or food and drink package including, but not limited to, aluminum, bimetal, glass, and plastic.

(30.7) "Milk" means the lacteal secretion which is obtained from the udder of a cow or goat.

(31) "Minimum Lettering Size" is applicable to the height of all the letters in the redemption message.

(32) "Nonaffiliated seller" means any person who sells scrap beverage container material types to a certified processor and is neither owned nor managed in common

with such processor.

(32.4) "Notice of Denial" (NOD) means a notice sent to program participants denying requests for program payments, including handling fees, for reason(s) indicated on the notice. Handling fee notices will be sent for each denied site and will explain why the site was denied during a particular month.

(33) "Operator" means the person(s) or entity who has ultimate responsibility for a recycling facility, processing facility, dropoff or collection program, or community service program.

(34) "Person" means an individual, corporation, operation, or other entity, regardless of its form, subject to the Act.

(35) "Processor" means any person, including a scrap dealer, who purchases or offers to purchase empty beverage containers from more than one recycling center in this state and is responsible for canceling empty beverage container(s) in a manner prescribed in section 2000(a)(4) of these regulations.

(35.1) "Processor Invoice" means the report required in section 2425 of these regulations which the Department uses to determine payment to a certified processor.

(36) "Public Agency" means the city, county, district or other government entity which operates a curbside program or which has the authority to approve or acknowledge the operation of a curbside program.

(36.5) "Recycling Center" means those operations defined in Section 14520 of the Act and includes "Nonprofit Convenience Zone Recycler" as defined in Section 14514.7 of the Act and "Rural Region Recycler" as defined in Section 14525.5.1 of the Act.

(37) "Redeem" means to return an empty beverage container which bears the message as required in 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 which bears the message as required in Section 14561 of the Act and has an established refund value.

(39) "Redemption Weight" is the weight of empty California redemption-labeled beverage containers.

(40) "Refund Value" means, in addition to the definition provided in Section 14524 of the Act, any amount paid by a noncertified recycler, dropoff or collection program, or community service program, or any payments received by a noncertified recycler, in excess of:

(A) For aluminum, the scrap price as listed in the American Metal Market publication.

(B) For glass, plastic and bimetal, the portion of the processing payment which are the costs for the recycler, as determined by the Division pursuant to Section 14575 of the Act.

(41) "Rejected Container" means a California redemption-labeled beverage container, 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 in Section 14561 of the Act.

(41.05) "Representation of Materials" means a typical collection of commingled container materials, of the same material type, representing a ratio of empty beverage containers and all other containers collected by the program and surveyed by the operator to determine an individual commingled rate for dropoff or collection, community service, or curbside programs.

(41.1) "Rural Region" means a non-urban area identified by the Division on an annual basis using Farmers Home Administration criteria. Such criteria for area include, but are not limited to, places, open country, cities, towns, or census designated places with populations less than 10,000. Areas with populations between 10,000 and 50,000 may be designated as rural unless identified as part of, or associated with, urban areas, as determined by the Department on a case by case basis.

(41.2) "Scrap", for purposes of these regulations, is any recyclable container, including food or drink packaging material, other beverage containers, other nonredeemable containers, out-of-state beverage containers, line breakage or rejected containers, of the same material composition as redeemable containers covered by the Act.

(42) "Scrap Value" is the total net payment per ton to any nonaffiliated seller in each of the following categories: Certified recycling centers, dropoff or collection programs, community service programs, registered curbside programs, and certified processors, for container material types.

(43) "Segregated" means divided by material type and that such divided load consists of 100% California Refund Value material.

(44) "Shipping Report" is the documentation of the receipt of material by a processor, or by a recycling center from another recycling center, dropoff or collection program, community service program, or curbside program. The shipping report is the basis for payments by the Division pursuant to Section 14573 of the Act.

(45) "Shrinkage" means the reduced value due to contamination of empty beverage containers by dirt, moisture, or other foreign substances.

(45.5) "Signature" or "signed" means either of the following:

(A) An original handwritten signature; or

(B) An electronic signature. An electronic signature includes an electronic sound, symbol, or process attached to or logically associated with an electronic record, executed or adopted by a party with the intent to represent an original handwritten signature.

1. An electronic signature shall consist of a unique username and password or other security measures as required by the Division.

2. An electronic signature may not be denied legal effect, validity, or enforceability solely on the ground that it is electronic.

3. An electronic signature shall be binding on all persons and for all purposes under the law, as if the signature had been handwritten on an equivalent paper document.
- (46) "Size" means the capacity of the beverage container in fluid ounces.
- (47) "Statistical Sample" means an estimate with an 85% confidence level. (47.1) "Supplemental Processor Invoice" means:
- (A) A report to correct any shipping report(s) denied on the original processor invoice and/or
 - (B) A report to add any shipping report(s) to the original processor invoice for transactions that occurred within the same specific reporting period.
- (47.2) "Total Net Payment", as used in subparagraph (a)(42) of this section and section 2425, means the amount paid for the reported monthly weight after deductions (e.g., transportation service) and additions (e.g., freight allowance) pertinent to the specific sales transaction have been made. "Total net payment" includes positive, zero and negative dollar amounts, as applicable. This subsection is not intended to relieve a processor of its obligation to pay refund value, administrative and processing payments pursuant to Sections 14539(b)(3) of the Act and sections 2400 and 2430 of this chapter.
- (47.3) "Urban Area" means an area identified by the Division on an annual basis using Farmers Home Administration criteria. Such criteria for area include, but are not limited to, densely settled areas of continuous residential development with minimum population of 50,000. Areas with populations less than 50,000 and greater than 10,000 may be designated as urban unless identified as part of, or associated with, rural areas, as determined by the Department on a case by case basis.
- (47.5) "Vegetable juice" means one hundred percent vegetable juice as described in 21 CFR 102.33.
- (48) "Working Days" means all days except Saturdays, Sundays, and official California State Holidays.
- (49) "Zonemate" means a supermarket which lies within the boundaries of a convenience zone other than the one that it creates.

Authority: Sections 14530.5(b), 14536(b), 14536.1 and 14599, Public Resources Code.

Reference: Sections 14500, 14501(f), 14503, 14503.6, 14504, 14505, 14506.5, 14509.5(b), 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(a), 14537, 14538, 14539, 14550, 14552, 14561, 14571.2, 14571.8(b), 14572, 14573, 14573.5,

14573.51, 14574, and 14575(a) and (b), Public Resources Code.

SUBCHAPTER 2. GENERAL REQUIREMENTS

Article 1. Certification Application Procedures

§ 2010. APPLICANT QUALIFICATIONS.

(a) Any operator of a recycling center, a dropoff or collection program, community service program or a processing facility shall be eligible to apply for certification in the respective category from the Division.

(b) A processor shall meet the requirements and be certified to operate a recycling center in order to receive any payments from the Division for beverage containers purchased by the processor directly from consumers.

(c) Operators certified by the Division must establish and maintain an office in California where records and reports meeting the requirements of Article 3 of subchapter 5 and Article 3 of subchapter 6 of these regulations will be stored and available for inspection at the request of the Division. The office shall be identified on the application for certification as the business address of the operator.

(d) For purposes of Articles 1 and 2 of this subchapter, a new applicant means an applicant, as defined in Section 2000(a)(3) of these regulations, who is not currently certified, and is applying for certification to operate a recycling center or processing facility.

(1) A new applicant shall complete the precertification training and obtain a passing score on the precertification examination as specified in Section 2012(h)(5) of these regulations.

(2) Meeting the requirements of this subsection qualifies a new applicant to apply for certification but does not guarantee certification will be granted by the Division.

(e) For purposes of Articles 1 and 2 of this subchapter, a renewal applicant means an applicant, as defined in Section 2000(a)(3) of these regulations, who is the operator of the recycling center or processing facility, applying for renewal of certification.

(1) A renewal applicant shall complete the precertification training and obtain a passing score on the precertification examination as specified in Section 2012(h)(5) of these regulations.

(2) Meeting the requirements of this subsection qualifies a renewal applicant to apply for certification but does not guarantee certification will be granted by the Division.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14511.7, 14538, 14539, 14540 and 14553(b), Public Resources Code.

§ 2012. PRECERTIFICATION TRAINING AND EXAMINATION.

(a) New applicants shall complete the precertification training and obtain a passing score on the precertification examination as specified in Section 2012(h)(5) of these regulations.

New applicants shall complete the precertification training prior to taking the precertification examination.

(b) Renewal applicants who do not possess a valid application voucher, as described in subsections

(l) and (m) of this section, shall complete the precertification training and obtain a passing score on the precertification examination as specified in Section 2012(h)(5) of these regulations. Renewal applicants shall complete the precertification training prior to taking the precertification examination.

(c) Applicants must pre-register for the precertification training and examination no less than five (5) business days prior to the day of the precertification training and examination. Class size may be limited and placement in the selected precertification training and examination class is not guaranteed. Priority will be given to renewal applicants who require a new application voucher to submit their certification renewal application.

(d) The precertification training and examination is open to persons who do not possess an application voucher and to renewal applicants whose application voucher will expire on a date no more than six (6) months from the date of the precertification training.

(e) The precertification training and examination participant shall provide the following information on the day of the precertification training and examination:

- (1) A valid Driver License or Identification Card issued by the State of California, or a United States federal or state government issued photo identification;
- (2) Legal name which must match the photo identification card provided in (1) above;
- (3) Date of birth;
- (4) Federal Tax Identification Number (also known as an Employer Identification Number) or Social Security Number;
- (5) Residential address;
- (6) Mailing address if different from (5) above;
- (7) Contact information including the home phone, mobile phone, and e-mail address;
- (8) The name, if any, of the organization(s) with which the participant is affiliated;
- (9) Website address.

(f) [Reserved]

(g) Precertification training and examinations may be held in various locations in California on a monthly basis or more or less frequently as the need dictates. Precertification training and examinations may be cancelled if five (5) business days prior to a scheduled training class there is not a minimum of five registered participants.

(h) The precertification examination will be administered by Division staff.

- (1) The precertification examination will be a timed examination consisting entirely of a written test.

- (2) Each precertification examination participant must complete their own examination.
- (3) Each precertification examination participant shall sign an agreement to keep the examination material confidential.
- (4) A precertification examination participant may be disqualified from the examination if Division staff find cause before, during, or after the examination. Grounds for disqualification include but are not limited to:
 - (A) Providing false identification or information;
 - (B) Removing examination documents from the examination room;
 - (C) Obtaining assistance during the examination from outside sources;
 - (D) Leaving the examination room during the examination.
- (5) In order to receive a passing score, the precertification examination participant must score at least eighty percent (80%) on the precertification examination.
 - (i) The Division shall issue confirmation of completion of the precertification training and examination within ten (10) working days of completion of the precertification and examination, including notification of whether or not the participant passed the precertification examination.
 - (j) Should a precertification examination participant fail to receive a passing score, the participant may retake the precertification examination at a later date, with or without taking the precertification training again, if less than six (6) months have passed since the participant completed the precertification training. When retaking the examination, the participant shall provide the information requested in sections 2012(e)(1) and 2012(e)(2) of this section. If more than six (6) months have passed since the participant completed the precertification training, the participant must complete the precertification training again prior to taking the precertification examination. Participants are allowed to take the precertification training and examination a maximum of three (3) times in a twelve (12) month period.
 - (k) The Division will issue an application voucher to precertification training and examination participants who complete the precertification training and, no more than six (6) months from the date of the precertification training, obtain a passing score on the precertification examination. The date the participant completed the precertification training will be the effective date of the application voucher.
- (l) New applicants shall submit a valid application voucher with the certification application. Renewal applicants shall submit with the renewal application a valid application voucher that expires on or after the expiration date of the certification being renewed.
 - (1) Notwithstanding subsection (3) of this section, new application vouchers shall expire five (5) years from the date the precertification training was completed.
 - (2) Notwithstanding section 2012 (j) of these regulations, application vouchers may be renewed by completing the precertification training and obtaining a passing score on the precertification examination as specified in Section 2012(h)(5) of these regulations.

Notwithstanding subsection

(3) of this section, renewed application vouchers will expire five (5) years from the expiration date of the previous application voucher as long the name of the person and the operator associated with the application voucher remain the same.

(3) The Division shall deem an application voucher to be invalid six (6) months from the effective date of the application voucher if the person named on the voucher has not used the voucher to apply for and obtain certification.

(m) The certified operator of the recycling center or processing facility must possess a valid application voucher.

(1) The application voucher is valid only for the person named on the application voucher in association with the certified operator and cannot be used in association with another operator;

(2) Should the person named on the application voucher become disassociated with the certified operator named on the certification application, the application voucher becomes invalid as of the date of the disassociation and the operator must obtain a new application voucher no more than ninety (90) calendar days from that date;

(3) The application voucher may be declared invalid by the Division if the certification is revoked.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14538, 14539, 14541, and 14553(a), Public Resources Code.

§ 2015. FILING OF APPLICATIONS FOR CERTIFICATION.

(a) Applications for certification, on a form(s) provided by the Division, shall be accepted and reviewed on a continuous basis as received.

(b) A separate, complete application shall be submitted to request certification to operate each recycling center, dropoff or collection program, community service program and processing facility.

(c) New applicants, as described in Section 2010(d) of these regulations, shall provide all of the following with their certification application:

(1) Federal Tax Identification Number (also known as an Employer Identification Number) or Social Security Number;

(2) Facility Address;

(3) A valid application voucher; and

(4) A completed and signed Readiness Plan as described in Section 2045(d) of these regulations.

(d) Certification applications, submitted by new applicants, that do not meet the requirements in subsection (c) above, shall not be accepted by the Division for review.

(e) Renewal applicants, as described in Section 2010(e) of these regulations shall provide all of the following with their certification application:

- (1) Federal Tax Identification Number (also known as an Employer Identification Number) or Social Security Number;
- (2) Facility Address;
- (3) A valid application voucher that expires on or after the expiration date of the certification being renewed; and
- (4) A completed and signed Readiness Plan as described in Section 2045(d) of these regulations.

(f) Certification applications submitted by renewal applicants that do not meet the requirements in subsection (e) above may not be accepted by the Division for review.

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

§ 2020. MULTIPLE CONVENIENCE ZONES OR MULTIPLE LOCATIONS.

(a) The Division shall accept a single application for an individual recycling center to redeem empty beverage containers in more than one convenience zone only if the convenience zones overlap and the recycling center is located in the overlapped area of the convenience zones.

(b) The Division shall accept multiple applications from an individual operator of a recycling center or a processing facility requesting certification at more than one location.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Section 14538, Public Resources Code.

§ 2025. CERTIFICATION OUTSIDE CONVENIENCE ZONES.

(a) Certification of an operator of a recycling center shall not require that the recycling center be located within a designated convenience zone.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Section 14538, Public Resources Code.

§ 2030. REVIEW OF APPLICATIONS.

(a) All applications for certification shall be reviewed by the Division for compliance with these regulations.

(b) The Division shall assess the readiness of all new applicant(s) and periodically conduct field investigations to verify the accuracy of information contained in the certification application and explain program requirements.

(c) The Division shall notify the applicant in writing within thirty (30) working days of receipt of the application, or receipt of additional information if the application was initially incomplete, that it is either:

- (1) Complete and accepted for further review, or
- (2) Incomplete and the reasons for the incompleteness.

- (d) Upon determining that an application is complete, the Division shall notify the applicant in writing within sixty (60) calendar days that such application is either:
- (1) Approved,
 - (2) Approved with a probationary status, or
 - (3) Denied and the reasons for denial.
- (e) In determining whether the operator is likely to operate in accordance with these regulations, the Division shall review the certification history of the operator and other individuals identified in the application as responsible for the recycling center, processing facility, dropoff or collection program, or community service program operation.
- (f) The Division shall review its records to determine whether one or more certified entities have operated within the past five years at the same location that is the subject of an application for certification of a recycling center or processor. If one or more entities have operated at the same location, the Division shall review the certification history of the entity or entities certified at the same location within the past five years and determine whether the operations at the location exhibit, to the Division's satisfaction, a pattern of operation in compliance with the requirements of the California Beverage Container Recycling and Litter Reduction Act, including all relevant regulations adopted thereunder.
- (g) Reasons for denial of applications may include, but shall not be limited to, any of the following:
- (1) Failure to provide information or documentation to complete the application as stipulated in section 2045 and 2055 of these regulations;
 - (2) The operator is unwilling to accept and redeem all beverage container types;
 - (3) The recycling center operator does not agree to be open for business at least thirty (30) hours per week, five (5) of which are other than from 9 a.m. to 5 p.m. on Monday through Friday;
 - (4) The operator's certification history demonstrates outstanding fines, penalties, or audit findings;
 - (5) The operator's certification history discloses decertification of a recycling center, processing facility, dropoff or collection program, or community service program within the past two-year period;
 - (6) The operator's certification history demonstrates a pattern of operation in conflict with the requirements of the California Beverage Container Recycling and Litter Reduction Act, including all relevant regulations adopted thereunder; or
 - (7) For applications for certification of recycling centers or processors, the certification history of one or more entities certified at the same location within the past five years fails to demonstrate to the Division's satisfaction a pattern of operation in compliance with the requirements of the California Beverage Container Recycling and Litter Reduction Act, including all relevant regulations adopted thereunder.
 - (8) The renewal applicant does not possess a valid application voucher that expires on or after the expiration date of the certification being renewed.
- (h) Notwithstanding paragraph (3) of subsection (g) above, the Division may allow the

applicant to operate less than 30 hours per week if all of the following conditions are met:

- (1) the recycling center will be located in a designated rural region; and
- (2) the recycling center will not be located within a convenience zone; and,
- (3) the proposed operating hours will not significantly decrease the ability of consumers to conveniently return beverage containers for the refund value to a certified recycling center redeeming all material types.

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

§ 2035. WITHDRAWAL OF APPLICATIONS.

- (a) An applicant shall have the right to withdraw an application from review by the Division. Such withdrawal shall be requested in writing and submitted to the Division.
- (b) A withdrawal of application shall not prohibit the operator of a recycling center, dropoff or collection program, community service program or processing facility from reapplying at a later date.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14511.7, 14538 and 14539, Public Resources Code.

§ 2040. SUBMISSION OF NEW APPLICATIONS.

(a) The occurrence of any one of the following conditions shall require an operator to file a new application with the Division in accordance with section 2045 or section 2055 of these regulations:

- (1) A change in the location of the recycling center or processing facility; or
- (2) A change in the operator of the recycling center, dropoff or collection program, community service program or processing facility; or
- (3) A change in category as defined in section 2000(a)(5) of these regulations; or
- (4) With the exception of an operator who is currently operating under a probationary certification, expiration of the certificate; or
- (5) A change in the type of organization operating the certified entity.

(b) A new application shall be submitted ninety (90) calendar days prior to the occurrence of any of the conditions in subsection (a), above.

(c) If a new application is not received by the Division on or before the expiration date of the certificate, the existing certificate shall expire and the operator shall not be eligible for any refund value, administrative fees, processing payments or handling fees from the date of expiration until a new application is approved. The Division shall review all new applications for renewal of certification in the same manner as initial applications.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14511.7, 14518.5, 14538, 14539 and 14541, Public Resources Code.

Article 2. Content of Certification Applications

§ 2045. APPLICATIONS FOR RECYCLING CENTERS AND PROCESSORS.

(a) To be considered complete, applications (see Figures 1, 2, 3, and 4) shall contain the following information:

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

provide a copy of the Articles of Organization and Statement of Information as filed with the Secretary of State, any operating agreement, any fictitious business name statement, and the agent for service of process.

(H) If the organization is a limited liability company from a state other than California, the applicant shall provide a copy of their certificate from the California Secretary of State authorizing the LLC to transact business in California.

- (4) The federal identification number (employer ID number) of the organization.
- (5) A history of past and pending certifications requested from the Division.
- (6) The name, address, and phone number (if applicable) of the recycling center, or processing facility.
- (7) The physical location of the facility in relation to the nearest cross street.
- (8) The name, address and phone number of the owner or leaseholder, if applicable, of the facility premises.
 - (A) If the applicant owns the property, a current mortgage statement or a current taxbill which specifically identifies the organization name and the facility location.
 - (B) If applicant is leasing, renting, or operating on donated space, a signed copy of a current lease, rental agreement or written permission from the property owner or leaseholder who has authority to determine use of the specific property shall be provided.
 - (C) If the applicant purchased the recycling center or processing facility business, the name of the person(s) from whom it was purchased.
- (9) Processors shall provide the actual days and hours open for business if a regular schedule is maintained or, if a regular schedule is not maintained, processors shall indicate that they transact business by appointment only. This is for informational purposes only and does not subject processors to the fine and penalty provisions of the Act.
- (10) Recycling centers shall provide the actual days and hours open for business.
 - (A) For recycling centers which are staffed, "actual days and hours open for business" shall be those days and hours where staff are scheduled to be present and do not include lunch breaks.
 - (B) For recycling centers which consist of reverse vending machines, "actual days and hours open for business" shall include all of the following:
 1. The days and hours when the machine is scheduled to be in operation, and
 2. The days and hours when beverage containers which are odd-sized or made from materials other than aluminum, glass and plastic will be redeemed, and
 3. The days and hours when any beverage containers not accepted by the reverse vending machine will be redeemed by the hostdealer.

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

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

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

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

- (A) Convenience to the public,
- (B) Volume of containers sold, and
- (C) Size and shape of containers.

(15) For processors, the type(s) of beverage container which will be accepted.

(16) Processors shall describe which of the acceptable methods prescribed in section 2000(a)(4) of these regulations will be used to cancel redeemable beverage containers.

(17) The name, residence address, including city and zip code, and residence phone number of the applicant. Programs operated by limited liability companies, corporations or governmental agencies are exempt from this provision.

(18) For an organization seeking certification of a recycling center located on federal land, a written authorization from an authorized agent of the federal government which will allow inspectors from the Division to enter the federal property for the purposes of conducting audits and unannounced inspections of the recycling center, pursuant to section 2125 of these regulations.

(19) For organizations requesting certification to operate a grandfathered facility, evidence that the recycling center was in operation on January 1, 1986, and the types of beverage containers accepted on that date.

(20) The application voucher number and the name of the person on the application voucher.

(b) The application shall be submitted on a form entitled, "Certification Application, Recycling Centers and Processors," provided by the Division and signed by the applicant under penalty of perjury. The signature block shall contain an affidavit that the information in the application is true and that the organization agrees to operate in compliance with the Act and these regulations.

(1) If the organization is a partnership, the application shall be signed by each partner.

(2) If the organization is a firm, association, corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the individual with authority to legally bind said entity to a contract.

(3) If the organization is owned by a married couple, the application shall be signed by each spouse.

(4) If the organization is a limited liability company, the application shall be signed by a managing member, Executive Officer, or other designated member with the authority to legally bind the limited liability company to a contract.

(5) The applicant shall provide a valid Driver License or Identification Card issued by the State of California, or a United States federal or state government issued photo identification of the applicant for identification purposes.

(6) The applicant shall provide the following:

(A) Registry ID, issued by the Division, of the applicant;

(B) Date of birth of the applicant;

(C) E-mail address of the applicant;

(D) Mobile phone number of the applicant;

(E) The application voucher number and the name of the person on the application voucher.

(c) An organization seeking certification to operate a recycling center as a nonprofit convenience zone recycler shall provide written documentation showing that its organization was established under Section 501(c) or 501(d) of Title 26 of the United States Code.

(d) The applicant shall prepare and submit with the certification application a Readiness Plan which shall demonstrate the applicant's ability to meet the conditions necessary to successfully operate a recycling center or processing facility.

(1) The applicant shall demonstrate preparedness in the following areas of responsibility and provide any applicable dollar amounts or information. The Readiness Plan shall contain at a minimum the following information:

(A) Projected startup costs for expenditures such as local government permit fees and licenses, land, construction, and initial operating costs;

(B) Projected monthly expenses for expenditures such as labor, taxes and fees, equipment and capital, and overhead;

(C) Projected monthly revenues for earnings such as sale of scrap, payments from processors in addition to CRV payments, or potential grants; and

(D) Projected financing to operate successfully including sufficient cash flow to cover costs during slower business cycles.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14514.7, 14515.6, 14538, 14539, 14540 and 14571(a), (b) and (d), Public Resources Code.

§ 2055. APPLICATIONS FOR DROPOFF OR COLLECTION PROGRAMS AND COMMUNITY SERVICE PROGRAMS.

(a) To be considered complete, applications (See Figures 5, 6 and 7) shall contain the following information:

- (1) The contact person, title, organization name, business address, mailing address and daytime telephone number of the person, association, corporation, church, club or other organization requesting certification.
- (2) The type of organization which is requesting certification.
 - (A) If the organization is an individual doing or proposing to do business under a different name, the applicant shall provide a copy of any fictitious business name statement.
 - (B) If the organization is a partnership, the applicant shall provide a copy of the current partnership agreement and any fictitious business name statement.
 - (C) If the organization is a corporation, the applicant shall provide the corporate number and Articles of Incorporation and name and position of all current corporate officers, as filed with the Secretary of State, any fictitious business name statement, and the agent for service of process.
 - (D) If the organization is a corporation from a state other than California, the applicant shall provide a copy of the approved certificate from the California Secretary of State qualifying and authorizing the corporation to transact business in California.
 - (E) If the organization is a husband and wife co-ownership, the applicant shall provide both names and any fictitious business name statement.
 - (F) If the organization is a local government agency, the applicant shall provide a copy of the authorizing resolution from the governing board.
 - (G) If the organization is a limited liability company (LLC), the applicant shall provide a copy of the Articles of Organization and Statement of Information as filed with the Secretary of State, the operating agreement, any fictitious business name statement, and the agent for service of process.
 - (H) If the organization is a limited liability company from a state other than California, the applicant shall provide a copy of their certificate from the California Secretary of State authorizing the LLC to transact business in California.
- (3) The federal identification number (employer ID number) of the organization.
- (4) A history of past and pending certifications requested from the Division.
- (5) The name of the program, if different from the organization name (i.e., association, corporation, church, club or other organization).
- (6) The types of empty beverage containers collected or accepted.
- (7) A description of the recycling program demonstrating that it meets the criteria for a dropoff or collection program as defined in section 2000(a)(20) or a community service program as defined in section 2000(a)(11) of these regulations.
- (8) If seeking certification as a neighborhood dropoff program, the applicant shall so state.

(9) If the program separates beverage containers from mixed municipal waste, a copy of the current permit or formal acknowledgment from the local government agency.

(10) The number and location of any dropoff sites.

(11) If applicable, the business name, address, contact person's name and telephone number of three (3) bars, restaurants, hotels or motels, or other commercial or industrial establishments, from which the organization collects empty beverage containers.

(12) The name, residence address, including city and zip code, and residence phone number of the applicant. Programs operated by limited liability companies, corporations or governmental agencies are exempt from this provision.

(13) The application shall be submitted on a form entitled, "Certification Application, Dropoff or Collection Programs and Community Service Programs," provided by the Division and signed by the applicant under penalty of perjury.

(A) The signature block shall contain an affidavit that the information in the application is true and that the organization agrees to operate in compliance with the Act and these regulations.

(B) If the organization is a partnership, the application shall be signed by each partner.

(C) If the organization is a firm, association, corporation, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the individual with authority to legally bind said entity to a contract.

(D) If the organization is a husband and wife co-ownership, the application shall be signed by both the husband and wife.

(E) If the organization is a limited liability company, the application shall be signed by a managing member, Executive Officer, or other designated member with the authority to legally bind the limited liability company to a contract.

(F) The applicant shall provide the vehicle license number and driver license number of the applicant for identification purposes.

(14) For an organization seeking certification of a dropoff or collection program located on federal land, a written authorization from an authorized agent of the federal government which will allow inspectors from the Division to enter the federal property for the purpose of conducting audits and unannounced inspections of the dropoff or collection program, pursuant to section 2125 of these regulations.

(b) An organization seeking certification as a neighborhood dropoff program shall provide:

(1) An area map noting the dropoff locations included in the program; and

(2) The specific address of each dropoff location included in the program.

Article 3. Certification Requirements

§ 2060. CERTIFICATION REQUIRED.

(a) With the exception of section 2060(b), the certificate shall be kept on file at the recycling and/or processing facility. An operator may request that the certificate be kept on file at another location, and the Division shall grant approval of such request when the request is submitted in writing and the following conditions are met:

(1) A facsimile of the certificate with a statement indicating where the original certificate is maintained is kept on file at the recycling and/or processing facility, and

(2) The original certificate is maintained at the main business office of the operator where records and reports meeting the requirements of Article 3 of subchapter 5 and Article 3 of subchapter 6 of these regulations are maintained.

(b) The certificate issued to the operator of a reverse vending machine, dropoff or collection program, or community service program shall be kept on file at the main business office of the operator where records and reports meeting the requirements of Article 3 of subchapter 5 and Article 3 of subchapter 6 of these regulations are maintained.

(c) With the exception of probationary certificates and certificates whose term is otherwise limited by law, the certificate for recycling centers and processors shall be valid for five (5) years and the certificate for dropoff or collection programs and community service programs shall be valid for two (2) years from the date the certification application is approved by the Division, or until such time as it is surrendered by the operator, or suspended or revoked by the Division.

(d) The certificate is neither transferrable nor assignable to any other person, company, processor, recycling center, dropoff or collection program, community service program or other entity.

(e) The certificate is issued to a specific operator of a recycling center or processing facility for a specific category of certification for a specific location. The certificate issued to a dropoff or collection program or community service program is issued to the operator for a specific category.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14511.7, 14538 and 14539, Public Resources Code.

§ 2065. POSTING OF CERTIFICATION.

(a) The certification sign provided by the Division shall be prominently displayed where it can be viewed by customers approaching the recycling center.

(b) The certification sign may be posted at a location which varies from the provisions of this section if requested in writing and approved in writing by the Division.

(c) The certificate or certification sign shall not be displayed by any person, company, processor, recycling center, dropoff or collection program, community service program or other entity not approved for certification by the Division. Dropoff or collection programs or community service programs, and processors are not required to post a certification sign.

(d) The certificate is the property of the Division and shall be returned to the Division upon decertification, revocation of certification, invalidation of certification or expiration of certification.

(e) The certification sign is the property of the Division and, at the request of the Division, this sign shall be returned to the Division upon decertification, revocation of certification, invalidation of certification or expiration of certification. Certification decals are exempt from this provision.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14511.7, 14538 and 14539, Public Resources Code.

Article 4. General Accounting Requirements

§ 2070. APPLICABILITY.

To the extent that a person performs the functions of more than one entity (such as beverage manufacturer and distributor or recycling center and processor) governed by these regulations, such person shall separately comply with the applicable subchapter and article for each function. The provisions of this article apply to every person subject to regulation under the Act, including but not limited to container manufacturers, beverage manufacturers, distributors, recycling centers, and processors, unless specifically stated otherwise.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14530.5 and 14536, Public Resources Code.

§ 2075. EXAMINATIONS.

(a) The Division or persons authorized by it shall conduct examinations of curbside programs, recycling centers, processors, beverage manufacturers, distributors, and any other person subject to audit or examination pursuant to the Act. Nothing herein shall limit the authority of the Division pursuant to the Act to audit, examine, review, inspect, or otherwise determine the compliance of any person with the Act or this Chapter.

(b) An examination is a review, of any books, records, accounts, or on-site operations, for the purpose of determining compliance with the Act or this Chapter. Such reviews may include observation and inspection of transactions, verification of measurements, counts, weights or statistics, or other examination procedures regarding payments, transfers or other activities related to the Act. Nothing herein shall in any way limit the Division's ability to carry out its responsibilities pursuant to the Act.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14537, 14541(c), 14549.1, 14552, and 14553(b), Public Resources Code.

§ 2080. PROPRIETARY AND OTHER RECORDS EXEMPT FROM DISCLOSURE.

(a) All information obtained by the Division pursuant to this Chapter may be disclosed to the public upon request unless the information is exempt from such disclosure pursuant to the Act, the Public Records Act, or other applicable law. Information exempt from public disclosure includes, but is not limited to, proprietary information concerning specific sales or purchases; market reports; personal financial data; or other information as permitted by Section 6255 of the Public Records Act (Government Code Section 6255).

(b) Upon receipt of a written request for records pertaining to information obtained by the Division pursuant to this Chapter, the Division shall determine whether the requested information may be exempt from disclosure. The Division shall notify the requesting party of its determination within 10 days of the receipt of the written request as required by the Public Records Act (Government Code Section 6256). If the Division determines that the information is not exempt from disclosure, it shall promptly provide it to the requesting party in accordance with the procedures of the Public Records Act.

(c) This subsection does not preclude the Department from compiling aggregate information for use in a final public document.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Section 14551(b), Public Resources Code; Sections 6250 - 6267, Government Code.

§ 2085. RECORDS.

Any records which persons are required to maintain pursuant to these regulations shall be kept in accordance with the following provisions:

(a) Location of Records.

(1) Records of certified recycling centers and certified processors shall be kept at the business address identified in the application for certification pursuant to section 2045(a)(2) or (a)(6) of these regulations. Records may be moved to and kept at a different location if notice is given to the Division pursuant to subsection (3) below.

(2) Container manufacturers in this state, beverage manufacturers in this state, and distributors shall give the Division notice of the location of their records on or before October 1, 1987.

Notice of any change in location, or intent to establish a new location of such records, shall be provided pursuant to subsection (3) below.

(3) Notice shall mean written notice stating the full name of the person; certification number where applicable; complete present and future addresses of the location of the records, and name and phone number of the individuals responsible for such records. Such notice shall be submitted no less than 10 days prior to any change in location or establishment of a new location.

(4) Records of dropoff or collection programs and community service programs shall be kept at the business address identified in the application for certification pursuant to section 2055(a)(1) of these regulations. Records may be moved to and kept at a different location, if notice is given to the Division pursuant to subsection (3) above.

(5) Records of persons importing empty beverage container material, as defined in section 2830 of these regulations, shall be kept at the address of the person preparing the report that is provided in the signature section of the Imported Material Report pursuant to 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 pursuant to subsection (3) above.

(b) Record Retention Period. Records shall be maintained for at least five years following their preparation.

(c) Suitability for Examination. Any receipt or log records that certified recycling centers other than reverse vending machines are required to maintain pursuant to this chapter shall be original receipt or log records. All records maintained pursuant to this chapter shall be suitable for examination.

All records suitable for examination shall be prepared and retained in accordance with all of the following conditions:

(1) records must be legible;

(2) records must be stored at the address identified by the certified operator pursuant to subsection (a)(1), (3) or (4) above;

(3) records must be stored in a secured area where the records are protected from debris, moisture, contamination, hazardous waste, fire and theft;

(4) records shall not be stored in an unprotected area, stored in an outside location, stored in a motor vehicle or stored in a location where the records are likely to become contaminated, damaged or stolen.

(d) If the Department determines that records do not meet the conditions in Section 2085(c), the Department may take disciplinary action against the certificate holder pursuant to Section 14591.2(c) of the Act.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14537,

14538, 14539, 14552, 14595, and 14596, Public Resources Code.

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§ 2090. REPORTS, NOTICES AND CLAIMS SUBMITTED TO THE DIVISION.

(a) Except where specifically provided otherwise, any reports, notices, claims, and applicable supporting data prepared pursuant to this chapter shall be prepared and submitted in the form designated by the Division. All information shall be accurate and complete. Only reports, notices,

and claims in such form and bearing an original signature pursuant to subsection 2090(d)(4) shall be acceptable. The Division shall provide reporting forms to any person upon request.

(b) In lieu of submitting information on paper forms provided by the Division, program participants may file designated reports, notices, claims, and other documents electronically with the Division, where the Division has prescribed a form and manner for electronic submission of the document.

(1) Electronic filings may only be submitted through a process made available by the Division.

(2) Notwithstanding any other law, any electronically filed report, notice, claim, or other document shall be deemed to be a valid, original document, including reproductions of the document made by the Division onto paper or other media.

(3) Nothing in this subsection shall obviate compliance with recordkeeping and record retention provisions required by these regulations.

(c) When using paper forms, all reports, notices, claims, and all applicable supporting data shall be accurate, complete, and typed or legibly handwritten in English using permanent ink. Errors shall be voided only by using a single line through the error. Correction fluid, correction tape or erasures shall not be used for correcting errors on any documentation required by or submitted to the Division.

(d) All reports and claims to support payments to or from the Division shall contain all of the following information:

(1) The full name, address, and identification number of the entity preparing the report; and

(A) For recycling centers, dropoff or collection programs, community service programs and processors, the identification number shall be the certification number designated by the Division.

(B) For all other persons, the identification number shall be the Seller's Permit Number as designated by the state pursuant to Revenue and Taxation Code Sections 6066 and 6067.

(C) If an entity preparing the report has no certification number or Seller's Permit Number, an identification number shall be obtained from the Division upon written request.

(2) The name and phone number of a contact person for purposes of the report; and

(3) The reporting period and date of preparation of the report; and

(4) The signature and title of the representative of the entity authorized to prepare the report. The signature block shall state that the information in the report or claim is correct to the best knowledge of the person submitting the report or claim; and

(5) The date and place of the signing of the claim or report.

(e) Failure to comply with any provision of this section, or other reporting requirements of this chapter, shall be grounds for the Division to reject or deny the report, notice or claim or take disciplinary action against the certificate holder pursuant to Section 14591.2(c) of the Act. Any such rejection shall not extend any applicable time period.

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RECYCLING

Authority Sections: 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14511.7, 14518.5, 14538,

14539, 14541, 14549.1, 14550, 14551, 14552 and 14553, Public Resources Code; Sections 6066 and 6067, Revenue and Taxation Code.

§ 2095. PAYMENTS.

Payments to consumers shall be in cash or by check or by voucher, which is immediately redeemable for cash. All financial transactions shall be reported and recorded in currency of the United States of America ("dollars"). Where the actual transaction is made in foreign currency it shall be converted to dollars for reporting and recording at the prevailing exchange rate at the time of the payment. All payments to the Division shall be in dollars and made by either check, draft, money order or cashier's check payable to the State of California, Department of Conservation.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14553, 14574 and 14575 Public Resources Code.

§ 2100. PENALTIES AND INTEREST CHARGES.

(a) For violations of subchapters 1, 6, 7 and 9 and sections 2010, 2015, 2020, 2025, 2030, 2035, 2040, 2045, 2050, 2055, 2060, 2065, 2125, 2130, 2400, 2405, 2415, 2420, 2425, 2430 of Chapter 5, Division 2, Title 14 of the California Code of Regulations, and Sections 14560.5(a), 14561(c), 14561(d), 14570, 14571.6 and 14572 of the Act, the Division shall issue a Notice of Violation. The Notice of Violation shall be issued to a responsible party (i.e., the manager or other person in authority) at the site of the violation and shall contain the information in subsections (1) and (4) below. A copy shall be served upon the legal owner of the entity, (respondent), within ten (10) working days. The Notice of Violation served upon the legal owner shall contain all of the following:

- (1) A brief statement of the violation(s) alleged.
- (2) A statement to the effect that the respondent has the right to a formal hearing, upon request, at which they may be represented by counsel.
- (3) A statement that the respondent's right to a hearing will be deemed waived if respondent fails to respond in writing within 15 days from the date service of the Notice of Violation was received by the respondent, or respondent's agent for service, stating that he/she wishes to assert that right and that, in the event of such failure to respond, the Department may assess the maximum civil penalty permitted by law without a hearing.
- (4) A sworn statement, signed by the Division inspector issuing the violation(s), verifying the acts or omissions which form the basis of the violation(s).

(b) For civil penalties sought by the Department pursuant to Sections 14591.1, 14591.2, 14593, or 14594 of the Act, the Division shall provide for notice and a hearing regarding such penalties in accordance with the provisions of Chapter 5 of the Administrative Procedure Act (Government Code Section 11500 et seq.); except that notice for violations of the Act, and the regulations enacted thereunder, enumerated in subdivision (a) shall be effected pursuant to the procedures in subdivision (a).

(c) Interest shall accrue from the date the payment was due.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14591.1, 14591.2, 14593 and 14594, Public Resources Code; Section 11500 et seq., Government Code.

§ 2105. PERSONS CERTIFIED AS BOTH PROCESSORS AND RECYCLING CENTERS (DUAL CERTIFIED ENTITIES).

(a) All persons certified as both a processor and a recycling center ("dual certified entities") shall receive material from other recycling centers, curbside programs, dropoff or collection programs and community service programs as a processor. All receipts or reports of such transactions requiring the certification number shall be filled out with the processor certification number.

(b) For the purpose of complying with section 2420(b) of these regulations, a dual certified entity may summarize the total weight purchased at its recycling center for each shipping report period and record the information in the received weight section of the shipping report (DR-6 (11/05)). If this method is used, the dual certified entity shall use its daily summaries to summarize the total refund value from each reporting period and record that information on the DR-6. The total redemption weight will then be calculated, based on the refund value, and recorded on the DR-6. Out-of-state material, rejected material, and line-breakage material shall not be included in the summarized received weight.

(c) For the purpose of complying with section 2425(d) of these regulations, a dual certified entity may prepare more than one shipping report (DR-6 (11/05)) for transfers of material between its recycling center and its processor for each processor reporting period. If refund values, processing fees, administrative fees, or if any rate changes during a processor reporting period, a separate shipping (DR-6 (11/05)) report shall be prepared for each rate or fee change within that processor reporting period. The received date recorded on each shipping report shall be the last day of the receipt and log period.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14540, 14549.1, 14572 and 14573.5, Public Resources Code.

§ 2110. CANCELED MATERIALS AND REJECTED CONTAINERS.

(a) Except as specified in subsection (b) of this section, no person shall pay or receive a refund value, processing payment, administrative fee, handling fee or other payment mandated by the Act or this chapter for any material that has been canceled, any rejected containers, or any line breakage containers.

(b) The Division shall pay applicable payments or fees to a processor for material canceled by the processor and reported pursuant to section 2425 of these regulations.

(1) A processor may issue a written authorization, for a period not to exceed one year, to a recycling center or another processor to cancel material.

(2) The processor shall submit a copy of the authorization in (b)(1) above to the Division at least 12 days prior to its effective date. The Division shall modify the beginning or ending dates, if the authorization is not submitted 12 days prior to its effective date or exceeds the one-year limitation in 2110(b)(1) above. The Division shall have the authority to deny the authorization and must notify the parties of such denial, in writing, prior to the date the authorization would have become effective. If the Division does not deny the authorization, in writing, prior to the effective date the

authorization shall be deemed approved.

(A) The Division may deny an authorization to cancel only upon the grounds enumerated as follows:

1. If aluminum beverage containers, the recycling center or another processor does not have the capability to shred the material or densify the material to at least 15 pounds per cubic foot.

2. If, for any beverage container type, the recycling center or another processor has been found to be in violation of sections 14538(b) or 14539(b) of the Act within the prior two year period of the requested date of the authorization to cancel and the violation(s) has (have) not been corrected.

(3) Notwithstanding (1), above, a processor shall not issue an authorization to a recycling center or another processor to cancel aluminum beverage containers unless such recycling center or processor either shreds the material or densifies the material to no less than 15 pounds per cubic foot prior to cancellation by shipment to a location of end use or shipment out-of-state and the processor has verified that the recycling center or processor has the equipment to densify, or shred, and that the equipment is properly functioning at the time the authorization is given.

(4) The authorization in (b)(1) above shall contain all of the following information:

(A) The dates during which it shall be in effect.

(B) The certification numbers of both the recycling center or other processor and the authorizing processor.

(C) The material type which the recycling center or other processor is being authorized to cancel and the method of cancellation.

(D) The manufacturer and model number of the equipment being utilized to cancel the material, if applicable, and the manner by which the processor verified that the equipment is properly functioning.

(5) The Division shall have the authority to immediately revoke, effective upon written notification to both parties, any authorization to cancel aluminum beverage containers if the authorized recycling center or other processor is no longer capable of shredding or densifying to at least 15 pounds per cubic foot, or does not do so.

(6) The Division shall have the authority to immediately revoke, effective upon written notification to both parties, an authorization to cancel for any beverage container type, if the recycling center or other processor is found to be in violation of sections 14538(b) or 14539(b) of the Act.

(7) Notwithstanding section 2000(a)(4), material disposed of pursuant to section 2410 shall be deemed canceled.

(c) For material not physically delivered to a processor pursuant to this section and section 2430(a)(3) of these regulations for which the processor paid, or will pay, the refund value, the Division shall have the authority to inspect the load or loads of material, and examine the records pertaining to such loads, at the location of end use

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or any other location where the material was physically delivered.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14518, 14518.5, 14538,

14539, 14552.51, 14553, 14573 and 14573.5, Public Resources Code.

§ 2115. COMPUTATION OF TIME AND WEIGHT.

(a) Time shall be computed or determined in accordance with California Code of Civil Procedure Section 12.

(b) Weight shall be measured, recorded and reported in short tons, pounds and fractions thereof. All weighing in this state shall be done on a scale or other device approved, tested and sealed in accordance with Division 5 of the Business and Professions Code (Weights and Measures) and any applicable regulations thereunder.

(c) For redemption of empty beverage containers by count, weight shall be determined and noticed as provided in subchapter 12 of these regulations.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14551(b) and 14552, Public Resources Code.

§ 2120. DATES.

(a) The date of any sale or transfer of material shall be deemed to be the date of delivery to the person receiving it.

(b) Reports, complaints, notices and other information submitted to the Division shall be deemed to be submitted on the date of the postmark or the date received by the Division, whichever is earlier.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14551(b) and 14552, Public Resources Code.

Article 5. Administrative Actions

§ 2125. INSPECTION AUTHORITY.

(a) An applicant, certified operator, or curbside program shall provide access to the operator's facility or program to staff authorized by the Division for any one or all of the following purposes:

- (1) To determine compliance with the Division's regulations and with the provisions of the Act, or
- (2) To determine the accuracy of the information provided in the application for certification, or
- (3) To determine the accuracy of the information provided in the application for curbside registration, or
- (4) For the investigation of complaints related to compliance with the Division's regulations and with the provisions of the Act, or
- (5) To obtain allowable cost survey data required for the Division to carry out its responsibilities pursuant to Sections 14575 and 14585 of the Act, or
- (6) To inspect all records, required by section 2420(h), upon which the scrap value surveys are based.

(b) Failure to submit to inspections described in subsection (a) above shall result in either:

- (1) Denial of an application if the application is pending, or
- (2) Revocation of a certification, or registration, or
- (3) Suspension of a certification, or registration.
- (4) Imposition of civil penalties pursuant to Section 14591.1 of the Act.

Authority: Section 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14537, 14538, 14539, 14540, 14549.1, 14575, and 14585 Public Resources Code.

§ 2130. HEARINGS.

(a) Notice shall be given to the operator of record pursuant to Chapter 5 (Administrative Adjudication) of Division 3 of Title 2 of the Government Code, commencing with Section 11500, of the Division's intent to hold adjudication proceedings to consider any or all of the following:

- (1) Revocation of a certificate;
- (2) Suspension of a certificate;
- (3) Nonrenewal of a certificate; or
- (4) Imposition of civil penalties on the certificate holder.

(b) Hearings concerning proceedings in (a) above shall be held in accordance with the provisions of Chapter 5 (Administrative Adjudication) of Division 3 of Title 2 of the Government Code, commencing with Section 11500.

(c) Upon receiving notification of the Division's decision denying a certification application or notification to revoke a certificate issued to a dropoff or collection program or community service program, the operator shall have the right to request a hearing with the Department of Conservation.

(1) The operator shall submit directly to the director of the Department of Conservation, within ten (10) calendar days of receipt of the notification from the Division, a written request for a hearing. Such request shall include, at a minimum, all of the following:

- (A) The operator's name, mailing address, and daytime telephone number; and
- (B) The requested certification category, as defined in section 2000(a)(5) of these regulations, or current certification number; and
- (C) The facility name and street address, if applicable; and
- (D) The date on the notification from the Division and the stated reasons for denial or revocation; and
- (E) A clear and concise statement of the basis for objecting to denial of the certification application or revocation of the certificate.

(2) The director of the Department of Conservation shall schedule the

hearing within twenty (20) working days of receipt of the written request for a hearing.

(3) The director shall make a determination to sustain or reverse the Division's denial of a certification application or revocation of a certificate issued to a dropoff or collection program or community service program based on the Division's preliminary review findings and any additional information submitted at the time of the hearing by the operator.

(4) The operator shall be notified of the determination by the director in writing within seven (7) working days from the date the hearing is conducted.

Authority: Section 14536, Public Resources Code. Reference: Sections 14511.7, 14538, 14539, 14541 and 14591, Public Resources Code; Sections 11500-11528, Government Code.

§ 2135. UNFAIR AND PREDATORY PRICING.

(a) Complaints submitted pursuant to Section 14588.2 of the Act shall be filed on the Predatory Pricing Complaint Form, DOR 51 (Rev. 01/02) and shall contain all of the following information:

(1) The complainant's name, address, telephone number, facility or business name, and certification number. The complainant shall meet the requirements of Section 2000(a)(36.5) of these regulations.

(2) The name and address and, if known, the telephone number, certification number, and the owner/representative of the supermarket site recycling center alleged to have engaged in unfair and predatory pricing (hereinafter "respondent").

(3) A summary of the facts and allegations which form the basis of the complaint, including, but not limited to, all of the following:

(A) The date on which the alleged unfair and predatory pricing took place.

(B) The type of beverage container(s) in question.

(C) The amount paid for the beverage containers in question.

(4) A statement declaring the truth of the information and allegations contained in the complaint and the complainant's dated signature, signed under penalty of perjury.

(b) A complaint must be submitted within 60 days of the alleged occurrence that forms the basis of the complaint.

(c) A complaint will be deemed "received" by the Division, within the meaning of Section 14588.2 of the Act, only if it is submitted on the form prescribed by the Division and is determined by the Division to be complete.

(1) To be complete, a complaint shall contain all of the information required in subsection (a) above and shall comply with the requirements of Section 14588.2(a) of the Act.

(2) Once a complaint is deemed received, the Division shall mail copies of the received complaint to the complainant and the respondent. Each copy shall be

clearly marked with the date that the complaint was deemed received.

(3) Upon notification by the Division that a complaint is incomplete pursuant to paragraph (c)(1) above, the complainant shall have ten calendar days in which to provide the information needed to complete the complaint. Any complaint that remains incomplete for more than ten calendar days after the complainant has been notified shall be rejected by the Division and may not be resubmitted by the complainant.

(d) The subject of a complaint submitted pursuant to Section 14588.1 of the Act must be a supermarket site that receives handling fees.

(1) A supermarket site is a "supermarket site that receives handling fees", as that term is used in Section 14588.1, if the Division determines that a handling fee payment was disbursed to the supermarket site within sixty days before the date of the alleged unfair and predatory pricing.

(2) A complaint will be deficient on its face and rejected without further investigation, if the Division determines that the condition described in paragraph (d)(1) has not been satisfied.

(e) Upon the Division's receipt of a completed complaint regarding a supermarket site that receives handling fees, the Division shall conduct an audit as required by Section 14588.2 of the Act. The Division may conduct field visits and inspect recycler records in conducting the audit.

(1) The Division shall audit a three-day period, including the date of the alleged occurrence, the day before the alleged occurrence, and the day after the alleged occurrence.

(A) No later than five days after being notified of the Division's audit, each recycling center subject to the audit shall provide the Division with the records necessary to complete the audit. The necessary records include, but are not limited to, receipts, logs, and daily summaries. The records may be submitted to the Division via mail or facsimile, or made available to Division staff conducting a field visit to the recycling center.

(B) A recycling center's failure to provide timely or accurate information pursuant to paragraph (e)(1)(A) above is grounds for discipline pursuant to Sections 14591.1 and 14591.2 of the Act.

(2) The Division shall use the data compiled pursuant to paragraph (e)(1)(A) to calculate the average scrap value paid per pound by specified recycling centers.

(3) For the purposes of this section, "average scrap value paid" is the per pound average paid by all specified recycling centers over the three-day period in question, for the material or materials listed in the complaint, exclusive of the refund value. This is calculated by dividing the total amount paid for all audited transactions (\$sum) less the total refund value paid for all audited transactions (CRV sum) by the total weight purchased for all audited transactions (#sum) as follows:

$$\frac{\$sum - CRV sum}{paid \# sum} = average scrap value$$

(4) Per Section 14588.1(b) of the Act, and for purposes of this section, "specified recycling centers" are those that did not receive handling fees in three or more of the 12 whole months immediately preceding the date of the alleged violation.

(5) The audit will be limited to recycling centers located within either a five-mile or a ten-mile radius of the respondent as specified by Section 14588.1(a)(2) of the Act.

(f) Upon completing the audit required in Section 14588.2 of the Act, the Director, or the Director's designee, shall determine whether there is probable cause to believe that the respondent has engaged in unfair and predatory pricing.

(1) If the Director/designee determines that such probable cause exists, the Department shall convene an informal hearing pursuant to subsection (c) of Section 14588.2. The informal hearing shall be conducted pursuant to Chapter 4.5 (commencing with Section 11445.10) of Part 1 of Division 3 of Title 2 of the Government Code.

(2) If the Director/designee determines that probable cause does not exist, the Division shall notify both the complainant and the respondent of this finding and the complaint shall be dismissed pursuant to paragraph (c)(5)(A) of Section 14588.2 of the Act. The Division shall also resume payment of handling fees to the respondent, including payment of handling fees withheld pending resolution of the pending complaint, if the respondent is otherwise eligible to receive those handling fees.

Authority: 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14588, 14588.1, 14588.2, 14591.1 and 14591.2 Public Resources Code.

SUBCHAPTER 3. MANUFACTURERS

Article 1. Labeling

§ 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 in Section 14561 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) A currently registered beverage manufacturer may choose to submit to the Division, any product label or the beverage container for review and approval. However, should the Division 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) 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) by painting, printing, scratch embossing, raised letter embossing, or permanent ink jetting, in the specific manner indicated in paragraphs (1), (2), (3) or (4):

(1) Metal containers, excluding metal bottles, shall be marked on the top end of the container in minimum lettering size at least 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 1/8 inch in height.

(A) 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:

(A) Along the bottom edge of the container body label in minimum lettering size at least 3/16 inch in height;

(B) On or in a secondary label in minimum lettering size at least 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) Metal bottles shall be marked on the side of the bottle in minimum lettering size at least 3/16 inch in height.

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

Article 2. Accounting and Reporting Requirements for Container Manufacturers

§ 2220. APPLICABILITY.

In addition to the general requirements of subchapter 2 of these regulations, container manufacturers in this state shall comply with the provisions of this article. Persons other than container manufacturers in this state need not comply with this article.

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

§ 2225. RECORDKEEPING.

A container manufacturer shall maintain records of any recycling, processing, or other transfer of containers rejected and any payments therefor. These records shall include receipts from the recycling center, processor, or other recipient. Such receipts shall be signed by the recycling center, processor, or other recipient and shall state the weight by material type of rejected containers and any payments made or credit granted therefor. Such records shall be maintained in accordance with the general requirements set forth in section 2085 of subchapter 2 of these regulations.

Authority: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14541(d), 14552 and 14575, Public Resources Code.

Article 3. Registration, Accounting and Reporting Requirements for Beverage Manufacturers

§ 2230. APPLICABILITY.

(a) Except where other persons are responsible as provided in subsections (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) 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 sell or transfer filled beverage containers to California 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.

(c) A beverage manufacturer shall notify the Division in writing if another entity has agreed

to report and make payments on the beverage manufacturer's behalf. The beverage manufacturer shall submit to the Division 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 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 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 .
- (d) By June 30 of each year, a beverage manufacturer shall provide the Division a listing of all entities with which the beverage manufacturer has entered into an agreement, pursuant to subsection (c).
- (e) A beverage manufacturer shall apprise the Division of any changes to the information provided pursuant to Section 2231 within twenty (20) working days of that change.
- (f) Nothing in this article shall be construed to require the Division to transfer any of the responsibilities set forth in this article, nor shall the Division be prohibited from holding the in-state beverage manufacturer, distributor, dealer, and/or consumer liable for any due and unpaid processing fees.

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

§ 2231. REGISTRATION.

- (a) In order to meet the reporting and payment requirements pursuant to Sections 2240 and 2245 of these regulations, a beverage manufacturer shall register with the Division and receive a Beverage Manufacturer Identification Number issued by the Division.
- (b) A beverage manufacturer shall contact the Division prior to the initial sale or transfer of beverages, as defined by 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) Provide the Department of Alcoholic Beverage Control Certificate of Compliance Number, if an out-of-state beer or other malt beverage manufacturer;
 - (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.

§ 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) Canceled 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 pursuant to section 2240 of this subchapter, and proof of payment and receipts for processing fee payments made to the Division.

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

§ 2240. REPORTING.

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 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.

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

- (1) The beverage manufacturer's name, address, manufacturer identification number, contact person, and telephone number of contact person;
- (2) The reporting period;
- (3) 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;
- (4) The amount of the processing fee per beverage container and material type ("unit fee");
- (5) 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;
- (6) 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); and
- (7) The signature of an authorized representative and date signed.

(b) 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.

Authority: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14505, 14552 and 14575, Public Resources Code.

§ 2245. PAYMENTS.

(a) Each beverage manufacturer, except as provided in section 2230(b), shall pay to the Division all applicable processing fees for the beverage containers that the beverage manufacturer sells or transfers to the following entities located in California: distributors, dealers, or consumers.

(b) Calculation of payment. A beverage manufacturer shall pay to the Division for each month the processing fee reported for that month pursuant to section 2240(a).

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

SUBCHAPTER 4. DISTRIBUTORS

Article 1. Distributor Requirements

§ 2300. APPLICABILITY.

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 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 within twenty (20) working days of that change. The distributor shall provide the Division 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.

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

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

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

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

§ 2301. REGISTRATION.

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

(b) A distributor shall contact the Division prior to the initial sale or transfer of beverages, as defined by 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.

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

§ 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 all containers which bear the message as required in 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 all containers which bear the message as required in 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 all containers which bear the message as required in 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 all containers which bear the message as required in 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 all containers which bear the message as required in 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 refillable beverage containers and containers which bear the message as required in Section 14561 of the Act, were sold or transferred; and
- (3) The date(s) the beverage containers, including all the containers which bear the message as required in Section 14561 of the Act, and refillable beverage containers, were sold or transferred.

(c) The Distributor Report and Payments to the Division. 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.

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

§ 2310. REPORTING.

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

(1) In accordance with the requirements as set forth in Section 14574 of the Act, the Distributor Report for sales or transfer of beverage containers shall be submitted to the Division 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 all containers which bear the message as required in 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;

(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.

Authority: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14501, 14505, 14550 (b) and

(c), 14560, 14561, and 14574, Public Resources Code.

§ 2320. PAYMENTS.

(a) The distributor shall pay to the Division the total redemption payment for all beverage containers, including all containers which bear the message as required in Section 14561 of the Act, sold or transferred to dealers or consumers, less the administrative fee authorized in 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 calculates the redemption payment owed by the distributor to the Division.

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(b) Redemption Payments. The distributor shall compute total redemption payment, by material type, by multiplying the number of beverage containers, including all containers which bear the message as required in 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 which bear the message as required in Section 14561 of the Act.

(c) The redemption payment per container is determined by the Division 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 (b), shall equal the total redemption payment for the reporting period.

(e) Total Payment Due. The total payment due to the Division for each reporting period is calculated by subtracting the administrative fee computed pursuant to Section 14574 (a) of the Act from the total redemption payment computed pursuant to subsection (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 in accordance with the requirements set forth in Section 14574 of the Act.

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

14572.5 and 14574, Public Resources Code.

SUBCHAPTER 5. PROCESSORS

Article 1. Requirements for Processors

§ 2400. OPERATION STANDARDS.

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

- (1) Processors certified by the Division 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 Division.
- (2) The processor shall accept one or more type(s) of redeemable beverage container(s).
- (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 these regulations. Payments shall be made in accordance with section 2430 of these regulations.
- (4) Certified processors shall make payments and invoice the Division 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) of these regulations.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14539, 14573, 14573.5 and 14573.6 Public Resources Code.

§ 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.
- (b) 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.
- (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 in 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 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 in Section 14561 of the Act, must be excluded from the received weight of the load.

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

Article 2. Notification Requirements

§ 2405. NOTIFICATION REQUIREMENTS.

(a) Notwithstanding the requirements of section 2040 of these regulations, certified processors shall notify the Division in writing ten (10) calendar days prior to any of the following events:

- (1) Change of name under which the processing facility is doing business,
- (2) Change of business or mailing address or phone number of operator,
- (3) Separation from parent company, if applicable,
- (4) Merger with another company,
- (5) Dissolution of the organization type identified in the application for certification,
- (6) Change in the type of redeemable beverage containers accepted,
- (7) A change in the method a processor is using to cancel containers,
- (8) Any change in a processor's status as a beneficiator as defined in section 2000(a)(3.1) of these regulations and Section 14503.6 of the Act.
- (9) A change in the agent for service of process, if applicable,
- (10) Any change in hours of operation, as presented in the application for certification or subsequent notification to the Division, during which certified operators and curbside programs can deliver beverage containers to the processing facility. Processors who do not maintain regular hours are exempt from this subsection, and nothing in this subsection shall result in processors being subject to the fine and penalty provisions of the Act,
- (11) A change in the type of organization,
- (12) Change in the name of the contact person for the operator,
- (13) Change in corporate officers, if applicable,
- (14) Change in the name of organization,

- (15) Any change in business ownership.
- (b) A processor who intends to be decertified shall submit a written notification to the Division, which includes the proposed effective date.
- (c) Within five (5) calendar days of the date the processing facility began purchasing empty beverage containers, the operator of the processing facility shall notify the Division in writing of the actual date the processing facility began purchasing empty beverage containers by submitting the Operation Date Card. The Operation Date Card shall contain the date of operation and confirmation that the operator obtained all applicable local, county, state, and federal authorization, permits and licenses required for operation of the processing facility at that location. The Operation Date Card shall be signed by the operator under penalty of perjury.
- (d) Should the person named on the application voucher become disassociated with the operator of the processing facility, the operator shall notify the Division in writing, within ten (10) calendar days of the change.

Authority: Section 14536(b), Public Resources Code. Reference: Section 14503.6, 14539 and 14575, Public Resources Code.

§ 2410. NOTICE OF DISPOSAL.

- (a) Except as provided at Sections 14552.5 and 14552.51 of the Act, no processor shall dispose, have disposed, or authorize a recycling center operator to dispose of any empty beverage containers without written notice submitted to the Division at least ten days prior to disposal. For purposes of this section, disposal shall include burning, landfilling, or any other method of handling or processing material that is not consistent with recycling.
- (1) Such notice shall clearly identify the place of disposal.
 - (2) The notice shall state the weight of the material, by material type, to be disposed.
 - (3) The notice shall be signed by an authorized representative of the processor and state the date and place of the signing.
 - (4) The signature block shall state that the information in the notice is correct to the best knowledge of the person signing the notice.
 - (5) For a specific load, or loads, authorization to dispose granted to a recycling center operator shall satisfy the requirement for authorization to cancel, pursuant to section 2110 of these regulations.

Authority: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14501(h), 14518, 14519,

14538, 14539, 14552.5 and 14552.51, Public Resources Code.

Article 3. Accounting and Reporting Requirements

§ 2415. APPLICABILITY.

In addition to the general accounting requirements of subchapter 2, processors shall comply with the accounting and reporting provisions of this article. Persons other than processors need not comply with this article.

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

§ 2420. RECORDKEEPING.

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

(a) Shipping reports. Processors shall obtain shipping reports from each recycling center and also prepare shipping reports for material received from all other persons. Processors shall retain copies of all shipping reports.

(b) Weight tickets. Processors shall prepare and retain weight tickets indicating material and weight of individual loads of beverage containers by material type received from recycling centers and other persons. A copy of any weight ticket prepared pursuant to this section shall be provided to the shipper unless the receiving processor and the shipper are the same person and located at the same physical address or location.

(c) Processor reports to the Division. Processors shall retain copies of reports to the Division pursuant to section 2425 of these regulations.

(d) Verification of cancellation. Processors shall retain proof that the processor canceled or had canceled in accordance with section 2000(a)(4) of these regulations all empty beverage containers received. The verification shall include:

(1) For shipments by sea, the proof of cancellation by export from the state shall be the on-board bill of lading.

(2) For other shipments out of the State or to a location of end use, the proof of cancellation shall include a receipt issued by the person receiving the shipment and any applicable bill of lading.

(3) For other forms of cancellation defined in section 2000(a)(4) of these regulations, proof shall be a certification prepared in accordance with subsection 2090(d) of these regulations and signed by the person performing the cancellation. The certification shall identify the cancelled materials, the date of cancellation, and the method of cancellation, pursuant to subsections 2000(a)(4)(A), (B), (C), (D), (E) or (F) of these regulations.

(e) Records of processor to processor transactions. Processors shall prepare and retain a record of all exchanges of materials subject to the Act. Such records shall identify:

(1) The shipping processor and the receiving processor(s):

(2) The date of the shipment, material type, and the weight of the material; and

(3) The amount of mixed-color glass collected by curbside program(s).

(f) Notices of Disposal. Processors shall retain copies of written notices of disposal sent to the Division pursuant to section 2410 of these regulations.

(g) The processor shall prepare and retain a receipt setting forth the weight and type of material delivered to the processor and payment made or credit granted for all scrap transactions. In addition, the receipt shall indicate if the load consisted of rejected containers, line-breakage containers, or out-of-state beverage containers.

(h) Records of scrap value survey data. Processors shall maintain records to support all of the information provided to the Division on the Scrap Value Purchases Survey Form DOR – SV (10/00) required by Section 2425(f) of this subchapter.

Authority: Sections 14530.5, 14536, and 14536.1, Public Resources Code. Reference: Sections 14504, 14537,

14539, 14550, 14552, and 14575, Public Resources Code.

§ 2425. REPORTING.

The processor initially receiving material from recycling centers, curbside programs, dropoff or collection programs, or community service programs shall prepare and submit to the Division the report described in this section.

(a) The report, whether submitted electronically or by hardcopy, shall be submitted monthly or, at the option of the processor, up to thirty (30) times per calendar month. The reporting periods for the month must cover from the beginning to the end of the calendar month and not overlap any days.

(1) All reports shall be submitted no later than 30 days after the last day of the reporting period.

(2) Processors shall be allowed to submit no more than four supplemental processor invoices per material type, per original processor invoice, provided each is submitted no later than forty-five

(45) days from the following events:

(A) The due date of the original processor invoice that the supplemental processor invoice covers, if it is for new shipping reports not previously submitted with the original processor invoice being supplemented; or

(B) The date appearing on the Notice of Denial (NOD) if the reports were previously denied or if the reports are a combination of new shipping reports not previously submitted with the original processor invoice and previously denied shipping reports.

(3) Processors shall be allowed to submit multiple amended processor invoices per material type, per original processor invoice, provided each is submitted no later than thirty (30) days after the due date of the original processor invoice being amended.

(4) Nothing herein shall limit the Division's authority to accept an amended processor invoice.

(b) The report shall contain the following information, by material type, in addition to the

general requirements for reporting contained in section 2090 of these regulations.

(c) A summary of the processor's transactions during the period covered by the report, including all of the following information:

- (1) The total weight of all material, including empty beverage containers received by the processor; and
- (2) The total weight of empty beverage containers received, and the refund value, and applicable administrative and processing payments paid for such material by material type; and
- (3) Total payments requested from the Division for the period. These payments are computed as the sum of the total reported refund value paid, the administrative fees paid, and the processing payments paid.

(d) Each report shall also include copies of the shipping reports for the period of the report. The total number of shipping reports included shall be specified.

(e) Each report shall also contain a shipping report prepared by the processor for each shipment of materials received from any curbside program, dropoff or collection program, or community service program, and a shipping report for each shipment of materials received from a recycling center that has been prepared by the recycling center and completed by the processor. Each report shall include all of the following information:

- (1) The name and identification number or certification number, of the entity shipping the material to the processor; and
- (2) The name and the certification number of the processor receiving the material; and
- (3) The date the material was received and the material type covered by the report; and
- (4) The received weight, excluding line breakage, rejected containers, and out-of-state containers; and
- (5) The total weight of empty beverage containers purchased by the basis for the refund value payment (e.g. segregated and weighed; commingled and weighed, segregated and counted); and, for plastic, aluminum, and glass, collected by a curbside program, or a dropoff or collection program that meets the requirements of Section 2850, the registered curbside program or certified entity eligible for the quality incentive payment shall be identified as either the Shipper (S), or the Receiver (R) in the QIP (Quality Incentive Payment) Box.
- (6) The refund value paid; and
- (7) The total administrative fees paid, when applicable; and
- (8) The processing payments paid; and
- (9) The name and signature of the shipper or an authorized representative of the shipper and date signed; and
- (10) The weight ticket date and weight ticket number; and
- (11) The shrinkage deduction taken, if any; and

(12) The name and signature of an authorized representative of the processor and the date signed.

(f) Additionally, each certified processor shall submit a Scrap Value Purchases Survey Form DOR – SV (10/00) report for purchases of beverage container material types every month. The DOR – SV (10/00) Scrap Value Purchases Survey Form shall be submitted to the Division no later than the 10th day of the month following the month of the report. The DOR – SV (10/00) Scrap Value Purchases Survey Form must be submitted regardless of whether or not purchases occurred in the applicable time period. In addition to the general requirements for reporting contained in section 2090 of these regulations, the DOR – SV (10/00) Scrap Value Purchases Survey Form shall contain all of the following information, if applicable:

(1) The processor's name, address and certification number, physical address, including city, phone number and date prepared; and,

(2) The month covered by the report; and

(3) The total weight, in tons, of each beverage container material type purchased, even if zero, from nonaffiliated sellers, excluding beverage container material types received in a form mixed with other beverage material types or material types not covered by the Act, in each of the following categories: certified recycling centers, dropoff or collection programs, community service programs, processors, registered curbside programs, any certified and non-certified entities; in the case of glass, beneficiating and nonbeneficiating processors shall be reported separately; and,

(4) The total weight, in tons, of each beverage container material type received from affiliates and/or subsidiaries. Beverage container material that processors receive in a form mixed with other beverage container material types and/or material types not covered by the Act, whether from affiliates or nonaffiliates, shall be reported with the affiliated transaction after the material has been sorted and the received weight determined.

(5) The total net payment for the reported total monthly weight, in tons, for each beverage container material type purchased, by the reporting processor from nonaffiliated sellers in each of the categories listed in item 3 above; and

(6) For glass only, the monthly total weight, in tons, of purchased beverage container material types by color; and the monthly total weight of color sorted or mixed glass purchased from any non-affiliated beneficiating or nonbeneficiating processor; and

(7) For plastic, the monthly total weight in tons, of purchased beverage containers material types, by each plastic resin code type (1 through 7); and

(8) The printed name and signature of an authorized representative of the reporting processor.

(g) Processors purchasing materials directly from more than one curbside program, dropoff or collection program, or community service program may apply to the Division to request the use of alternative methods for preparing the corresponding shipping reports. The Division shall consider each proposed alternative method and issue a written approval or denial within forty-five (45) calendar days.

(1) In order for alternative methods to be accepted, they must be based on reasonable allocation methods.

(2) An application for an alternative allocation method shall be denied if:

(A) The received weight of the material purchased by an entity from the processor is not used to calculate allocations to the curbside programs, dropoff or collection programs, or community service programs; or

(B) The processor does not ensure that the weight of rejected containers, line breakage, and out-of-state containers is not included in the allocated weight (this does not require a physical separation); or

(C) The processor does not account for each incoming load of material; or

(D) The processor does not inspect incoming material to verify that it is eligible for refund value payments, as specified in section 2401.

(3) Processors may file a formal appeal by writing the Assistant Director for Recycling within thirty (30) calendar days after the receipt of a notice denying an application requesting an alternative method for shipping report preparation. Appeals submitted after this time period shall be rejected. All written appeals shall include:

(A) A copy of the notice denying the allocation method;

(B) A detailed explanation of why the determination was in error; and,

(C) Any other documentation that supports the appeal.

(4) A written decision on the appeal shall be sent to the processor within seven (7) calendar days of the receipt of the appeal.

(h) Processors purchasing commingled glass from a certified dropoff or collection program including a "waste reduction facility", a certified community service program, or a registered curbside program, shall visually inspect every load delivered to determine eligibility for refund value and the level of contamination in the load. If a load presented to a processor is eligible for refund value and has residual or other contamination, the processor shall reduce the load for shrinkage. If a load has a residual or other contamination level of greater than 10% by weight, and the load is otherwise eligible for refund value, the receiving processor shall request an alternative method of preparing the shipping report for payment. The Division shall consider each proposed alternative method and issue a written approval or denial within forty-five (45) calendar days.

(1) In order for the alternative method to be accepted, it must:

(A) Be based on a recycled glass cleaning process that produces cullet which meets the American Society for Testing and Materials standard specification for waste glass as a raw material for the manufacture of glass as specified in Section 2000(a)(3.1)(A).

(B) Clearly state:

1. That the received weight, for beverage container redemption purposes, shall be determined from the cullet produced in (A) above.

2. That the redemption weight shall be determined using the applicable commingled rates and the received weight from 1.
 3. That, if a sampling procedure will be used to determine the received weight of contaminated loads from each entity, the sampling procedure must be included with the request for an alternative method of preparing the shipping report.
- (2) An application for an alternate method will be denied if:
- (A) The total weight of all contaminated materials received at the facility is not recorded.
 - (B) All material received at this facility is not inspected for the presence of out-of-state, rejected, or line breakage containers and this weight excluded from shipping reports.
 - (C) Records accurately supporting both cullet sold and residual or contaminated material disposed of or used for an alternative market is not made available to Department staff upon request.
 - (D) The method does not clearly account for the weight of empty beverage containers for each certified dropoff or collection program including a "waste reduction facility", certified community service program, or registered curbside program from which the processor receives this material.
- (3) When used in this subsection, "waste reduction facility" means a dropoff or collection program certified by the Department, which separates beverage container material types from mixed waste.

Authority: Sections 14530.5, 14536, and 14536.1, Public Resources Code. Reference: Sections 14504, 14515.5,

14518.5, 14519.5, 14537, 14539, 14549.1, 14550, 14552, 14552.51, 14575 and 18015, Public Resources Code.

§ 2430. PAYMENTS.

(a) Payments to recycling centers.

- (1) Substantiation of payment. The processor shall weigh, and pursuant to section 2401, inspect all loads received from recycling centers before completing the receiver's section of the shipping reports. The processor shall do all of the following for materials received from recycling centers:
 - (A) Verify all calculations are accurate and that all other information shown on the shipping report, including signatures, are filled in.
 - (B) Record the received weight, excluding the weight of rejected containers, line breakage and out-of-state containers provided by the shipping recycler, onto the shipping report.
 - (C) Sign and date the shipping report to verify the receipt of the material as indicated on the report.
 - (D) Calculate the refund value payment. If the redemption weight does not exceed

the received weight by more than 2.5 percent, then the processor shall reimburse the recycler the refund value claimed. Otherwise, the processor shall multiply the received weight by the segregated rate per pound and record that amount as the refund value paid.

(E) Calculate the processing payment. If the redemption weight does not exceed the received weight by more than 2.5 percent, then the processor shall multiply the redemption weight claimed by the processing payment in effect on the date the material was received and pay that amount. Otherwise, the processor shall multiply the received weight by the processing payment in effect on the date the material was received and pay that amount.

(F) Calculate the administrative fee. The processor shall multiply the refund value paid from (D) by the administrative fee rate in effect on the date the material was received and pay that amount.

(2) In addition to the provisions of this section, processors shall not make any payments pursuant to the Act for materials which have not been delivered to the processor unless the following conditions are met:

(A) The shipper is a certified recycling center to which the processor has given authorization to cancel pursuant to section 2110 of these regulations; and

(B) The delivery to a location of end use and cancellation are verified in accordance with section 2420(d) of these regulations.

(3) In the case of processors that do not take delivery of the material, the weight shall mean the weight received by the entity to whom the material is physically delivered.

(4) In no case shall a processor make any payments pursuant to the Act for any material which the processor has rejected for any reason.

(b) Payments to curbside programs. Processors shall pay the refund value, administrative fees and any applicable processing payments for materials delivered to the processor from curbside programs. Processors shall adjust the refund value rate to account for shrinkage in the same manner as set forth in subsection 2535(e) of these regulations.

(1) Substantiation of payment. The processor shall compute the refund value, administrative fees and applicable processing payments based upon the materials delivered on the shipping report prepared pursuant to subsection 2425(c) of these regulations. The processor shall provide a duplicate copy of the shipping report to the shipper. Notwithstanding any other provision of this subchapter, curbside programs may not be paid at more than the applicable statewide average commingled rate, or the Division's approved individual commingled rate.

(2) Calculation of payment and fee.

(A) The processor shall pay based on the received weight of the material, excluding the weight of rejected, line breakage and out-of-state containers, multiplied by:

1. the statewide commingled rate, or the Division's approved individual commingled rate in effect on the date received; and

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2. the per pound processing payment in effect on the date received, when applicable.
- (B) In addition, administrative fees shall be calculated as three-fourths of one percent ($3/4\%$) of the total refund value.
- (c) Payments to dropoff or collection programs and community service programs. Processors shall adjust the refund value rate to account for shrinkage in the same manner as set forth in subsection 2535(e) of subchapter 6 of these regulations. Notwithstanding any other provision of this subchapter, dropoff or collection, and community service programs may not be paid at more than the applicable statewide average commingled rate, or the Division's approved individual commingled rate.
- (1) Substantiation of payment. Based upon materials received, the processor shall prepare a shipping report which states the refund value and applicable processing payments paid. The shipping report shall be prepared pursuant to subsection 2425(c) of these regulations. The processor shall provide a copy of the shipping report to the shipper.
 - (2) Calculation of payment and fee.
 - (A) The processor shall pay based on the received weight of the materials, excluding the weight of rejected, line breakage and out-of-state containers, multiplied by:
 1. the statewide commingled rate, or the Division's approved individual commingled rate in effect on the date received; and
 2. the per pound processing payment in effect on the date received, when applicable.
- (d) Payments for canceled material. The authorizing processor shall make payment in accordance with Section 14573.5 of the Act, to recycling centers for canceled material provided the material is shipped to the authorizing processor or to a location designated by the authorizing processor. For such transactions, program payments will be issued by the Division to processors issuing the written authorization to cancel. Program payments will not be issued by the Division to processors for loads for which they have received authorization to cancel.

Authority: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14518.5, 14539, 14552(a),

14572 and 14573.5, Public Resources Code.

SUBCHAPTER 6. RECYCLING CENTERS

Article 1. Requirements for Recycling Centers

§ 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 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.

(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, each certified recycling center shall be open for business during the following hours:

(A) At least thirty (30) hours per week, and

(B) At least five (5) hours per week shall be other than 9:00 a.m. to 5:00 p.m. on Monday through Friday; and

(C) Up to fifteen (15) hours each week shall be other than 9:00 a.m. to 5:00 p.m. on Monday through Friday if the Division, subsequent to a public hearing, determines that it is necessary to further the recycling goals specified in Section 14501 of the Act. In making its determination, the Division shall consider, but not be limited to, the following:

1. Convenience to the public,

2. Alternative recycling opportunities available to the public, and

3. If the Division has received three or more complaints against the certified recycling center regarding its operating hours outside of 9:00 a.m. to 5:00 p.m., Monday through Friday.

(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. 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 3/8 inch in height which informs the customer that all types of empty beverage containers will be accepted and redeemed at all open check-out stands, or exactly where on the property the customer may redeem the beverage containers.

(B) A person shall be present during the hours posted at the recycling center to inspect the empty beverage containers pursuant to Article 3 of this subchapter and pay customers the refund value.

(C) A sign shall be posted during the hours open for business at the designated area where the public may redeem beverage containers. The sign shall contain, at a minimum, the words "OPEN" and "RECYCLING CENTER." The word "OPEN" shall consist of lettering at least 10 inches in height. The words "RECYCLING CENTER" shall be on a separate line and consist of lettering at least 3 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 and in a conspicuous location which can be easily seen by the public:

(1) A legible sign indicating its hours of operation; and

(2) A refund price sign indicating the prices paid by weight or per container and by material type (i.e. aluminum, glass, plastic or bimetal). A refund price sign shall meet the following specifications:

(A) Dimensions. The sign shall be two feet by two feet (576 square inches).

(B) Content. In addition to the prices paid as required in subsection (e)(2) above, the sign shall contain, at a minimum, the statements as indicated in Figure 9. A

refund price sign varying from the specifications of this section may be posted if requested in writing and approved in writing by the Division.

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

(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:

(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 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.

(3) A sign which specifies the method approved by the Division 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 1/2 inch in height shall be posted which specifies that containers will be redeemed at all open cash registers or the sign must designate exactly where redemption will occur.

(A) If beverage containers are not redeemed at all open registers, a sign shall be posted where refund value payment occurs within the store. The sign shall contain, at a minimum, the words "Redeem CA beverage containers here", and consist of lettering at least 3 inches in height.

(g) The operator of a certified recycling center shall maintain records and submit reports regarding redemption activities in compliance with Article 3 of this subchapter.

(h) Notwithstanding section 2060(e) of these regulations, if all of the requirements of section 2525(k) are met, a certified recycling center may collect, and pay refund value for, empty beverage containers at a church, school, business where beverages are consumed, or other community service organization.

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

§ 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.

(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 14520.6 of the Act; and,

(B) The total refund value of material delivered by any one person per day does not exceed fifty (50) dollars (\$50.00); and,

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

(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 in 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 in 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 in 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: Sections 14530.5, 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14538, 14539,

14539.5, 14553, 14572(d)(2), 14595, 14595.4, 14595.5, 14596, and 14597, Public Resources Code.

§ 2505. NOTIFICATION REQUIREMENTS.

(a) Notwithstanding the requirements of section 2040 of these regulations, certified recycling centers shall notify the Division in writing ten (10) calendar days prior to any of the following events:

- (1) Change of name under which the recycling center is doing business,
- (2) Change of business address, mailing address or phone number of operator,
- (3) Separation from parent company, if applicable,
- (4) Merger with another company,
- (5) Discontinuance of operation,
- (6) Dissolution of the organization type identified in the application for certification,
- (7) Change in the type of redeemable beverage containers accepted,
- (8) Any change in the hours of operation as presented in the application for certification or by subsequent notification to the Division,
- (9) For recycling centers which consist of reverse vending machines, a change in the method approved by the Division for redeeming empty beverage containers which are odd-sized, made of materials other than aluminum, glass, and plastic, or otherwise not accepted by the reverse vending machine,
- (10) Change in the agent for service of process, if applicable,
- (11) Change in the type of organization,
- (12) Change in the name of the contact person for the operator,
- (13) Change in corporate officers, if applicable,
- (14) Change in the name of the organization,
- (15) Any change in business ownership.

(b) Within five (5) calendar days of the date the recycling center began redeeming empty beverage containers, the operator of the recycling center shall notify the Division in writing of the actual date the recycling center began redeeming by submitting the Operation Date Card. The Operation Date Card shall contain the date of operation and confirmation that

the operator obtained all applicable local, county, state, and federal authorization, permits and licenses required for operation of the recycling center at that location. The Operation Date Card shall be signed by the operator under penalty of perjury. Failure to do so or to provide an accurate date will result in denial of handling fee payments for the months the operator failed to notify, or provide an accurate date to, the Division.

(c) The operator of a supermarket site shall notify the Division in writing, within ten (10) working days, of the closure of the supermarket or dealer where the recycling center is located.

(d) The operator of a certified recycling center who intends to be decertified shall submit a written notification to the Division, which includes the proposed effective date.

(e) The operator of a supermarket site shall notify the Division in writing, within five (5) calendar days, if the recycling center is moved within the supermarket or dealer parking lot. Nothing in this section is intended to require a recycling center to report to the Division movement related to the emptying of recycling equipment.

(f) Should the person named on the application voucher become disassociated with the operator of a certified recycling center, the operator shall notify the Division in writing, within ten (10) calendar days of the change.

Authority: Section 14536(b), Public Resources Code. Reference: Section 14515.6, 14526.6, 14538, 14571(d), and 14585, Public Resources Code.

Article 2. Handling Fees

§ 2516. ELIGIBILITY CRITERIA.

(a) In addition to meeting the requirements of Section 14585 of the Act, a recycling center shall meet all of the following criteria for handling fees eligibility on the first day of the calendar month for which they are claimed. A recycling center must be:

(1) certified, operational, and accepting and paying refund value to consumers for all empty beverage container material types; and

(2) located within a convenience zone; and

(3) a "supermarket-site" recycling center as defined in Section 14526.6 of the Act, or a nonprofit convenience zone recycler as defined in Section 14514.7 of the Act, or a rural region recycler as defined in Section 14525.5.1 of the Act; and

(4) the only certified, non-grandfathered recycling center in the convenience zone.

(b) The Division shall inspect each supermarket site, nonprofit convenience zone recycler, or rural region recycler to determine whether such sites satisfy the requirements of this section.

(c) Commencing January 1, 1993, a recycling center, which locates within a convenience zone, thereby causing a preexisting recycling center to become ineligible to receive handling fees, shall never be eligible to receive handling fees in that convenience zone. Such ineligibility shall apply to the parent company, its subsidiaries and affiliates even if the preexisting recycling center ceases to operate within the convenience zone. Such

ineligibility shall also apply to the parent, the subsidiaries and the affiliates of any grandfathered recycling center which elects to begin accepting all material types.

(d) A rural region recycler may combine total monthly beverage container purchases from two or more of its convenience zone sites to establish eligibility for a single handling fee payment by submitting the following information monthly in writing:

- (1) The certification numbers and addresses of the locations where receipt and/or log transactions are to be combined;
- (2) The month and year of the transactions to be combined;
- (3) The company name, address, contact person and business phone number, signed and dated by the contact person.

(e) The additional information required in subsection (d) shall be submitted no later than the fifth day of the first month following the reporting month. A rural region recycler that fails to provide this information by the date specified in this subsection shall not be eligible for a single handling fee payment based on combined monthly beverage container purchases from two or more of its convenience zone sites.

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

Authority: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14513.4, 14514.7, 14525.5.1

14526.6, 14552, 14571.8(b), 14572 and 14585, Public Resources Code.

§ 2517. TERMINATION OF ELIGIBILITY.

(a) A recycling center's eligibility for handling fees shall terminate if that supermarket-site recycling center, nonprofit convenience zone recycler, or rural region recycler, fails to meet the criteria established in Section 2516 of this subchapter or any other criteria established in Section 14585 of the Act or if, commencing January 1, 1993:

- (1) Another recycling center certifies and begins operation, or a grandfathered recycling center amends their certification application to begin accepting all beverage container types, within the convenience zone in which a recycling center is eligible to receive handling fees. Eligibility will terminate sixty (60) days from the effective date of the second recycling center's certification and operational date; or,
- (2) The convenience zone served by a recycling center is deleted due to the closure of a supermarket, or exempted by the Department pursuant to Section 14571.8 of the Act, or the dealer where the supermarket site is located closes. Eligibility will terminate at the end of the month in which the supermarket or dealer closes or a convenience zone exemption is granted.

Authority: Section 14530.5 and 14536, Public Resources Code. Reference: 14513.4, 14525.5.1, 14526.6, 14552, 14571.8(b), 14572 and 14585, Public Resources Code.

§ 2518. CALCULATIONS AND PAYMENTS.

(a) The Division shall determine handling fee payments for a recycling center meeting the requirements of Section 14585 of the Act and Section 2516, above, based on data contained in the Handling Fee Application Form (Form DR-14 (1/00)) by performing the following calculations:

(1) The reported redemption weights shall be converted to number of empty beverage containers using the Division's statewide average containers-per-pound rate for each material type, and pursuant to Subsection 14585 (e) of the Act.

(2) The total number of empty beverage containers for the calendar month shall be calculated by summing the number of empty aluminum, glass, plastic and bimetal beverage containers. If the total number of empty beverage containers is less than the minimum number required by Section 14585(a)(2)(A) of the Act, the recycling center is not eligible for handling fees for that calendar month.

(3) The Division shall determine the number of empty beverage containers eligible for handling fees pursuant to Subsection 14585(a)(4) of the Act.

(4) On and after July 1, 2008, the Department shall pay a handling fee per eligible beverage container as determined by the handling fee cost survey required by Section 14585 (f) of the Act.

(b) Prior to release of handling fees for each month during which a recycling center is eligible, the Division may determine that such fees should be withheld for any of the following reasons:

(1) The Division has prevailed against the recycler in a civil or administrative action and money is owed to the Division as a result of the action.

(2) The Division determines, based on information contained in the shipping reports filed pursuant to Section 2530 of Article 3 of Subchapter 6, that the recycler has received handling fees for materials which were not redeemed for refund value and such discrepancies between reported redemption weights and shipping weights are more than two and one-half percent.

Authority: Section 14530.5, 14536 and 14552(e). Public Resources Code. Reference: Section 14504, 14526.6 and 14585, Public Resources Code.

§ 2519. HANDLING FEE APPEALS.

(a) Recycling centers may file a formal appeal by writing to the Division within thirty (30) calendar days of the warrant date of the payment or the date of the Notice of Denial (NOD). Appeals submitted after this time period will be rejected. All written appeals must include:

(1) A list of applicable certification numbers and corresponding facility addresses; and,

(2) the month(s) and year(s) in question; and,

(3) the canceled, original Form(s) DR-14 (1/00) and NOD(s), if this is an appeal of a denial; and,

- (4) a copy of the remittance advice, if this is an appeal of a payment determination; and,
- (5) a short explanation of why you believe the determination was in error; and,
- (6) any other documentation that supports your appeal.

(b) A decision on the appeal will be sent, in writing, within fifteen (15) working days of receipt of the appeal.

Authority: Section 14530.5 and 14536, Public Resources Code. Reference: Section 14526.6, 14585, Public Resources Code.

Article 3. Accounting and Reporting Requirements

§ 2520. APPLICABILITY.

In addition to the general accounting requirements of subchapter 2, recycling centers shall comply with the accounting and reporting provisions of this article.

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

§ 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 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. 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 2525(c) below, for all purchases or donations with a total refund value of less than one hundred dollars (\$100.00), the recycling center shall either prepare a receipt pursuant to subsection 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 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 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 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 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 (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 costs. 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 (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: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14537, 14538, 14552, 14575 and 14585, Public Resources Code.

§ 2530. REPORTING.

Recycling centers shall prepare and submit all of the following reports in accordance with the general requirements for reporting of section 2090 of these regulations.

(a) A shipping report for each delivery (of material subject to the Act) between:

(1) the recycling center and any other recycling center; or

(2) the recycling center and the processor; or

(3) the recycling center and a dropoff or collection program, community service program or curbside program, as provided in subdivision (f), below.

(b) The shipping recycling center shall indicate on the shipping report all information listed under subsection 2530(e)(1) through (6), provide the shipping report containing this information to the person receiving the shipment and shall retain a completed copy; the shipping report shall accompany the material shipped, except as noted in (1) below. For shipments to processors, the recycling center shall receive a copy of the completed shipping report from the processor upon payment, pursuant to section 2430(a)(1) of these regulations.

(1) In the case of glass, recyclers may add up the daily summaries until total weight is equal to received weight and claim the corresponding redemption weight and refund

value. In such cases, a shipping report need not accompany the load.

(c) The shipping report shall be based upon any receipts or log entries prepared pursuant to section 2525 above, or any shipping reports for material received by recycling centers from other recycling centers.

(d) Copies of any shipping reports for material received by a recycling center from other recycling centers, dropoff or collection programs, community service programs, or curbside programs, shall be appended to the shipping report prepared pursuant to this section.

(e) Except as provided for in subsection (f) below, a separate shipping report shall be prepared for each material type and shall include all of the following information:

(1) The name, address, and certification number of the recycling center shipping the material as well as the name and telephone number of a contact person; and

(2) The name and certification number of the recycling center or processor receiving the material; and

(3) The period and the material type covered by the report; and

(4) The following information based upon the information contained in the receipts and logs and the received shipping reports:

(A) Total weight of empty beverage containers purchased by basis for refund value payment (e.g. segregated and weighed, commingled and weighed, segregated and counted).

(B) The redemption weight of the material.

(C) The total refund value.

(5) The number of attached shipping reports which pertain to material included in the shipment.

(6) The printed name, title and signature of an authorized representative of the recycling center and the date signed.

(f) For material received by the recycling center from a dropoff or collection program, community service program or curbside program, the recycling center shall prepare a separate shipping report for each material type and provide a copy of the completed shipping report to the shipping dropoff or collection program, community service program or curbside program. Shipping reports prepared pursuant to this subsection shall contain all of the following information:

(1) The name, certification or identification number for the entity shipping the material, as well as the name and telephone number of a contact person; and

(2) The name and certification number of the recycling center receiving the material; and

(3) The date the material was received and the material type covered by the report; and

(4) The received weight, excluding rejected containers, line breakage, and out-of-state containers; and

(5) The refund value paid; and

(6) The name and signature of the shipper or an authorized representative of the shipper and the date signed; and

(7) The name and signature of an authorized representative of the recycling center and the date signed; and

(8) The weight ticket date and weight ticket number; and

(9) The shrinkage deduction taken, if any.

(10) The redemption weight; and, for plastic, aluminum, and glass, collected by a curbside program, or a dropoff or collection program that meets the requirements of Section 2850, the registered curbside program or certified entity eligible for the quality incentive payment shall be identified as either the Shipper (S), or the Receiver (R) in the QIP (Quality Incentive Payment) Box.

(g) For material received by a recycling center from another recycling center, the receiving recycling center shall ensure that all the information specified in subsection 2530(f)(1) through (8) is recorded on the report and provide a copy of the completed shipping report to the shipping recycling center.

(h) To obtain handling fees, only those recycling centers eligible for such fees, as described in section 2516, shall submit a Handling Fee Application Form (Form DR-14 (1/00)) to the Division for the calendar month for which handling fees are being claimed. The Form DR-14 (1/00) shall be submitted no later than the first day of the second month following the reporting month. Forms submitted after this date, and incorrectly completed forms, will be denied for payment and the handling fee will be forfeited for that calendar month. Forfeiture for that calendar month will not affect eligibility for subsequent months. There shall be a separate Form DR-14 (1/00) completed for each supermarket site recycling center, nonprofit convenience zone recycler, or rural region recycler which shall include all of the following information in addition to that required by section 2090 of these regulations:

(1) The calendar month and year covered by the report; and

(2) The name, and mailing address of the recycling center; and

(3) The name and telephone number of a contact person; and

(4) The certification number of the supermarket site recycling center, nonprofit convenience zone recycler, or rural region recycler; and,

(5) A change of mailing address, ownership or a closing of the supermarket site recycling center, nonprofit convenience zone recycler, or rural region recycler; and

(6) The weight, to the nearest tenth of a pound, of empty beverage containers, by material type, redeemed by that recycling center, at that supermarket site, nonprofit convenience zone recycler, or rural region recycler, only from consumers delivering that material during the hours the recycling center was open for business. This weight shall be taken from the receipts and logs of that recycling center for that calendar month; and,

(7) The signature and title of an authorized representative of the recycling center in accordance with subsections 2090(d)(4) and (5) of subchapter 2 of these regulations; and

(8) The date the application was signed.

(i) Recycling centers purchasing materials directly from more than one curbside program, dropoff or collection program, or community service program may apply to the Division to request the use of alternative methods for preparing the corresponding shipping reports. The Division shall consider each proposed alternative method and issue a written approval or denial within forty-five (45) calendar days.

(1) In order for alternative methods to be accepted, they must be based on reasonable allocation methods.

(2) An application for an alternative allocation method shall be denied if:

(A) The received weight of the material purchased by an entity from the recycling center is not used to calculate allocations to the curbside programs, dropoff or collection programs, or community service programs; or

(B) The recycling center does not ensure that the weight of rejected containers, line breakage, and out-of-state containers is not included in the allocated weight (this does not require a physical separation); or

(C) The recycling center does not account for each incoming load of material; or

(D) The recycling center does not inspect incoming material to verify that it is eligible for refund value payments, as specified in section 2501.

(3) Recycling centers may file a formal appeal by writing the Assistant Director for Recycling within thirty (30) calendar days after the receipt of a notice denying an application requesting an alternative method for shipping report preparation. Appeals submitted after this time period shall be rejected. All written appeals shall include:

(A) A copy of the notice denying the allocation method;

(B) A detailed explanation of why the determination was in error; and,

(C) Any other documentation that supports the appeal.

(4) A written decision on the appeal shall be sent to the recycling center within seven (7) calendar days of the receipt of the appeal.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14526.6, 14538, 14549.1, and 14585, Public Resources Code.

§ 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 consumer has the option of being paid based on count for up to 50 empty beverage containers of each material type.
 - (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 from the line breakage, rejected out-of-state material, multiplied by the applicable commingled rate, or the Division'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, delivering a load of material in excess of 100 pounds of aluminum or plastic beverage containers, or 1,000 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 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.

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

§ 2540. RECEIPT OF FUNDS.

(a) The recycling center shall receive from the processor the sum of the following amounts:

- (1) total refund value; and
- (2) three-fourths of one percent (3/4%) of the refund value for administrative costs; and
- (3) any applicable processing payment pursuant to Section 14573.5 of the Act.

(b) Such payments in subsection (a) above shall be based upon the lesser of the shipping report total amount due as set forth in the shipping report, or the value appropriate for the received weight as determined by the processor in accordance with subsections 2430(a)(1)(D),(E), and (F) of these regulations.

(c) For reverse vending machines, the refund value pursuant to subsection 2540(a) above shall be based upon the applicable commingled rate, except as follows:

- (1) The refund value shall be based upon the full refund value only where the reverse vending machine distinguishes 100% of the time between empty beverage containers and other containers.

(d) Except as provided in Section 14585(b)(4) of the Act, a recycling center shall receive handling fees directly from the Division based upon the weight of all empty beverage containers reported to the Division pursuant to subsection 2530(c) of these regulations.

Authority: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14518.5, 14573.5, 14575(c) and 14585(b)(4), Public Resources Code.

SUBCHAPTER 7. DROPOFF OR COLLECTION PROGRAMS

Article 1. Requirements for Dropoff or Collection Programs

§ 2600. OPERATION STANDARDS.

- (a) All certified dropoff or collection programs shall meet the following requirements:
- (1) Operate and maintain records in accordance with the category of certification as approved by the Division and defined in these regulations.
 - (2) In order to remain certified, a dropoff or collection program must collect or accept a minimum of 500 pounds of aluminum or plastic beverage containers, or 2,000 pounds of glass beverage containers every year after becoming certified.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Section 14511.7, Public Resources Code.

§ 2605. NOTIFICATION REQUIREMENTS.

- (a) In addition to the requirements contained in section 2600(a) above, the operator of a certified dropoff or collection program shall notify the Division prior to any of the following events:
- (1) Any change in operation, including additional dropoff or collection sites and changes in location of dropoff sites.
 - (2) Any change in operator name or contact person, business or mailing address, or telephone number of the operator.
 - (3) Change in the name of the program.
 - (4) Change in the corporate officers, if applicable.
 - (5) Change in the agent for service of process, if applicable.
- (b) The operator of a certified dropoff or collection program who intends to be decertified shall submit a written notification to the Division, which includes the proposed effective date.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Section 14511.7, Public Resources Code.

Article 2. Accounting and Reporting Requirements

§ 2610. APPLICABILITY.

In addition to the general accounting requirements of subchapter 2, dropoff or collection programs shall comply with the accounting and reporting provisions of this article.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14511.7 and 14552, Public Resources Code.

§ 2615. RECORDKEEPING.

(a) Dropoff or collection programs shall maintain the following records in accordance with the general requirements set forth in section 2085 of these regulations.

(1) Dropoff or collection programs shall prepare and maintain logs which contain all of the following information:

- (A) The date and time of pickup or donation; and
- (B) The name and address of the location of pickup or donation; and
- (C) The material types picked up or donated; and
- (D) An approximation of the weight of each material type picked up or donated; and
- (E) The name and phone number of a contact person at the location of pickup; and
- (F) Amount of scrap value paid for each material type.

(2) Dropoff or collection programs shall maintain a copy of the shipping report prepared by a recycling center or processor; and a copy of the weight ticket prepared by a recycling center or processor.

(b) Dropoff or collection programs shall not claim refund value for empty beverage containers purchased from, or donated by, curbside programs. All scrap transactions between dropoff or collection programs and curbside programs shall be reported in the same manner as is required pursuant to section 2530 of these regulations.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Section 14511.7 and 14552, Public Resources Code.

Article 3. Individual Commingled Rate

§ 2620. OBTAINING DIVISION APPROVAL.

Operators of dropoff or collection programs shall be paid the applicable statewide average commingled rate, determined by the Division, for commingled beverage container material types, unless the Division approves an individual commingled rate for their program. Individual commingled rates may be approved for one or more material-types which have an existing statewide commingled rate. Operators of dropoff or collection programs who wish to apply for an individual commingled rate shall submit a completed Individual Commingled Rate Application (ICRS-APP (07/00)) in the form and manner required by this section. The applicant shall request approval to conduct an individual commingled rate survey using either the Division's individual commingled rate methodology specified in subsection (c), or an alternative methodology submitted by the applicant. A total of six weekly surveys shall be conducted on a bimonthly basis beginning in October and ending no later than the second full week of the following September. Individual commingled rates that are approved by the Division, shall be effective from January 1 through December 31 of the year following the survey period.

(a) At least 60 days prior to the commencement of the surveys, which begin in October,

the Division shall notify operators of dropoff or collection programs of the opportunity to perform an individual commingled rate survey. An operator of a dropoff or collection program wishing to conduct an individual commingled rate survey shall contact the Division to obtain the Individual Commingled Rate Application (ICRS-APP (07/00)).

(b) The Individual Commingled Rate Application (ICRS-APP (07/00)) must be completed and submitted to the Division no later than September 1st. To be considered complete, the survey application shall contain the following information:

- (1) The organization name and, if applicable, a copy of any fictitious business name statement being used.
- (2) The operator contact person's name, title, phone number, facsimile number, mailing address, and business address.
- (3) The survey location address and city, and a brief site description.
- (4) The survey technician's name and phone number.
- (5) A selection of either the Division's survey methodology in subsection (c) or an alternative proposed methodology to be submitted by the applicant.
- (6) The identification of material-types selected to be surveyed, the sample size, and daily sample size for each selected material.
- (7) The dates of survey weeks and the number of days for specified sample periods.
- (8) The specific time of the day in which surveys will be conducted.
- (9) The program category of the certified program to be surveyed.
- (10) The certification number of the program to be surveyed.
- (11) The source of material for the certified program to be surveyed.
- (12) The number of municipalities served by the certified program to be surveyed, if any.
- (13) The number of customer sites from which survey material is to be collected by the certified program.
- (14) The frequency that collected material is sold.
- (15) A brief description of the certified program.
- (16) Declarations and signatures of applicant.

(c) The Division's suggested methodology requires the following:

- (1) The program shall determine the annual survey sample size for each material type based on the chart below.

Annual Survey Sample Size

Material Type	Sample Size
Aluminum	6600
Glass	4500
Plastic (all resins)	3000

(2) Upon determining the annual survey sample size, the program shall calculate the daily sample size by dividing the annual survey sample size, specified in the chart above, by the total number of days the survey will be conducted during the entire annual survey. Once the daily sample size is determined for each material type, this will remain the daily sample size throughout the entire annual survey period for that material type.

(3) Surveys shall be conducted for one regular workweek during each two-month sample period at pre-established dates, times, and places as indicated on the Individual Commingled Rate Application (ICRS-APP (07/00)) submitted to the Division. Surveys shall not be scheduled for weeks containing holidays or other days the program is not in operation, and shall be equally distributed throughout the survey period.

(4) Daily samples shall be collected on a random basis from the material which has been received exclusively from programs approved for the survey. Only whole containers may be surveyed.

(5) Upon selection and removal of containers for the daily sample, the applicant shall perform a complete sample analysis of counting, sorting, and weighing containers. In performing a sample analysis, weight shall be measured, recorded, and reported in pounds and fractions thereof. All weighing in this state shall be done on a scale or other device approved, tested and sealed in accordance with Division 5 of the Business and Professions Code (Weights and Measures) and any applicable regulations thereunder.

(6) The results of the sample analysis shall be legibly, accurately, and completely recorded on the Daily Data Collection Sheet [DDCS (07/00)], which shall contain the following information:

- (A) The year the rate will be effective.
- (B) The two-month sample period in which each one-week survey is conducted.
- (C) The program name.
- (D) The survey day and date.
- (E) The certification and/or registration numbers.
- (F) Identification of the material type surveyed.
- (G) The total quantity of containers surveyed, and their total weight.

- (H) The quantity and weight of CRV containers surveyed that have a volume less than 24 ounces.
 - (I) The quantity and weight of CRV containers surveyed that have a volume of 24 ounces or more.
 - (J) The quantity and weight of non-CRV containers surveyed.
 - (K) The daily totals for each column.
- (7) At the conclusion of each weekly survey, the applicant shall complete a Weekly Summary Sheet (WSS (07/00)) which shall contain the following information:
- (A) The year the rate will be effective.
 - (B) The two-month sample period of the weekly survey
 - (C) The program name.
 - (D) The survey week by dates.
 - (E) The certification and/or registration numbers.
 - (F) Identification of the material type surveyed.
 - (G) The survey date summarized on that line.
 - (H) The total quantity of containers surveyed on that date, and their total weight.
 - (I) The quantity and weight of CRV containers surveyed on that date that have a volume less than 24 ounces.
 - (J) The quantity and weight of CRV containers surveyed on that date that have a volume of 24 ounces or more.
 - (K) The quantity and weight of non-CRV containers surveyed on that date.
 - (L) The weekly totals for each column.
- (8) The completed original Daily Data Collection Sheet, and the Weekly Summary Sheet shall be confirmed to be complete, accurate, and consistent with the methodology approved for that program and shall be submitted to the Division for review, verification, and approval at the conclusion of each two-month survey period and must be submitted no later than the 15th day of the month following the survey period.
- (9) At the conclusion of the annual survey period, the applicant shall submit an Affidavit (AFD (07/00)) to confirm that all information is complete, accurate, and consistent with the methodology approved for that program.
- (d) Dropoff or collection programs proposing to alter the Division's methodology or create their own alternative methodology must apply for Division approval, in advance, pursuant to section 2625 of these regulations. A proposed alternative methodology must equal the Division's methodology in the accuracy of estimation and level of confidence in the estimation. The alternative methodology must be described in adequate detail to determine the accuracy of estimation and level of confidence in the estimation.

(e) Determination by the Division that a program has deviated from an approved methodology, demonstrated a significant lack of quality control, or misrepresented their survey results shall result in the termination of the individual commingled rate survey and/or disapproval or revocation of the individual commingled rate and a reversion to the statewide average commingled rate. The Division's adverse action may be appealed pursuant to section 2645 of these regulations.

(1) A significant lack of quality control is demonstrated when five (5) percent or more of the sample data submitted by an applicant is found to be incorrect by the Division, and is deleted from the survey pursuant to Section 2620(e)(3) below because of the following:

(A) The cumulative weight of all components of a sample deviates by more than an acceptable range of accuracy, as defined in Section 2620(e)(2) below, from the total sample taken for that material type and/or

(B) The cumulative count of containers from all components of a sample does not equal the total sample count for that material type.

(2) An acceptable range of accuracy, applicable to Section 2620(e)(1)(A) above, is the smallest variance or increment of accuracy of the applicant's scale multiplied by 2.0.

(3) The Division, upon its sole discretion, may delete incorrect data samples.

(f) The Division shall disapprove individual commingled rates that are based on terminated surveys. The Division shall notify the applicant of such disapproval within thirty (30) calendar days of the determination that a program has deviated from an approved methodology, demonstrated a lack of quality control, or misrepresented survey results.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14511.7 and 14552(a), Public Resources Code.

§ 2625. ALTERNATIVE METHODOLOGY PROCEDURES.

(a) Dropoff or collection programs choosing to use an alternative survey methodology shall apply to the Division for approval. Operators shall complete and submit to the Division the following documents, in originals:

(1) A completed survey application as specified in section 2620(b);

(2) A written description of the alternative methodology procedure in detail, the steps necessary to perform the alternative survey methodology, including the equipment to be used, materials to be collected, how the materials will be analyzed, location where sampling will occur, time and dates of the survey, and any other relevant details that are necessary to arrive at the individual commingled rate. The proposed alternative methodology procedure must be as detailed and inclusive as the survey methodology provided by the Division.

(b) The Division shall review all completed proposed alternative methodology requests submitted.

(c) The Division shall notify the operator of its decision, after receipt of the documents requested in this subsection, if the methodology was approved or denied, pursuant to

section 2630 of these regulations.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14511.7 and 14552(a), Public Resources Code.

§ 2630. SURVEY APPLICATION PROCESSING TIME.

(a) Within fifteen (15) calendar days from the receipt of the survey application and alternative methodology procedure, if applicable, from an operator of a dropoff or collection program requesting approval to use the Division's methodology or an alternative methodology to determine their program's specific individual commingled rate, the Division shall inform the applicant, in writing, that the survey application and alternative methodology procedure, if applicable, are either complete and accepted for processing, or incomplete. If the survey application and/or alternative methodology procedure, if applicable, are incomplete, the Division shall indicate, in writing, to the applicant what information or documentation is required. The applicant shall submit the required additional information or documentation, to the Division, no later than ten (10) calendar days from the date indicated in the Division's letter requesting additional information or documentation.

Material submitted later than ten (10) calendar days will be rejected and the application will be denied.

(b) Within fifteen (15) calendar days after the Division informs the applicant of the receipt of a complete survey application and alternative methodology procedure, if applicable, as indicated in subsection 2630(a) above, the Division shall approve or disapprove the survey application and alternative methodology procedure, if applicable.

(c) If the application is disapproved, the applicant may request an appeal pursuant to section 2645 of these regulations.

(d) The applicant may begin using the approved survey methodology for the specified survey period, after receiving written notification from the Division that the survey application and alternative methodology procedure, if applicable, has been approved.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14511.7 and 14552(a), Public Resources Code.

§ 2635. INDIVIDUAL COMMINGLED RATE SURVEY AUDIT AND RESULTS.

(a) The Division may audit any applicant's procedures and results of an approved individual commingled rate survey. The Division shall conduct its audit during the scheduled survey week for any applicant.

(b) The Division shall conduct audits. To enable the Division to conduct audits, applicants shall retain the pile of material from which the sample was taken, including the sample itself, until the completion of their daily survey. On the day of the audit, the applicant shall provide Division audit staff access to the material immediately after the applicant conducts the survey. If the applicant deviates from the approved survey time, they shall

notify the Division immediately, but not less than 24 hours prior to the time of the deviation.

(c) If, in each of two separate audits, the Division determines, using standard statistical formulas, that the difference between the applicant's and the Division's proportion of California Redemption Value containers is statistically significant, the Division shall terminate the applicant's individual commingled rate survey. The difference shall be statistically significant, if the applicant's proportion is higher than the Division's, and the Division is 99% confident that the chances of the difference occurring under the applicant's approved study methodology is 5% or less.

(1) The Division shall disapprove individual commingled rates that are based on terminated surveys. The Division shall notify the applicant of such termination and disapproval within thirty (30) calendar days of the audit.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Section 14552(a), Public Resources Code.

§ 2640. RECEIPT OF APPROVAL OR DISAPPROVAL AND NOTIFICATION OF CHANGES.

(a) Within sixty (60) calendar days after the Division receives the dropoff or collection program's final survey results, the Division shall approve or disapprove the program's individual commingled rate.

(b) The applicant shall notify the Division, in writing, within ten (10) working days, of the occurrence of either of the following for any material for which the operator has an approved individual commingled rate:

(1) Any increase or decrease of twenty (20) percent or more in the total monthly weight from the average weight of the previous three (3) month period; or

(2) Any increase or decrease of twenty (20) percent in the total monthly number of customer sites served by the applicant from the average number of customer sites of the previous three (3) month period.

(c) Failure to provide this notification may subject the applicant to immediate revocation of the individual commingled rate.

(d) Upon notification of operational changes, described in subsections (b)(1) or (b)(2) above, the Division may, upon its sole discretion, review and alter or revoke the individual commingled rate.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Section 14552(a), Public Resources Code and Section 15376, Government Code.

§ 2645. INDIVIDUAL COMMINGLED RATE APPEALS PROCESS.

(a) In the event of the denial of a survey application, termination of an individual commingled rate survey and/or disapproval or revocation of an individual commingled rate, dropoff or collection programs may file a formal appeal by writing to the Assistant

Director for Recycling within thirty

(30) calendar days after the receipt of a Letter of Denial (LED) Appeals submitted after this time period shall be rejected. All written appeals shall include:

- (1) A copy of the (LED);
- (2) A detailed explanation of why the determination was in error; and
- (3) Any other documentation that supports the appeal.

(b) A decision on the appeal shall be sent to the program applicant, in writing, within fifteen (15) working days of receipt of the appeal.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14511.7 and 14552(a), Public Resources Code.

SUBCHAPTER 8. CURBSIDE PROGRAMS

Article 1. Identification Numbers

§ 2650. CURBSIDE REGISTRATION APPLICATION REVIEW AND RENEWAL.

- (a) The Division will issue a registration number to all eligible curbside programs in order to facilitate the auditing of payments made to curbside programs, and proper payment of refund values, processing payments, supplemental payments, quality glass incentive payments and administrative fees. No curbside program may receive refund values, processing payments, supplemental payments, quality glass incentive payments or administrative fees without a valid registration number.
- (b) The registration number issued shall be valid for a maximum of two years. All registration numbers expire on the anniversary of the original application approval date. The curbside program shall submit a completed Application for Curbside Registration, DOR 50 10/99, for renewal, at least 30 days prior to the expiration date of the registration number. The application may be obtained from the Division upon request. The renewal application shall be subject to the same standards and requirements as the original application.
- (c) Upon receiving a request for a registration number from a curbside program, the Division shall furnish the curbside operator with an "Application for Curbside Registration" DOR 50 10/99, which shall be used to apply for a new registration number or for renewal of a current registration number. In addition to submitting the completed application, the curbside program operator shall supply to the Division the following information:
- (1) A dated and signed copy of a contract or franchise agreement acknowledging the curbside program and the expiration date of the contract or franchise agreement, and identification of the public official responsible for oversight of the contract or franchise agreement, including the official's title, address, and phone number; or
 - (2) A letter prepared by the operator or the public official, and bearing the signature of the city, county or other public agency's chief administrative officer, or his or her designee, verifying that the program operates with the full knowledge and concurrence of the city, county, or public agency.
- (d) The application (DOR 50 10/99) shall be completed by providing the following information:
- (1) The operator's organization name; parent company name and fictitious business name statement, if applicable; business and mailing address; telephone number; federal employer identification number and the name and title of the individual responsible for completing the application.
 - (2) The date the program started, or proposes to start operation.
 - (3) The operator's type of organization, whether an individual, partnership, profit corporation, nonprofit corporation, limited liability company, husband and wife co-ownership, local government agency, federal agency, joint power of authority, or other type of organization.

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- (A) If the organization or individual is doing or proposing to do business under a different name, the applicant shall provide a copy of their fictitious business name statement.
- (B) If the organization is a partnership, the applicant shall provide a copy of the current partnership agreement.
- (C) If the organization is a corporation, the applicant shall provide the corporate number, the Articles of Incorporation, name and position of all current corporate officers as filed with the Secretary of State, and the agent for service of process.
- (D) If the organization is a corporation from a state other than California, the applicant shall provide a copy of the approved certificate from the California Secretary of State qualifying and authorizing the corporation to transact business in California.
- (E) If the organization is a husband and wife co-ownership, both names shall be provided.
- (F) If the organization is a limited liability company (LLC), the applicant shall provide a copy of the Articles of Organization and Statement of Information as filed with the Secretary of State, any operating agreement, and the agent for service of process.
- (G) If the organization is a limited liability company (LLC) from a state other than California, the applicant shall provide a copy of the Articles of Organization and Statement of Information as filed with the Secretary of State, any operating agreement, the agent for service of process and a copy of the certificate from the California Secretary of State authorizing the LLC to transact business in California.
- (H) If the organization is a local government agency, federal agency or a joint power of authority, the applicant shall provide a copy of the authorizing resolution from the governing board.
- (4) A map of the areas serviced by the program and the number of single and multiple family residences and apartment units served by the program.
- (5) Whether the operator of the curbside program is currently certified by the Division and a list of valid certification numbers, if applicable.
- (6) A description of the program including a listing of the types of residences and/or businesses served by the program.
- (7) Whether recyclables are sorted or mixed at the point of collection.
- (8) A description of the collection containers used by the program.
- (9) If a separate company sorts the curbside materials after collection, the sorter company name, address, telephone number and contact person.
- (10) The name and certification number of the recycling centers and/or processors to which materials collected by the curbside program are most often sold and the type(s) of material sold.
- (11) The name and address of the public agency responsible for the oversight of the contract or franchise agreement and the name, title and telephone number of the

public agency contact person as well as the community or communities served by this curbside program.

(12) The frequency that curbside materials are collected.

(13) The method of collection for materials in residential areas.

(14) The types of recyclable materials the curbside program accepts or collects.

(15) The name, residence address, including city and zip code, residence phone number, and driver license number of the applicant(s).

(e) The curbside program operator shall submit to the Division the local public agency authorization described in subsection (c) above and the completed application signed by the operator under penalty of perjury. The signature block shall contain an affidavit that the information in the application is true and that the operator agrees to operate in compliance with the Act and these regulations.

(1) If the operator is a partnership, each partner shall sign the application.

(2) If the operator is a firm, association, corporation, LLC, county, city, public agency or other governmental entity, the application shall be signed by the chief executive officer or the individual with the authority to legally bind the entity to a contract.

(3) If the operator is a husband and wife co-ownership, both husband and wife shall sign the application.

(f) All applications for curbside registration shall be reviewed by the Division for compliance with the Act and these regulations. Within 15 working days of receiving the Application for Curbside Registration, DOR 50 10/99 and local public agency authorization, the Division shall notify the curbside program, in writing, that the requested information is complete and accepted for filing with the Division, or incomplete and the reasons for the incompleteness. If incomplete, the Division shall specify the additional information necessary before a registration number will be issued. Upon determining that an application is complete, the Division shall notify the applicant in writing within forty-five (45) calendar days that the application is either approved, approved for probationary status or denied and the reason(s) for denial.

(g) A curbside program shall meet all standards and requirements for registration contained in section 14551.5 of the Act and in these regulations.

(h) Reasons for denial of an Application for Curbside Registration, DOR 50 10/99, are:

(1) Failure to provide information or documentation to complete the application as required in these regulations;

(2) The curbside program is unwilling to accept all beverage container types;

(3) The curbside operator, the curbside program or other individuals identified in the application have a history which demonstrates a pattern of operation in conflict with the requirements of the Act.

(i) The curbside program shall provide its registration number on all reports required by the Division and shall provide its registration number to certified recyclers and processors at the time it delivers recyclables.

(j) The operator of a curbside program shall notify the Division in writing ten (10) calendar days prior to any of the following events:

- (1) Change of name under which the curbside program is doing business,
- (2) Change of address or phone number of operator,
- (3) Separation from parent company, if applicable,
- (4) Merger with another company,
- (5) Discontinuance of operation,
- (6) Expiration of, or cancellation of, contract or franchise agreement with the city, county, or local public agency, or
- (7) Change or retraction in the acknowledgment of the curbside program by the authorized public agency.

(k) Notification of any events listed in (j) above may result in cancellation of the registration number by the Division.

(l) Any curbside program information of a personal or proprietary nature that is retained by the Division shall be confidential. The data shall only be released on a cumulative basis, and without identification of any individual operator by name, number or location of operation.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14509.5, 14549.1, 14551.5,

14554, 14571.8, and 14573.5, Public Resources Code.

Article 2. Individual Commingled Rate

§ 2660. OBTAINING DIVISION APPROVAL.

Operators of curbside programs shall be paid the applicable statewide average commingled rate, determined by the Division, for commingled beverage container material types, unless the Division approves an individual commingled rate for their program. Individual commingled rates may be approved for one or more material-types which have an existing statewide commingled rate.

Operators of curbside programs who wish to apply for an individual commingled rate shall submit a completed Individual Commingled Rate Application (ICRS-APP (07/00)) in the form and manner required by this section. The applicant shall request approval to conduct an individual commingled rate survey using either the Division's individual commingled rate methodology, specified in subsection (c), or an alternative methodology submitted by the applicant. An operator of a curbside program shall conduct surveys on each day the program operates during a one week period. A total of six weekly surveys shall be conducted on a bimonthly basis beginning in October and ending no later than the second full week of the following September. Individual commingled rates that are approved by the Division, shall be effective from January 1 through December 31 of the year following the survey period.

(a) At least 60 days prior to the commencement of the surveys, which begin in October, the Division shall notify operators of curbside programs of the opportunity to perform an individual commingled rate survey. An operator of a curbside program wishing to conduct an individual commingled rate survey shall contact the Division to obtain the Individual Commingled Rate Application (ICRS-APP (07/00)).

(b) The Individual Commingled Rate Application (ICRS-APP (07/00)) must be completed and submitted to the Division no later than September 1st. To be considered complete, the survey application shall contain the following information:

- (1) The organization name and, if applicable, a copy of any fictitious business name statement being used.
- (2) The operator contact person's name, title, phone number, facsimile number, mailing address, and business address.
- (3) The survey location address and city, and a brief site description.
- (4) The survey technician's name and phone number.
- (5) A selection of either the Division's survey methodology in subsection (c) or an alternative proposed methodology to be submitted by the applicant.
- (6) The identification of material-types selected to be surveyed, the sample size, and daily sample size for each selected material.
- (7) The dates of survey weeks and the number of days for specified sample periods.
- (8) The specific time of the day in which surveys will be conducted.
- (9) The program category of the certified program to be surveyed.
- (10) For each curbside program to be surveyed under one application, the curbside registration number, the municipality served, and the operator contracted for collection and/or sorting, if any.
- (11) Declarations and signatures of applicant.

(c) The Division's suggested methodology requires the following:

- (1) The program shall determine the annual survey sample size for each material type based on the chart below.

Annual Survey Sample Size

Material Type	Sample Size
Aluminum	6600
Glass	4500
Plastic (all resins)	3000

- (2) Upon determining the annual survey sample size, the program shall calculate the daily sample size by dividing the annual survey sample size, specified in the chart above, by the total number of days the survey will be conducted during the entire

annual survey. Once the daily sample size is determined for each material type, this will remain the daily sample size throughout the entire annual survey period for that material type.

(3) Surveys shall be conducted for one regular workweek during each two-month sample period at pre-established dates, times, and places as indicated on the Individual Commingled Rate Application (ICRS-APP (07/00)) submitted to the Division. Surveys shall not be scheduled for weeks containing holidays or other days the program is not in operation, and shall be equally distributed throughout the survey period.

(4) Daily samples shall be collected on a random basis from the material which has been received exclusively from programs approved for the survey. Only whole containers may be surveyed.

(5) Upon selection and removal of containers for the daily sample, the applicant shall perform a complete sample analysis of counting, sorting, and weighing containers. In performing a sample analysis, weight shall be measured, recorded, and reported in pounds and fractions thereof. All weighing in this state shall be done on a scale or other device approved, tested and sealed in accordance with Division 5 of the Business and Professions Code (Weights and Measures) and any applicable regulations thereunder.

(6) The results of the sample analysis shall be legibly, accurately, and completely recorded on the Daily Data Collection Sheet (DDCS (07/00)), which shall contain the following information:

- (A) The year the rate will be effective.
- (B) The two-month sample period in which each one-week survey is conducted.
- (C) The program name.
- (D) The survey day and date.
- (E) The certification and/or registration numbers.
- (F) Identification of the material type surveyed.
- (G) The total quantity of containers surveyed, and their total weight.
- (H) The quantity and weight of CRV containers surveyed that have a volume less than 24 ounces.
- (I) The quantity and weight of CRV containers surveyed that have a volume of 24 ounces or more.
- (J) The quantity and weight of non-CRV containers surveyed.
- (K) The daily totals for each column.

(7) At the conclusion of each weekly survey, the applicant shall complete a Weekly Summary Sheet (WSS (07/00)) which shall contain the following information:

- (A) The year the rate will be effective.

- (B) The two-month sample period of the weekly survey.
 - (C) The program name.
 - (D) The survey week by dates.
 - (E) The certification and/or registration numbers.
 - (F) Identification of the material type surveyed.
 - (G) The survey date summarized on that line.
 - (H) The total quantity of containers surveyed on that date, and their total weight.
 - (I) The quantity and weight of CRV containers surveyed on that date that have a volume less than 24 ounces.
 - (J) The quantity and weight of CRV containers surveyed on that date that have a volume of 24 ounces or more.
 - (K) The quantity and weight of non-CRV containers surveyed on that date.
 - (L) The weekly totals for each column.
- (8) The completed original Daily Data Collection Sheet, and the Weekly Summary Sheet shall be confirmed to be complete, accurate, and consistent with the methodology approved for that program and shall be submitted to the Division for review, verification, and approval at the conclusion of each two-month survey period and must be submitted no later than the 15th day of the month following the survey period.
- (9) At the conclusion of the annual survey period, the applicant shall submit an Affidavit (AFD (07/00)) to confirm that all information is complete, accurate, and consistent with the methodology approved for that program.
- (d) Curbside programs proposing to alter the Division's methodology or create their own alternative methodology must apply for Division approval, in advance, pursuant to section 2665 of these regulations. A proposed alternative methodology must equal the Division's methodology in the accuracy of estimation and level of confidence in the estimation. The alternative methodology must be described in adequate detail to determine the accuracy of estimation and level of confidence in the estimation.
- (e) Curbside programs shall have the option of conducting their individual commingled rate survey at either their location where curbside trucks unload or the location of curbside collection(s).
- (f) Determination by the Division that a program has deviated from an approved methodology, demonstrated a significant lack of quality control, or misrepresented their survey results shall result in the termination of the individual commingled rate survey and/or disapproval or revocation of the individual commingled rate and a reversion to the statewide average commingled rate. The Division's adverse action may be appealed pursuant to section 2685 of these regulations.
- (1) A significant lack of quality control is demonstrated when five (5) percent or more of the sample data submitted by an applicant is found to be incorrect by the Division,

and is deleted from the survey pursuant to Section 2660(f)(3) below because of the following:

- (A) The cumulative weight of all components of a sample deviates by more than an acceptable range of accuracy, as defined in Section 2660(f)(2) below, from the total sample taken for that material type and/or
 - (B) The cumulative count of containers from all components of a sample does not equal the total sample count for that material type.
- (2) An acceptable range of accuracy, applicable to Section 2660(f)(1)(A) above, is the smallest variance or increment of accuracy of the applicant's scale multiplied by 2.0.
- (3) The Division, upon its sole discretion, may delete incorrect data samples.
- (g) The Division shall disapprove individual commingled rates that are based on terminated surveys. The Division shall notify the applicant of such disapproval within thirty (30) calendar days of the determination that a program has deviated from an approved methodology, demonstrated a lack of quality control, or misrepresented survey results.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14509.5, 14552(a) and 14573.51, Public Resources Code.

§ 2665. ALTERNATIVE METHODOLOGY PROCEDURES.

- (a) Curbside programs choosing to use an alternative survey methodology shall apply to the Division for approval. Operators shall complete and submit to the Division the following documents, in originals:
- (1) A completed survey application as specified in section 2660(b);
 - (2) A written description of the alternative methodology procedure in detail, the steps necessary to perform the alternative survey methodology, including the equipment to be used, materials to be collected, how the materials will be analyzed, location where sampling will occur, time and days of the survey, and any other relevant details that are necessary to arrive at the individual commingled rate. The proposed alternative methodology procedure must be as detailed and inclusive as the survey methodology provided by the Division.
- (b) The Division shall review all completed proposed alternative methodology requests submitted.
- (c) The Division shall notify the operator of its decision, after receipt of the documents requested in this subsection, if their methodology was approved or denied, pursuant to section 2670 of these regulations.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14509.5, 14552(a) and 14573.51, Public Resources Code.

§ 2670. SURVEY APPLICATION PROCESSING TIME.

- (a) Within fifteen (15) calendar days from the receipt of the survey application and alternative methodology procedure, if applicable, from an operator of a curbside program

requesting approval to use the Division's methodology or an alternative methodology to determine their program's specific individual commingled rate, the Division shall inform the applicant, in writing, that the survey application, and alternative methodology procedure, if applicable, are either complete and accepted for processing, or incomplete. If the survey application, and/or alternative methodology procedure, if applicable, are incomplete, the Division shall indicate, in writing, to the applicant what information or documentation is required. The applicant shall submit the required additional information or documentation, to the Division, no later than ten (10) calendar days from the date indicated in the Division's letter requesting additional information or documentation. Material submitted later than ten (10) calendar days will be rejected and the application will be denied.

(b) Within fifteen (15) calendar days after the Division informs the applicant of the receipt of a complete survey application and alternative methodology procedure, if applicable, as indicated in subsection 2670(a) above, the Division shall approve or disapprove the survey application and alternative methodology procedure, if applicable.

(c) If the application is disapproved, the applicant may request an appeal pursuant to section 2685 of these regulations.

(d) The applicant may begin using the approved survey methodology for the specified survey period, after receiving written notification from the Division that the survey application and alternative methodology procedure, if applicable, has been approved.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14509.5, 14552(a) and 14573.51, Public Resources Code.

§ 2675. INDIVIDUAL COMMINGLED RATE SURVEY AUDIT AND RESULTS.

(a) The Division may audit any applicant's procedures and results of an approved individual commingled rate survey. The Division shall conduct its audit during the scheduled survey week for any applicant.

(b) The Division shall conduct audits. To enable the Division to conduct audits, applicants shall retain the pile of material from which the sample was taken, including the sample itself, until the completion of their daily survey. On the day of the audit, the applicant shall provide Division audit staff access to the material immediately after the applicant conducts the survey. If the applicant deviates from the approved survey time, they shall notify the Division immediately, but not less than 24 hours prior to the time of the deviation.

(c) If, in each of two separate audits, the Division determines, using standard statistical formulas, that the difference between the applicant's and the Division's proportion of California Redemption Value containers is statistically significant, the Division shall terminate the applicant's individual commingled rate survey. The difference shall be statistically significant, if the applicant's proportion is higher than the Division's, and the Division is 99% confident that the chances of the difference occurring under the applicant's approved study methodology is 5% or less.

(1) The Division shall disapprove individual commingled rates that are based on

terminated surveys. The Division shall notify the applicant of such termination and disapproval within thirty (30) calendar days of the audit.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14509.5 and 14552(a), Public Resources Code.

§ 2680. RECEIPT OF APPROVAL OR DISAPPROVAL AND NOTIFICATION OF CHANGES.

(a) Within sixty (60) calendar days after the Division receives the curbside program's final survey results, the Division shall approve or disapprove the program's individual commingled rate.

(b) The applicant shall notify the Division, in writing, within ten (10) working days, of the occurrence of either of the following for any material for which the operator has an approved individual commingled rate:

- (1) Any increase or decrease of twenty (20) percent or more in the total monthly weight from the average weight of the previous three (3) month period; or
- (2) Any increase or decrease of twenty (20) percent in the total monthly number of customer sites served by the applicant from the average number of customer sites of the previous three (3) month period.

(c) Failure to provide this notification may subject the applicant to immediate revocation of the individual commingled rate.

(d) Upon notification of operational changes, described in subsections (b)(1) or (b)(2) above, the Division may, upon its sole discretion, review and alter or revoke the individual commingled rate.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Section 14552(a), Public Resources Code and Section 15376, Government Code.

§ 2685. INDIVIDUAL COMMINGLED RATE APPEALS PROCESS.

(a) In the event of the denial of survey application, termination of an individual commingled rate survey, and/or disapproval or revocation of an individual commingled rate, curbside programs may file a formal appeal by writing to the Assistant Director for Recycling within thirty (30) calendar days after the receipt of a Letter of Denial (LED). Appeals submitted after this time period shall be rejected. All written appeals shall include:

- (1) A copy of the LED; and
- (2) A detailed explanation of why the determination was in error; and
- (3) Any other documentation that supports the appeal.

(b) A decision on the appeal shall be sent to the program applicant, in writing, within fifteen (15) working days of receipt of the appeal.

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RESOURCES DIVISION 2. DEPARTMENT OF
CONSERVATION CHAPTER 5. DIVISION OF
RECYCLING

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14509.5 and 14552(a), Public Resources Code.

SUBCHAPTER 9. COMMUNITY SERVICE PROGRAMS

Article 1. Requirements for Community Service Programs

§ 2700. OPERATION STANDARDS.

(a) All certified community service programs shall meet the following requirements:

(1) Operate in accordance with the category of certification as approved by the Division and defined in these regulations.

(2) In order to remain certified, a community service program must collect or accept a minimum of 500 pounds of aluminum or plastic beverage containers, or 2000 pounds of glass beverage containers every year after becoming certified.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Section 14511.7, Public Resources Code.

§ 2705. NOTIFICATION REQUIREMENTS.

(a) In addition to the requirements contained in section 2700(a) above, a certified community service program shall notify the Division prior to any of the following events:

(1) Any change in operation.

(2) Any change in operator name or contact person, mailing or business address, or telephone number of the operator.

(3) Change in the name of the program.

(4) Change in the corporate officers, if applicable.

(5) Change in the agent for service of process, if applicable.

(b) The operator of a certified community service program who intends to be decertified shall submit a written notification to the Division, which includes the proposed effective date.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Section 14511.7, Public Resources Code.

Article 2. Accounting and Reporting Requirements

§ 2710. APPLICABILITY.

In addition to the general accounting requirements of article 4 of subchapter 2, community service programs shall comply with the accounting and reporting provisions of this article.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Section 14511.7 and 14552, Public Resources Code.

§ 2715. RECORDKEEPING.

Community service programs shall maintain the following records in accordance with the general requirements set forth in section 2085 of subchapter 2 of these regulations. Community service programs which accept or collect empty beverage containers at a specific location or location(s) shall maintain all of the following:

- (1) A copy of the shipping report prepared by a recycling center or processor; and
- (2) A copy of the weight ticket prepared by a recycling center or processor; and
- (3) A log containing a brief written description of any recycling drive or special event at which the program accepts or collects empty beverage containers, including the name of the event, the name and phone number of a contact person from the community service program, the date the event occurred, the material types collected, and an estimate of the weight of each material type collected.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Section 14511.7 and 14552, Public Resources Code.

Article 3. Individual Commingled Rates

§ 2720. OBTAINING DIVISION APPROVAL.

Operators of community service programs shall be paid the applicable statewide average commingled rate, determined by the Division, for commingled beverage container material types, unless the Division approves an individual commingled rate for their program. Individual commingled rates may be approved for one or more material-types which have an existing statewide commingled rate. Operators of community service programs who wish to apply for an individual commingled rate shall submit a completed Individual Commingled Rate Application (ICRS-APP (07/00)) in the form and manner required by this section. The applicant shall request approval to conduct an individual commingled rate survey using either the Division's individual commingled rate methodology, specified in subsection (c), or an alternative methodology submitted by the applicant. An operator of a community service program shall conduct surveys on each day the program operates during a one week period. A total of six weekly surveys shall be conducted on a bimonthly basis beginning in October and ending no later than the second full week of the following September. Individual commingled rates that are approved by the Division, shall be effective from January 1 through December 31 of the year following the survey period.

(a) At least 60 days prior to the commencement of the surveys, which begin in October, the Division shall notify operators of community service programs of the opportunity to perform an individual commingled rate survey. An operator of a community service program wishing to conduct an individual commingled rate survey shall contact the Division to obtain the Individual Commingled Rate Application (ICRS-APP (07/00)).

(b) The Individual Commingled Rate Application (ICRS-APP (07/00)) must be completed and submitted to the Division no later than September 1st. To be considered complete, the survey application shall contain the following information:

- (1) The organization name and, if applicable, a copy of any fictitious business name statement being used.

- (2) The operator contact person's name, title, phone number, facsimile number, mailing address, and business address.
 - (3) The survey location address and city, and a brief site description.
 - (4) The survey technician's name and phone number.
 - (5) A selection of either the Division's survey methodology in subsection (c) or an alternative proposed methodology to be submitted by the applicant.
 - (6) The identification of material-types selected to be surveyed, the sample size, and daily sample size for each selected material.
 - (7) The dates of survey weeks and the number of days for specified sample periods.
 - (8) The specific time of the day in which surveys will be conducted.
 - (9) The program category of the certified program to be surveyed.
 - (10) The certification number of the program to be surveyed.
 - (11) The source of material for the certified program to be surveyed.
 - (12) The number of municipalities served by the certified program to be surveyed, if any.
 - (13) The number of customer sites from which survey material is to be collected by the certified program.
 - (14) The frequency that collected material is sold.
 - (15) A brief description of the certified program.
 - (16) Declarations and signatures of applicant.
- (c) The Division's suggested methodology requires the following:
- (1) The program shall determine the annual survey sample size for each material type based on the chart below.

Annual Survey Sample Size

Material Type	Survey Size
Aluminum	6600
Glass	4500
Plastic (all resins)	3000

- (2) Upon determining the annual survey sample size, the program shall calculate the daily sample size by dividing the annual survey sample size, specified in the chart above, by the total number of days the survey will be conducted during the entire annual survey. Once the daily sample size is determined for each material type, this will remain the daily sample size throughout the entire annual survey period for that material type.
- (3) Surveys shall be conducted for one regular workweek during each two-month

sample period at pre-established dates, times, and places as indicated on the Individual Commingled Rate Application (ICRS-APP (07/00)) submitted to the Division. Surveys shall not be scheduled for weeks containing holidays or other days the program is not in operation, and shall be equally distributed throughout the survey period.

(4) Daily samples shall be collected on a random basis from the material which has been received exclusively from programs approved for the survey. Only whole containers may be surveyed.

(5) Upon selection and removal of containers for the daily sample, the applicant shall perform a complete sample analysis of counting, sorting, and weighing containers. In performing a sample analysis, weight shall be measured, recorded, and reported in pounds and fractions thereof. All weighing in this state shall be done on a scale or other device approved, tested and sealed in accordance with Division 5 of the Business and Professions Code (Weights and Measures) and any applicable regulations thereunder.

(6) The results of the sample analysis shall be legibly, accurately, and completely recorded on the Daily Data Collection Sheet (DDCS (07/00)), which shall contain the following information:

- (A) The year the rate will be effective.
- (B) The two-month sample period in which each one-week survey is conducted.
- (C) The program name.
- (D) The survey day and date.
- (E) The certification and/or registration numbers.
- (F) Identification of the material type surveyed.
- (G) The total quantity of containers surveyed, and their total weight.
- (H) The quantity and weight of CRV containers surveyed that have a volume less than 24 ounces.
- (I) The quantity and weight of CRV containers surveyed that have a volume of 24 ounces or more.
- (J) The quantity and weight of non-CRV containers surveyed.
- (K) The daily totals for each column.

(7) At the conclusion of each weekly survey, the applicant shall complete a Weekly Summary Sheet (WSS (07/00)) which shall contain the following information:

- (A) The year the rate will be effective.
- (B) The two-month sample period of the weekly survey
- (C) The program name.
- (D) The survey week by dates.

- (E) The certification and/or registration numbers.
 - (F) Identification of the material type surveyed.
 - (G) The survey date summarized on that line.
 - (H) The total quantity of containers surveyed on that date, and their total weight.
 - (I) The quantity and weight of CRV containers surveyed on that date that have a volume less than 24 ounces.
 - (J) The quantity and weight of CRV containers surveyed on that date that have a volume of 24 ounces or more.
 - (K) The quantity and weight of non-CRV containers surveyed on that date.
 - (L) The weekly totals for each column.
- (8) The completed original Daily Data Collection Sheet, and the Weekly Summary Sheet shall be confirmed to be complete, accurate, and consistent with the methodology approved for that program and shall be submitted to the Division for review, verification, and approval at the conclusion of each two-month survey period and must be submitted no later than the 15th day of the month following the survey period.
- (9) At the conclusion of the annual survey period, the applicant shall submit an Affidavit [AFD (07/00)] to confirm that all information is complete, accurate, and consistent with the methodology approved for that program.
- (d) Community service programs proposing to alter the Division's methodology or create their own alternative methodology must apply for Division approval, in advance, pursuant to section 2725 of these regulations. A proposed alternative methodology must equal the Division's methodology in the accuracy of estimation and level of confidence in the estimation. The alternative methodology must be described in adequate detail to determine the accuracy of estimation and level of confidence in the estimation.
- (e) Determination by the Division that a program has deviated from an approved methodology, demonstrated a significant lack of quality control, or misrepresented their survey results shall result in the termination of the individual commingled rate survey and/or disapproval or revocation of the individual commingled rate and a reversion to the statewide average commingled rate. The Division's adverse action may be appealed pursuant to section 2745 of these regulations.
- (1) A significant lack of quality control is demonstrated when five (5) percent or more of the sample data submitted by an applicant is found to be incorrect by the Division, and is deleted from the survey pursuant to Section 2720(e)(3) below because of the following:
- (A) The cumulative weight of all components of a sample deviates by more than an acceptable range of accuracy, as defined in Section 2720(e)(2) below, from the total sample taken for that material type and/or
 - (B) The cumulative count of containers from all components of a sample does not equal the total sample count for that material type.

(2) An acceptable range of accuracy, applicable to Section 2720(e)(1)(A) above, is the smallest variance or increment of accuracy of the applicant's scale multiplied by 2.0.

(3) The Division, upon its sole discretion, may delete incorrect data samples.

(f) The Division shall disapprove individual commingled rates that are based on terminated surveys. The Division shall notify the applicant of such disapproval within thirty (30) calendar days of the determination that a program has deviated from an approved methodology, demonstrated a lack of quality control, or misrepresented survey results.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14520 and 14552(a), Public Resources Code.

§ 2725. ALTERNATIVE METHODOLOGY PROCEDURES.

(a) Community service programs choosing to use an alternative survey methodology shall apply to the Division for approval. Operators shall complete and submit to the Division the following documents, in originals:

(1) A completed survey application as specified in Section 2720(b);

(2) A written description of the alternative methodology procedure in detail, the steps necessary to perform the alternative survey methodology, including the equipment to be used, materials to be collected, how the materials will be analyzed, location where sampling will occur, time and days of the survey, and any other relevant details that are necessary to arrive at the individual commingled rate. The proposed alternative methodology procedure must be as detailed and inclusive as the survey methodology provided by the Division.

(b) The Division shall review all completed proposed alternative methodology requests submitted.

(c) The Division shall notify the operator of its decision, after receipt of the documents requested in this subsection, if their methodology was approved or denied, pursuant to section 2730 of these regulations.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14520 and 14552(a), Public Resources Code.

§ 2730. SURVEY APPLICATION PROCESSING TIME.

(a) Within fifteen (15) calendar days from the receipt of the survey application, and alternative methodology procedure, if applicable, from an operator of a community service program requesting approval to use the Division's methodology or an alternative methodology to determine their program's specific individual commingled rate, the Division shall inform the applicant, in writing, that the survey application, and alternative methodology procedure, if applicable, are either complete and accepted for processing, or incomplete. If the survey application, and/or alternative methodology procedure, if applicable, are incomplete, the Division shall indicate, in writing, to the applicant what information or documentation is required. The applicant shall submit the required additional information or documentation, to the Division, no later than ten (10) calendar days from the date indicated in the Division's letter requesting additional information or

documentation. Material submitted later than ten (10) calendar days will be rejected and the application will be denied.

(b) Within fifteen (15) calendar days after the Division informs the applicant of the receipt of a complete survey application and alternative methodology procedure, if applicable, as indicated in subsection 2730(a) above, the Division shall approve or disapprove the survey application and alternative methodology procedure, if applicable.

(c) If the application is disapproved, the applicant may request an appeal pursuant to section 2745 of these regulations.

(d) The applicant may begin using the approved survey methodology for the specified survey period, after receiving written notification from the Division that the survey application and alternative methodology procedure, if applicable, has been approved.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14520 and 14552(a), Public Resources Code.

§ 2735. INDIVIDUAL COMMINGLED RATE SURVEY AUDIT AND RESULTS.

(a) The Division may audit any applicant's procedures and results of an approved individual commingled rate survey. The Division shall conduct its audit during the scheduled survey week for any applicant.

(b) The Division shall conduct audits. To enable the Division to conduct audits, applicants shall retain the pile of material from which the sample was taken, including the sample itself, until the completion of their daily survey. On the day of the audit, the applicant shall provide Division audit staff access to the material immediately after the applicant conducts the survey. If the applicant deviates from the approved survey time, they shall notify the Division immediately, but not less than 24 hours prior to the time of the deviation.

(c) If, in each of two separate audits, the Division determines, using standard statistical formulas, that the difference between the applicant's and the Division's proportion of California Redemption Value containers is statistically significant, the Division shall terminate the applicant's individual commingled rate survey. The difference shall be statistically significant, if the applicant's proportion is higher than the Division's, and the Division is 99% confident that the chances of the difference occurring under the applicant's approved study methodology is 5% or less.

(1) The Division shall disapprove individual commingled rates that are based on terminated surveys. The Division shall notify the applicant of such termination and disapproval within thirty (30) calendar days of the audit.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Section 14552(a), Public Resources Code.

§ 2740. RECEIPT OF APPROVAL OR DISAPPROVAL AND NOTIFICATION OF CHANGES.

- (a) Within sixty (60) calendar days after the Division receives the community service program's final survey results, the Division shall approve or disapprove the program's individual commingled rate.
- (b) The applicant shall notify the Division, in writing, within ten (10) working days, of the occurrence of either of the following for any material for which the operator has an approved individual commingled rate:
- (1) Any increase or decrease of twenty (20) percent or more in the total monthly weight from the average weight of the previous three (3) month period; or,
 - (2) Any increase or decrease of twenty (20) percent in the total monthly number of customer sites served by the applicant from the average number of customer sites of the previous three (3) month period.
- (c) Failure to provide this notification may subject the applicant to immediate revocation of the individual commingled rate.
- (d) Upon notification of operational changes, described in subsections (b)(1) or (b)(2) above, the Division may, upon its sole discretion, review and alter or revoke the individual commingled rate.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Section 14552(a), Public Resources Code and Section 15376, Government Code.

§ 2745. INDIVIDUAL COMMINGLED RATE APPEALS PROCESS.

- (a) In the event of the denial of a survey application, termination of an individual commingled rate survey, and/or disapproval or revocation of an individual commingled rate, community service programs may file a formal appeal by writing to the Assistant Director for Recycling within thirty (30) calendar days after the receipt of a Letter of Denial (LED). Appeals submitted after this time period shall be rejected. All written appeals shall include:
- (1) A copy of the LED; and
 - (2) A detailed explanation of why the determination was in error; and
 - (3) Any other documentation that supports the appeal.
- (b) A decision on the appeal shall be sent to the program applicant, in writing, within fifteen (15) working days of receipt of the appeal.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Section 14552(a), Public Resources Code.

SUBCHAPTER 10. EXEMPTIONS

Article 1. Exemption Standards

§ 2800. EXEMPTION GUIDELINES.

(a) If the number of convenience zones being reviewed for exemption, pursuant to Section 14571.8 of the Act, exceeds the number of exemptions available pursuant to Section 14571.8(d) of the Act, the Division shall consider exemptions in the following order of priority:

(1) all exemptions specifically applied for, in writing, or on the form provided by the Division (Form #CZ-1 [Rev. 8/00]) shall contain all of the following information:

- (A) The name, mailing address and phone number of the applicant.
- (B) The company or organization which the applicant represents, if applicable.
- (C) The name of a contact person if different from the applicant.
- (D) The company name and address of the supermarket which is the focal point of each convenience zone for which the applicant is seeking an exemption.
- (E) A statement justifying the request for an exemption, pursuant to Section 14571.8 of the Act.
- (F) The signature and title (if applicable) of the applicant and the date of signature.

(2) newly established convenience zones and convenience zones which have become unserved, in order by date in which the recycling facility ceased operation.

(b) If the Division determines that the exemption cap established by Section 14571.8(d) of the Act has been reached, the Division shall thereafter serve all dealers in convenience zones which become unserved, or are newly created, with the notice specified at Section 14571.7(a).

(c) After the exemption cap has been reached, only those convenience zones which submit a Form #CZ-1 or a letter containing all specified information pursuant to Section 2800 (a)(1), will be considered. Forms #CZ-1 or letters containing all specified information pursuant to Section 2800 (a)(1) shall be considered in the order received as exemptions become available.

(d) The Division shall review exemption requests, pursuant to Public Resources Code Section 14571.8(b), at a minimum, every six months. Prior and subsequent to each exemption decision, the Division shall mail notice of the proposed convenience zone exemption to each of the following persons:

- (1) Each person who has submitted a Form #CZ-1 or a letter containing all specified information pursuant to Section 2800(a)(1); and
- (2) Each dealer located within the convenience zones which are being considered for an exemption; and

(3) Each person who has specifically requested notice of such actions.

(e) The persons enumerated in section (d) above shall have 30 days from the date of the notice to submit written comments to the Division regarding the proposed convenience zone exemption.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Section 14571.8, Public Resources Code.

Article 2. General Requirements

§ 2805. EXEMPTION REVOCATION.

(a) The Division on its own motion may revoke a convenience zone exemption, or any interested person may petition the Division, on a form provided by the Division (Convenience Zone Exemption Revocation Application Form #CZ-2 (Rev. 8/00)) or in a letter to the Division, to revoke the exemption for any exempt convenience zone. The department will only consider petitions submitted in writing on either the form #CZ-2 or in a letter, which shall contain all of the following information:

- (1) The name, complete mailing address and phone number of the petitioner.
- (2) The name, complete mailing address and phone number of the company or firm which the petitioner represents, if applicable.
- (3) The company name and street address of the supermarket which is the focal point of the exempt zone which is the subject of the petition.
- (4) A statement of the change in condition(s) or other rationale which forms the basis for the petitioner's request.
- (5) The signature and title (if applicable) of the petitioner and the date of signature.

Authority: Sections 14530.5(b) and 14536(b), Public Resources Code. Reference: Section 14571.8, Public Resources Code.

SUBCHAPTER 11. PACIFIC BEACH PILOT MOBILE RECYCLING PROGRAM

Article 1. General Requirements

§ 2820. PACIFIC BEACH PILOT MOBILE RECYCLING PROGRAM.

Upon selection of an applicant, the Division shall certify one recycling center operator to establish a pilot mobile recycling program in the Pacific Beach area within the City of San Diego.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Section 14571.4, Public Resources Code.

§ 2825. GENERAL OPERATING REQUIREMENTS FOR THE PACIFIC BEACH PILOT MOBILE RECYCLING PROGRAM.

(a) All dealers in the Pacific Beach area of the City of San Diego shall comply with sections 14571.6 and 14571.7 of the Public Resources Code if, at any time, the Pacific Beach Pilot Mobile Recycling Program does not have an operator.

(b) Unless expressly specified otherwise in Public Resources Code Section 14571.4, the operator of the Pacific Beach Pilot Mobile Recycling Program is not exempt from compliance with other provisions of the Act or Regulations.

(c) The operator of the Pacific Beach Pilot Mobile Recycling Program shall be eligible to apply for one handling fee payment per month, based upon the combined logs and receipts from consumer transactions only, at the five recycling locations approved by the Division in the Pacific Beach area of the City of San Diego.

(d) If the Division terminates an operator's certification before January 1, 1997, the Division shall give a thirty (30) day notice to the operator before the effective termination date. The Division may terminate certification prior to January 1, 1997, if the operator violates the terms of the Division's regulations or its agreement with the Division, including such acts as:

- (1) Failure to operate one (1) day per week, eight (8) hours per day, at each of the five (5) locations approved by the Division.
- (2) Failure to operate a minimum of five hours per week occurring during periods other than from Monday to Friday, from 9:00 a.m. to 5:00 p.m.
- (3) Failure to submit to the Department a copy of all shipping reports completed by the receiver for transactions of empty beverage containers recycled in the Pacific Beach area of the City of San Diego within five (5) working days of the receiver's signature date on the shipping report.
- (4) Failure to keep records in accordance with sections 2525 and 2530 of subchapter 6 of these regulations.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14571.4, 14571.6 and 14571.7, Public Resources Code.

SUBCHAPTER 11.1. OUT-OF-STATE IMPORTATION

Article 1. Definitions Applicable To This Subchapter

§ 2830. DEFINITIONS

(a) Notwithstanding the definitions provided in the California Beverage Container Recycling and Litter Reduction Act and 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 beverage containers or pieces of beverage containers, whether or not they are labeled with the message required in 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 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 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: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14512,

14536.5, 14553(b), 14561, 14595, 14595.4, and 14596, Public Resources Code.

Article 2. Requirements and Limitations Applicable to Empty Beverage Container Material Imported Into California

§ 2831. OPERATING STANDARDS.

(a) Persons importing more than 25 pounds of aluminum, bimetal or plastic 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 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 and 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 as a curbside program or certified by the Division 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 21601 of the Business and Professions Code, that is not registered by the Division as a curbside program or certified by the Division 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 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 staff person, law enforcement officer, or other appropriate official to fulfill the purposes of Section 14596 of the Act and these regulations, 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 7 of 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 staff person, law enforcement officer, or other appropriate official to fulfill the purposes of Section 14596 of the Act and these regulations, including preparing and completing all required documentation, providing full, true and correct information, and granting access to records, premises, equipment, facilities, and operations.

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

§ 2831.1. LOAD INSPECTIONS UPON ENTERING CALIFORNIA IN A MOTOR VEHICLE.

(a) Pursuant to Section 14596 of the Act, persons importing empty beverage container material containing more than 25 pounds of aluminum, bimetal or plastic 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 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 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 staff person, 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 staff person, 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 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 (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

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report.

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

§ 2831.2. EMPTY BEVERAGE CONTAINER MATERIAL IMPORTED INTO THIS STATE IS INELIGIBLE FOR RECYCLING PROGRAM PAYMENTS.

Empty beverage container material imported into this State is ineligible for refund value and other recycling program payments, whether or not the material is labeled with the message required in Section 14561 of the Act.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14538(d)(5), 14538(d)(6), 14539(d)(5), 14539(d)(6), 14539.5(b), 14561, 14572(d)(2), 14595, and 14595.5, Public

Resources Code.

§ 2831.3. PROHIBITION AGAINST CURBSIDE PROGRAMS, RECYCLING CENTERS, DROPOFF OR COLLECTION PROGRAMS, AND COMMUNITY SERVICE PROGRAMS TAKING DELIVERY OF IMPORTED EMPTY BEVERAGE CONTAINER MATERIAL.

No person registered by the Division as a curbside program or certified by the Division as a recycling center, dropoff or collection program, or community service program shall take delivery of any empty beverage container material the person knows, or should know, was imported into this State.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14538(d)(5), 14538(d)(6), 14539(d)(5), 14539(d)(6), 14539.5(b), 14572(d)(2), 14595, and 14595.5, Public

Resources Code.

§ 2831.4. PROHIBITION AGAINST DELIVERING AND TAKING DELIVERY OF IMPORTED EMPTY BEVERAGE CONTAINER MATERIAL WITHOUT PROPER DOCUMENTATION.

(a) No person shall deliver or cause to be delivered in California any empty beverage container material the person knows, or should know, was imported into this State, unless the material is 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.

(b) No person shall take delivery in California of any empty beverage container material the person knows, or should know, was imported into this State, unless the material is 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.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14538(d)(5), 14538(d)(6), 14539(d)(5), 14539(d)(6), 14539.5(b), 14572(d)(2), 14595, 14595.4, 14595.5, 14596,

14597, and 14599, Public Resources Code.

§ 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 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 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: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Section 14596, Public Resources Code.

Article 3. Notification Requirements

§ 2832. NOTIFY DIVISION OF CHANGES TO IMPORTED MATERIAL REPORT.

From the time the information is entered on the report and continuing for 15 calendar days after the material is delivered, persons importing empty beverage container material shall notify the Division in writing of any changes to the information provided on an Imported Material Report within 24 hours after discovering that any mistaken, incomplete, inaccurate, or untruthful information was recorded on the report.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14553 and 14596, Public Resources Code.

Article 4. Reporting and Recordkeeping Requirements

§ 2833. APPLICABILITY.

In addition to the general requirements of subchapter 2, persons importing empty beverage container material and persons receiving imported empty beverage container material shall comply with the reporting and recordkeeping provisions of this Article.

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

14553, 14595, 14595.4, 14595.5, 14596, and 14597, Public Resources Code.

§ 2834. RECORDKEEPING.

Persons importing more than 25 pounds of aluminum, bimetal or plastic 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 and the general requirements set forth in Sections 2085 and 2090 of these regulations. Records shall be maintained for at least five years following their preparation, in accordance with 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. 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 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 2835(a)(6) of these regulations. Records may be moved to and kept at a different location if notice is given to the Division pursuant to Section 2085(a)(3) of these regulations.

Authority: Sections 14530.5(b), 14536, 14596, and 14599, Public Resources Code. Reference: Sections 14553,

14595, 14595.4, 14595.5, 14596, and 14597, Public Resources Code.

§ 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 14596(a) of the Act shall prepare the applicable sections of the Imported Material Report described in this 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 and Sections 2085 and 2090 of these regulations. Notwithstanding 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.

(a) Persons importing empty beverage container material shall prepare and provide to a California Department of Food and Agriculture inspector, Division 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 bimetals; 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 390.5 of 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 34507.5 and Division 14.85 of the Vehicle Code (commencing with 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 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

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and other recycling program payments; and

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

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

14552, 14553, 14595, 14595.4, 14595.5, 14596, and 14597, Public Resources Code.

SUBCHAPTER 11.5. QUALITY INCENTIVE PAYMENTS

Article 1: General Requirements

§ 2850. QUALITY INCENTIVE PAYMENTS.

(a) The Division may pay a quality incentive payment to any registered curbside program or entity certified pursuant to the Act and subject to the availability of funds, for empty glass, plastic and aluminum beverage containers collected by either a registered curbside program or a dropoff or collection program, consistent with the quality specifications adopted by the Division below.

(1) A Quality Incentive Payment shall be made for empty glass beverage containers, that meet the requirements in Section 14549.1(c)(1)(A) and (B) of the Act.

(2) A quality incentive payment shall be made for empty plastic beverage containers sorted by resin type (PETE #1, HDPE #2, V #3, LDPE #4, PP #5, PS #6, and OTHER #7) that meet the requirements of Section 14549.1(c)(2)(A) of the Act. The resin sorted and cleaned empty plastic beverage containers must meet the "Commercial Guideline Baled Recycled Plastic Standard," as specified in the most current "Scrap Specifications Circular" published by the Institute of Scrap Recycling Industries (ISRI).

(3) A quality incentive payment shall be made for empty aluminum beverage containers that meet the requirements of Section 14549.1(c)(3)(A) and (B) of the Act. The sorted and cleaned empty aluminum beverage containers must follow the guidelines for post-consumer aluminum can scrap as specified in the most current "Scrap Specifications Circular" published by the Institute of Scrap Recycling Industries (ISRI).

(b) For empty beverage containers that meet the quality specifications, pursuant to subsection 2850(a)(1), (2), and (3), prior to completion of the Shipping Report (DR-6 (06/07)), the registered curbside program or certified entity shall be identified on the Shipping Report (DR-6 (06/07)), as specified in Sections 2425(e) or 2530(f), and the Shipping Report (DR-6 (06/07)) shall constitute the claim for the quality incentive payment.

(c) For empty beverage containers that meet the quality specifications, pursuant to subsection 2850(a)(1), (2), and (3), subsequent to the completion of the Shipping Report (DR-6 (06/07)), the processor that claims a quality incentive payment for empty beverage containers shall submit a Quality Incentive Payment Claim Form (DOR 56 (06/07)) to the Division for each calendar month in which the quality incentive payment is being claimed. To be eligible to submit a Quality Incentive Payment Claim Form (DOR 56 (06/07)), the processor that sorts and/or cleans the empty beverage container material shall submit a request and receive approval from the Division for authorization to submit claims.

(1) The request for authorization must include the methodology developed by the processor to attribute the empty beverage containers to the types of programs from which they were received to ensure that empty beverage containers collected by sources other than curbside programs, or dropoff or collection programs are excluded

from the amount claimed for quality incentive payments.

(2) The Division shall notify the applicant in writing within fifteen (15) working days of receipt of the application, or receipt of additional information if the application was initially incomplete, that it is either:

- (A) Complete and accepted for further review; or
- (B) Incomplete and the reasons for the deficiency.

(3) The Division shall review and consider each request for authorization to submit claims for quality incentive payments for post shipping report empty beverage containers and issue a written approval or denial. Upon determining that an application is complete, the Division shall notify the applicant in writing within forty-five (45) calendar days that such application is either:

- (A) Approved; or
- (B) Denied and the reasons for denial.

Upon approval, the authorization to submit claims for quality incentive payments for post shipping report empty beverage containers shall be valid for a period of three (3) years from the date of approval, or until such time as the authorization is surrendered by the processor, or suspended or revoked by the Division.

(4) Reasons for denying a request for authorization, or for suspending or revoking an approved authorization may include, but shall not be limited to any of the following:

- (A) The processor does not ensure that empty beverage containers received from entities other than curbside programs or dropoff or collection programs are excluded from the claim;
- (B) The processor does not account for each incoming load of empty beverage containers;
- (C) The claim for quality incentive payment is not based on the sorted and/or cleaned weight for the material type; and
- (D) The processor fails to maintain inventory records that show sorted, shipped and received materials; and,
- (E) The processor has been found to be in violation of any provision of the Act, or any regulations adopted pursuant to the Act.

(5) A processor may request reconsideration of a denial, suspension, or revocation of an authorization by submitting a written request for reconsideration to the Division within thirty

(30) calendar days of being notified of a denial, revocation, or suspension of an authorization to submit claims for quality incentive payments. All written requests shall include:

- (A) A copy of the notice denying the authorization to submit claims for quality incentive payments;
- (B) A detailed explanation of the grounds for reconsideration; and
- (C) Any other documentation that supports the request.

(6) A written decision on the request for reconsideration shall be sent to the processor within twenty (20) calendar days of the receipt of the request.

(d) To be eligible for payment, the Quality Incentive Payment Claim Form (DOR 56 (06/07)) must meet the following requirements:

(1) Postmarked no later than the first day of the second month following the reporting month. Claims postmarked after this date or incomplete claims may be denied payment. A separate claim shall be completed by each processor; and

(2) Each Quality Incentive Payment Claim Form (DOR 56 (06/07)), must include all of the following information:

(A) The month for which the claim is submitted;

(B) The material type;

(C) The facility name, mailing address, and certification number of the processor submitting a claim for quality incentive payments.

(D) The name and phone number of a contact person;

(E) The redemption weight to tenths of tons of empty beverage container materials claimed;

(F) The signature and title of an authorized representative; and

(G) The date the report was signed by the authorized representative under penalty of perjury.

(e) The quality incentive payment may be denied or reduced if the Division has prevailed against the registered curbside program or certified entity in a civil or administrative action and money is owed to the Division as a result of the action.

(f) For the purpose of Section 14549.1 of the Act and these regulations, the following definitions apply:

(1) "Color sorted glass" means glass that has been sorted into flint, amber, and green fractions, and would be acceptable to a beneficiating processor.

(2) "Substantially free of contamination" means glass that has been substantially cleaned of non- glass contaminants.

Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14549.1 and 14552, Public Resources Code.

SUBCHAPTER 11.8. PLASTIC MARKET DEVELOPMENT PAYMENTS

Article 1. General Requirements

§ 2880. PLASTIC MARKET DEVELOPMENT PAYMENTS.

(a) The Department shall make Plastic Market Development Payments to both the certified entity actually washing and producing the flake, pellet or other form, and the plastic product manufacturer who uses this material to manufacture a plastic product in this state.

(b) Certified entities and product manufacturers shall each submit a Plastic Market Development Payment Claim Form (PMD 2 (03/07)) to the Department for each calendar quarter in which the payment is being claimed.

(1) Each Plastic Market Development Payment Claim Form (PMD 2 (03/07)) received from the certified entity must include all of the following information and attachments:

(A) The quarter and the year for which the claim is submitted.

(B) The facility name, mailing address, phone number, contact person and certification number of the certified entity submitting a claim.

(C) The type of plastic material and the form of the plastic material being sold by the certified entity.

(D) The weight of the material to tenths of tons of empty plastic beverage container material shipped by the certified entity.

(E) The following documents must be attached:

(i) Copies of the invoices or other supporting documents from the certified entity to the plastic product manufacturer(s) containing a description of the plastic material sold or transferred and the weight of the material sold or transferred.

(ii) The name, California mailing address, contact person, telephone number, and identification number of each plastic product manufacturer purchasing the empty plastic beverage container material for use in California manufacturing.

(F) The signature and title of an authorized representative of the certified entity.

(G) The date the form was signed by the authorized representative under penalty of perjury.

(2) Each Plastic Market Development Payment Claim Form (PMD 2 (03/07)) received from the plastic product manufacturer must include all of the following information and attachments:

(A) The quarter and year for which the claim is submitted.

(B) The facility name, mailing address, contact person, telephone number, and identification number of the product manufacturer submitting the claim.

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- (C) The type of plastic material and the form of the plastic material purchased from the certified entity.
 - (D) The weight to tenths of tons of empty plastic beverage container material received by the product manufacturer from certified entities.
 - (E) The plastic product manufacturer must attach copies of the bill of sale(s) or invoice(s) indicating the weight of the plastic beverage container material purchased from a certified entity, or other supporting documents. The bill of sale or other supporting documents must include the name of the seller and the certification number.
 - (F) The signature and title of an authorized representative of the product manufacturer; and
 - (G) The date the form was signed by the authorized representative under penalty of perjury.
- (c) Prior to submitting a Plastic Market Development Payment Claim Form (PMD 2 (03/07)), the product manufacturer must obtain an identification number from the Department by completing a Plastic Market Development Payment Identification Number Application (PMD 1 (03/07)). The identification number application must include the facility name, mailing address, facility address (if different), telephone number, contact person, type of organization, type of plastic materials used in manufacturing, the plastic products produced in California , signature and title of an authorized representative and the date.
- (d) To be eligible for payment, the Plastic Market Development Payment Claim Form (PMD 2 03/07)), must be postmarked no later than the tenth day of the second month following the reporting quarter. Claims postmarked after this date or incomplete claims may be denied payment.
- (e) For the purpose of Section 14549.2 of the Act and these regulations, "plastic product" is defined as a good or package in a form which requires no further processing or forming before it is offered for sale.

Authority: Section 14530.5 (b) and 14536 (b), Public Resources Code. Reference: Section 14549.2, Public Resources Code.

SUBCHAPTER 12. DOR REQUIREMENTS

Article 1. DOR Determinations and Calculations

§ 2900. DETERMINATIONS.

The Division shall make, and give notice of, the following determinations. For purposes of this section, notice shall be deemed complete upon the date of the postmark or date of deposit in the

U.S. mail, whichever is earlier. Notices shall be mailed to the last known address of the intended recipient.

(a) Statistics.

(1) Determination. The Division shall determine the following statistics:

(A) Containers per pound. The average number of empty beverage containers per pound, by material type. This number is used to calculate the quantity of beverage containers for certain records, reports, and payments required pursuant to this chapter.

(B) Commingled rate. The average percentage of empty beverage containers in a commingled load of containers, by material type. The Division may determine more than one commingled rate. The Division shall also determine the geographic area within which each commingled rate shall apply. This rate shall be used to calculate the quantity of empty beverage containers for certain records, reports, and payments required pursuant to this chapter.

(2) Notice. Except for the initial determination of the above statistics after which the Division shall provide notice of not less than 10 days prior to their effective date or dates, the Division shall provide notice of the initial determination and any changes to the above statistics no less than 30 days prior to their effective date or dates, as follows:

(A) Recipients. Notice of any such determination shall be provided to persons certified pursuant to this subchapter 2 of these regulations, and to any persons requesting such notice in writing.

(B) Contents. The notice shall state the relevant statistics themselves and their effective date.

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

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

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

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

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

(C) Persons requesting such notice in writing.

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

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

§ 2920. CONTAINERS PER POUND RATE.

The method used to calculate the average number of empty beverage containers per pound by material type, shall include sampling procedures which consider, at a minimum, the following factors:

- (a) Weight by separately aggregated size categories of containers (same size) in their original manufactured and unfilled state.
- (b) Weight by variously mixed aggregated size of containers (different sizes) in their original manufactured and unfilled state.
- (c) Weight by separately aggregated size categories of containers (same size) in their post-filled state.
- (d) Weight by variously mixed aggregated size of containers (different sizes) in their post-filled state.
- (e) Weight by individually mixed aggregated size of container loads in their post-filled state as presented by consumers at recycling centers (selected statewide on a random basis).
- (f) Volume of sales at wholesale and retail levels in various regions of the state.

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

§ 2930. COMMINGLED RATE.

The method used to calculate the commingled rate per pound, by material type, shall include sampling procedures which consider, at a minimum, the following factors:

- (a) Weight and analysis of randomly mixed pre-filled empty beverage containers and other pre-filled containers of the same size in the original manufactured and unfilled state.
- (b) Weight and analysis of individual loads of empty beverage containers and other containers in their post-filled state as presented by consumers at recycling centers (selected statewide on a random basis), excluding reverse vending machines.
- (c) Weight and analysis of loads of empty beverage containers and other containers in their post-filled state redeemed or returned by consumers to reverse vending machines (selected statewide on a random basis).
- (d) Weight and analysis of loads presented to processors by curbside programs, community service programs and dropoff or collection programs.

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Authority: Sections 14530.5(b) and 14536, Public Resources Code. Reference: Sections 14506.7,
14549.5, 14552 and 14572, Public Resources Code.

Article 2. Processing Fees and Processing Payments

§ 2945. CONFIDENTIALITY OF INFORMATION.

- (a) The Division shall disclose only aggregated survey information for three or more firms to the public.
- (b) Individual recycling center, processor, or scrap purchaser survey data exempt from public disclosure includes: trade secrets; financial statements; investment data; proprietary information relating to specific sales, purchases, revenues or expenses; or other information as permitted by section 6255 of the Public Records Act (Government Code Section 6255).
- (c) Upon receipt of a written request for records pertaining to information obtained by the Division pursuant to this Chapter, the Division shall determine whether the requested information may be exempt from disclosure. The Division shall notify the requesting party of its determination within 10 days of the receipt of the written request as required by the Public Records Act (Government Code Section 6256). If the Division determines that the information is not exempt from disclosure, it shall promptly provide it to the requesting party in accordance with the procedures of the Public Records Act.

Authority: Section 14530.5(b) and (c), Public Resources Code. Reference: Sections 14518.5, 14551(b) and 14575(a), (b) and (d), Public Resources Code, Sections 6250 - 6267, Government Code.

§ 2950. ELIGIBILITY.

- (a) Programs and operations eligible to receive processing payments include:
- (1) recycling centers certified pursuant to these regulations,
 - (2) curbside programs which hold a valid identification number issued by the Division,
 - (3) dropoff or collection programs certified pursuant to these regulations,
 - (4) community service programs certified pursuant to these regulations.

Authority: Section 14530.5(b), Public Resources Code. Reference: Sections 14518.5, 14573 and 14573.5, and 14575(a), (b) and (d), Public Resources Code.

§ 2955. SCRAP VALUE CALCULATION.

- (a) The Division shall survey processors to determine statewide weighted average scrap values paid for each beverage container material type (in the case of plastic, for each resin code type) on a monthly basis.
- (b) The Division shall calculate the statewide weighted average scrap value using a statistically significant survey of the processors pursuant to paragraph (a).
- (c) The statewide weighted average scrap value shall be equal to the quotient of the total net payment by the sampled processors to nonaffiliated recyclers divided by the total volume of beverage container material types purchased by the sampled processors from nonaffiliated recyclers, excluding beverage container material types processors receive in

a form mixed with other beverage container material types and/or material types not covered by the Act.

(d) The scrap values reported in (c) above will then be used to determine a per container statewide weighted average scrap value for each container type.

(e) The Division may periodically sample and review processors' individual scrap purchases to verify the accuracy of the aggregated weights and aggregated net payments reported on the monthly Scrap Value Purchases Survey Form DOR-SV (10/00). The review may include examination of the records maintained by a sample of the selling entities.

(f) If, through this review, the Division determines that either or both of the sampled weights and sampled net payments reported by a processor differ by more than ten percent (.10) from those recorded by the sellers, the Division shall adjust the reported aggregate weights or aggregate net payments or both to reflect the discovered difference.

Authority: Section 14530.5(b), 14536 and 14536.1 Public Resources Code. Reference: Sections 14504, 14515.5,

14518.5, 14519.5, 14526, 14538(b)(8), 14539(a)(9), 14575, and 18015, Public Resources Code.

§ 2960. ALLOWABLE COSTS FOR RECYCLING CENTERS.

(a) On and after January 1, 2004, and every second year thereafter, the Division shall survey a statistical sample of recycling centers to determine statewide average allowable costs per container type.

(b) Allowable costs for calculation of the processing fee and processing payment shall include the actual costs of receiving, handling, processing, and storing and transporting postfilled beverage containers. Allowable costs also include maintaining equipment necessary for the above activities. More specifically these costs shall include, but not be limited to:

- (1) labor,
- (2) property taxes,
- (3) depreciation,
- (4) utilities,
- (5) supplies,
- (6) fuel,
- (7) insurance,
- (8) interest,
- (9) general business overhead exclusive of administrative costs,
- (10) facilities and equipment rent or lease,
- (11) maintenance,

- (12) transportation,
- (13) disposal costs.

(c) The scrap price paid to the consumer by the recycling center shall not be included in allowable costs.

Authority: Section 14530.5(b), Public Resources Code. Reference: Sections 14518.5, 14526, 14573.5 and 14575(a),(b),(c) and (k), Public Resources Code.

§ 2965. ALLOWABLE COSTS FOR PROCESSORS.

(a) Allowable costs for calculation of the processing fee shall include the actual costs of receiving, handling, processing, storing, and maintaining equipment, necessary for accepting, canceling, and readying postfilled beverage containers prior to shipment to scrap purchasers. More specifically, these costs shall include, but not be limited to:

- (1) labor,
- (2) property taxes,
- (3) depreciation,
- (4) utilities,
- (5) supplies,
- (6) fuel,
- (7) insurance,
- (8) interest,
- (9) general business overhead exclusive of administrative costs,
- (10) facilities and equipment rent or lease,
- (11) maintenance,
- (12) disposal costs pursuant to (c) below,
- (13) transportation.

(b) The scrap price paid to recycling centers by processors shall not be included in allowable costs.

(c) The Division shall calculate a statewide average disposal cost per container for each beverage container type if the scrap value of a container type is negative as determined in section 2955(c) of these regulations.

- (1) When 200% of the disposal cost is less than the absolute value of scrap value pursuant to section 2955 of these regulations, the Division shall use disposal cost, not scrap value, in the calculation of processing fees and processing payments.
- (2) When 200% of the disposal cost is greater than or equal to the absolute value of scrap value pursuant to section 2955 of these regulations, the Division shall use only scrap value in the calculation of processing fees and processing payments.
- (3) If the scrap price is zero, the Division shall use disposal cost, not scrap

value in the calculation of processing fees and processing payments.

Authority: Section 14530.5(b), Public Resources Code. Reference: Sections 14501(d) and (h), 14518.5, 14526, 14573.5 and 14575(a), (b), (c) and (k), Public Resources Code.

§ 2970. ALLOCATION OF ALLOWABLE COSTS.

(a) The Division shall determine allowable costs per container pursuant to sections 2960 and 2965 of this subchapter that can be directly allocated to each beverage container type. (For example: depreciation and labor expenses for operating an aluminum can crusher shall be directly allocated to the allowable costs of aluminum beverage containers.)

(b) Allowable costs pursuant to sections 2960 and 2965 of this subchapter that cannot be directly allocated shall be allocated using the direct labor cost percentages for each container type as determined in the allowable cost surveys pursuant to sections 2960 and 2965 of this subchapter.

Authority: Section 14530.5(b), Public Resources Code. Reference: Sections 14518.5 and 14575(a) and (b), Public Resources Code.

§ 2975. REASONABLE FINANCIAL RETURN CALCULATION.

The statewide average reasonable financial return for recycling centers shall be equal to the statewide average allowable costs calculated in section 2960 of this subchapter, multiplied by the average return on costs for the scrap and waste materials industry as determined from data contained in the most recent Dun and Bradstreet Standard Three Year Norm Report (Published by Dun and Bradstreet Credit Services).

Authority: Section 14530.5(b), Public Resources Code. Reference: Sections 14501(f) and (g), 14518.5 and 14575(a) and (b), Public Resources Code.

§ 2980. PROCESSING PAYMENTS.

On and after January 1, 2000, the processor shall pay the operators of curbside programs, dropoff or collection programs, community service programs, and certified recycling centers, the entirety of the processing payment multiplied by the number of containers accepted from the operator by the processor.

Authority: Section 14530.5(b), Public Resources Code. Reference: Sections 14518.5, 14573.5 and 14575(a), (b) and (h)(3), Public Resources Code.

§ 2985. NOTIFICATION OF CHANGES.

(a) When the Division adopts a revised, terminated or newly established processing fee and processing payment pursuant to Public Resources Code Section 14575, the Division shall mail written notification within fifteen (15) days of adoption, and at least fifteen (15) days prior to the effective date of the proposed action(s), to all interested persons.

(b) The Division shall mail written notification to certified processors, who participated in

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the scrap value survey, of the average monthly scrap value for each container material type pursuant to Section 2955 of the regulations. This notification will be sent within sixty (60) days of the end of the reporting month.

Authority: Section 14530.5(b) and (c), Public Resources Code. Reference: Sections 14518.5 and 14575(a), (b) and (f)(1), Public Resources Code.

Article 3. Handling Fee Payments

§ 2990. ALLOWABLE COSTS FOR HANDLING FEE RECYCLING CENTERS.

(a) On or before January 1, 2008, and every second year thereafter, the Division shall survey a statistical sample of recycling centers receiving handling fees to determine the average allowable costs per empty beverage container redeemed.

(b) Allowable costs for calculation of the handling fee shall include the actual costs of receiving, handling, processing, and storing and transporting postfilled beverage containers. Allowable costs also include maintaining equipment necessary for the above activities. More specifically these costs shall include, but not be limited to:

- (1) labor,
- (2) property taxes,
- (3) depreciation,
- (4) utilities,
- (5) supplies,
- (6) fuel,
- (7) insurance,
- (8) interest,
- (9) general business overhead exclusive of administrative costs,
- (10) facilities and equipment rent or lease,
- (11) maintenance,
- (12) transportation,
- (13) disposal costs.

(c) The scrap price paid to the consumer by the recycling center shall not be included in allowable costs.

Authority: Section 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14513.4, 14526.6, 14581, and 14585, Public Resources Code.

§ 2995. ALLOCATION OF ALLOWABLE COSTS FOR HANDLING FEE SITES.

(a) The Division shall determine allowable costs per container pursuant to section 2990 of this subchapter that can be directly allocated to each beverage container type. (For example: depreciation and labor expenses for operating an aluminum can crusher shall be directly allocated to the allowable costs of aluminum beverage containers.)

(b) Allowable costs pursuant to section 2990 of this subchapter that cannot be directly allocated shall be allocated using the direct labor cost percentages for each container type as determined in the allowable handling fee cost surveys pursuant to section 2990 of this subchapter.

Authority: Section 14530.5(b) and 14536(b), Public Resources Code. Reference: Sections 14513.4, 14526.6, 14581, and 14585, Public Resources Code.

§ 2997. NOTIFICATION OF HANDLING FEE CHANGES.

When the Division adopts a revised, terminated or newly established handling fee pursuant to Public Resources Code Section 14585, the Division shall provide written notification within fifteen

(15) days of adoption, and at least fifteen (15) days prior to the effective date of the proposed action(s), to all interested persons.

Authority: Section 14530.5(b) and (c) and 14536(b), Public Resources Code. Reference: Sections 14513.4, 14581 and 14585, Public Resources Code.

APPENDIX A

American Society for Testing and Materials (ASTM) standard specification for waste glass as a raw material for the manufacture of glass containers:

E708-79 (Reapproved 1988) Standard Specification for Waste Glass As A Raw Material For The Manufacture of Glass Containers. Approved Nov. 30, 1979; published January 1980.

Individual reprints (single or multiple copies) of this standard may be obtained by contacting ASTM, 100 Barr Harbor Drive, West Conshohocken, PA 19428-2959, United States, or at 610-832-9500 (phone), 610-832-9555 (fax), or service@astm.org (e-mail); or through the ASTM website (<http://www.astm.org>).

(Referenced in Section 2000(a)(3.1)(A), above at p. 1. Cal. Code Regs., title 14, § 2000(a)(3.1)(A).)

DIVISION OF RECYCLING FORMS

Forms expressly referenced in the current regulations of the Division of Recycling are presented in the following pages.

Accessibility Note: CalRecycle endeavors to make all of its published materials accessible to persons using assistive technologies, such as screen readers, to access their content.

Unfortunately, when preparing this edition of the Division of Recycling regulations, significant difficulties were encountered with the accessibility of the forms presented here. A variety of factors have resulted in the inaccessibility of the forms, including the amount of information presented and being collected on the forms, the complexity of the presentation on the page, and the assortment of native formats involved in their origination. If you need to access the forms, please contact the CalRecycle Public Affairs Office by telephone at 916-341-6300 or by email at opa@calrecycle.ca.gov.