

## **PROPOSED REGULATION TEXT**

### **SB 1013 Addition of New Beverage Containers Regulations Beverage Container Recycling Program**

#### **DEPARTMENT OF RESOURCES RECYCLING AND RECOVERY CALIFORNIA CODE OF REGULATIONS**

Note: Amendments are shown in underline to indicate additions and ~~strikeout~~ to indicate deletions from the existing regulatory text. The symbol “\* \* \* \*” means that intervening text not proposed for amendment is not shown.

TITLE 14

DIVISION 2

CHAPTER 5

#### **AMEND**

SUBCHAPTER 1

SUBCHAPTER 3

SUBCHAPTER 4

SUBCHAPTER 5

SUBCHAPTER 6

SUBCHAPTER 11.1

SUBCHAPTER 12

**Adopt sections 2205, 2241, 2243, and 2311, California Code of Regulations, title 14.**

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

## **SUBCHAPTER 1. Definitions**

### **Section 2000. Definitions.**

\* \* \* \*

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

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

(B) (i) An exterior rigid box with the valve described in subparagraph (A) designed to extend through the box to dispense the beverage.

(ii) The box is not required to be rectangular in shape.

(iii) The box is composed primarily of cardboard.

\* \* \* \*

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

\* \* \* \*

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

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

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

~~(FG)~~ Any empty beverage container shall be deemed cancelled when it is delivered to a location of end use and the delivery verified in accordance with ~~subsections~~ sections 2420(d)(1), (2) and (3) 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.

\* \* \* \*

(9) "Clearly and Prominently" means that the redemption message is displayed so that it is easily found and read by consumers and recyclers without effort or difficulty both when the container is filled and when the container is empty. 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.

\* \* \* \*

(31.7) "Multi-layer pouch" means a beverage container containing wine, distilled spirits, or wine and distilled spirit cooler with a flexible body of multiple layers of material consisting of a combination of plastic, foil, paper, or other material. "Multi-layer pouch" does not include a plastic #1-7 beverage container.

\* \* \* \*

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

\* \* \* \*

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

\* \* \* \*

(37) "Redeem" means to return an empty beverage container ~~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 beverage 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.

\* \* \* \*

(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 specified in Section-section 14561 of the Act.

\* \* \* \*

Authority cited: Sections 14530.5, 14536, 14536.1, 14539, 14578.5 and 14599, Public Resources Code. Reference: Sections 14500, 14501, 14503, 14503.6, 14504, 14505, 14506.5, 14509.5, 14511.7, 14512, 14512.5, 14513, 14514.4.1, 14514.7, 14517, 14518, 14518.5, 14519.5, 14520, 14520.5, 14520.6, 14522.5, 14524, 14525.5.1, 14526, 14530, 14530.2, 14536, 14537, 14538, 14539, 14547, 14549.3, 14550, 14552, 14561, 14571.2, 14571.8, 14572, 14573, 14573.5, 14573.51, 14574, 14575, 14578 and 14578.5, Public Resources Code.

### **SUBCHAPTER 3. Manufacturers**

#### **Section 2200. Labeling Required.**

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

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

~~(2)~~(1) A currently registered beverage manufacturer, a person applying for beverage manufacturer registration, or a person planning to apply for beverage manufacturer registration may choose to submit to the Division department, any product label or the beverage container for review and approval. However, ~~should if~~ if the Division department ~~deem it necessary to request~~ requests any product label or the beverage container, the beverage manufacturer shall submit to the department within 10 working days of the request being sent the product label or the beverage container for review and approval.

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

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

~~(1)~~(A) Metal containers, excluding metal bottles, shall be marked on the top or bottom end of the container in minimum lettering size at least  ~~$\frac{3}{16}$  inch~~ 4.76 millimeters in height. Metal containers, excluding metal bottles, with a top lid of two inches or less in diameter shall have a minimum lettering size of at least  ~~$\frac{1}{16}$  inch~~ 3.17 millimeters in height.

~~(A)~~(B) Scratch embossed lettering shall be of a minimum width of ~~0.004 inch~~ 0.10 millimeters of disturbed surface metal.

(2)(A) 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  $\frac{3}{16}$  inch in height;~~

~~(B)(i) On or in a secondary label in minimum lettering size Anywhere on the container body or label at least  $\frac{3}{16}$  inch 4.76 millimeters in height; or~~

~~(C)(ii) On a container body label or secondary label Anywhere on the container body or label with contrasting colors with legible lettering in minimum lettering size at least  $\frac{1}{8}$  inch 3.17 millimeters in height. Contrasting colors shall direct the reader to the message required in subsection (a).~~

(B) Subparagraph (A) does not apply to any beverage container listed in paragraph (3) or (4).

(3) Plastic portion-controlled cups that have peelable, ~~heat~~heat-sealed lids that are not resealable, shall be marked in a minimum lettering size of at least  $\frac{1}{8}$  inch 3.17 millimeters in height on either the side of the container only, or on the lid and bottom of the container.

(4) Metal bottles, plastic #1-7 pouch, multi-layer pouch, or paperboard carton shall be marked ~~on the side of the bottle~~ in contrasting colors anywhere on the container body or label in minimum lettering size at least  $\frac{3}{16}$  inch 4.76 millimeters in height.

(5) A bag in box shall be marked in contrasting colors anywhere on the external box or label at least 4.76 millimeters in height. The CRV message shall not be located on the panel which provides access to the dispenser. The interior flexible bag shall not be marked with the CRV message.

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

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

#### Section 2205. Machine-Readable Labeling.

(a) A beverage manufacturer shall have the option to print, emboss, stamp, label, or otherwise mark a quick response (QR) code, universal product code, or similar machine-readable indicia capable of being digitally scanned on a beverage container to indicate the CRV redemption eligibility instead of the labeling specified in section 2200.

(b) (1) The beverage container labeling shall clearly indicate the purpose of the machine-readable indicia using one of the following methods:

(A) Clearly and prominently marking the message “DEPOSIT” in all capital letters adjacent to or within the machine-readable indicia.

(B) Clearly and prominently marking the chasing arrows symbol, as defined in subdivision (f) of section 17580 of the Business and Professions Code, within the machine-readable indicia in contrasting colors to the machine-readable indicia in a size that is at least half the height and width of the machine-readable indicia. This method is only allowed for beverage containers that had a 60 percent or higher mean average recycling rate in the past five years in the biannual reports issued by the department pursuant to section 14551 of the Act.

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

(c) (1) The machine-readable indicia shall be at least 19.05 millimeters in height and width.

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

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

(B) A glass container, metal bottle, plastic container, plastic #1-7 pouch, multi-layer pouch, or paperboard carton shall be marked anywhere on the container body or label. This subparagraph does not apply to any beverage container listed in subparagraph (C).

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

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

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

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

(2) The text or other information linked to the machine-readable indicia shall conform to the standards set forth in the Web Content Accessibility Guidelines (WCAG) 2.2 published in 2024 by the World Wide Web Consortium at <http://www.w3.org/TR/WCAG22/>. The entirety of the Web Content Accessibility Guidelines (WCAG) 2.2 published in 2024 are incorporated by reference.

(f) (1) The department shall request, by sending an email to the email address on file with the department for the beverage manufacturer, the machine-readable indicia or the text or other information linked to the machine-readable indicia, as described in paragraphs (2) and (3), if necessary to determine whether the machine-readable indicia or the text or other information linked to the machine-readable indicia complies with the Act and this chapter. A beverage manufacturer that marks a beverage container pursuant to this section shall submit the requested information within 10 working days of the request being sent by the department.

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

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

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

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

Authority cited: Section 14530.5, Public Resources Code. Reference: Sections 14551 and 14561, Public Resources Code.

#### Section 2230. Applicability.

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

(b) (1) An out-of-state vendor, holding a certificate of compliance with the Department of Alcoholic Beverage Control, of beer and other malt beverages located outside of California which sells or transfers filled beverage containers to California shall, pursuant to Section-section 14575(g)(2) of the Act, be deemed to be the beverage manufacturer for payment of processing fees and shall be responsible for the labeling, registration, recordkeeping, reporting, and payment responsibilities described in sections 2200, 2231, 2235(d), 2240, and 2245.

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

and payment responsibilities described in sections 2200, 2231, 2235(d), 2240, and 2245, for those beverages.

(c) A beverage manufacturer shall notify the ~~Division~~department in writing if another entity has agreed to report and make payments on the beverage manufacturer's behalf for processing fees under section 2240(a). The reporting and paying beverage manufacturer shall submit to the ~~Division~~department a copy of the written report and pay on behalf agreement for all other beverage manufacturers it reports and pays on behalf of. ~~between the beverage manufacturer and the entity, which has agreed to report and make payments on the beverage manufacturer's behalf.~~ A copy of the written agreement shall be submitted to the ~~Division~~department within twenty (20) working days of the initial agreement. Any subsequent changes to the agreement, including termination of the agreement, shall also be submitted to the ~~Division~~department within twenty (20) working days of that change. The agreement shall include but is not limited to:

(1) The name of each entity involved in the agreement.

(2) The beverage manufacturer identification number of each entity.

(3) The business and mailing address(es) of each entity.

(4) A statement signed and dated by an authorized representative from each entity indicating one entity has agreed to report and pay for another.

(5) (A) Clearly indicate the name of the beverage manufacturer(s) reporting and paying on behalf of the other.

(B) Clearly indicate which beverage manufacturer(s) that the beverage manufacturer in subsection (5)(A) is reporting and paying on behalf of.

(d) A beverage manufacturer shall notify the department in writing, using the same notification process and criteria established in subsections (c)(1)-(5), if another entity has agreed to report on the beverage manufacturer's behalf for the plastic beverage container virgin and postconsumer resin report under section 2240(b). Only a beverage manufacturer that is not included as part of a consolidated report under section 14549.9 of the Act is eligible to participate in report on behalf agreements for virgin and postconsumer recycled plastic minimum content and only if the agreement is received by the department by June 30 of the previous calendar year for which the report is due.

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

(ef) A beverage manufacturer shall apprise the ~~Division~~department of any changes to the information provided pursuant to ~~Section~~section 2231 within twenty (20) working days of that change.

(fg) Nothing in this article shall be construed to require the ~~Division~~department to transfer any of the responsibilities set forth in this article, nor shall the ~~Division~~



department be prohibited from holding the in-state beverage manufacturer, distributor, dealer, and/or consumer liable for any due and unpaid processing fees.

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14505, 14506, 14549.9 and 14575(~~g~~), Public Resources Code.

#### Section 2231. Registration.

(a) In order to meet the reporting and payment requirements pursuant to ~~Sections sections~~ 2240 and 2245 ~~of these regulations~~, a beverage manufacturer shall register with the ~~Division~~ department and receive a Beverage Manufacturer Identification Number issued by the ~~Division~~ department.

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

(1) Provide the legal name of the entity and the “Doing Business As” (DBA) name(s);

(2) Provide the Federal Tax Identification Number (also known as an Employer Identification Number);

(3) (A) Provide the Department of Alcoholic Beverage Control Certificate of Compliance Number, if an out-of-state beer or other malt beverage manufacturer;

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

\* \* \* \*

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

#### Section 2235. Recordkeeping.

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

\* \* \* \*

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

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

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

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

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

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

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

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

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

#### Section 2240. Reporting.

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

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

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

(B) The reporting period;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~(b) For each year, a beverage manufacturer of a beverage sold in a plastic beverage container subject to the California Redemption Value shall prepare and submit to the Division the plastic beverage container virgin and postconsumer resin report.~~

(b) (1) For each year, the following beverage manufacturers, or the appropriate entity as determined by section 2230(d), shall prepare and submit to the department the plastic beverage container virgin and postconsumer resin report:

(A) A beverage manufacturer of a beverage sold in a bag in box, multi-layer pouch, or paperboard carton with a plastic component that is part of or affixed to the beverage container at the point of sale.

(B) A beverage manufacturer of a plastic beverage container.

(2) The plastic beverage container virgin and postconsumer resin report shall contain all of the following information as specified in paragraphs (3), (4), and (5) in accordance with the general requirements for reporting as contained in section 2090 of these regulations.

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

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

4-(ii) A separate report must be submitted for each manufacturer identification number.

(B) The reporting period; and

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

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

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

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

4-(ii) The Signature block shall state the information in the report is true and correct, subject to penalty of perjury, and the person signing is authorized to do so; and

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

(24) The plastic beverage container virgin and postconsumer resin report shall be submitted no later than March 1 of each year for plastic beverage containers subject to the California Redemption Value for sale in the state for the previous calendar

year and to the ~~Division~~ department by email to [MarketInformation@CalRecycle.ca.gov](mailto:MarketInformation@CalRecycle.ca.gov) or by mail to Statistical Information Section, Division of Recycling, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, California, 95812-4025.

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

(c) For purposes of this section, a component that is part of or affixed to a beverage container at the point of sale does not include grouped packaging or secondary packaging intended to bundle, sell in bulk, brand, or display the product, as described in section 42041(s)(2) of the Public Resources Code.

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

#### Section 2241. Annual Reporting.

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

(1) The beverage manufacturer notifies the department of its intent to report annually either within 10 working days of being registered by the department or by January 31 of the calendar year and every year thereafter for which the monthly reports and payments would be due. The notification shall be submitted electronically in writing in the format provided by the department; and

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

(A) Submits 12 accurate monthly reports and payments to the department by the required due dates, and projects to owe less than \$15,000 in processing fees in the calendar year; or

(B) Projects to sell fewer than 375,000 beverage containers in the calendar year, and projects to owe less than \$15,000 in processing fees in the calendar year.

(b) A beverage manufacturer that is not in compliance with the Act or this chapter that otherwise meets the criteria in subdivision (a) constitutes grounds for the department to deny or revoke the beverage manufacturer's option to make a single annual payment of processing fees.

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

#### Section 2243. Postconsumer Recycled Plastic Requirements.

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

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

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

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

(b) In accordance with section 14547(i)(2) of the Act, the minimum content standards established in section 14547 of the Act and in this section do not apply to a beverage manufacturer that sells or transfers 16,000,000 or fewer of any combination of the following to a distributor, dealer, or consumer located in the State of California during the calendar year for which the beverage manufacturer is reporting pursuant to section 14549.3 of the Act and section 2240(b):

(1) Plastic beverage containers.

(2) Bags in boxes containing plastic.

(3) Multi-layer pouches containing plastic.

(4) Paperboard cartons containing plastic.

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

### **SUBCHAPTER 4. Distributors**

#### Section 2300. Applicability.

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

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

(1) The name of each entity involved in the agreement.

- (2) The distributor identification number of each entity.
- (3) The business and mailing address(es) of each entity.
- (4) A statement signed and dated by an authorized representative from each entity indicating one entity has agreed to report and pay for another.

(5) (A) Clearly indicate the name and identification numbers of the distributor(s) reporting and paying on behalf of the other.

(B) Clearly indicate which distributor(s) that the distributor in subsection (5)(A) is reporting and paying on behalf of.

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

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

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

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

#### Section 2301. Registration.

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

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

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

\* \* \* \*

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

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

#### Section 2305. Recordkeeping.

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

(a) Receipt of Beverage Containers. A distributor shall maintain records, by individual sale or transfer, of all beverage containers received, ~~including 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 and~~ 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~~ department. A distributor shall maintain the Distributor Report and payment records prepared pursuant to sections 2310 and 2320 ~~of this subchapter.~~



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

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

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

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

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

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

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

#### Section 2310. Reporting.

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

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

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

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

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

(C) The reporting period;

(D) The total number of beverage containers, by material type and size, ~~including all containers which bear the message as required in Section 14561 of the Act,~~ sold or transferred;

(E) Redemption payment and administrative fee:

~~4.~~(i) The redemption payment for each material type by size, and

~~2.~~(ii) The total redemption payment,

~~3-(iii)~~ The administrative fee deducted, and

~~4-(iv)~~ The total due to the ~~Division~~department;

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

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

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

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

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

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

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

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

### Section 2311. Annual Reporting.

(a) Notwithstanding any provision of section 2310 establishing a monthly reporting schedule, a distributor shall have the option to report on an annual basis, and make a single annual payment of redemption payments, on or before February 1 of each year in accordance with the requirements of sections 14550 and 14574 of the Act for every beverage container sold or transferred by the distributor in the previous calendar year if the distributor satisfies both of the following:

(1) The distributor notifies the department of its intent to report annually either within 10 working days of being registered by the department or by January 31 of the calendar year and every year thereafter for which the monthly reports and payments would be due. The notification shall be submitted electronically in writing in the format provided by the department; and

(2) The distributor meets either of the following criteria:

(A) Submits 12 accurate monthly reports and payments to the department by the required due dates, and projects to owe less than \$75,000 in redemption payments in the calendar year, or

(B) Projects to owe less than \$37,500 in redemption payments in the calendar year.

(b) A distributor that is not in compliance with the Act or this chapter that otherwise meets the criteria in subdivision (a) constitutes grounds for the department to deny or revoke the distributor's option to make a single annual payment of redemption payments.

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

#### Section 2320. Payments.

(a) The distributor shall pay to the ~~Division~~department the total redemption payment for all beverage containers, ~~including 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~~section 14574 of the Act. Notwithstanding any other provisions of this subchapter, this administrative fee shall not be deducted from the calculated redemption payment, if the ~~Division~~department calculates the redemption payment owed by the distributor to the ~~Division~~department.

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

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

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

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

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

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

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

## **SUBCHAPTER 5. Processors**

### **Section 2400. Operation Standards.**

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

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

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

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

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

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

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

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

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

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

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

Authority cited: Sections 14530.5, 14536, 14539 and 14578.5, Public Resources Code. Reference: Sections 14504, 14539, 14573, 14573.5, 14573.6, 14578 and 14578.5, Public Resources Code.

### **Section 2401. Load Inspection Requirements.**

(a) Certified processors shall inspect each load of containers, subject to the Act, delivered to the processor, for which refund value is claimed, to determine whether the

load is eligible for any refund value and, if so, to determine whether the load is segregated or commingled, as follows:

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

(2) For a beverage container marked with a machine-readable indicia pursuant to section 2205, inspection by a processor of the machine-readable indicia is only required to include visually verifying the machine-readable indicia is marked on the beverage container paired with the indicator required pursuant to section 2205(b). A processor is not required to verify that the machine-readable indicia links to a website with the CRV information as described in section 2205(e).

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

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

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

(d) All out-of-state material, whether labeled with the message ~~required~~ specified 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), a certified processor shall not inspect, weigh or receive a load of material subject to the Act from a recycling center unless and until the shipper's section of the shipping report is completed and accompanies the load of material delivered to the certified processor's site.

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

Authority cited: Sections 14530.5, 14536 and 14578.5, Public Resources Code.  
Reference: Sections 14504, 14539, 14553, 14561, 14578 and 14578.5, Public Resources Code.

## SUBCHAPTER 6. Recycling Centers

### Section 2500. Operation Standards.

\* \* \* \*

(e) Each certified recycling center which does not utilize a reverse vending machine shall post the following near the certification sign provided by the department and in a conspicuous location which can be easily seen by the public:

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

(2) A refund price sign indicating the prices paid by weight or per container and by material type (~~i.e. such as~~ aluminum, glass, plastic, ~~or bimetel, bag in box, multi-layer pouch, or paperboard carton~~). A refund price sign shall meet the following specifications:

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

(B) Content. In addition to the prices paid as required in ~~subsection subdivision~~ (e)(2) above, the sign shall contain, at a minimum, the statements as indicated in Figure 9. A refund price sign varying from the specifications of this section may be posted if requested in writing and approved in writing by the department.

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

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

\* The consumer has the right to:

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

### Figure 9.

(f) Each certified recycling center utilizing a reverse vending machine shall post the following on each machine near the certification sign provided by the department:

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

(2) A refund price sign or decal indicating the prices paid by weight or per container for each material type accepted by that reverse vending machine. The refund price sign or decal shall be at a minimum 15 square inches with lettering of at least  $\frac{3}{8}$  inch in height. A refund price sign or decal not meeting the requirements of this section may be posted if requested in writing and approved in writing by the department.

(3) A sign which specifies the method approved by the department for redeeming empty beverage containers which are ~~odd-sized, made of materials other than aluminum, glass or plastic, or otherwise~~ not accepted by the reverse vending machine or if the reverse vending machine is out of order. If in-store redemption is the alternative method, a sign which is at a minimum 120 square inches with lettering of at least ½ inch in height shall be posted which specifies that containers will be redeemed at all open cash registers or the sign must designate exactly where redemption will occur.

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

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

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

Authority cited: Sections 14530.5 and 14536, Public Resources Code. Reference: Sections 14501, 14515.6, 14538, 14571, 14571.3, 14572 and 14572.5, Public Resources Code.

#### Section 2501. Load Inspection Requirements.

(a) A certified recycling center 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:

\* \* \* \*

(3) For a beverage container marked with a machine-readable indicia pursuant to section 2205, inspection by a recycling center of the machine-readable indicia is only required to include visually verifying the machine-readable indicia is marked on the beverage container paired with the indicator required pursuant to section 2205(b). A recycling center is not required to verify that the machine-readable indicia links to a website with the CRV information as described in section 2205(e).

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

\* \* \* \*

(4) Each bag in box in a load of bags in boxes shall be intact for the load to be eligible for the refund value. "Intact" means that the interior flexible bag is connected to the dispensing valve and inside of the exterior box. A load of bags in boxes shall

be deemed not eligible for any refund value if the load contains any individual interior flexible bag, dispensing valve, or exterior box that is separated from the other bag in box components.

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

(c) Once eligibility is determined payment shall be calculated pursuant to section 2535(d).

(d) All out-of-state material, whether labeled with the message ~~required~~ specified 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 a dealer cooperative, recycling center, dropoff or collection program, community service program or curbside program, whether labeled or not with the message ~~required~~ specified in section 14561 of the Act, must be excluded from the received weight of the load.

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

\* \* \* \*

Authority cited: Sections 14530.5, 14536, 14578.5, 14596 and 14599, Public Resources Code. Reference: Sections 14501, 14538, 14539, 14539.5, 14553, 14572, 14578, 14578.5, 14595, 14595.4, 14595.5, 14596 and 14597, Public Resources Code.

#### Section 2525. Recordkeeping.

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

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

\* \* \* \*

(b) Except for reverse vending machines as provided in ~~subsection~~ section 2525(c) below, for all purchases or donations with a total refund value of less than one hundred



dollars (\$100.00), or of less than fifteen dollars (\$15.00) for any combination of empty bag in box, multi-layer pouch, or paperboard carton beverage containers, the recycling center shall either prepare a receipt pursuant to ~~subsection~~ section 2525(a), or shall maintain a log setting forth the information required by subsections (a)(1) through (a)(6) above. Any item of additional identifying information specified in ~~subsection~~ section 2525(a)(7) above may be substituted for the printed name of the person selling or donating the material.

\* \* \* \*

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

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

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

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

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

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

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

\* \* \* \*

(f) A certified recycler shall not pay the refund value to, or claim refund value for any material received from any person, operation or entity who is not certified by the ~~Division~~ department, delivering a load of material in excess of 25 pounds of multi-layer pouch or paperboard carton beverage containers, 50 pounds of bag in box beverage containers, 100 pounds of aluminum or plastic beverage containers, or 4,000-2,000 pounds of glass beverage containers, per day. This limitation is applicable to all transactions, including those performed pursuant to section 2500(h) ~~of these regulations~~.

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

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

## **SUBCHAPTER 11.1. Out-Of-State Importation**

### **Section 2830. Definitions.**

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

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

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

(B) Are imported into this State.

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

\* \* \* \*

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

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

### **Section 2831. Operating Standards.**

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

\* \* \* \*

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

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

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

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

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

(3) Provide to a California Department of Food and Agriculture inspector, ~~Division~~department staff person, law enforcement officer, or other appropriate official an Imported Material Report that has the appropriate sections completed, has the proper supporting documents attached, correctly identifies the delivery location, and accurately describes the material; and

(4) Obtain from the California Department of Food and Agriculture inspector, ~~Division~~department 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~~department 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~~department staff person, law enforcement officer, or other appropriate official, and present the empty beverage container material for inspection immediately upon arrival.

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

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

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

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

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

Section 2834. Recordkeeping.

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

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

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

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

(d) Location of Records. Records of persons importing empty beverage container material shall be kept at the address of the person preparing the report that is provided

in the signature section of the Imported Material Report required by ~~Section-section~~ 2835(a)(6) ~~of these regulations~~. Records may be moved to and kept at a different location if notice is given to the ~~Division-department~~ pursuant to ~~Section-section~~ 2085(a)(3) ~~of these regulations~~.

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

### Section 2835. Reporting.

Persons importing empty beverage container material and persons receiving imported empty beverage container material in excess of the minimum weights specified in ~~Section-section~~ 14596(a) of the Act, and in excess of 10 pounds of bag in box, or 5 pounds of multi-layer pouch or paperboard carton, empty beverage container material, shall prepare the applicable sections of the Imported Material Report described in this ~~Section-section~~ for each load of empty beverage container material imported into California. A separate Imported Material Report shall be prepared for each material type entering this State. Each Imported Material Report and all related documents shall be prepared in accordance with the requirements outlined in this ~~Article-article~~ and ~~Sections-sections~~ 2085 and 2090 ~~of these regulations~~. Notwithstanding ~~Section-section~~ 2090(d)(1) ~~of these regulations~~, persons importing empty beverage container material and persons receiving imported empty beverage container material that have no certification number or Seller's Permit Number may submit Imported Material Reports without obtaining an identification number from the ~~Division-department~~.

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

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

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

\* \* \* \*

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

## SUBCHAPTER 12. DOR Requirements

### Section 2900. Determinations.

\* \* \* \*

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

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

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

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

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

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

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

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

(A) Bag in box.

(B) Multi-layer pouch.

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

(D) Paperboard carton.

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