

TITLE 14. NATURAL RESOURCES
DIVISION 2. DEPARTMENT OF CONSERVATION
CHAPTER 5. DIVISION OF RECYCLING

Underline: Permanent Additions

~~Strikeout:~~ Permanent Deletions

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.

(26) "Importing" means the act of bringing into this State a filled or unfilled empty beverage container or empty beverage container component.

(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.

(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), and 14536.1, 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 4. General Accounting Requirements

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

(a) Except where specifically provided otherwise, any reports, notices, ~~and 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 report forms provided by the Division, program participants who use Automated Data Processing (ADP) equipment for maintaining records and producing reports, may submit these ADP reports, provided that such reports:~~

~~(1) are consistent with the recordkeeping requirements of these regulations; and~~

~~(2) provide the information in the form and manner required by the Division.~~

~~Where magnetic tapes, diskettes, microfilms, or other ADP-produced reports are submitted in lieu of written reports, a representative of the submitting organization shall certify in accordance with subsections (d)(4) and (5) below, that these ADP reports are the actual records or were compiled from the actual records of the program participant.~~

(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) Except as provided in subsection (b) above, 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 Department~~
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.

(f) In lieu of submitting multiple shipping reports to document transactions between affiliated recycling centers or the receipt of material by a recycling center or processor from a dropoff or collection program, community service program, or curbside program, certified processors and certified recycling centers may apply in writing to the Division for permission to file consolidated shipping reports.

(1) The Division shall approve or deny such requests within 45 days of receipt of the application; and, if the request is approved, a consolidated reporting number shall be issued to the applicant.

(2) The Division shall deny an application to file consolidated shipping reports if the recycling center or processor is not operating in compliance with Section 14538 or Section 14539 of the Act, as applicable.

(3) Upon obtaining written authorization from the Division, processors and recycling centers may consolidate their reporting records onto one shipping report for each delivery to another recycling center or processor and attach a detailed listing of each location's recycling activity for transactions from the effective date of the authorization forward.

(A) Processors and recycling centers shall retain copies of consolidated shipping reports and all supporting documentation.

(B) Consolidated shipping reports shall consist of the following general information, delivery-specific information and information related to totals (see Figure 8 for example):

1. Name and address of the receiving certified administrative office,
2. Certification number,
3. Material type,
4. Shipping report (DR-6 (6/07)) number,
5. Number of shipments,
6. Shipper's certification number,
7. Receipt and log dates, if applicable,
8. Received weight, excluding line breakage, rejected out-of-state containers.
9. Redemption weight,
10. Adjusted redemption weight,

- 11. Refund value,
- 12. 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.
- 13. Total payments,
- 14. Total received weight, excluding line breakage, rejected out-of-state containers.
- 15. Total redemption weight claimed,
- 16. Total adjusted redemption weight,
- 17. Total refund value,
- 18. Total payments.

(4) The Division shall revoke authorization to file consolidated shipping reports if the recycling center or processor is not operating in compliance with Section 14538 or Section 14539 of the Act, as applicable.

EXAMPLE	CONSOLIDATED SHIPPING REPORT (Detail Form)						EXAMPLE
<u>RECEIVING CERTIFIED ADMINISTRATIVE OFFICE</u>							
NAME: _____ <u>1</u> _____				MATERIAL TYPE: _____ <u>3</u> _____			
ADDRESS: _____ _____				SHIP REPORT #: _____ <u>4</u> _____			
CERT.#: _____ <u>2</u> _____				# OF SHIPMENTS: _____ <u>5</u> _____			
SHIPPER CERT #	RECEIPT & LOG DATES	RECEIVED WEIGHT	REDEMPTION WEIGHT	ADJUSTED REDEMPTION WEIGHT	REFUND VALUE	<u>QIP</u>	TOTAL PAYMENTS
6	7	8	9	10	11	12	13
TOTALS:		14	15	16	17		18
<p><u>NOTE: If payments made to recyclers were reduced due to the redemption weight exceeding the received weight by more than 2.5%, indicate the received weight as the adjusted redemption weight and record the corresponding reduced refund value.</u></p>							

Figure 8.

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.

SUBCHAPTER 6. RECYCLING CENTERS

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 ~~postmarked~~ 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.

Article 3. Accounting and Reporting Requirements

§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) The redemption weight of the material.
 - (B) 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, address, 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 printed name, title and signature of the shipper or an authorized representative of the shipper and the date signed; and
- (7) The printed name, title and signature of an authorized representative of the recycling center and the date signed; and
- (8) The 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 ~~postmarked~~ submitted no later than the first day of the second month following the reporting month. Forms ~~postmarked~~ 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) Each recycling center shall maintain a separate list of all purchases of more than 250 pounds of aluminum beverage containers. Such list (or legible copies of the receipts) shall be sent to the Division weekly and shall contain all of the following information, taken from the receipt prepared pursuant to section 2525(a) of these regulations:

(1) The receipt number for the transaction; and

(2) The name of the person selling the material; and

(3) The additional identifying information of the person selling the material; and

(4) The name, address, and certification number of the recycling center submitting the list; and

(5) The transaction date; and

(6) The pounds purchased on the receipt; and

(7) The total amount paid.

(j) 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, 14571.9 and 14585, Public Resources Code.

SUBCHAPTER 7. DROPOFF OR COLLECTION PROGRAMS

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

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 ~~postmarked~~ 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.

§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, ~~postmarked~~ no later than ten (10) calendar days from the date indicated in the Division's letter requesting additional information or documentation. Material ~~postmarked~~ 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, and ~~Section 15376, Government Code.~~

SUBCHAPTER 8. CURBSIDE PROGRAMS

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

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 ~~postmarked~~ 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.

§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, ~~postmarked~~ no later than ten (10) calendar days from the date indicated in the Division's letter requesting additional information or documentation. Material ~~postmarked~~ 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, ~~and Section 15376, Government Code.~~

SUBCHAPTER 9. COMMUNITY SERVICE PROGRAMS

Article 3. Individual Commingled Rate

§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

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 ~~postmarked~~ 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.

§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, ~~postmarked~~ no later than ten (10) calendar days from the date indicated in the Division's letter requesting additional information or documentation. Material ~~postmarked~~ 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 ~~and Section 15376, Government Code.~~

Revised: 03/04/09
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