



SB 96 – Segregated Only at RCs

Regulatory Review & Discussion

October 31, 2013



Agenda

- **Background – SB 96**
- **Process Going Forward**
- **Proposed Regulation Additions & Deletions**
- **Industry Stakeholder Input**
- **Questions / Comments**



Background / SB 96

The new law requires that, on and after September 1, 2013, a certified recycling center, for beverage containers redeemed by consumers, to pay the refund value based on the applicable segregated rate. The law deletes recycling centers from those entities for which the department is required to calculate a commingled rate.



Process Going Forward

- **Why We're Here Today**
 - **To Solicit Informal Input On Regulatory Changes Related To Segregated Loads Only At Recycling Centers**
- **The Regulatory Change Process**
 - **Regular Rule Making Duration Can Take Up To 2 years**
 - **The Department Expects To Begin Formal Rule Making In the Spring or Summer of 2014**



**California Code of Regulations
Title 14. Natural Resources
Division 2. Department Of Resources,
Recycling and Recovery
Chapter 5. Division Of Recycling**



Impacted Regulations

~~Proposed Deletions~~

Proposed Additions



SUBCHAPTER 1. DEFINITIONS

§ 2000. DEFINITIONS.

(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~~, **curbside programs**, drop-off or collection programs, or community service programs shall be deemed commingled . . . ”



SUBCHAPTER 6. RECYCLING CENTERS

§ 2501. LOAD INSPECTION REQUIREMENTS.

(1) For transactions with consumers, the recycling center shall remove the containers from any bag, box, or other receptacle used to deliver the material to the recycling center, and visually inspect the containers prior to determining the basis for payment and paying the seller. Recycling centers shall only pay refund value to consumers for segregated loads consisting of 100% California Refund Value material. In no case shall a certified recycling center pay or claim the refund value for any material not inspected by the recycling center and confirmed as 100% California Refund material.”



SUBCHAPTER 6. RECYCLING CENTERS

Article 1. Requirements for Recycling Centers

§ 2501. Load Inspection Requirements.

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



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

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

(3) For transactions with consumers, the load does not consist of 100% California Refund Value material.

(4) For transactions with consumers, pieces of broken glass are in the load.

~~(3)~~(5) The motor vehicle, if any, used to deliver the load has a license plate from any foreign country, or any state other than California“



SUBCHAPTER 6. RECYCLING CENTERS

Article 3. Accounting and Reporting Requirements

§ 2525. RECORDKEEPING.

“(3) The basis for the refund value payment (e.g., segregated and counted, segregated and weighed, ~~commingled~~, or, if not refund value is paid, indicate scrap only) . . .”



SUBCHAPTER 6. RECYCLING CENTERS

Article 3. Accounting and Reporting Requirements

§ 2525. Record Keeping.

7(d) “For all donations made anonymously, such as those left at the recycling center when the recycling center is not open for business, . . . ~~The refund value stated on such a receipt shall be based on the applicable commingled rate.~~ The receipt or log shall indicate scrap only. Such receipts or log entries shall be prepared on at least a daily basis for all days when the recycling center receives anonymous donations.”



SUBCHAPTER 6. RECYCLING CENTERS

Article 3. Accounting and Reporting Requirements

§ 2525. Record Keeping.

7(i) “The recycling center shall prepare and retain daily summaries of all receipt and log transactions, including donations, for each shipping report. The summaries shall contain the total weight or the weight by basis for the refund value payment (e.g., segregated and counted, segregated and weighed, ~~commingled~~, or, if no refund value is paid, indicate scrap only) and the corresponding refund value for each day of the shipping report period.”



SUBCHAPTER 6. RECYCLING CENTERS

Article 3. Accounting and Reporting Requirements

§ 2535. Payments To Consumers, Curbside Programs, Community Service Programs and Drop-Off or Collection Programs.

(4) “For commingled materials delivered from another recycling center, payment shall be based on the received weight of the commingled material, excluding the weight of line breakage, rejected and out-of-state material, multiplied by the applicable commingled rate for curbside programs, dropoff or collection programs, or community service programs.”



SUBCHAPTER 6. RECYCLING CENTERS

Article 3. Accounting and Reporting Requirements

§ 2535. Payments To Consumers, Curbside Programs, Community Service Programs and Drop-Off or Collection Programs.

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



SUBCHAPTER 6. RECYCLING CENTERS

Article 3. Accounting and Reporting Requirements

§ 2540. RECEIPT OF FUNDS.

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



SUBCHAPTER 12. DOR REQUIREMENTS

Article 1. DOR Determinations and Calculations

§ 2930. Commingled Rate.

“The method used to calculate the commingled rate per pound, by material type, shall include sampling procedures which consider, at a minimum, the following factors: . . .”

~~. . . (b) Weight and analysis of individual loads of empty beverage containers and other containers in their post-filled state as presented by consumers at recycling centers (selected statewide on a random basis) . . .”~~



SUBCHAPTER 12. DOR REQUIREMENTS

Article 1. DOR Determinations and Calculations

§ 2930. Commingled Rate.

~~(e)~~(b) Weight and analysis of loads of empty beverage containers and other containers in their post-filled state redeemed or returned by consumers to reverse vending machines (selected statewide on a random basis).

~~(d)~~(c) Weight and analysis of loads presented to processors by curbside programs, community service programs, and dropoff or collection programs. (selected statewide on a random basis)."



Conclusion

- Closing Comments
- Next Steps
- Industry Input Desired



Questions / Comments

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