

Proposed Draft Regulations to Implement Reporting and Inspection
Provisions of Public Resources Code 14596(a) & (b)

SUBCHAPTER 13. OUT-OF-STATE IMPORTATION

**Article 1. Requirements for Out-of-State Importation of Beverage Container
Materials**

§ 3000. OPERATING STANDARDS.

- (a) All person importing 25 pounds or more of aluminum, bimetal or plastic used beverage container material, or more than 250 pounds of used glass beverage container material, into the state, for storage, sale or export shall operate in accordance with all of the following requirements.
- (1) For the purposes of this subchapter ‘Persons Importing Empty Beverage Container Material’ means any person or entity physically bringing or transporting empty beverage container material into this State.
 - (2) For the purposes of this subchapter “Empty Beverage Container Material” means glass, plastic, aluminum or bimetal beverage containers or pieces of beverage containers which have the seal or closure installed by the manufacturer, broken or removed and rejected containers as defined in section 2000(a)(41) and which does not have a refund value established pursuant to Section 14560 and is imported.
 - (3) Any motor vehicle entering this State bring or transporting empty beverage container materials in excess of the weight limits established in Section 14596 of the Act shall pass through the nearest open and staffed plant quarantine inspection station maintained pursuant to Section 5341 of the Food and Agricultural Code.
 - (4) No persons importing used beverage container material shall deliver empty beverage container material to a facility certified by the department as a Recycling Center, Dropoff or Collection Program, Community Service Program, or registered as a Curbside Program.
 - (5) Persons importing empty beverage container material may deliver imported empty beverage container material to a certified Processor.

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- (6) Persons importing empty beverage container material shall operate in accordance with all relevant state and federal laws and regulations applicable to interstate and intrastate transportation and sale of regulated commodities in the State of California.
- (7) Because imported aluminum empty beverage container materials are not empty beverage containers as defined by section 14512 of the Act, the sale or transfer of imported aluminum empty beverage container material to a junk dealer or recycler in this State, as defined in Business and Professions Code sections 21601 and 21605, is subject to all laws and regulations governing the sale of non-ferrous metals as defined in BPC section 21600.

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§ 3010. LOAD INSPECTIONS.

(a) Pursuant to Section 14596 of the Act, any person or entity using a motor vehicle to import empty beverage container material into California shall comply with the following inspection requirements.

- (1) Shall pass through nearest open and staffed plant quarantine inspection station maintained pursuant to Section 5341 of the Food and Agricultural Code; and
- (2) Shall declare the presence of empty beverage container material in their possession when the weight of the aluminum, bimetal, plastic or glass material exceeds the weight limits established in section 14596 (a) of the Act; and
- (3) Shall provide a completed report prepared in accordance with section 3030 of these regulations to the California Food and Agriculture inspector, Division staff person or law enforcement officer upon entry into California.
- (4) A copy of the completed and authorized report shall be retained by the driver of the vehicle used to import the empty beverage container material until the material is delivered to the destination indicated on the report; and
- (5) Shall deliver the empty beverage container material to the destination indicated on the report; and
- (6) Shall obtain proof of inspection of the empty beverage container material upon entry into California; and
- (7) Proof of inspection shall be retained by the driver used to import the empty beverage container material until the material is delivered to the destination indicated on the report; and
- (8) Shall immediately proceed to a secondary inspection location when directed to do so by a California Food and Agriculture inspector, a representative of the Division, or by a law enforcement officer, and shall present the empty beverage container material for inspection.

Authority: Sections...Public Resource Code.

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Article 2. Notification Requirements

§ 3020. APPLICABILITY.

Persons importing empty beverage container material shall notify the Division in writing of any changes to the information provided on the report required by section 3050 of these regulations and shall do so within 24 hours of submission of the report to the Division or the Division's designee.

Authority: Sections...Public Resource Code.

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Article 3. Accounting and Reporting Requirements

§ 3030. APPLICABILITY.

In addition to the general accounting requirements of subchapter 2, persons importing empty beverage container material shall comply with the accounting and reporting provisions of this article. Persons other than persons importing empty beverage container material need not comply with this article.

Authority: Sections...Public Resource Code.

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§ 3040. RECORDKEEPING.

Persons importing empty beverage container material shall maintain the following records in accordance with the general requirements set forth in section 2085 and 2090 (a) and (c) of these regulations.

- (a) Reports. Persons importing empty beverage container material shall retain copies of all reports prepared in accordance with section 3050 of these regulations.
- (b) Proof of Inspection. Persons importing empty beverage container material shall retain copies of all proofs of inspection provided by the Division or the Division's designee.
- (c) Weight Tickets. Persons importing empty beverage container material shall prepare and retain weight tickets indicating the material types(s) and weight(s) of individual loads of imported empty beverage container material attached to the corresponding report prepared in accordance with section 3050 of these regulations.

Authority: Sections...Public Resource Code.

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§ 3050. REPORTING

All persons importing empty beverage container material in excess of the weights specified in section 14596(a) of the Act shall prepare and submit to the Division, or the Division's designee, a report for each load of empty beverage container material being imported in California.

- (a) The completed hardcopy report, whether or not the report was created and submitted electronically, shall be provided to a California Department of Food and Agriculture Inspector, Division staff person or law enforcement officer upon entry of the empty beverage container material into the State.
- (b) Each report shall contain all of the following information, by material type, in accordance with the general requirements for reporting outlined in section 2090 (a) and (c) of these regulations.
 - (1) Beverage container material:
 - (A) Type of material: aluminum, glass, plastic, or bimetal; and
 - (B) Form of the material; and
 - (C) Weight of the material
 - (i) Loads of imported empty beverage container material in excess of 1,500 pounds material must be accompanied by a certified weight ticket prepared by a certified weigh master; and
 - (D) Indication of intent to sell the material in California for California Redemption Value or intent to sell the material in California for scrap-value only

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(2) Source of material:

- (A) Physical address the material was loaded onto the vehicle used to transport the materials into California; and
- (B) Indication as to whether or not the source of the beverage container material was an individual or a business; and
- (C) Indication as to whether or not the material was purchased, and if purchased, provide the name, address, contact person of the person or entity from whom the imported empty beverage container material was purchased.

(3) Ownership:

- (A) Name, address and contact information of the owner of the empty beverage container materials being imported.

(4) Vehicle information:

- (A) Vehicle license number and state of issuance of the vehicle importing the empty beverage container materials; and
- (B) If a trailer is being used to transport the imported empty beverage container material, the vehicle license number and state of issuance for the trailer; and
- (C) If a shipping container is being used to transport the imported empty beverage container material, the shipping container unit number; and
- (D) Type of vehicle used to transport the imported empty beverage container material; and
- (E) If a commercial rental truck is being used to transport the imported empty beverage container material, the rental truck company name, tracking ID number, and the first and last name of the driver indicated on the rental contract.

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(5) Vehicle Operator:

(A) Indication if the vehicle operator is a for-hire carrier or private motor carrier as defined by 49 CFR Part 390.5 of the Code of Federal Regulations; and

(B) If the driver is a for-hire carrier or private motor carrier as defined above, the following information shall also be provided:

- i. U.S Department of Transportation issued number
- ii. CA Motor Carrier Permit number
- iii. Interstate Common Carrier number
- iv. Motor Carrier Certificate number

(C) Vehicle operator's driver license number and state of issuance

(6) Destination:

(A) Destination type; and

(B) Address; and

(C) Person or business; and

(D) Name, address, phone number for the individual or entity receiving the imported empty beverage container material.

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§ 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 the purposes of these regulations, the following definitions shall apply whenever the terms are used in this chapter.

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

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