

Model Beverage Container Recycling Act or “Bottle Bill”

Purpose and Use of this Model Bill.

Every year, millions of beverage containers end up in landfills, incinerators, or the environment as litter. This happens even though most of these beverage containers are highly recyclable. The problem is that our recycling system just isn't working well enough to manage these containers and consumers don't have any incentive to recycle them.

But deposit return systems, or “Bottle Bills” can change that. Bottle Bills can create recycling programs that effectively collect, manage, and recycle empty beverage containers. These systems can even be a pathway to reusable and refillable beverage systems. Unfortunately, right now, only ten states have Bottle Bills, and most of them are missing key provisions that would lead to the best performance of these systems.

This model legislation establishes a Bottle Bill program where a small refundable deposit is placed on almost every beverage container sold in the state. Consumers get the deposit back when they return their empty container for recycling or refilling. Beverage producers pay for the cost of collecting, transporting, and recycling or refilling all these containers. So, this program comes at no cost to residents or taxpayers.

Here is a breakdown of what this model legislation does:

- (1) Establishes a refundable deposit on almost all beverage containers sold in the state. The deposit is set at \$0.10 per container. The State Environmental Agency will increase the deposit every five years to match inflation. The deposit will also automatically increase if the redemption rate falls below the targets in the law.
- (2) Creates a handling fee that pays retailers and redemption centers for managing and sorting returned containers. The State Environmental Agency will establish a handling fee that covers the costs of collecting, sorting, processing, and transporting empty beverage containers for recycling, reuse, or refilling. Producers of beverage containers will pay this fee to all entities that collect and sort empty beverage containers. The model legislation also requires that the handling fee be increased if there are not enough points of redemption.
- (3) Establishes a processing payment to pay curbside recycling entities for managing beverage containers. Through this new program, the majority of beverage containers will be recycled through the redemption process (returning empty containers to get the deposit back). However, some containers will still end up in the curbside recycling system. The model

legislation charges the State Environmental Agency with setting a processing fee that pays curbside recycling entities for managing these containers and returning them to producers for recycling or refilling. This fee will be lower than the handling fee because beverage containers can become contaminated when mixed with other curbside recyclables.

- (4) Requires most retailers to accept empty containers. A successful bottle bill program depends on consumers being able to easily return their empty containers. This model legislation requires any retailer that sells over 250,000 beverage containers each year to accept empty containers from consumers. This covers the major players like grocery stores, large convenience stores, and big box stores.
- (5) Sets strong and mandatory recycling and redemption rates. This model legislation sets performance standards that are designed to make sure the system is working properly, producers are complying with the law, and that containers are actually being recycled. The law sets minimum redemption and recycling requirements which increase overtime
 - Minimum redemption requirements – this is the percentage of containers that are brought back for recycling every year.
 - Minimum recycling requirements – this is the percentage of containers that are actually recycled every year.
- (6) Establishes mandates for reusable and refillable beverage containers. While recycling is important what we really need is to move away from single-use beverage containers and toward durable beverage containers that can be reused and refilled repeatedly. That's why this model legislation requires that each producer slowly develop reusable/refillable beverage container programs where reusable bottles are returned, washed, and refilled for repeated use.

Section 1: Definitions

- (a) "Beverage" means any drinkable liquid intended for human oral consumption. The term "Beverage" does not include:
 - (1) A drug regulated under the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 301 et seq.);
 - (2) Infant formula;
 - (3) A meal replacement liquid; and
 - (4) Dairy products derived from animal milk.
- (b) "Beverage Container" means a prepackaged container designed to hold a beverage that is made of any material, including glass, plastic, and metal, and has a volume which is not less than 50 milliliters, nor greater than 3 liters. "Beverage Container" shall not include:
 - (1) Cartons;
 - (2) Pouches; or
 - (3) Aseptic packaging, such as a drink box.
- (c) "Contracted Agent" means a public or private company or individual who enters into an agreement with a distributor or deposit initiator to pick up empty beverage containers from redemption centers and dealers.
- (d) "Consumer" means any person who purchases a beverage in a beverage container for use or consumption with no intent to resell such beverage.
- (e) "Curbside Recycling Entity" or "Curbside Recycling Entities" means any person or establishment that collects beverage containers that are placed in the curbside recycling system for processing, sorting, and preparation for recycling. The term "Curbside Recycling Entities" includes a material recovery facility.
- (f) "Dealer" means any person who engages in the sale of beverages in beverage containers, including beverage containers sold through a vending machines, to a consumer at the retail level. The term "Dealer" shall not include:
 - (1) Establishments who sell less than 250,000 beverage containers in a calendar year; and
 - (2) Establishments that provide on-premises consumption of beverages in beverage containers, such as hotels, restaurants, or bars.

- (g) "Department" means the [Insert State Name] Department of Environmental Protection
- (h) "Deposit Initiator" means the first distributor to collect the deposit on beverage containers sold to any person within the state.
- (i) "Distributor" means person who engages in the sale of beverages in beverage containers to a dealer in this state and includes a manufacturer who engages in such sales.
- (j) "Environmental Justice Community" means a community determined by the Department as a community in the state where there is a concentration of low-income households, people of color – including indigenous peoples, or households lacking English language proficiency.
- (k) "Processing Payment" means the amount of money that a distributor shall pay a curbside recycling entity as determined by the Department pursuant to Section 8 of this act
- (l) "Producer Responsibility Organization" means the non-profit organization which a group of distributors may or may not elect to create or appoint to fulfill their obligations under this law.
- (m) "Product Line" means a group of related products all marketed under a single brand name that is sold by the same distributor to distinguish products from each other for better usability for consumers.
- (n) "Recyclable" means, beverage containers that can be technically recycled in current United States market conditions without the consumer needing to remove an attached component of the beverage container, such as a shrink sleeve, label, or filter before being recycled.
- (o) "Recycle," "Recycling," and "Recycled" means the series of activities by which a covered product is collected, sorted, processed, and converted into a raw material with minimal loss in material quality for use in the production of a new product, including the original product.

The term "Recycle," "Recycling," and "Recycled" shall not include:

- (1) Methods of sorting, processing, and aggregating materials from solid waste that do not preserve the original material quality, and, as a result, render the aggregated material no longer usable for manufacturing into the same or substantially similar product and can only be used for inferior purposes or to manufacture inferior products (commonly referred to as “downcycling”);
 - (2) The use of materials as fuel, a fuel substitute, or for energy production;
 - (3) The use of materials for repurposing into infrastructure or construction, including, but not limited to, pavement for streets, sidewalks, or roads, building materials, or other infrastructure products, as determined by the Department;
 - (4) The use of materials for alternative daily cover for a landfill;
 - (5) Disposal within the footprint of a landfill; and
 - (6) The process of materials through advanced recycling, chemical recycling, combustion, gasification, incineration, pyrolysis, solvolysis, thermal desorption, waste-to-energy, waste-to-fuel, or any other chemical or molecular conversion process.
- (p) “Recycling rate” means the percentage of beverage containers that are recycled.
- (q) “Redeemer” means any person who demands the refund value provided for herein in exchange for an empty beverage container, but shall not include a dealer.
- (r) “Redemption Center” means a facility approved or established to redeem empty beverage containers from consumers or to collect and sort empty beverage containers from dealers.
- (s) “Redemption Rate” means the number of empty beverage containers redeemed for the deposit value and returned to distributors measured against the number of beverage containers sold in the state the same year.
- (t) “Retail Level” means any and all transaction in the state where the consumer takes physical possession of the beverage container for consumption other than at the place of sale, and shall not apply to beverages for sale and consumption on the premise of establishments licensed for that purpose.

- (u) "Reusable" means, with respect to beverage containers, that the beverage container is:
 - (1) Mechanically feasible for reuse or refill in current United States market conditions; and
 - (2) Is reusable or refillable for such a number of cycles as determined to be appropriate by the Department.
- (v) "Reverse Vending Machine" means an automated device that uses a laser scanner, microprocessor, or other technology to accurately recognize the universal product code on containers to determine if the container is redeemable and accumulates information regarding containers redeemed, including the number of such containers redeemed, thereby enabling the device to accept containers from redeemers, issue a receipt for their refund value, transmit data for reconciliation, sort, and compact the container to cancel it.
- (w) "Single-Use Beverage Container" means a beverage container that is not conceived, designed, or placed on the market to be reuse or refilled.
- (x) "State" means the State of _____.
- (y) "Universal Product Code" or "UPC" means a standard for encoding a set of lines and spaces that can be scanned and interpreted into numbers to identify a product. "Universal Product Code" includes any industry-accepted barcode used for product identification purposes in a manner similar to a UPC, including, but not limited to, a European Article Number.

Section 2: Regulation and Reporting Requirements for Distributors of Beverage Containers.

- (a) No distributor shall sell a beverage container in the State without the distributor registering the beverage container with the Department prior to the sale. This registration shall take place on a form provided by the Department and include, at a minimum:
 - (1) The name and principal business address of the distributor;
 - (2) The name of the beverage and the container size;
 - (3) The material type of the beverage container;
 - (4) Information regarding the presence of a UPC on the beverage container and the percentage of containers covered the UPC;
 - (5) Methods the distributor intends to use to prevent the fraudulent sale and redemption of beverage containers not sold within the state;

- (6) The name of the person picking up the empty beverage containers from dealers, redemption centers, and curbside recycling entities, if that person is different from the distributor; and
- (7) Any other information required by the Department.
- (b) The Department may request that a distributor provide a copy of the container label, or a picture of any beverage container sold or offered for sale in the state on which it initiates a deposit.
- (c) A distributor of a beverage container shall annually report to the Department:
 - (1) The total amount of beverage containers sold, offered for sale, or distributed into the state during the prior calendar year;
 - (2) The amount of single-use beverage containers sold, offered for sale, or distributed into the state during the prior calendar year;
 - (3) The amount of reusable beverage containers sold, offered for sale, or distributed into the state during the prior calendar year;
 - (4) A break down of the material type of all beverage containers sold, offered for sale, or distributed into the state during the prior calendar;
 - (5) Information regarding the quantity and final destination of redeemed beverage containers during the prior calendar year;
- (d) A distributor shall place a deposit as determined by Section 3 of this act on all beverage containers sold, offered for sale, or distributed into the sale.

Section 3: Deposit Value

- (a) Beginning one year after the effective date of this act, a deposit of not less than \$0.10 shall be paid by the consumer on each beverage container sold by a dealer. The dealer shall refund the full value of the deposit to the consumer upon return of the empty beverage container.
- (b) The Department shall update the deposit value every five years to match inflation.
- (c) Beginning three years after the effective date of this act, the Department shall increase the deposit value by \$0.05 if the redemption targets established in Section 12 of this act are not met for two consecutive years.

Section 4: Handling Fee

- (a) A dealer or redemption center who redeems beverage containers shall be reimbursed by the distributor of such beverage containers a handling fee set by the Department.
- (b) The Department shall set the handling fee to be paid by distributors to dealers or redemption centers in a manner that covers the costs of collecting, sorting, processing, and transporting empty beverage containers for recycling, reuse, or refilling.
- (c) The Department shall update the deposit value every five years to match inflation.

- (d) Beginning three years after the effective date of this act, the Department shall raise the value of the handling fee by \$0.01 if:
- (1) There are less than 1 point of redemption for every 3,000 persons in each county within the state; or
 - (2) There are less than 1 point of redemption for every 3,000 persons in an environmental justice community.

Section 5: Acceptance of Beverage Containers by Dealers

- (a) A dealer shall accept at their place of business from a redeemer any empty beverage container during any period that the dealer is open for business, regardless of whether the specific beverage container was sold by the dealer, provided that the beverage container is made of the same type of material of beverage containers sold by the dealer and shall pay to the redeemer the deposit value for each beverage container redeemed.
- (b) A redemption center established pursuant to this act shall accept all types of beverage containers.
- (c) A dealer or redemption center may refuse to accept from a redeemer any empty beverage container that is not clean, is broken, or contains material foreign to the normal contents of the container.
- (d) Redemptions of the deposit value must be in legal tender, or a script or receipt from a reverse vending machine, providing that the script or receipt can be exchanged for legal tender for a period of not less than 60 days without requiring the purchase of other goods. The use or presence of a reverse vending machine shall not relieve a dealer of any obligation imposed pursuant to this chapter. If a dealer utilizes a reverse vending machine to redeem containers, the dealer shall provide redemption of beverage containers when the reverse vending machine is full, broken, under repair, or does not accept a type of beverage container material sold or offered for sale by such dealer.
- (e) Each dealer shall establish and maintain a dedicated area within their business to accept beverage containers for redemption.

Section 6: Establishment of Redemption Centers:

- (a) The Department shall allow for the establishment, operation, and licensure of redemption centers.
- (b) These redemption centers shall supplement, not supplant, the return of beverage containers to dealers as required by Section 5 of this act.

Section 7: Acceptance of Beverage Containers by Distributors

- (1) A distributor shall accept from a dealer or redemption center any empty beverage containers of the design, shape, size, color, composition, and brand sold, distributed, or offered for sale by the distributor in the state, and shall pay the dealer or redemption center a handling fee as established

by the Department pursuant to Section 4 of this act for each such beverage container.

- (2) A distributor shall accept and redeem all such empty beverage containers from a dealer or redemption center without limitation on quantity.
- (3) A distributor's failure to pick up empty beverage containers, including containers processed in a reverse vending machine, from a redemption center, dealer, or the operator of a reverse vending machine, shall be a violation of this chapter.

Section 8: Curbside Collection of Beverage Containers

- (a) The Department may approve procedures allowing for curbside recycling entities to be paid a processing payment for beverage containers collected, processed, sorted, and delivered to distributors for recycling, so long as the beverage containers collected are clean, sorted, and baled. The processing payment shall not exceed the value of the handling fee set by the Department pursuant to Section 4 of this act.
- (b) Beverage containers collected, processed, sorted and delivered to distributors by entities that collect curbside recycling shall not be included in the calculations of the performance requirements set in Section 12 of this act.

Section 9: Producer Responsibility Organization

- (a) A group of distributors may elect to create or appoint a non-profit organization to fulfill their obligations under the requirements of this act. Provided that the Producer Responsibility Organization shall not be delegated any authority by the Department to oversee, enforce, or manage the requirements of this act.

Section 10: Labeling of Beverage Containers

- (a) Any manufacturer of a beverage container that is sold in the state shall include on the label of each beverage container:
 - (1) A standardized description of the applicable refund value in such a manner that it is clearly visible;
 - (2) A UPC barcode to identify and validate participation in the program.

Section 11: Fraudulent Redemption

- (a) No person shall pay, claim, or receive any deposit value, processing payment, or handling fee for any of the following:
 - (1) a beverage container that the person knew, or should have known was imported from out of state; and
 - (2) a previously redeemed beverage container, rejected container, or other ineligible material.
- (b) No person shall, within intent to defraud, do any of the following:

- (1) Redeem or attempt to redeem an out-of-state container, a rejected container, a previously redeemed container, or other ineligible material.
 - (2) Return a previously redeemed container to the marketplace for redemption.
 - (3) Bring an out-of-state container, rejected container, line breakage, or other ineligible material to the marketplace for redemption.
 - (4) Receive, store, transport, distribute, or otherwise facilitate or aid in the redemption of a previously redeemed container, out-of-state container, rejected container, line breakage, or other ineligible material.
- (c) For purposes of implementing paragraph (a) the department, distributor, and dealers shall take all reasonable steps to exclude beverage container material imported from out of state, previously redeemed containers, and rejected containers from being redeemed.

Section 12: Performance Standards:

(a) Redemption Requirements:

- (1) Beginning two years after the effective date of this act, at least 80% of beverage containers sold in the state shall be redeemed.
- (2) Beginning four years after the effective date of this act, at least 90% of beverage containers sold in the state shall be redeemed.
- (3) Beginning six years after the effective date of this act, at least 95% of beverage containers sold in the state shall be redeemed.

(b) Recycling Requirements:

- (1) Beginning two years after the effective date of this act, at least 70% of single-use beverage containers sold in the state shall be recycled.
- (2) Beginning four years after the effective date of this act, at least 80% of single-use beverage containers sold in the state shall be recycled.
- (3) Beginning four years after the effective date of this act, at least 80% of single-use beverage containers sold in the state shall be recycled.
- (4) Beginning four years after the effective date of this act, at least 85% of single-use beverage containers sold in the state shall be recycled.

(c) Reuse and Refillable Requirements:

- (1) The Department shall require each distributor, or the designated Producer Responsibility Organization, to work with dealers within the state to develop a plan that ensures that:
 - (a) Beginning four years after the effective date of this act, at least 10% of all beverage containers sold by the distributor or the distributors that are members of the producer responsibility organization are returned and refilled.
 - (b) Beginning six years after the effective date of this act, at least 20% of all beverage containers sold by the distributor or the distributors that are members of the producer responsibility organization are returned and refilled.

- (c) Beginning eight years after the effective date of this act, at least 35% of all beverage containers sold by the distributor or the distributors that are members of the producer responsibility organization are returned and refilled.
- (d) Beginning ten years after the effective date of this act, at least 50% of all beverage containers sold by the distributor or the distributors that are members of the producer responsibility organization are returned and refilled.

Section 13: Management of Deposits

- (a) Each deposit initiator who received deposits under this act shall segregate said deposits in a deposit transaction fund which shall be maintained separately from all other revenues. Each deposit initiator shall place in each deposit for all beverage containers is sells.
- (b) The revenue in the deposit transaction fund may only be expended to pay to refund consumers for the return of an empty beverage container.
- (c) Every deposit initiator shall report to the Department by the tenth day of each month, concerning transactions affecting its deposit transaction fund in the preceding month. Such report shall be made in a form prescribed by the Department and shall include, at a minimum:
 - (1) The number of beverage containers sold and the number of beverage containers returned in the previous month;
 - (2) The amount of deposits received in and payments made from the fund in the previous month and most recent three month period;
 - (3) Any income earned on amounts in the fund during the preceding month;
 - (4) The balance in the fund at the close of the preceding month;
 - (5) And any other information as required by the Department.
- (d) At the end of each month, any amounts that are or should be in the deposit initiator's deposit transaction fund that are in excess of the sum of:
 - (1) Interest income earned on amounts in the fund during that month; and
 - (2) The total amount of refund values received by the deposit initiator for beverage containers during that month and the two preceding months shall be deemed to constitute unredeemed deposits. Income earned on the fund may be transferred from the fund for use as general funds by the deposit initiator.
- (e) By the tenth day of each month, each deposit initiator shall turn over to the Department any deposit amounts deemed to be unredeemed at the close of the preceding month, pursuant to subsection (d) of this section. Such amounts may be paid from the deposit transaction fund. Amounts collected by the director pursuant to this section shall be retained by the Department to cover the costs of overseeing and administering the program. All remaining funds after the Department is compensated for the costs of overseeing and administering the program shall be:

- (1) Given to the distributors or a designated producer responsibility organization if the redemption rate for the previous year was at least 95%: or
- (2) Deposited into the Reusable and Refillable Beverage Container Grant Fund for distribution according to Section 15 of this act if the redemption rate for the previous year was less than 95%.
- (f) If in any month the authorized payments from the deposit transaction fund by a deposit initiator exceed the funds that are or should be in the deposit transaction fund, the state shall reimburse the deposit initiator the amount of excess funds remitted to the state, provided, however, that such reimbursements to a deposit initiator shall not exceed:
 - (1) Amounts paid by the deposit initiator to the state pursuant to this section in the preceding 24 months; or
 - (2) Amounts paid by the state to the deposit initiator pursuant to this section during the preceding 24 months.

Section 14: State-Specific UPC

- (a) A distributor is only eligible to receive a portion of the unredeemed deposits pursuant to Section 13 of this act if the distributor places a UPC or other distinctive marking that is specific to the state or used only in the state as a means of preventing the sale or redemption of beverage containers on which no deposit was initiated.

Section 15: Reusable and Refillable Beverage Container Grant Program

- (a) There is hereby established the Reusable and Refillable Beverage Container Grant Fund which shall be used to provide grants to projects that increase beverage container reuse and recycling.
- (b) No later than two years after the effective date of this act, the Department shall establish a competitive grant program to provide funding to eligible entities to carryout beverage container reduction, recycling, and reuse projects in accordance with the requirements of this section. The grant program will be funded by unclaimed deposits remitted to the Department pursuant to Section 13 of this act.
- (c) The following entities are eligible to receive a grant under the program described in paragraph (a) of this section:
 - (1) A school or institute of higher education;
 - (2) A non-profit organization;
 - (3) A county, municipal, or tribal government;
 - (4) A for-profit entity; and
 - (5) A public-private partnership.
- (d) To be eligible for a grant under the program described in paragraph (a) of this section, the application shall demonstrate how the proposal will:
 - (1) Increase the transition of beverage containers from single-use to reusable and refillable;

- (2) Increase access to beverage container reuse and refill infrastructure within the state;
- (3) Increase the capacity of beverage container reuse and refill infrastructure within the state;
- (4) Provide reuse, refill, and recycling instructions to consumers that are, to the extent practicable, consistent statewide, easy to understand, translated into various commonly used languages, and easily accessible; or
- (5) Increase the quantity of beverage containers recycled in the state.

Section 16: Refillable and Reusable Beverage Container Report

- (a) Beginning two years after the effective date of this act, and every three years thereafter, the Department shall submit to the State Legislature a report describing:
 - (1) An estimate of the current and projected consumption of beverage containers in the State;
 - (2) An assessment of techniques and recommendations to minimize the creation of new materials for the manufacturing of beverage containers sold in the State;
 - (3) An assessment of the infrastructure and design needed to meet the refillable beverage container requirements pursuant to Section 12 of this act; and
 - (4) A summary of the grants issued pursuant to the Reusable and Refillable Beverage Container grant program established under Section 15 of this act and their effectiveness.
- (b) Prior to the submission of the report under paragraph (a) to the legislature, the Department shall publish a draft version of the report for public comment.

Section 17: Contracted Agents

- (a) All contracted agents operating in the State shall be licensed with the Department prior to beginning operation, and annually thereafter. Applicants for approval as contracted agents shall utilize forms provided by the Department, and shall submit the completed form to the Department.
- (b) A contract agent is required to perform all the pickup functions of the distributor or deposit initiator with whom they contract unless expressly exempted in the contractual agreement between the parties.
- (c) Contracted agents shall annually provide to the Department current lists of deposit initiators or distributors with whom they have contracts and beverage containers which they pick up.
- (d) Contracted agents shall notify the Department whenever deposit initiators or distributors with whom they have contracts and/or beverages containers which they pick up are added or discontinued

Section 18: Elimination of Toxic Substances in Beverage Containers

- (a) Beginning two years after the effective date of this act, no distributor may sell, offer for sale, or distribute into the state any beverage container containing the following toxic substances;
 - (1) Ortho-phthalates;
 - (2) Bisphenols;
 - (3) Per- and polyfluoroalkyl substances (PFAS);
 - (4) Lead and lead compounds;
 - (5) Hexavalent chromium and compounds;
 - (6) Cadmium and cadmium compounds;
 - (7) Mercury and mercury compounds;
 - (8) Benzophenone and its derivatives;
 - (9) Halogenated flame retardants;
 - (10) Perchlorate;
 - (11) Formaldehyde;
 - (12) Toluene;
 - (13) Antimony and compounds; and
 - (14) UV 328 (2-(2H-benzotriazol-2-yl)-4,6-di-tert-pentylphenol).
- (b) Beginning five years after the effective date of this act, and every three years thereafter, the Department shall designate at least ten additional toxic substances or families of toxic substances that may no longer be used in beverage containers sold, offered for sale, or distributed in the state based on:
 - (1) The potential to cause adverse public health impacts to consumers;
 - (2) Impact on the ability to safely and effectively recycle, reuse, or refill beverage containers; or
 - (3) Potential to bioaccumulate in the environment.
- (c) If the Department determines there are not ten toxic substances or families of toxic substances that should be added to the list, it shall public a detained statement of its finding and conclusions supporting such a determination.
- (d) Any distributor that violates this Section shall be subject to a fine for each violation not to exceed fifty thousand dollars per violation. For the purposes of this Section, each product line that contains a toxic substance or material as prohibited by this subsection that is sold, offered for sale, or distributed to consumers, via retail commerce, in the state, including through an internet transaction violation shall be considered a violation.

Section 19: Enforcement

- (a) Any person, distributors, or dealers who violates the requirements of this act shall be subject to a fine for each violation and for each day the violation occurs in the amount of not more than \$10,000.

- (b) The Department may bring a civil action to enjoin the sale, distribution, or importation into the United States of a beverage sold in a beverage container in violation of this part
- (c) Any citizen of the State may bring an action in court against any person, distributor, or the Department to enforce this subtitle, by which they may recoup damages, attorney's fees and other costs associated with bringing the suit, and civil penalties that the distributor is required to pay as fines.

Section 20: Rulemaking

- (a) The Department shall administer the provisions of this act and may promulgate rules as necessary to implement, administer and enforce this Act. All rules developed under this Act shall be promulgated no later than one year after the effective date of this Act.
- (b) The Department shall solicit input from the public of any draft rules to implement this Section, solicit public comment on draft rules for a period of at least 90 days, and hold a public hearing on the draft rules.
- (c) The rules promulgated by the Department pursuant to this section must include:
 - (1) A method for calculating the redemption rate for beverage containers;
 - (2) A method for calculating the recycling rate for beverage containers;
 - (3) A method for calculating the amount of reusable beverage containers sold or refilled;
 - (4) A process for collecting all necessary information to ensure distributor and dealer compliance with the requirements of this Act;
 - (5) A method for determining compliance with the performance standards pursuant to the requirements of Section 12 of this Act;
 - (6) A method for determining compliance with the toxic substance reduction requirements of Section 18 of this Act;
 - (7) A process for compiling a list of all the points of redemption both at the state and county level;
 - (8) A process for determining which communities qualify as environmental justice communities;
 - (9) A process for determining the number of cycles for a reusable beverage container;
 - (10) A process for determining the handling fee as required by Section 4 of this act;
 - (11) A process for determining the processing payment as required by Section 8 of this Act;
 - (12) A process for licensing redemption centers;
 - (13) A process for determining whether information is proprietary information and therefore must be handled as confidential information; and
- (14) A process for soliciting, reviewing, and awarding grants pursuant to the requirements of Section 15 of this Act;