

Department of Resources Recycling and Recovery

Dealer Registration and Dealer Cooperatives Permanent Regulations

Updated Informative Digest

The approval of the AB 1311 Alternative Schedule Permanent Regulations (AB 1311 regulations) on April 2, 2025, with an effective date upon filing with the Secretary of State, caused changes to the underlying regulation text during this rulemaking. Specifically, sections 2030 and 2516 of title 14 of the California Code of Regulations were modified by the AB 1311 regulations. The changes made by the AB 1311 regulations can be conformed to this rulemaking by either discarding the duplicative amendments or because the changes affected different subsections not being adopted or amended by this rulemaking. The amendments made by this rulemaking have now been applied or discarded to the newer, now existing regulations. Additionally, several substantive changes were made to the proposed regulations that altered the “Effect of The Proposed Action” section in the Notice of Proposed Action published by the Office of Administrative Law on March 15, 2024. The following provides a general description of the substantive changes made to the proposed action after publication of the Notice of Proposed Action.

Section 2030

As a result of the approval of the AB 1311 regulations, the amendments offered by this rulemaking are applied to the updated existing regulations. Certain proposed amendments made by this rulemaking, namely the substitution of “Department” with “department” and “Section” with “section”, have been discarded as no longer necessary.

Section 2370

The terms “comparable” and “sufficient” were clarified by formally defining consumer convenience as comparable to the requirements of Public Resources Code (PRC) sections 14571 and 14571.9. The effect of the definition is requiring that dealer cooperatives operate, at a minimum, at the statutory hours required of a certified recycling center or a pilot project recycler.

Section 2374

This section, which established an implementation period for dealer members who submit a stewardship plan within 120 days of the effective date of the regulations, was deleted. The effect of the deletion establishes that until a stewardship plan is fully operational, all dealer members must continue to redeem empty beverage containers in store.

Section 2375

The provision formally holding dealer members and the dealer cooperative legally liable for the stewardship plan was deleted. The effect of the deletion is that the Department of Resources Recycling and Recovery (CalRecycle) will enforce violations of the California Beverage Container Recycling and Litter Reduction Act (“the Act”) and regulations against dealers and dealer cooperatives under PRC section 14591.1 and its surrounding sections.

Section 2375.1

Section 2375.1 (Stewardship Plan Contents) was deleted and its contents separated out into sections 2375.2 (Stewardship Plan Informational Contents), 2375.4 (Stewardship Plan Substantive Contents), 2375.6 (Stewardship Plan Performance Standards), and 2375.8 (Stewardship Plan Budget). Separating out the contents into their own sections has the effect of promoting clarity so that one section is not excessively long with more than one subject matter.

Section 2375.4

A provision was added requiring dealer cooperatives to translate education and outreach materials into, at a minimum, each language that 5% or more of the non-English speaking people speak in each census tract in which the unserved convenience zone is located.

A former definition of “convenient redemption” was deleted, including deleting a requirement for redemption location hours of operation to match the nearest dealer member.

The provision requiring one innovative method of redemption per unserved convenience zone was deleted.

A requirement was added for a dealer cooperative to have at least one redemption location in each unserved convenience zone covered by its stewardship plan that satisfies all of the following:

- Accepts all beverage container material types up to the daily load limits in section 2535(f) of Title 14 of the California Code of Regulations
- With immediate payment of the refund value
- A minimum of 10 hours per week, with no less than five of those hours on a Saturday or Sunday between the hours of 9 a.m. and 5 p.m.

Section 2376

Section 2376 was changed to remove the public comment process in the second 15-day comment period.

Section 2378

Former section 2378 was deleted and new language added that establishes a process for a dealer cooperative to submit stewardship plan changes to CalRecycle either 30 days before a change or within 30 days following the change, depending on the nature of the change. For certain other changes, a dealer cooperative is required to submit the change and wait for CalRecycle approval before implementing the change. CalRecycle is required to review those changes within 30 days.

Section 2380

Provisions were deleted requiring dealer cooperatives to prepare and retain records according to generally accepted accounting principles.

A provision was added that requires dealer cooperatives required to prepare annual audited financial statements under existing law to submit those statements to CalRecycle.

A provision was added that requires a dealer cooperative to prepare its financial records in a prudent and responsible manner.

Section 2382

Additional operating provisions were added for dealer cooperatives relating to load inspection requirements and payment procedures. Similar requirements were formerly in sections 2501 and 2535.

Section 2385

The grounds for stewardship plan revocation were limited to failure to comply with a corrective action required by CalRecycle or failure to implement the information specified in the dealer cooperative's approved stewardship plan pursuant to sections 2375.4 and 2375.6. This section was structurally rewritten to explain the grounds for causing CalRecycle to impose discipline as opposed to providing situations where CalRecycle may impose discipline.

Section 2386

The grounds for CalRecycle to impose a notice of violation and any penalties are described. This section was structurally rewritten to explain the grounds for causing CalRecycle to impose discipline as opposed to providing situations where CalRecycle may impose discipline.

Section 2501

Load inspection requirements for dealer cooperatives were deleted from this section and added to section 2382.

Section 2516

As a result of the approval of the AB1311 regulations, the amendments offered by this rulemaking are applied to the updated existing regulations. Certain proposed amendments made by this rulemaking, namely the substitution of “Department” with “department” and “Section” with “section”, have been discarded as no longer necessary.

Section 2535

Payment procedures for dealer cooperatives were deleted from this section and added to section 2382. Section 2535 is no longer being amended in this rulemaking.

Except as set forth above, there are no other substantial changes to the effect of the proposed regulations apart from the effects described in the Notice of Proposed Action.