

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
I- 1 -1	Comment Letter	Website	Leonard Lang		No text entered, see attachment for comment I-1-1	
I- 1 -2	2371. Dealer Registration	Website	Leonard Lang		Definitions 2370: How much do you estimate the dealer registration fee to be?	CalRecycle rejects this comment. The scope of this rulemaking is limited to dealer registration and dealer cooperatives. There are no proposed regulations establishing a dealer registration fee as no registration fee will be charged.
I- 1 -3	2370. Definitions	Website	Leonard Lang		GAAP is unfamiliar to businesses and unnecessary for tax purposes, by what authority is it mandated?	CalRecycle has accepted this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments I-3-12 and C-3-20.
I- 1 -4	2370. Definitions	Website	Leonard Lang		2370(h) Sales & storage area is unnecessary and excessively burdensome	CalRecycle rejects this comment. The definition of "sales and storage area" in section 2370(i) identifies which parts of a dealer's business to include in the calculation of its square footage, which is necessary for a standard approach to verifying square footage exemption under PRC section 14578(b)(1).
I- 1 -5	2371. Dealer Registration	Website	Leonard Lang		Dealer Registration 2371: the names, titles, and phone numbers of personnel is excessive and burdensome, especially due to turnover. Is it really necessary?	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments I-3-19, I-7-5, and O-4-5.
I- 1 -6	2371. Dealer Registration	Website	Leonard Lang		(b)(13) and requesting the types of beverages will "soda, beer, wine, liquor" suffice?	CalRecycle rejects this comment. This comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. This provision serves to verify if the registering dealer sells beverages that are included in the BCRP; specifically, requiring information on the beverage types, container material types, and container sizes offered for sale. The types of beverages will be sufficient.
I- 1 -7	2371. Dealer Registration	Website	Leonard Lang		(c) Will additional information requested be defined in regulation?	CalRecycle rejects this comment. With regard to additional requested information for dealer registration this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that the additional information requested will be defined in regulation, CalRecycle has clarified what additional information it may request in the following subparagraphs 2371(c)(1) and (2).
I- 1 -8	2372. Dealer Notification Requirements and New Registration Required	Website	Leonard Lang		Dealer Notification Requirements 2372: (a) requiring notification 30 days prior to specified changes is burdensome and unrealistic. 10 days would be preferable.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment I-3-24.

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I- 1 -9	2372. Dealer Notification Requirements and New Registration Required	Website	Leonard Lang		(b) this section lacks clarity. If the ID number changes due to a sale of the business it should be so. If the address changes due to moving out of the zone and you registration may not be required	CalRecycle rejects this comment. The first scenario posed regarding the federal tax identification number and the sale of the business is unclear and does not provide a suggestion to replace the proposed regulatory text. Relating to the second scenario regarding the relocation of the business and not requiring that business to submit a new dealer registration, it is necessary to update the dealer's address in case they move out of the convenience zone or move into another convenience zone so that their status regarding registration and other requirements associated with locating in a convenience zone can be updated.
I- 1 -10	2372. Dealer Notification Requirements and New Registration Required	Website	Leonard Lang		(c)(3) a primary number for the store should be all that is required.	CalRecycle rejects this comment. A secondary contact is necessary in case the primary contact cannot be reached. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to requiring a dealer member's store manager's name, title, phone number, and email address, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -11	2373. Dealer Redemption Requirements	Website	Leonard Lang		Dealer redemption requirements 2373: This section lacks clarity. "Any dealer that is not a member of a cooperative shall redeem containers" is preferable.	CalRecycle rejects this comment. CalRecycle disagrees that clarification is needed with regard to requiring non-member dealers in an unserved convenience zone to redeem beverage containers in store because the addition of the language the commenter suggests does not adequately establish the requirements of non-member dealers in an unserved convenience zone. The regulatory provision as written specifies all the requirements formally established in PRC 14578(a)(1). The language the commenter suggests would change the meaning of the regulatory provision to include dealers within served zones and dealers that are excluded from complying with PRC 14578(a)(1) pursuant to PRC 14578(b)(1), which would be inaccurate and contrary to SB 1013.
I- 1 -12	2373. Dealer Redemption Requirements	Website	Leonard Lang		What can cause a stewardship plan to be revoked or terminated?	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text in section 2373(a)(1) and (2), which is outside the scope for the 15-day public comment period. With regard to mentioning termination and revocation of a stewardship plan in 2373(a)(1) and (2), this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.

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I- 1 -13	2373. Dealer Redemption Requirements	Website	Leonard Lang		(b) if this section implies that a dealer is to perform in-store redemption than it should say so.	CalRecycle rejects this comment. CalRecycle disagrees that clarification is needed with regard to requiring dealers to redeem in store because the provision as written explicitly states that members of a dealer cooperative must redeem in store until the dealer cooperative's stewardship plan is approved and fully operational. The provision as written specifies all the requirements formally defined in PRC section 14578(a)(1).
I- 1 -14	2375. Stewardship Plan Submission	Website	Leonard Lang		Stewardship Plan 2375: This section lacks clarity because it fails to state the requirements in simple terms, instead it refers to other sections of the regulations and Act	CalRecycle rejects this comment. CalRecycle disagrees that clarification is needed with regard to stating the requirements of the section in text rather than by reference because the addition of in text requirements is unnecessary and using citations comprehensively references the regulations and the Act without the burden of repeating whole sections within the text. This format ensures clarity and consistency.
I- 1 -15	2375. Stewardship Plan Submission	Website	Leonard Lang		(2) To be consistent, the department should offer alternate methods of submission.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to electronic stewardship plan submission, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -16	2375. Stewardship Plan Submission	Website	Leonard Lang		(3) the only statutory requirements pertaining to websites only apply to the Division.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments I-3-26 and C-3-39.
I- 1 -17	2375. Stewardship Plan Submission	Website	Leonard Lang		(4) this section lacks clarity, authority and is excessively burdensome	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments I-3-27 and C-3-39.
I- 1 -18	2375. Stewardship Plan Submission	Website	Leonard Lang		(b) For clarity, this section should be specific to only those sections of the regulations and Act that are applicable.	CalRecycle rejects this comment. First, this comment is outside the scope of the changes to the proposed regulations noticed to the public for at least 15 days. Further, CalRecycle disagrees that clarification is needed with regard to the submission of a stewardship plan constituting a declaration of the dealer cooperative and members being in compliance because the addition of specifying the sections of the regulations and the Act that a dealer cooperative and dealer member must be in compliance with is unnecessary and the provision as written references all applicable requirements without the burden of repeating whole sections within the text.

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I- 1 -19	2375. Stewardship Plan Submission	Website	Leonard Lang		(2) Are dealer members legally liable beyond their participation in the corporation?	CalRecycle rejects this comment. With regard to dealer member legal liability this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. As stated in response to the 45-day rulemaking comments O-4-9 and C-2-5, the provision establishing legal liability for dealer members was deleted because the framework for liability for violations of the Act and Regulations is established in PRC section 14591.2(a) and the surrounding sections; therefore, this regulatory provision relating to liability is unnecessary.
I- 1 -20	2375.2. Stewardship Plan Informational Contents	Website	Leonard Lang		Stewardship Plan Contents 2375.1 Does the term operator equate to "Certified Operator"?	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to stewardship plan informational requirements this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that the term "operator" equates to certified operator, this term does not apply to the contents of this section. "Redemption contractors" are formally defined in section 2370(g) as "a person redeeming empty beverage containers from consumers pursuant to a stewardship plan on behalf of a dealer cooperative". These persons will be responsible for operating the redemption site or redemption location on behalf of the dealer cooperative. The term "operator" is formally defined in section 2000(a)(33) as a "person(s) or entity who has ultimate responsibility for a recycling center, dealer cooperative, processing facility, drop-off or collection program, or community service program". In this case, a dealer cooperative is responsible for the operation of its entire stewardship plan. Dealer cooperatives may do business with operators of certified recycling centers and processors to ship their redeemed material to. Because recycling centers and processors are procedurally reviewed and certified by CalRecycle according to section 2030 and dealer cooperatives are not, it is not accurate to use the term "certified operator" when speaking about dealer cooperatives and its redemption contractors. These terms are not interchangeable in the context of dealer cooperatives.

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I- 1 -21	2375.2. Stewardship Plan Informational Contents	Website	Leonard Lang		How does a dealer cooperative have a physical address?	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to address information required in stewardship plan submissions, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process. This provision requires the mailing address of the individual(s) responsible for the stewardship plan to ensure CalRecycle can contact a person at the dealer cooperative knowledgeable about the stewardship plan. The mailing address specifically is required because certain legal documents CalRecycle may serve the dealer cooperative with are legally required to be sent through postal mail. Dealer cooperatives are not required to designate a physical address.
I- 1 -22	2375.2. Stewardship Plan Informational Contents	Website	Leonard Lang		Does the cooperative contact need to be a member of the co-op?	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to contact informational requirements for stewardship plan submissions, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process. This provision requires the contact information for the individual(s) responsible for the stewardship plan on behalf of the dealer cooperative. This is necessary to verify that the person(s) submitting the stewardship plan are authorized by the dealer cooperative and to ensure accountability for the dealer cooperative of the submitted information within the stewardship plan. The provision does not specify that the contact must be a member of the dealer cooperative, which gives dealer cooperatives the autonomy over who submits and oversees their stewardship plans.

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I- 1 -23	2375.2. Stewardship Plan Informational Contents	Website	Leonard Lang		If a board is responsible for the plan, do you want the names of all members?	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to decision maker information required in stewardship plan submissions, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process. The provision requires the names and titles of any person who will make decisions on behalf of the dealer cooperative, including each member of the dealer cooperative's board of directors. If the commenter is implying that an external board is responsible for the submission and oversight of a stewardship plan, then the contact information for each board member would be required pursuant to 2375.2(b). If the board responsible for the stewardship plan makes decisions on behalf of the dealer cooperative, then the names and titles of each member would be required pursuant to 2375.2(c).
I- 1 -24	2375.4. Stewardship Plan Substantive Contents	Website	Leonard Lang		(8) Statute does not require an Internet website for dealer cooperatives.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment I-3-26.
I- 1 -25	2375.2. Stewardship Plan Informational Contents	Website	Leonard Lang		(9) What if the IRS fails to approve this is a valid nonprofit?	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to verification of tax-exempt status, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process. This provision requires the verification of a dealer cooperative's tax-exempt status under section 501(c)(3) of the Internal Revenue Code of 1986 because it is statutorily required pursuant to PRC section 14510.2. To the extent this status cannot be verified, the stewardship plan will not be approved.
I- 1 -26	2375.2. Stewardship Plan Informational Contents	Website	Leonard Lang		(10) Articles of incorporation	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to verification of incorporated entities, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.

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I- 1 -27	2375.2. Stewardship Plan Informational Contents	Website	Leonard Lang		(11) List of dealers	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to dealer member informational requirements for stewardship plan submission, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -28	2375.2. Stewardship Plan Informational Contents	Website	Leonard Lang		(12) a map is burdensome and unnecessary, operation will be confined to the zone.	CalRecycle rejects this comment. The proposed regulatory text does not include a map requirement. To the extent section 2375.2(f)-(h) requests information (lists) that could be provided in the form of a map, this comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-40.
I- 1 -29	2375.2. Stewardship Plan Informational Contents	Website	Leonard Lang		(13) if a dealer co-op consists of the dealers within the zone how would this be applicable to other zones?	CalRecycle rejects this comment. With regard to dealer cooperatives within a zone affecting other zones this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. If a dealer cooperative consists of the dealers within a single unserved convenience zone, the effect of that dealer cooperative is limited to the zone it operates within and does not apply to surrounding convenience zones. Without additional clarity or context to the comment, CalRecycle is unable to further respond.
I- 1 -30	2375.2. Stewardship Plan Informational Contents	Website	Leonard Lang		(14) This is burdensome and unnecessary.	CalRecycle rejects this comment. With regard to informational requirements for stewardship plans this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that the informational requirements in this section are burdensome and unnecessary, the provisions in this section are necessary to ensure that all relevant information is provided for effective oversight and management of the stewardship program, facilitating transparency and accountability in the beverage container redemption process. Section 2375.2 is designed to aid the statutory objective of increasing recycling rates to 80% and providing increased consumer access to redemption opportunities. Without additional clarity or context to the comment, CalRecycle is unable to further respond.

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I- 1 -31	2375.2. Stewardship Plan Informational Contents	Website	Leonard Lang		(15) Is it presumed that the dealer co-op will act the same as a certified operator?	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to informational requirements for stewardship plans this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that a dealer cooperative will act the same as a certified operator, PRC section 14578.5(c)(1) requires that the dealer cooperative redemption program be sufficient with redemption opportunities for consumers with comparable consumer convenience to recycling centers and pilot projects. While the statute is specific that the redemption plan should be comparable, it is not required that dealer cooperative operate in the exact same manner as certified recycling centers. Without additional clarity or context to the comment, CalRecycle is unable to further respond.
I- 1 -32	2375.4. Stewardship Plan Substantive Contents	Website	Leonard Lang		(b) this section is excessively burdensome and educational outreach lacks authority.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments I-3-30, O-2-8, C-3-45, and C-4-7.
I- 1 -33	2375.4. Stewardship Plan Substantive Contents	Website	Leonard Lang		(8) (B) (ii) If a redemption location exists then the zone is not unserved. In general section (b) lacks both clarity and authority.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to dealer member informational requirements for stewardship plan submission, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process. To the extent that the existence of a redemption location makes the convenience zone served, section 2382(g) states that a dealer cooperative's stewardship program shall not make an unserved convenience zone served, as described in PRC section 14571(a). If dealer cooperative redemption locations were to make the zone served, then dealer cooperatives would no longer be obligated to comply with the requirements of PRC section 14578(a).

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I- 1 -34	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Website	Leonard Lang		Stewardship Plan Review & approval 2376: Will additional information be adopted in regulation?	CalRecycle rejects this comment. With regard to CalRecycle requesting additional information for stewardship plan review and approval, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. Regarding whether additional information will be specified in an adopted regulation, CalRecycle cannot reasonably specify what information it may request in the regulations because the scope of the information is too broad and depends on the context of the information provided. CalRecycle will require only the necessary information to clarify or corroborate the contents of the stewardship plan, as required under section 2376(a), and therefore not specifying in an adopted regulation the additional information that may be required is reasonable.
I- 1 -35	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Website	Leonard Lang		(b) Review of plans should be done in 60 days which is the equal of certification applications.	CalRecycle rejects this comment. The deadline of 90 days for the review process of stewardship plans is necessary for CalRecycle to complete a comprehensive review of a stewardship plan and responsibly decide whether to approve or disapprove of the stewardship plan. Requiring 60 days for this process would not provide adequate time for CalRecycle to responsibly review and approve or disapprove of a stewardship plan, considering the numerous amount of dealers, and potentially dealer cooperatives, across the state. A 90-day period balances the need to give CalRecycle enough time to review a stewardship plan with the necessity to give dealer cooperatives a response on whether their stewardship plan is approved or disapproved within a reasonable timeframe.

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I- 1 -36	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Website	Leonard Lang		120 days is excessively burdensome and will create hardships.	CalRecycle rejects this comment. With regard to a 120-day timeframe, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that 120-day timeframes have been proposed in this rulemaking, this was previously the review period for submitted stewardship plans in draft regulations workshopped on August 31, 2023, which has been amended in the final regulations to a 90-day timeframe. If the commenter is referring to the total timeframe of a disapproved stewardship plan which includes the 90-day review and written notice within 30 days of disapproval, this timeframe is necessary for CalRecycle to complete a comprehensive review of a stewardship plan and responsibly decide whether to approve or disapprove of the stewardship plan. A 90-day period balances the need to give CalRecycle enough time to review a stewardship plan with the necessity to give dealer cooperatives a response on whether their stewardship plan is approved or disapproved within a reasonable timeframe. Thirty days' notice of disapproval is necessary because it provides CalRecycle with enough time to explain why the proposed stewardship plan does not comply with the Act and regulations. Providing less time for such notice would not provide adequate time for CalRecycle to communicate its findings considering the numerous amount of dealers, and potentially dealer cooperatives, across the state that CalRecycle regulates.
I- 1 -37	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Website	Leonard Lang		(d) this lacks clarity. The reason for submitting a plan is to receive a registration number. Keep it simple.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to CalRecycle approval of the stewardship plan and issuing registration numbers, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -38	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Website	Leonard Lang		(2) Notice of disapproval should be made within 10 days.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to CalRecycle disapproval of the stewardship plan and notification, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.

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I- 1 -39	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Website	Leonard Lang		(e) (2) The stewardship plan need not require identifying possible recyclers or processors.	CalRecycle rejects this comment. The requirement to submit to CalRecycle as part of the operational notice a list of processors and recycling centers not included in the stewardship plan is necessary for CalRecycle to be kept aware of the processors and recycling centers to which dealer cooperatives ship empty beverage containers. The requirement to submit this information at the time of stewardship plan submission is necessary for CalRecycle to complete a comprehensive review of a stewardship plan and responsibly decide whether to approve or disapprove of the stewardship plan. However, the operational notice must also list this information because the dealer cooperative may not have known all of the recycling centers and processors it will ship to at the time of stewardship plan submission. Requiring this information is necessary because it provides CalRecycle with current and complete information about the stewardship plan's operational aspects and allows CalRecycle to ensure that the empty beverage containers are shipped to certified facilities according to the Act and regulations.
I- 1 -40	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Website	Leonard Lang		(3) (C) There is no need to require a certification number of a recycler in the plan.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. Requiring the certification numbers of the processors and recycling centers to be submitted to CalRecycle as part of stewardship plan submission and the operational notice is necessary because recycling centers and processors may have identical or similar names. Therefore, it is necessary and reasonable to require the certification number to also be provided to enable CalRecycle to correctly identify which processors and recycling centers the dealer cooperative is shipping empty beverage containers to.
I- 1 -41	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Website	Leonard Lang		(f) There is no need for a dealer co-op notify the department because the zone is identified by the department when the process a certification application.	CalRecycle rejects this comment. The 30-day prior notification requirement, now located in section 2378 in the 15-day public comment period regulation text, for redemption contractor or redemption sites becoming operational or ceasing operation is necessary to ensure dealer cooperatives provide comparable consumer convenience and sufficient redemption opportunities. The 30-day notification of redemption site or contractor operational changes is necessary to effectuate SB 1013 because CalRecycle must be informed of operational changes within the stewardship program to allow for timely adjustments in monitoring and enforcement to ensure ongoing compliance and program effectiveness. Because redemption contractors of a stewardship program do not need to be certified, CalRecycle must be notified by a dealer cooperative when redemption access changes for the unserved convenience zone.

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I- 1 -42	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Website	Leonard Lang		(g) For clarity, the section should identify the specific requirements instead of citing other sections of the regulations.	CalRecycle rejects this comment. With regard to stewardship plan approval or disapproval, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. The provision the commenter is referring to, section 2376(g), does not exist within section 2376 of the 45-day public comment period version or 15-day public comment period version of the regulations. CalRecycle disagrees that clarification is needed with regard to stating the requirements of the section solely in text rather than by reference because the addition of in-text requirements is unnecessary and using cross-referencing citations comprehensively and most accurately references the relevant provision of the Act or regulations without the burden of repeating whole sections within the text. Without additional clarity or context to the comment, CalRecycle is unable to further respond.
I- 1 -43	Unclassified	Website	Leonard Lang		Updating Performance Standards 2376.1 again, specify the requirements the department may determine instead of citing sections of the act to ensure clarity.	CalRecycle rejects this comment. CalRecycle disagrees that clarification is needed with regard to stating the requirements of the section in text rather than by reference because the addition of in text requirements is unnecessary and using citation comprehensively references the regulations without the burden of repeating whole sections within the text. This format ensures clarity and consistency.
I- 1 -44	2377. Stewardship Plan Five-Year Updates	Website	Leonard Lang		Stewardship Plan Update 2377: instead of placing the burden on dealer cooperatives to remember to update their plans every five years, the department should notify them in advance to determine whether there is need to update the plan	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to five-year review and updates of stewardship plans, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -45	2377. Stewardship Plan Five-Year Updates	Website	Leonard Lang		(c) the department, as noted above, should notify dealer co-ops well in advance if they want the submissions at least six months before the deadline.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to dealer cooperatives submitting stewardship plan updates, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.

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I- 1 -46	2378. Stewardship Plan Changes and Notification	Website	Leonard Lang		Stewardship Plan Changes & Notification 2378 This section needs to be rewritten because it lacks clarity.	CalRecycle rejects this comment. CalRecycle disagrees that this section needs to be rewritten to increase clarity. The section as written is reasonable because it is necessary to ensure that, as a default, all stewardship plan changes are thoroughly reviewed and vetted for compliance with statutory and regulatory standards before they are implemented, thereby safeguarding the integrity of stewardship plan efforts and aligning them with the statutory objective of SB 1013 to increase consumer beverage container redemption. It is necessary to prohibit substantial changes to the stewardship plan from being implemented by a dealer cooperative before CalRecycle has reviewed the change because this would be the equivalent of a dealer cooperative operating an unapproved stewardship plan. This section does not conflict with or contradict any statutory provision within the California Beverage Container Recycling and Litter Reduction Act. Additionally, the comment does not suggest any specific changes to the proposed regulations. CalRecycle notes that section 2378 was deleted and completely rewritten in the 15-day public comment period version of the proposed regulations in order to increase clarity by specifically prescribing the particular stewardship plan changes that are subject to different notification and approval requirements.
I- 1 -47	2380. Recordkeeping	Website	Leonard Lang		Record-keeping 2380: the previous comments concerning GAAP also applies to this section. It's without authority. It would also seemed it GAAP applies to the creation of records, not the retention	CalRecycle rejects this comment. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. This regulatory provision requiring dealer cooperatives that are required to prepare annual audited financial statements to submit those annual audited financial statements to CalRecycle is designed to aid the statutory objective of dealer cooperatives being transparent and accountable in utilizing dealer cooperative fees for the operation of the approved redemption model (PRC section 14578.5(f)). The provision is reasonable because it ensures clarity on what dealer cooperatives are obligated to provide to CalRecycle to ensure that financial transparency and accountability. Additionally, the provision is reasonable because it only subjects dealer cooperatives to this requirement if they are already required to prepare the annual audited financial statements under existing law, thereby not burdening smaller dealer cooperatives with a new requirement. The provision does not conflict with or contradict any statutory provision within the Act.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
I- 1 -48	2380. Recordkeeping	Website	Leonard Lang		Chapter 6.5 Dealer Cooperatives covering PRC section 14578 and 14578.5 provide no authority for requiring "Daily Customer Logs" that would include printed name and signature noted in section (b).	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to recordkeeping for beverage container transactions, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -49	2380. Recordkeeping	Website	Leonard Lang		(c) This section seems to copy the requirements of a Certified Operator but a dealer co-op stewardship is not a certified operator. Historically, dealers simply count containers and reimburse customers. They do not way material by type notice statute specify that requirement.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to recordkeeping for material for which the CRV is not refunded, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -50	2380. Recordkeeping	Website	Leonard Lang		Requiring "another method sufficient to track redemption of individual customers" is without authority and without definition.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to recordkeeping for beverage container redemption transactions, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -51	2380. Recordkeeping	Website	Leonard Lang		The same goes for an explanation of "how the material was managed" or if scrap value was paid.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to recordkeeping for material for which the CRV is not refunded, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -52	2380. Recordkeeping	Website	Leonard Lang		Statute requires the Division to audit these programs every two years. Those records should be audited on-site. Section (f) requires original records to be shipped to the department upon request without chain of custody guarantees and necessary receipts provided.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to requiring the transfer of any original record to CalRecycle upon request, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
I- 1 -53	2381. Reporting	Website	Leonard Lang		REPORTING 2381:To require quarterly reports from dealer co-ops lacks authorization and is duplicitous.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to dealer cooperatives submitting quarterly reports to CalRecycle, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -54	2381. Reporting	Website	Leonard Lang		Section (a) (3) should be deleted. WCAG requirements are without necessity, authority and Government Code section 7405 pertains to employment.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to requiring quarterly reports to comply with section 7405 of the Government Code and the Web Content Accessibility Guidelines (WCAG), this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -55	2381. Reporting	Website	Leonard Lang		Section (b) is both unnecessary and confusing. Redemption will be reported and accounted for by sales to recyclers or processors. In proposing these standards the department has gone far beyond standards that are applied to certified recycling centers.	CalRecycle rejects this comment. This provision provides specific reporting standards unique to this new beverage container recycling entity and is necessary to ensure that the dealer cooperatives are complying with requirements of the Act and regulations. PRC section 14578.5(c)(3)(A) requires that stewardship programs redeem all material types and offer one or more redemption locations within the dealer cooperative zone. While PRC section 14578.5(c)(1) is specific that the process of beverage container redemption should be comparable to recycling centers, it is not required that dealer cooperatives operate in the exact same manner as recycling centers. Making dealer cooperative operation provisions, including not requiring quarterly reports, the same as recycling center provisions is not necessary and is contrary to effectuate this statutory provision.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
I- 1 -56	2382. Dealer Cooperative Operation	Website	Leonard Lang		Dealer Cooperative Operation 2382: this section states that the cooperative shall operate according to its stewardship plan. But standards are imposed that are not required by the plan, therefore the lack authority and clarity.	CalRecycle rejects this comment. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. Requiring dealer cooperatives to operate in accordance with their approved stewardship plan is necessary to fulfill the requirements of PRC section 14578.5(c)(4) mandating that dealer cooperatives be operational and fully implement the approved redemption plan. The provision is reasonable because it establishes that a dealer cooperative's noncompliance with the substantive provisions of its approved stewardship plan is equivalent to a violation of law. Specifying that a dealer cooperative shall operate in accordance with all provisions of the Act and regulations would be unnecessary and duplicative because a dealer cooperative is already subject to the Act and regulations without reiteration. This provision does not conflict with or contradict any statutory provision within the Act.
I- 1 -57	2382. Dealer Cooperative Operation	Website	Leonard Lang		(d) This section should be stricken unless the department is going to tell all co-ops whose declared ineligible.	CalRecycle rejects this comment. This provision is an operation standard to identify who may participate and is necessary to prevent persons who have committed certain unlawful activity from participating in the BCRP as a dealer cooperative or as a redemption contractor. PRC section 14578.5(c)(3)(B) allows the dealer cooperative redemption program to hire contractors as part of the redemption services. However, this provision is necessary to prevent persons who have had a certification or registration revoked within the past five years or who have ever been found to have committed fraud in violation of PRC section 14597 from participating as a redemption contractor or dealer cooperative. Because dealer cooperatives are a new program entity, this provision prevents persons interested in taking advantage of the program by committing unlawful activity. If a dealer cooperative is unsure whether a person is disqualified under this provision, the dealer cooperative may reach out to CalRecycle to verify eligibility information.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
I- 1 -58	2382. Dealer Cooperative Operation	Website	Leonard Lang		(e) Termination of a dealer member should be based upon adopted standards and provide for due process.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to section 2382(e) relating to the ability of dealer cooperatives to contract with business partners, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process. Additionally, with regard to termination of a dealer member as outlined in section 2382(h), this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -59	2382. Dealer Cooperative Operation	Website	Leonard Lang		Again, requiring a six-month notice to cease operations is burdensome and unreasonable.	CalRecycle rejects this comment. The minimum six-month notice prior to dealer cooperative dissolution or ceasing operation is designed to aid the statutory objective of preventing reduced redemption access and convenience for consumers. The provision is reasonable because the minimum six-month timeframe provides enough time for dealer members to join another dealer cooperative or redeem in store and gives CalRecycle enough time to review any stewardship plans responding to the upcoming dissolution. It is reasonable for a nonprofit corporation that receives dealer cooperative fees from its members to know at least six months in advance of when it will dissolve or cease operation to give the dealer members time to make alternate arrangements. Because the status of dealer cooperatives and their stewardship plans can affect the legal obligations of its dealer members and trigger immediate obligations on others should the dealer cooperative dissolve or cease operation, it is necessary for CalRecycle to be informed of that change of status at least six months in advance to provide adequate time for affected entities to prepare for the change in legal obligations.
I- 1 -60	2382. Dealer Cooperative Operation	Website	Leonard Lang		(h) A co-op is eligible for handling fees but regulations to apply for them are missing.	CalRecycle rejects this comment. With regard to dealer cooperative eligibility for handling fees, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that the regulations pertaining to the application of handling fees are missing, the requirements for the Handling Fee Application Form outlined in section 2530(h) are explicitly referenced as applying to dealer cooperatives in section 2382(o). Additionally, the criteria for dealer cooperatives to receive handling fees are specified in sections 2516(g), 2518, and 2519. Therefore, additional provisions relating to dealer cooperative application for handling fees are unnecessary.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
I- 1 -61	2385. Stewardship Plan Revocation; Enforcement Mechanisms	Website	Leonard Lang		Stewardship Plan Revocation: Enforcement Mechanisms 2385 (a) a failure to act in compliance with the Act or regulations may have nothing to do with the stewardship plan and the need for corrective action.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. These comments address unchanged regulation text, which is outside the scope for the 15-day public comment period. This provision provides a specific standard for corrective action for a dealer cooperative and its stewardship plan that is unique to this new beverage container recycling entity. PRC section 14578.5(b) requires CalRecycle to adopt regulations necessary for the enforcement of the dealer cooperative provisions, and CalRecycle has determined corrective action is necessary as an enforcement mechanism for dealer cooperatives because the status of dealer cooperatives can affect the legal obligations of its dealer members and the availability of redemption opportunities within the entire unserved convenience zone. Other registered or certified entities do not trigger immediate obligations on BCRP participants should the status of those entities change, therefore corrective action is necessary as an enforcement mechanism to mitigate any violation of the Act or regulations undertaken by a dealer cooperative.
I- 1 -62	2385. Stewardship Plan Revocation; Enforcement Mechanisms	Website	Leonard Lang		(b) Revocation must be subject to due process before the Division takes action. This ignores service to the public as well as the rights of the accused. Hearings should be conducted promptly within 20 days pursuant to the original Statement of Reasons. Hearing should be conducted pursuant to Government Code section 11500 to provide for separation of power with a written decision pursuant to a hearing.	CalRecycle rejects this comment. CalRecycle disagrees that a change is needed with regard to the specified timeframe for dealer cooperatives to submit a request to CalRecycle for a hearing, as described in section 2385(d), because submitting the request within 30 days of receipt of the notice provides the dealer cooperative with a reasonable amount of time to review the notice and determine whether to request a hearing. This is necessary to ensure fairness and to allow the dealer cooperative an opportunity to present evidence before CalRecycle issues a final decision on the matter. Nothing prevents a dealer cooperative from submitting the request for a hearing sooner than within 30 days of receipt of the notice. An informal rather than formal hearing is necessary to ensure dealers have a right to be heard in a timely manner. PRC section 14578.5(b) requires that CalRecycle adopt regulations "necessary for the implementation and enforcement of this subdivision" but does not specify the governing hearing procedures to be used in those regulations. Because the governing hearing procedure is not specified in the Act or regulations, Gov. Code section 11415.10 authorizes CalRecycle to conduct enforcement actions taken under proposed section 2385 of the regulations as informal hearings under the Administrative Procedure Act set forth in Article 10 of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Gov. Code. Establishing these hearings under the informal hearing provisions of the Administrative Procedure Act rather than the formal hearing provisions is necessary to effectuate this statutory provision because it allows efficient resolution of enforcement actions informally within CalRecycle, rather than requiring all enforcement actions to be heard before the Office of Administrative Hearings as formal hearings. The provisions allowing for the request of an informal hearing within 30 days of

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
						receiving notice of the proposed revocation of a stewardship plan provides ample due process to dealer cooperatives for the reasons described above.
I- 1 -63	2386. Penalties and Interest Charges	Website	Leonard Lang		Penalties & Interest Charges 2386 (a) this section is acceptable and consistent with certified recyclers. As stated above, the right to a hearing should be pursuant to Government Code section 11500.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. These comments address unchanged regulation text, which is outside the scope for the 15-day public comment period. To the extent that the comment states section 2386(a) is acceptable, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that a hearing regarding a Notice of Violation should be conducted pursuant to Government Code section 11500, section 2386(c) already states that hearings shall be conducted in accordance with Government Code section 11500 et seq. for civil penalties sought by CalRecycle that exceed the dollar amount specified in PRC section 14591.1(a)(2). For civil penalties sought by CalRecycle that do not exceed that dollar amount, PRC section 14591.1(a)(2) explicitly authorizes CalRecycle to assess civil penalties using a Notice of Violation process established by regulation and to use an informal hearing process pursuant to Article 10 (commencing with Section 11445.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code. Therefore, revising this section to require all Notices of Violation to be heard through a formal hearing is unnecessary and contradictory to PRC section 14591.1.
I- 1 -64	2030. Review of Applications	Website	Leonard Lang		Definitions 2030 The word Division has been stricken and replaced with Department. Division is correct and the amendment should be reversed.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment I-3-9.
I- 1 -65	2030. Review of Applications	Website	Leonard Lang		(b) The term readiness is not adopted nor authorized in statute so it should be removed.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to CalRecycle assessment of applicants and verification of application information, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
I- 1 -66	2030. Review of Applications	Website	Leonard Lang		(g) (9) there is no authority to deny the application of a certified recycler who submits an application in a zone covered by a dealer Cooperative. This prevents competition.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments I-3-10, C-3-15, C-3-16, C-3-18, and C-4-2.
I- 1 -67	2425. Reporting	Website	Leonard Lang		REPORTING 2425 by simply adding "dealer cooperatives" to this section it is unclear as to who and what reporting is required. Will the dealer co-op simply have the material weighed by the processor who will create a shipping report? Section is unclear	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to processor reporting requirements in section 2425, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
I- 1 -68	2430. Payments	Website	Leonard Lang		PAYMENTS 2430: this section lacks clarity because dealer cooperatives were merely added to the section without clarifying the processors receiving and reporting requirements	CalRecycle rejects this comment. With regard to processor payments to recycling centers or dealer cooperatives, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that the comment asserts that dealer cooperatives were merely added to this section without clarification, this is inaccurate because the 15-day public comment period version of the regulations clarifies that a processor shall complete the entire shipping report for loads received from dealer cooperatives. Therefore, CalRecycle disagrees that this section needs additional amendment to increase clarity. Processor reporting and receiving requirements in regard to dealer cooperatives are sufficiently and clearly established in section 2430(a) and its subsequent subparagraphs.
I- 1 -69	2516. Eligibility Criteria	Website	Leonard Lang		Handling Fee Eligibility 2516: Dealer cooperatives are eligible to receive handling fees but no regulations have been proposed in order to make those claims	CalRecycle rejects this comment. With regard to dealer cooperative eligibility for handling fees, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that the regulations pertaining to dealer cooperatives making claims for handling fees are missing, the requirements for the Handling Fee Application Form outlined in section 2530(h) are explicitly referenced as applying to dealer cooperatives in section 2382(o). Additionally, the criteria for dealer cooperatives to receive handling fees are specified in sections 2516(g), 2518, and 2519. Therefore, additional provisions relating to dealer cooperative claims for handling fees are unnecessary.
C- 1 -1	Comment Letter	Email	Jeff Donlevy	Ming's Resource Corporation	No text entered, see attachment for comment C-1-1	

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 1 -2	Unclassified	Email	Jeff Donlevy	Ming's Resource Corporation	The August 19th proposed regulations still make forming, joining, and operating dealer cooperatives (coops) very difficult and costly, while those not joining will be able to continue doing the same practice in a low enforcement environment that has led to a very low redemption rates.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-2.
C- 1 -3	Unclassified	Email	Jeff Donlevy	Ming's Resource Corporation	<p>Section 14578.5 that allows for dealer to form cooperatives is simple, clear, and straight forward in the requirements of the dealer cooperative redemption plan;</p> <p>14578.5(2)(c)(1) Submit a plan with sufficient redemption opportunities;</p> <p>14578.5(2)(c)(2) Asses fees on cooperative members;</p> <p>14578.5(2)(c)(3)(A) Accept all CRV material types;</p> <p>14578.5(2)(c)(4) Be operational;</p> <p>14578.5(2)(c)(5) Register as a dealer cooperative with the department; and</p> <p>14578.5(2)(c)(6) Provide reports on containers collected.</p> <p>The department has proposed, in many cases without authority, extensive, burdensome, and costly regulations that are un-necessary and unauthorized requirements. Ming's is requesting that several of the proposed regulations to form and operate a dealer cooperative be removed from the regulations. Many items being proposes as regulations, could be interpreted as legislative requirements. The recent Supreme Court decision to overturn the case of Loper Bright Enterprise v. Raimondo (aka the Chevron deference) case clearly indicates that staff cannot include mandates or requirements in the form of regulations that are not clearly spelled out in the legislation. Department staff continues to attempt to add legislative mandates in regulations that are not authorized by the legislature. The departments attempt to use broad interpretation and implied authority in the proposed regulations that will place un-necessary burden and costs on the dealer coops. The proposed regulations attempt to implement semi-quasi legislation, if not excessive, re-write of the legislation through the emergency regulations. The proposed regulations attempt to write legislation and introduce new definitions and standards not authorized through legislation.</p>	CalRecycle rejects this comment. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. Additionally, Loper Bright Enterprises v. Raimondo, 603 U.S. (2024) is relevant to Federal judicial deference, and is not applicable to the State of California's rulemaking process. The dealer cooperatives rulemaking package is designed to aid the statutory objective of increasing consumer convenience and access for CRV redemption to increase California's recycling rates to 80% in areas where there is no recycling center available to consumers. The provisions are reasonable because the Legislature mandated that CalRecycle promulgate regulations that include the registration process for dealers, the application and registration process for the dealer cooperative, and the process for updating information after registration as needed, and other regulations necessary for the implementation and enforcement of this subdivision. It does not conflict with or contradict any statutory provision within the California Beverage Container Recycling and Litter Reduction Act.
C- 1 -4	Unclassified	Email	Jeff Donlevy	Ming's Resource Corporation	These proposed regulations go against the written intent of the legislation in section 14501(f), 14571.2, and 14571.3 that address recycling centers, clearly should extent the intent to dealer coops that are providing redemption services.	CalRecycle rejects this comment. The proposed regulations provide specific operation standards unique to this new beverage container recycling entity and are necessary to increase consumer awareness and provide flexibility of standards for dealer members to comply with their legal obligations. PRC section 14578.5(c)(1) requires that the dealer cooperative redemption program be sufficient with redemption opportunities for consumers with comparable consumer convenience to recycling centers and pilot projects. While the statute is specific that the redemption plan should be comparable, it is not required that dealer cooperative operate in the exact same manner as recycling centers. Making dealer cooperative operation provisions the same as recycling center provisions is not necessary and is contrary to effectuate this statutory provision.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 1 -5	Unclassified	Email	Jeff Donlevy	Ming's Resource Corporation	The proposed emergency regulations were written and requested information more in line with a request for proposal (RFP) for a multiyear, multimillion dollar exclusive solid waste franchise agreement where the rate payers (public money) would pay the service provider for the service, rather than a simple grocer coop of voluntary independently owned businesses that pool their resources to provide redemption services in the absences of other redemption services in the prescribed bottle bill redemption statue.	CalRecycle rejects this comment. This comment or substantially similar comments were submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments C-3-7, C-3-10, C-3-45, C-3-46, C-3-52, C-3-57, C-3-61, C-3-63, C-3-76, and C-3-91.
C- 1 -6	Unclassified	Email	Jeff Donlevy	Ming's Resource Corporation	There is an excessive burden and requirements placed on the coops that are un-necessary and not required by other program participants. The excessive requests for information will create an adversarial and aggressive enforcement relationship between the coop operators and the department, enforcement staff, auditing, and regulatory staff.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-7.
C- 1 -7	Unclassified	Email	Jeff Donlevy	Ming's Resource Corporation	These proposed regulations create expensive new projects for consultants to develop and maintain coop redemption plans at an unnecessary cost to the coops. The propose requirements to draft and present plans could cost between \$50,000 for a mid size city up to \$500,000 to \$1,000,000 for county, regional, or statewide coops just to draft and take the plan through the approval process.	CalRecycle rejects this comment. With regard to financial barriers surrounding the stewardship plan development and submittal, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that the comment identifies a financial barrier to start a dealer cooperative for smaller organizations, small businesses are exempt from dealer cooperative requirements pursuant to PRC section 14578(b)(1). To the effect that there is a financial investment required of the dealer to start a dealer cooperative, CalRecycle has taken this into consideration in the Economic and Fiscal Impact Statement Supplemental Information and Form (STD 399) and calculated an estimated financial cost of \$1.7 million for the dealer cooperatives. CalRecycle has also calculated the annual financial benefit of \$9 million for dealer cooperatives pursuant to PRC section 14578.5(d)(1), which provides eligibility for fully operational dealer cooperatives to be reimbursed by CalRecycle for program payments. Lastly, dealer cooperatives are non-profit organizations funded by multiple dealers who have voluntarily opted into this obligation over redeeming beverage containers in-store and will collect membership fees from the dealers in order to fund the initial and ongoing operation, thus sharing the burden of the costs among multiple dealer members.
C- 1 -8	2370. Definitions	Email	Jeff Donlevy	Ming's Resource Corporation	The key concern with the Proposed Regulations is that policy makers that approved SB 1013 gave the department the authorization to define two key terms in SB 1013 that have not been defined. The two key definitions that the department did not address with clarity in the emergency proposed regulations were: 1. Comparable - Section 14578.(b)(1) required the department to adopt emergency regulations that are 'comparable' to subdivision (a) of section 14571 that requires one recycling center open 30 hours per week, per convenience zone. a. The department has failed to define a new and expanded definition of comparable to the prior requirement before SB 1013.	CalRecycle rejects this comment and will not make further changes to the regulation text than what has already been provided for in the first 15-day comment period. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-9. CalRecycle's language in the first 15-day comment period complies with statute.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 1 -9	2370. Definitions	Email	Jeff Donlevy	Ming's Resource Corporation	2. Sufficient - Section 14578.5 (c)(1) requires the submission of redemption plans that include sufficient redemption opportunities for consumers that are comparable to the requirements of Section 14571. a. The department failed to define sufficient redemption opportunities with a quantifiable standard.	CalRecycle rejects this comment and will not make further changes to the regulation text than what has already been provided for in the first 15-day comment period. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-9. CalRecycle's language in the first 15-day comment period complies with statute.
C- 1 -10	2370. Definitions	Email	Jeff Donlevy	Ming's Resource Corporation	This task for the department could be very challenging without going through the legislative process. The CRV program has evolved with new recent definitions added that have increased confusion and muddled the waters for the program. Specifically, the definitions for recycling center, 14520, and recycling location, 14520.5, and Reverse Vending machines (RVM's), 14535.5 have become confusing and interchangeable. The department has evidence and data that shows recycling centers, RVM's, and bag drop locations each have different capacities to accommodate and provide convenience to consumers, yet each system could be certified as a recycling center that 'serves' a convenience zone. The department has recently certified RVM's that are collecting an estimated 20,000 to 40,000 containers per site (the department has the actual numbers), per month, compared to recycling centers that collect between 500,000 to 10,000,000 containers per month. With both equally serving convenience zones, the program is implementing new technology that has limited capacity and reducing consumer convenience by qualifying the zones as served. Until the department points out this deterioration of the program to the legislation due to interpretation and implementation of current definitions and language, the intent of Sections 14578 to add sufficient and comparable redemption opportunities for consumers, prior to SB 1013 being adopted, the convenience to consumers will continue to deteriorate.	CalRecycle rejects this comment. The scope of this rulemaking is limited to dealer registration and dealer cooperatives. At this time, CalRecycle does not have the statutory authority to alter the requirements for recycling centers or pilot projects operating in served convenience zones. PRC section 14578.5(b)(1) requires that CalRecycle develop regulations that include the registration process for dealers, the application and registration process for dealer cooperatives, and the process for updating information after registration as needed, and other regulations necessary for the implementation and enforcement of this subdivision. To the extent that reverse vending machines do not match the scale of redemption offered by certified recycling centers, these regulations require dealer cooperatives to offer comparable consumer convenience pursuant to 2370(a). The regulations acknowledge the limitations of innovative methods of redemption, such as reverse vending machines, compared to recycling centers and has proposed performance standards, such as a minimum redemption rate of 80% and minimum capacity design of 100% as outlined in section 2375.6. The supporting statement provided in the comment compares a single recycling center to the operation of a single reverse vending machine. This is not an accurate comparison as it relates to dealer cooperatives, because dealer cooperatives will need to strategically create possibly many redemption locations using a wide selection of methods of redemption to meet these two performance requirements.
C- 1 -11	2370. Definitions	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2370 Definitions (a) – pg. 5 The Department has added a re-worded statement in the definitions that lacks clarity. The statement has the same meaning as section 14578(c) (1).	CalRecycle rejects this comment. With regard to the definition of the phrase "Consumer convenience that is comparable to the requirements of section 14571 and section 14571.9 of the Act", this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. CalRecycle defined this phrase in the proposed regulatory text to be consistent with PRC section 14578.5(c)(1), and because CalRecycle received feedback from interested parties during the 45-day comment period to define the phrase more clearly. Defining "Consumer convenience that is comparable to the requirements of section 14571 and section 14571.9 of the Act" is not duplicative of PRC section 14571(b) or 14571(c)(1) because dealer cooperatives are not recycling centers. Defining this phrase for dealer cooperatives is also necessary to effectuate this statutory provision.

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C- 1 -12	2370. Definitions	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2370 Definitions (a)(1) – pg. 5 The Department has added a re-worded statement from the legislation in the definitions that lacks clarity. The statement has the same meaning as section 14571(b) and 14571(c)(1). These should be deleted from the definitions as these could create confusion that the dealer coops are operating under different rules than recycling centers as identified in section 14571 . This language should be removed.	CalRecycle rejects this comment. This provision provides specific definitions unique to this new beverage container recycling entity and is necessary to increase consumer awareness and provide flexibility of standards for dealer members to comply with their legal obligations. PRC section 14578.5(c)(1) requires that the dealer cooperative redemption program be sufficient with redemption opportunities for consumers with comparable consumer convenience to recycling centers and pilot projects. While the statute is specific that the redemption plan should be comparable, it is not required that dealer cooperative operate in the exact same manner as recycling centers. Defining "Consumer convenience that is comparable to the requirements of section 14571 and section 14571.9 of the Act" is not duplicative of PRC section 14571(b) or 14571(c)(1) because dealer cooperatives are not recycling centers. Defining this phrase for dealer cooperatives is also necessary to effectuate this statutory provision.
C- 1 -13	2370. Definitions	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2370 Definitions (a)(2) – pg. 5 These statements lack clarity and the intent could be interpreted as legislative language authorizing coops to operate one day per week. There is no legislative language or authority to require redemption services be provided on Saturday or Sunday. This language should be removed.	CalRecycle rejects this comment. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. Section 2370(a)(2) is designed to aid the statutory objective of dealer cooperative stewardship programs offering comparable consumer convenience, as required by PRC section 14578.5. The provision is reasonable because it defines "Consumer convenience that is comparable to the requirements of section 14571 and section 14571.9 of the Act" by specifying the days and hours the dealer cooperative stewardship programs may operate to meet minimum requirements. To the extent that this comment suggests a dealer cooperative could operate only one day a week, this conclusion is inconsistent with the requirement in section 2030(a)(1) that requires redemption to occur a minimum of 30 hours a week. This provision does not conflict with or contradict any statutory provision within the Act.

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C- 1 -14	2370. Definitions	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2370 Definitions (f)– Innovative Method – pg. 6 The Department is attempting to define a new term and introduce or adopt a new type service not authorized by the legislation. The word innovative only appears one (1) time in section 14501(b) in a broad description for the legislature and stakeholders calling for an “innovative program” that is subsequently defined and authorized throughout sections 14501 thru 14599. This term should be removed from the definitions.	CalRecycle rejects this comment. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. This regulatory provision, section 2370(f), is designed to aid the statutory objective of increasing consumer convenience and access for CRV redemption to increase California's recycling rates to 80% and reduce litter. The provision is reasonable because it defines and permits innovative methods of redemption, which increases access and opportunity for CRV redemption. It does not conflict with or contradict any statutory provision within the Act.
C- 1 -15	2370. Definitions	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2370 Definitions (f) – Pickup Service – pg. 6 Staff is attempting, without authority to authorize pick up service from consumers addresses and to redeem deposits. There is no legislative authority for this. In the statement of reason, staff claim that section 14578.5(b)(1) gave them broad authority to determine acceptable redemption methods while referencing section 14571 that requires a recycling center operating 30 hours per week within a zone, section 14571 makes no reference and grants no authority for mobile or innovative redemption systems that have not been authorized or defined in legislation. In fact, 14501(e) only authorizes the 'siting of mobile units' which indicates a fixed location and does give authorization for the type redemption and collection being referenced in 2370(f). The only authority is for collection appears in Title 14, Section 2525K allowing for collection and redemption with business, churches, schools or community groups that have written agreements with a recycling center. Mobile recycling is a term should be defined and authorized by legislation. The word 'mobile' only appears once in 14501, four times in Sections 14571.4, and twice in 14571.9. The word mobile does not appear in section 14578 or 14578.5 Staff is attempting to add legislative language to allow a service that should only be authorized and defined by the legislation. This section should be removed.	CalRecycle rejects this comment. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. The definition for "innovative methods of redemption" is designed to aid the statutory objective of increasing consumer convenience and access for CRV redemption to increase California's recycling rates to 80% in areas where there is no recycling center available to consumers by allowing dealer cooperatives to use these newer types of redemption methods. The definition specifies that an innovative method of redemption includes "pickup service as part of which empty beverage containers are redeemed at the consumer's address", which is consistent with CCR, title 14, section 2750(a)(6). It does not conflict with or contradict any statutory provision within the Act, and a dealer cooperative may still use other kinds of mobile recycling that are not innovative methods of redemption.
C- 1 -16	2370. Definitions	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2370(i) &(k)– pg. 6 Stewardship Plan & Program – The department, without authority is attempting to change the name of the dealer cooperative redemption plan to a stewardship plan without authority. Section 14500 and 14501 (a)(1) clearly state that the legislation is a litter reduction program and uses the 'redemption' 122 times in the subsequent sections, including 14578 and 14578.5. Section 14578 and 14578.5, were clear when using the terms dealer cooperative 44 times and redemption plan 15 times, while only using stewardship once in defining the dealer cooperative as a stewardship organization. Section 14578.5 requires the dealer cooperative to submit a redemption plan and only refers to redemption plan. The department does not have the authority to change the intent or language of the bill. This definition should be removed from the proposed legislation.	CalRecycle rejects this comment. This comment or substantially similar comments were submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments C-3-23 and C-3-24.

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C- 1 -17	2373. Dealer Redemption Requirements	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2373 (a) – (e) – pg. 9 Dealer Redemption Requirements – This section lacks clarity or addresses items listed in section 14578.(a)(2). This section is not, but should be, comparable to Title 14 Section 2500, 2501, and 2525 to ensure that in store redemption has comparable requirements and systems to recycling centers and new dealer cooperatives. SB 1013 clearly states stores not members of coops, shall return deposits. In doing so, under SB 1013, dealers not members of the dealer cooperative are one of the three options for consumers to receive their deposits. Dealers not members of the coops should have the same standards and regulations as recycling centers and dealer cooperatives to ensure material is handled properly and delivered to a recycling center or Processor. The Department needs to add regulations to ensure non-coop members are operating at the same level of comparable requirements as coops and recycling centers	CalRecycle rejects this comment. PRC section 14578 gives dealers the option of either redeeming in store or joining a dealer cooperative. PRC section 14578(a)(1) describes the requirements for dealers who choose to redeem in store. Dealers who redeem in store are ineligible for payments therefore do not have the same standards set for dealer cooperatives. The requirements for dealer cooperatives under PRC section 14578.5 include reporting and other requirements. Imposing the same standards for dealers who redeem in store with dealer cooperatives would be inconsistent with the statutes being implemented by these regulations.
C- 1 -18	Article 3. Stewardship Plan	Email	Jeff Donlevy	Ming's Resource Corporation	Article 3 – Title – pg. 10 Stewardship Plan – The department lacks authority to change the name or intent of the legislation identified in section 14578 and 14578.5. Objections have been made above regarding section 2370 (i) and (k). The department is attempting to change the name of the redemption plan to a stewardship plan when the legislation clearly and repeatedly calls for a redemption plan, six times in the legislation. Stewardship plan is not used once in the legislation. This name change lacks authority, clarity, and creates the impression that the redemption program is a stewardship plan. The Department should use the name Redemption Plan as authorize in 14578 and 14578.5.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to the title of Article 3 being "Stewardship Plan" and the terms "stewardship plan" and "stewardship program" used instead of "redemption plan" and "redemption program", this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
C- 1 -19	2375. Stewardship Plan Submission	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2375.2 (a)(4)(4) – pg. 11 Web Content Accessibility Requirements – The department lacks authority by statute to require this through regulations. The regulation is burdensome, costly, and increases exposure and liability to the dealer cooperative(s). The department lacks authority to require a private entity not receiving public funds to comply with section 7405 of the Government Code, these are requirements for government agencies or those using government fund to provide accessibility to the public. 7405 was not intended to require private businesses to provide assessable information for government employees. This regulation and requirement is not comparable to what other program participants are required to provide. This section should be removed.	<p>CalRecycle rejects this comment. The comment misstates that dealer cooperatives do not receive public funds. In fact, the receipt of public funds from CalRecycle is what makes dealer cooperatives profitable.</p> <p>Regardless of whether section 7405 of the Government Code applies to dealer cooperatives based on the explicit language of that section, imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating new requirements through regulation in addition to those laid out in statute is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision.</p> <p>This regulatory provision, section 2375(a)(4)(A), which requires a stewardship plan to be consistent with the accessibility standards set forth in section 7405 of the Government Code, is designed to aid the statutory objective of increasing consumer convenience and access for CRV redemption to increase California's recycling rates to 80% and reduce litter. The provision is reasonable because the accessibility requirements of section 7405 of the Government Code imposed upon submitted stewardship plans of dealer cooperatives ensure that the published information is accessible to all individuals, including those with disabilities, particularly blind, visually impaired, deaf, and hard-of-hearing persons. This promotes inclusivity and community access to information regarding redemption of CRV containers. Furthermore, section 2375(a)(4)(B) states that a dealer cooperative's failure to comply with subparagraph (A) shall not be a basis for disapproval of</p>

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						<p>the stewardship plan.</p> <p>This regulatory provision need not be comparable to requirements for other participants in the BCRP such as recycling centers, because this requirement is for the new type of recycling entity of dealer cooperatives and tailored to the unique attributes of dealer cooperatives. This regulatory provision does not conflict with or contradict any statutory provision within the California Beverage Container Recycling and Litter Reduction Act.</p>
C- 1 -20	2375.2. Stewardship Plan Informational Contents	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2375.2 (2)(g) – pg. 11 List of Unserved Convenience Zones – This is un-necessary requirement. The department already has this information and is attempting to have as part of an application, the coop do the work of department employees. Cooperatives do not provide 'service' to unserved zones, the coops will provide compliance/service to member stores of the coop. Thus, providing information on convenience zones is un-necessary and adds an un-necessary cost on the coop. The statement of reason, the department reference authority by the Act, yet fails to reference a section of the act. This should be removed	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-40.
C- 1 -21	2375.2. Stewardship Plan Informational Contents	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2375.2 (2)(h) – pg. 12 List of Processors and Recycling Centers – This is an un-necessary requirement. The Department is overreaching authority under 14530.5. The statement of reasons should disqualify this requirement as staff is trying to legislate that the cooperative reveal business relationships that are protected under section 14554. The department is referencing 2375.1(b)(8) related to Performance Standards that make no reference sales of material. As part of the plan, department staff is trying to assess the business relationships which are, and should be, protected. The Department is attempting to get involved in the judgement of the coops business operations via regulations that is not authorized or needed to increase redemption activity. This would be a burdensome and costly provision that gets the department to deep and involved in the running and judgement of the cooperative business activity. This section should be removed.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-44.
C- 1 -22	2375.4. Stewardship Plan Substantive Contents	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2375.4 (a)(3) – pg. 12 Education and Outreach – This lacks authority in the Act, is an overreach of 14530.5, burdensome, and costly. This would create confusion for the consumers as to where to look for information. The department has the responsibility and budget to promote and provide outreach for the entire program. This is burdensome, costly, not required by 14578.5 and not comparable to the requirements of other program participants. This request injects staff into the judgement of the plan without authority. In the statement of reason, staff references the necessity for outreach, education, and other provisions required for comparable and sufficient redemption under 14571 that identifies operational hours in a zone. These attempted semi quasi legislative requests are more in tune with a franchise agreement for an exclusive solid waste agreement. Through the proposed regulations, the department is trying to get to involved with the choices, or be the judge and evaluator of the effectiveness of the operation of the cooperatives and attempting to be the legislative body that approve exclusive agreements that would justify such requests. This section should be remove.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-45.
C- 1 -23	2375.4. Stewardship Plan Substantive Contents	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2375.4 (d) – pg. 13 Community Input – This lacks authority in the Act, is burdensome, increases costs, and is an overreach of 14530.5. This is burdensome and not comparable to the requirements of other program participants including recycling centers, Processors, or dealers not members of a dealer cooperative. The statement of reason states the necessity to effectuate the Acts purpose of reducing litter, yet the Act does not mention community input once. This request injects staff into the judgement of the plan without authority. In the statement of reason, staff references the necessity for outreach, education, and other provisions required for comparable and sufficient redemption under 14571 that identifies operational hours in a zone. These attempted semi quasi legislative requests are more in tune with a franchise agreement for an exclusive solid waste agreement. The proposed draft regulations, staff is trying to get to involved with the choices of the operation of the cooperatives and attempting to be the legislative body that approve exclusive agreements that would justify such requests. Section 2375.1 (b)(3) should be removed.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-46.

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C- 1 -24	2375.4. Stewardship Plan Substantive Contents	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2375.4 (f)(2) – pg. 13 100% Capacity Requirement – This section lacks authority under any approved legislation. This requirement requires the cooperative and membersto disclose information protected under section 14554 and to obtain protected information from non-member dealers in the convenience zone, it's an impossible task and requirement not required under section 14578.5. The statute does not require redemption capacity for 100% of containers sold. In the statement of reason, the department attempts to introduce legislation in the form of a regulation with the goal to 'increase efficiency and effectiveness of recycling efforts and aligns with broader objectives of waste management and environmental sustainability.' This section should be removed.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-49.
C- 1 -25	2375.6. Stewardship Plan Performance Standards	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2375.6 (b)(8)(A) – pg.15 Performance Standards – This section lacks authority. 14578.5 does not mention, nor require Performance standards of dealer cooperative plans as a condition of approval. Performance standards are not required of other program participants; thus this section is not comparable and should be removed.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-54.
C- 1 -26	2375.6. Stewardship Plan Performance Standards	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2375.6 (a) – pg. 15 Geographic Spread – This section lacks authority, lacks necessity. The cooperative will provide service to members and the selection and location of the redemption locations are not restricted by legislation nor required to have an explanation or justification as a condition of approval of the plan. In the statement of reason, staff references a metric of 'X number of redemption sites per X number of persons' that lack clarity or definition	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-55.
C- 1 -27	2375.6. Stewardship Plan Performance Standards	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2375.6 (c) – pg. 15 Redemption of 80% of Containers – This section lacks authority. The Act does not require a minimum number of containers per site to be redeemed. This is not a comparable standard to existing program participants. This is not comparable to current certified operators that are being approved and certified and collecting approximately 20,000 to 40,000 containers per month. The Department is attempting to legislate a mandate via regulations, that is not placed on other participants in the program. This should be removed from the regulations as an illegal mandate.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. These comments address unchanged regulation text, which is outside the scope for the 15-day public comment period. The provision requiring an 80% redemption rate of containers sold by dealer members into unserved convenience zones is necessary to accomplish the goal of 80% beverage container recycling rate. PRC section 14501(c) establishes an 80% recycling rate and the provision requiring an 80% redemption performance standard is reasonable to effectuate this statutory provision because it provides a flexible standard, as opposed to a set number of containers, that is achievable for dealer cooperatives of varying sizes. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. The provision requiring an 80% redemption rate of containers sold by dealer members into unserved convenience zones does not conflict with or contradict any statutory provision within the California Beverage Container Recycling and Litter Reduction Act.

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C- 1 -28	2375.6. Stewardship Plan Performance Standards	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2375.6 (d)(1)-(2) – pg. 15 Wait Times – This section lacks authority, is burdensome, and a costly provision. The department is attempting to legislate that the dealer cooperative provides information that staff is not entitled to and is information that could be protected under 14554. This request is more in line with a solid waste agreement to track wait times of a call center servicing thousands of customers per day in a franchise agreement. There are no comparable standards or requirements for recycling centers. There are no known systems available for redemption locations to track wait times, especially due to the unpredictable nature of the business and customer behavior with some customers being fast, some being slow, and peak time surges on weekend days. This requirement should be stricken from the regulations.	CalRecycle rejects this comment. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. These regulatory provisions in sections 2375.6(d)(1) and (2) establishing a performance standard of consumer wait time are designed to aid the statutory objective of increasing consumer convenience. The provision is reasonable because wait time is one of the most important factors that determines whether a redemption opportunity is convenient for a consumer; therefore, a dealer cooperative must consider this factor and provide a numerical average wait time in its stewardship plan. The provision is also reasonable because it provides flexibility of standards for dealer members to comply with their legal obligations by allowing a dealer cooperative to establish a wait time based on its own circumstances rather than prescribing a uniform wait time for all dealer cooperatives. The wait time performance standard does not conflict with or contradict any statutory provision within the Act.
C- 1 -29	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2376 – pg. 16 Plan Review and Approval or Disapproval – 14578.(a)(2)(A) and (B) clearly state that the plan "shall" be approved by the department. The intent of the Act was clear for the cooperative to submit a plan that should (shall) be approved by the department. This title and intent of the department lacks authority to disapprove a plan. 2376(a) adds the word 'shall', rather than 'may'. The department, rather than taking the information as presented without any proof that the information is incorrect, is demanding authorization through the regulations that the department can demand proof that the information as presented is true or correct. The department again is looking for unnecessary information and additional time and increasing the amount of work the coop much accomplish to gain the satisfaction and approval of the department. The department, through the proposed regulations has demonstrated an overreaching interpretation of 14530.5, is attempting to add legislative policy via regulations, and the requested information that is excessive, burdensome, and costly to the formation, membership, and ongoing viability of a coop, all the while making non-membership of dealers more attractive, with no additional requirements of non-member dealers that would be comparable to cooperative member or recycling centers. In the statement of reasons, the department attempts to justify their demands as a way to satisfy their needs, rather than create a efficient pathway for approval of a plan for dealer cooperative to begin providing convenience redemption opportunities to consumers which is clearly the intent of the Act.	CalRecycle rejects this comment, which misinterprets the words "shall be approved" in PRC section 14578(a)(2) as requiring mandatory approval by CalRecycle. Rather, the phrase "shall be approved" refers to the obligations a dealer cooperative must meet in order to be in compliance with that section. Specifically, a dealer cooperative is not in compliance with the law unless it is operating under an approved plan. Requiring CalRecycle to approve all stewardship plans, regardless of whether a stewardship plan met the requirements set forth in SB 1013, would not further the goals or requirements of SB 1013. Therefore, it's necessary and appropriate to have "approval or disapproval" in the title of section 2376. Additionally, it is necessary to change the "may" to "shall" in section 2376(a) in the 15-day public comment period version of the regulation text to comply with the clarity standard under the Administrative Procedure Act. Specifying that CalRecycle "may" require additional information was not sufficiently clear to put the dealer cooperatives on notice regarding the criteria when CalRecycle would require that information. Therefore, it was necessary to require the additional information under the specific circumstance that the information is necessary to corroborate or clarify the information provided.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 1 -30	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2376 (b)– pg. 17 90 Days– 14578(a)(2) states that, "A dealer cooperative plan shall be approved by the department." The statute does not give the department authority or state a time amount for review. The intent of the language was for the department to define sufficient and comparable redemption that the coops plan must provide, then for the coops to submit a redemption plan to the department that "SHALL BE APPROVED." Section 14578 and 14578.5 does not give the department authority to pass judgement on the plan. Section 2376 should be retitled, Redemption Plan Approval.	CalRecycle rejects this comment, which misinterprets the words "shall be approved" in PRC section 14578(a)(2) as requiring mandatory approval by CalRecycle. Rather, the phrase "shall be approved" refers to the obligations a dealer cooperative must meet in order to be in compliance with that section. Specifically, a dealer cooperative is not in compliance with the law unless it is operating under an approved plan. Requiring CalRecycle to approve all stewardship plans, regardless of whether a stewardship plan met the requirements set forth in SB 1013, would not further the goals or requirements of SB 1013. Therefore, it's necessary and appropriate to have "approval or disapproval" in the title of section 2376. Additionally, the deadline of 90 days for the review process of stewardship plans is necessary for CalRecycle to complete a comprehensive review of a stewardship plan and responsibly decide whether to approve or disapprove of the stewardship plan. Requiring less time for this process would not provide adequate time for CalRecycle to responsibly review and approve or disapprove of a stewardship plan, considering the numerous amount of dealers, and potentially dealer cooperatives, across the state. A 90-day period balances the need to give CalRecycle enough time to review a stewardship plan with the necessity to give dealer cooperatives a response on whether their stewardship plan is approved or disapproved within a reasonable timeframe. CalRecycle does not have the authority to revise statute as suggested by the commenter. Rather, the Legislature has statutorily required CalRecycle to adopt regulations to implement SB 1013 as specified in PRC section 14578.5(b)(1).
C- 1 -31	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Email	Jeff Donlevy	Ming's Resource Corporation	Section 14578 and 14578.5 did not authorize any time period for approval. Any time period for approval a plan should be identified by legislation. This section should be removed and the department request legislation that would clarify and authorize the approval time period.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. These comments address unchanged regulation text, which is outside the scope for the 15-day public comment period. The deadline of 90 days for the review process of stewardship plans is necessary for CalRecycle to complete a comprehensive review of a stewardship plan and responsibly decide whether to approve or disapprove of the stewardship plan. Requiring less time for this process would not provide adequate time for CalRecycle to responsibly review and approve or disapprove of a stewardship plan, considering the numerous amount of dealers, and potentially dealer cooperatives, across the state. A 90-day period balances the need to give CalRecycle enough time to review a stewardship plan with the necessity to give dealer cooperatives a response on whether their stewardship plan is approved or disapproved within a reasonable timeframe. CalRecycle does not have the authority to revise statute as suggested by the commenter. Rather, the Legislature has statutorily required CalRecycle to adopt regulations to implement SB 1013 as specified in PRC section 14578.5(b)(1).

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C- 1 -32	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2376 (b)(2) – pg. 17 Public Comment – This is a mandate that requires legislative action. The department lacks authority, this requirement is burdensome, will delay providing redemption opportunities to the public and extremely costly as redemption plans may cover several cities and counties. The Act, including sections 14578 and 14578.5 make no reference to public comments on the plans. Other program participants are required to have public comments on proposed plans; thus this item places the dealer cooperative at a higher level of scrutiny than other participants, thus, it is not a comparable standard. The department is interjecting themselves into local jurisdictional authority. This item is an overreach of 14530.5. The statement of reason states the necessity to allow public comment without referencing authority within the Act. These attempted semi quasi legislative requests are more in tune with a franchise agreement for an exclusive solid waste agreement. The Department is trying to get to involved with the choices of the operation of the cooperatives and attempting to be the legislative body that approve exclusive agreements that would justify such requests. The dealer cooperative are not exclusive agreements where the state is compensating the cooperative for service. This section should be stricken in its entirety	CalRecycle accepts this comment. CalRecycle removed the provision establishing a public comment component to stewardship plan approval by deleting subsection (b)(2) of section 2376 as noticed in the second 15-day comment period.
C- 1 -33	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2376 (d)(2) – pg. 17 Plan Disapproval – The department lacks authority to disapprove the dealer redemption plan. In section 2376(d)(2), the department is attempting to authorize, without legislation, up to 120 days to give a dealer coop a reason for disapproving a plan, which the department has no authority. The department is attempting through emergency regulations to adopt legislative rules for a redemption plan that would be burdensome, increase the cost to the coop, and delay redemption opportunities for consumers. This section should be removed.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to stewardship plan disapproval, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
C- 1 -34	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2376 (e)(2) – pg. 17 List of Processors or Recycling Centers – The department lacks authority to require additional information or require additional work that could result in a violation of regulations. The coop will have the ability to select the Processors and Recycling centers they choose to conduct business with. The department will be notified automatically, on a regular basis, which Processors and Recycling Centers the coops are utilizing. This requirement is unauthorized, burdensome, and may change frequently. Requiring information that the department will receive through the DORIIS system is unnecessary. This section should be removed.	CalRecycle rejects this comment. The requirement to submit to CalRecycle as part of the operational notice a list of processors and recycling centers not included in the stewardship plan is necessary for CalRecycle to be kept aware of the processors and recycling centers to which dealer cooperatives ship empty beverage containers. The requirement to submit this information at the time of stewardship plan submission is necessary for CalRecycle to complete a comprehensive review of a stewardship plan and responsibly decide whether to approve or disapprove of the stewardship plan. However, the operational notice must also list this information because the dealer cooperative may not have known all of the recycling centers and processors it will ship to at the time of stewardship plan submission. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. Additionally, requiring this information is reasonable even though a violation of this requirement would result in a violation of the regulations by a dealer cooperative. It is not duplicative of the information CalRecycle receives in the Division of Recycling Integrated Information System (DORIIS) because DORIIS information is submitted after the fact, whereas the operational notice informs CalRecycle prospectively of the recycling centers and processors ahead of time, thereby allowing CalRecycle to responsibly administer and enforce the dealer cooperative program.

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C- 1 -35	2377. Stewardship Plan Five-Year Updates	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2377 – pg. 17 Five Year Review – This section lacks authority, adds costs to the dealer coops, is burdensome and un-necessary. Section 14578 nor 14578.5 reference a five-year review of cooperative redemption plans. Section 14578.5(f) allows the Department to audit the cooperative every two years to ensure that proper program payments are made to consumers and cooperative fees are being utilized for the operation of the approved redemption model. The statement of reason clearly states the regulation is to provide the department with authority not authorized in the act. The statement of reason is stating the authority by referencing section 2377(c) that is an unadopted regulation. Section 2377 should be removed.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to stewardship plan five-year updates, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
C- 1 -36	2377. Stewardship Plan Five-Year Updates	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2377(b)(2) – pg. 18 Department Rejection of Plan Update – This section lacks authority. Section 14578 and 14578.5 does not require plan updates. It is reasonable that the coops should maintain an updated plan with the department, however the department has no authority to unilateral reject the coops determination that a plan does not need to be updated. This section should be removed.	CalRecycle rejects this comment. This comment or substantially similar comments were submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments C-3-66 and C-3-67.
C- 1 -37	2377. Stewardship Plan Five-Year Updates	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2377(c) – pg. 18 Six Months Notice – This section lacks authority. This section should be removed	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-69.
C- 1 -38	2378. Stewardship Plan Changes and Notification	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2378 – pg. 18 Redemption Plan Changes and Notifications – This section lacks authority. It is reasonable to request that the dealer coop should notify the department within reasonable time. Section 2378(b) and 2378(c)(2) are attempting through regulations to adopt over 60 days of time before a coop can make a change without risk of being in violation of the regulations. This section is burdensome and costly to the coops. This section should be removed.	CalRecycle rejects this comment. CalRecycle disagrees that clarification is needed with regard to specifying stewardship plan change and notification timelines because the time periods for different kinds of stewardship plan changes and notifications are formally defined in sections 2378(a) through (c)(2). Merely requiring a dealer cooperative to notify CalRecycle within a "reasonable" time as the comment suggests would not comply with the clarity standard of the Administrative Procedure Act because what is "reasonable" is not clear and must be specifically described. The section as written is reasonable because it is necessary to ensure that, as a default, all stewardship plan changes are thoroughly reviewed and vetted for compliance with statutory and regulatory standards before they are implemented, thereby safeguarding the integrity of stewardship plan efforts and aligning them with the statutory objective of SB 1013 to increase consumer beverage container redemption. It is necessary to prohibit substantial changes to the stewardship plan from being implemented by a dealer cooperative before CalRecycle has reviewed the change because this would be the equivalent of a dealer cooperative operating an unapproved stewardship plan. Therefore, this section is necessary and reasonable even though a violation of this section by a dealer cooperative would be a violation of the regulations.

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C- 1 -39	2380. Recordkeeping	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2380 (a)(1)&(2) – pg. 19 Financial Statement – This regulation lacks legislative authority per sections 14578 and 14578.5. This regulation is not comparable to other participants in the program and the information staff is attempting to review, has not merit or benefit to the program. Under that statement of reasons, the department is attempting to require financial information in the name of 'transparency.' Transparency is only used once in Section 14547(g)(1)(B) related to the Administration of the program. The department is attempting to get involved in a private entities business, This requirement would add work to the department that would be costly to review and analyze, with no outcome that will better the program. This should be removed.	CalRecycle rejects this comment. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. This regulatory provision requiring dealer cooperatives that are required to prepare annual audited financial statements to submit those annual audited financial statements to CalRecycle is designed to aid the statutory objective of dealer cooperatives being transparent and accountable in utilizing dealer cooperative fees for the operation of the approved redemption model (PRC section 14578.5(f)). The provision is reasonable because it ensures clarity on what dealer cooperatives are obligated to provide to CalRecycle to ensure that financial transparency and accountability. Additionally, the provision is reasonable because it only subjects dealer cooperatives to this requirement if they are already required to prepare the annual audited financial statements under existing law, thereby not burdening smaller dealer cooperatives with a new requirement. The provision does not conflict with or contradict any statutory provision within the Act. This provision provides specific operation standards unique to this new beverage container recycling entity and, while PRC section 14578.5(c)(1) requires that the dealer cooperative redemption program include sufficient redemption opportunities redemption opportunities for consumers that have comparable consumer convenience to recycling centers and pilot projects, it is not required that dealer cooperatives operate in the exact same manner as recycling centers. Making dealer cooperative operation provisions the same as recycling center provisions in this context is contrary to effectuate SB 1013 because CalRecycle is required to audit dealer cooperatives every two years, however there is no comparable requirement to audit recycling centers.
C- 1 -40	2380. Recordkeeping	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2380 (c)(1)-(5) – pg. 20 Non-Program Material, Scrap – This section lacks authority, is burdensome, costly to the coop, and creates confusion. This section will confuse consumers and implies that dealer cooperatives will accept non-program material. This section has no authority to require cooperative redemption locations to receive non-program material. This could lead to confusion with redemption site staff at dealer locations when handling dealer scrap material generated by the dealer. While comparable to the regulations for recycling centers, this a burdensome and costly requirement. The statement of reasons lists no authority, only the departments desires to assist with identifying non-program material, failure to properly inspect or pay redemption value. These regulations should be stricken and address in Operations or Load inspections similar to Section 2500 of the regulations	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to recordkeeping for material for which the CRV is not refunded, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.

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C- 1 -41	2381. Reporting	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2381 (a)(1) & (2) – pg. 21 Reporting –Authority has been given by 14578.5(c)(6) for monthly reporting of material redeemed in the past month. The statement of reason shows the department is attempting to rewrite the legislation by stating, the Act 'suggest', when it clearly states 'provide reports for material redeemed in the past month. The department should have comparable reporting regulations that follow legislative authority, similar to recycling centers receiving Handling fee payments and Processors reporting scrap values must report monthly. This section should be changed to reflect the language in the legislation requiring information from the past month.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to dealer cooperatives submitting quarterly reports to CalRecycle, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
C- 1 -42	2381. Reporting	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2381 (a)(3) – pg. 21 Reporting – This section is not authorized by the Act. The department lacks authority, this is burdensome, and costly. The department lacks authority to require a private entity not receiving public funds to comply with section 7405 of the Government Code, these are requirements for government agencies or those using government funds. This section should be removed.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to requiring quarterly reports to comply with section 7405 of the Government Code and the Web Content Accessibility Guidelines (WCAG), this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
C- 1 -43	2381. Reporting	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2381 (b)(1)(D) – pg.21 Reporting – This section lacks authority in section 14578 or 14578.5. This is a costly and burdensome regulation for the coop. This regulation is not comparable of any requirement for other stakeholders in the program This section is a gross overreach of section 14530.5 and gets the department too deep into the cooperative business activity with no value or benefit added to the cooperative to increase convenient redemption. This section should be removed.	CalRecycle rejects this comment. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. The regulatory provision outlined in section 2381(b)(1)(D) is designed to aid the statutory objective of increasing consumer convenience and access for CRV redemption to increase California's recycling rates to 80%, the recycling rate goal established in PRC section 14501(c). The provision is reasonable because it helps CalRecycle ensure that the dealer cooperative is operating in accordance with its approved redemption plan and achieving the quarterly performance standards, including those related to consumer convenience and redemption rates, established in its stewardship plan. It does not conflict with or contradict any statutory provision within the Act. Furthermore, this provision provides specific operation standards unique to this new beverage container recycling entity and is necessary to increase consumer convenience for beverage container recycling. PRC section 14578.5(c)(1) requires that the dealer cooperative redemption program include sufficient redemption opportunities for consumers that have comparable consumer convenience to recycling centers and pilot projects. While the statute is specific that the redemption plan should be comparable, it is not required that dealer cooperatives operate in the exact same manner as recycling centers. Not imposing the reporting requirements of section 2381(b)(1)(D) on dealer cooperatives for the sole reason that they are not imposed on recycling centers is unreasonable in

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						this instance because CalRecycle is tasked with ensuring dealer cooperatives are operating in accordance with their stewardship plan, however CalRecycle has no comparable oversight of recycling centers since recycling centers are not required by statute to have stewardship plans.
C- 1 -44	2381. Reporting	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2381 (b)(1)(E) – pg. 22 Education and Outreach – This section lacks authority in section 14578 or 14578.5. This is a costly and burdensome regulation for the coop. This regulation is not comparable of any requirement for other stakeholders in the program This section is a gross overreach of section 14530.5 This section should be removed.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to requiring a dealer cooperative to report a description of education and outreach activities related to promoting the stewardship program, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
C- 1 -45	2381. Reporting	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2381 (b)(2) – pg. 22 Reports are Public Records – This lacks authority from Section 14578 and 14578.5. This section violates Section 14554 of the statute that protects business information. This is not comparable nor required by other program participants. The Department is trying to insert legislative language to have cooperative waive their rights to maintain business information protected. The coops are not charging rate payers, nor receiving public funds that would justify such a requirement with the possibility of multiple coops, the individual reports should be considered and protected business records. This requirement should be stricken	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to specifying that the redemption component is a public record and shall be publicly disclosed upon request unless an exemption otherwise applies under existing law, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
C- 1 -46	2381. Reporting	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2381 (b)(3) – pg. 22 Post Reports on Website – This lacks authority, is burdensome, and costly. This is not a comparable requirement of other program participants. The cooperatives are not receiving public funds that would justify such a requirement. This requirement should be stricken.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to requiring dealer cooperatives to post the redemption component of a quarterly report on an internet website, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.

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C- 1 -47	2381. Reporting	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2381 (c)(1)-(5) – pg. 22 Operational Reports – This lacks authority from Sections 14578 and 14578.5. The requirement is burdensome, and increases the cost of operating the cooperative. Information requested in Section 2381 (c)(3) is protected by the Act section 14554.. In the statement of reasons, the department is requesting information to help the department to understand revenue and expenditures so department staff can understand how to do their jobs is not the responsibility of the cooperative. The requests to examine costs and revenues are protected under section 14554. For staff to request this information related to the total number of containers redeemed could indicate that the department staff could engage in discussion regarding the cooperative expending more money or paying higher scrap values to entice higher redemption activity. This requirement is not required of other program participants, thus places the cooperatives at a higher level of scrutiny, and costs, than other participants. The statement of reason points to the authority in sections 14578.5(c)(4) which references the plan being 'operational and fully implemented' which the department has based on information already provided, and 14578.5(c)(6) that requests information on containers redeemed, not sold. Requesting this information is an overreach of section 14530.5. This section should be removed	CalRecycle rejects this comment. Section 2381(c)(1)-(6) is necessary to increase consumer convenience and access for CRV redemption to increase California's recycling rates to 80%, the recycling rate goal established in PRC section 14501(c). PRC section 14578.5(c)(6) requires that the dealer cooperative provide reports such as the amount of empty beverage containers and any other relevant information in the form and manner prescribed by CalRecycle. PRC section 14578.5(f) also requires CalRecycle to conduct audits of each dealer cooperative every 24 months to ensure payments to consumers and fees from dealers are being utilized for the operation of the approved stewardship plan. Requiring dealer cooperatives to report information such as expenditures and revenues is necessary to effectuate these statutory provisions because it will allow CalRecycle to accurately conduct audits on all dealer cooperatives to ensure that dealer cooperative funds are lawfully being utilized on the approved stewardship plan. Not imposing the reporting requirements of section 2381(c)(1)-(6) on dealer cooperatives for the sole reason that they are not imposed on recycling centers is unreasonable in this instance because CalRecycle is tasked with ensuring dealer cooperatives are operating in accordance with their stewardship plan and with auditing dealer cooperatives every 24 months, however CalRecycle has no comparable oversight of recycling centers since recycling centers are not required by statute to have stewardship plans or to be audited by CalRecycle every 24 months.
C- 1 -48	2381. Reporting	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2381 (d)(1)-(3) – pg. 23 Operational Reports – This lacks authority and contradicts section 14578.5(g) and section 14591.1 that states the department 'may' asses' civil penalties for violations. It is understood that the cooperatives are required to provide reports, however for the department to install legislative language that mandates an incomplete report 'is' a violation demonstrates the department is more concerned about violations and enforcement activity, rather than assisting stakeholders as identified in section 14501(f). The statement of reason is inconsistent and lacks clarity with regards to the language in section 2381 (d)(1) that states incomplete report 'is' a violation, while the statement of reason states an incomplete report 'may' be subject to enforcement. The language should be changed to, 'monthly report submitted that is incomplete may be a violation of this section'.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to specifying that submitting an incomplete quarterly report is a violation of law, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.

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C- 1 -49	2382. Dealer Cooperative Operation	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2382 (a) – pg. 23 Dealer Cooperative Operations –Regulations for redemption sites should be comparable to section 2500 that addresses Operation Standards for Recycling Centers. 2382 (a) is statement, rather than a regulation, that opens the cooperative plan to interpretation, thus subject to enforcement actions by the department. This section should be removed.	CalRecycle rejects this comment. Section 2382 provides specific operation standards unique to this new beverage container recycling entity and is necessary to increase consumer awareness and provide flexibility of standards for dealer members to comply with their legal obligations. PRC section 14578.5(c)(1) requires that the dealer cooperative redemption program be sufficient with redemption opportunities for consumers with comparable consumer convenience to recycling centers and pilot projects. While the statute is specific that the redemption plan should be comparable, it is not required that dealer cooperative operate in the exact same manner as recycling centers. Making dealer cooperative operation provisions the same as recycling center provisions in section 2500 is not necessary and is contrary to effectuate this statutory provision. Additionally, requiring dealer cooperatives to operate in accordance with their approved stewardship plan is necessary to fulfill the requirements of PRC section 14578.5(c)(4) mandating that dealer cooperatives be operational and fully implement the approved redemption plan. The provision is reasonable because it establishes that a dealer cooperative's noncompliance with particular provisions of its approved stewardship plan is equivalent to a violation of law. This provision therefore increases the clarity of what is equivalent to a violation of law rather than opening the matter up to interpretation.
C- 1 -50	2382. Dealer Cooperative Operation	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2382 (b) – pg. 23 Separate Non-Program Material – Lacks authority, burdensome, costly, and not comparable to section 2500 nor the requirements of dealers not members of dealer cooperatives. In the statement of reason, the department does not reference authority to mandate that dealer redemption site keep non-program separate from program material. Standard industry practice is to have like material collected and stored in the same bins or containers. The redemption sites must follow proper procedures for inspection, redemption, and recordkeeping, including non-redemption material that are separate regulations. The department indicates their wishes and desires to implement anti-fraud measures, that would require legislation, by adopting a burdensome and costly regulation only for dealer cooperative through emergency regulations. This section should be removed.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to section 2382(b) relating to the segregation of ineligible material, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.

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C- 1 -51	2382. Dealer Cooperative Operation	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2382 (d) – pg. 24 Violation of Sec 14597 – This section lacks authority and clarity. The department has been requested a public records request to provide a list of ineligible individuals subject to section 2382(d), the department has failed to provide this information. In the absence of a publicly accessible list of ineligible people as determined by the department, this requirement is unachievable. This requirement could also place the coops in violation of California's Fair Chance Act. This section should be stricken and then Cal Recycle can use Section 2030 when reviewing prior history of an applicant or operator.	CalRecycle rejects this comment. This provision is an operation standard to identify who may participate and is necessary to prevent persons who have committed certain unlawful activity from participating in the BCRP as a dealer cooperative or as a redemption contractor. PRC section 14578.5(c)(3)(B) allows the dealer cooperative redemption program to hire contractors as part of the redemption services. However, this provision is necessary to prevent persons who have had a certification or registration revoked within the past five years or who have ever been found to have committed fraud in violation of PRC section 14597 from participating as a redemption contractor or dealer cooperative. Because dealer cooperatives are a new program entity, this provision prevents persons interested in taking advantage of the program by committing unlawful activity. If a dealer cooperative is unsure whether a person is disqualified under this provision, the dealer cooperative may reach out to CalRecycle to verify eligibility information. Additionally, because dealer cooperatives and redemption contractors are new entities in the BCRP, prescribing more specific eligibility criteria is necessary to implement the new program than the discretionary eligibility criteria specified in 14 CCR section 2030.
C- 1 -52	2382. Dealer Cooperative Operation	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2382 (f) & (g) – pg. 24 More than one dealer cooperative in a zone – These items are legislative language that lacks authority to be included in Title 14 Regulations. These items should be legislative language due to the lack of clarity in the Act. The Act is silent on how many cooperatives can be in a zone, it says they may operate in unserved zones. The Act does indicate that a dealer member of a cooperative is in compliance with the act. These items should be removed from the proposed regulations.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to section 2382(f) allowing more than one dealer cooperative to operate in a single unserved convenience zone, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
C- 1 -53	2382. Dealer Cooperative Operation	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2382 (h) – pg. 24 Termination of members – This section lacks authority. The Act provides guidelines for dealer cooperatives to be certified 501(c)(3) organizations registered with the California Secretary of State. The department does not have authority to suggest or mandate how membership in a private organization is maintained or terminated. This section should be stricken.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to section 2382(e) relating to the ability of dealer cooperatives to contract with business partners, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process. Additionally, with regard to termination of a dealer member as outlined in section 2382(h), this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 1 -54	2382. Dealer Cooperative Operation	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2382 (i) - pg. 24 Six Months' Notice – This section lacks authority in section 14578 and 14578.5, is burdensome, and costly. This requirement is not authorized by the Act and I not a comparable provision of other stakeholders in the program. This mandate would force the cooperative to maintain reserves or a bond to cover six months operational costs. The statement of reasons attempts to protect dealer members to provide time to find or form another cooperative. The business environment, especially the recycling business, can be volatile and unpredictable causing operations to cease in less than six months. This is more in line with a requirement for a solid waste agreement than a recycling service provider. This section should be stricken.	CalRecycle rejects this comment. The minimum six-month notice prior to dealer cooperative dissolution or ceasing operation is designed to aid the statutory objective of preventing reduced redemption access and convenience for consumers. The provision is reasonable because the minimum six-month timeframe provides enough time for dealer members to join another dealer cooperative or redeem in store and gives CalRecycle enough time to review any stewardship plans responding to the upcoming dissolution. It is reasonable for a nonprofit corporation that receives dealer cooperative fees from its members to know at least six months in advance of when it will dissolve or cease operation to give the dealer members time to make alternate arrangements. Because the status of dealer cooperatives and their stewardship plans can affect the legal obligations of its dealer members and trigger immediate obligations on others should the dealer cooperative dissolve or cease operation, it is necessary for CalRecycle to be informed of that change of status at least six months in advance to provide adequate time for affected entities to prepare for the change in legal obligations.
C- 1 -55	2382. Dealer Cooperative Operation	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2382 (j) – pg. 24 Not Required to accept non-program material – Lacks authority and inconsistent with other sections. This also contradicts the sections requiring separate recordkeeping and handling of non-program material. This is not a comparable standard or requirement of recycling centers.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-92.
C- 1 -56	2385. Stewardship Plan Revocation; Enforcement Mechanisms	Email	Jeff Donlevy	Ming's Resource Corporation	Section 2382 (i) – pg. 25 Review of Plans – This section should be removed, as it has already been stated in section 2376. Including a reaffirming statement under the Enforcement section will add to the confusion of the regulations.	CalRecycle rejects this comment. With regard to CalRecycle review of a stewardship plan resubmitted as part of a mandated corrective action, it is necessary for the regulations to specify that the resubmitted stewardship plan must be reviewed and approved or disapproved in accordance with section 2376. The provisions of section 2376 establishing stewardship plan review procedures would not automatically apply to a stewardship plan resubmitted as part of a mandated corrective action. Therefore, it is necessary to specify the review procedures for a resubmitted stewardship plan to put dealer cooperatives on notice and also to comply with the clarity standard of the Administrative Procedure Act.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 2 -1	Comment Letter	Website	Jules Bailey	CLYNK	<p>As an "innovative method of redemption", bag drop differs from other return modalities. Bag drop offers the most consumer convenience, because consumers can simply drop off unsorted bags for counting and credit. However, these bags must be sorted and counted accurately before payment can occur. Thus, "immediately paying the refund value" in the case of bag drop should be defined as "immediately paying the refund value after the bag is counted" and such counting should be within 72 hours, in alignment with previous bag drop pilot programs.</p> <p>For bag drop programs, the redemption contractor that counts the bag should be repaid by count rather than weight. Bag drop programs always count and credit the consumer by count, rather than weight because the commodities are mixed. Reimbursing by count eliminates a disincentive towards bag drop. In addition, counting of bag drop material should be done according to glass, metal (all forms), and plastic (all forms) on a per-bag basis, but the program should report detail in aggregate on all covered material types (eg bi-metal, 1-7 plastics) on a daily basis. Because the consumer is paid by count rather than weight, the consumer is indifferent to the specific material type in each bag, and differentiating per bag at that level of detail is inefficient. However, for recycling statistics and accuracy it is important to separate and count specific recyclable material – it can just be aggregated at the end of the day rather than by each bag.</p> <p>Parties other than redemption contractors should be able to contract with both dealer cooperatives and redemption contractors to fulfill redemption services without becoming certified as recycling centers or redemption contractors. For instance, a bag drop provider should be able to contract with dealer cooperatives to provide bag drop service, and contract with a certified redemption contractor to pick up and process bags and report redemption to CalRecycle, without the bag drop technology owner becoming certified as a redemption contractor. Ownership of a bag drop site, account system, and counting technology should not count as a redemption contractor.</p>	
C- 2 -2	2370. Definitions	Website	Jules Bailey	CLYNK	<p>As an "innovative method of redemption", bag drop differs from other return modalities. Bag drop offers the most consumer convenience, because consumers can simply drop off unsorted bags for counting and credit. However, these bags must be sorted and counted accurately before payment can occur. Thus, "immediately paying the refund value" in the case of bag drop should be defined as "immediately paying the refund value after the bag is counted" and such counting should be within 72 hours, in alignment with previous bag drop pilot programs.</p>	CalRecycle rejects this comment. CalRecycle disagrees that clarification is needed with regard to bag drop because bag drop is a type of innovative method of redemption and section 2382(n)(1)(B) provides that "[a] dealer cooperative redemption site that is an innovative method of redemption shall pay within three working days of delivery the refund value for every eligible empty beverage container delivered to the redemption site for redemption". This timeframe is consistent with PRC section 14537.
C- 2 -3	2430. Payments	Website	Jules Bailey	CLYNK	<p>For bag drop programs, the redemption contractor that counts the bag should be repaid by count rather than weight. Bag drop programs always count and credit the consumer by count, rather than weight because the commodities are mixed. Reimbursing by count eliminates a disincentive towards bag drop.</p>	CalRecycle rejects this comment. With regard to requiring that processors reimburse the CRV to dealer cooperative bag drop redemption locations based on count rather than weight, this comment is outside of the scope of this regulatory package, which relates to dealer registration and dealer cooperatives. Changing the method by which processors pay out CRV has broader implications that affect the entire BCRP and therefore is not appropriate to include in this regulatory package. CalRecycle continues to engage with the interested public on count vs. weight feedback and suggestions in the larger scope of the BCRP.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 2 -4	2381. Reporting	Website	Jules Bailey	CLYNK	In addition, counting of bag drop material should done according to glass, metal (all forms), and plastic (all forms) on a per-bag basis, but the program should report detail in aggregate on all covered material types (eg bi-metal, 1-7 plastics) on a daily basis. Because the consumer is paid by count rather than weight, the consumer is indifferent to the specific material type in each bag, and differentiating per bag at that level of detail is inefficient. However, for recycling statistics and accuracy it is important to separate and count specific recyclable material – it can just be aggregated at the end of the day rather than by each bag.	CalRecycle rejects this comment. Sections 2381(b)(1)(A) through (D) are necessary to aid the statutory goal of fraud prevention. PRC section 14578.5(c)(6) requires that dealer cooperatives provide reports as required by CalRecycle, which may include, but are not limited to, the amount of empty beverage containers, by material type and weight of container or material, redeemed in the past month. CalRecycle needs to have the reported information as outlined in sections 2381(b)(1)(A) through (D) broken down by redemption site for each calendar month because in the instance that an investigation takes place, CalRecycle needs to be able to trace how many containers were redeemed at which redemption sites in a given calendar month to determine whether any fraudulent activity took place. Breaking down the information by calendar month also serves to connect the quarterly report to the monthly reporting threshold suggested in PRC section 14578.5(c)(6). Reporting the information by bag for purposes of bag drop is not sufficient because the size of a bag may vary, and therefore this would not provide standardized information to CalRecycle across dealer cooperatives. Requiring this information to be reported by calendar day would be too burdensome on a dealer cooperative and duplicative to the information reported through shipping reports in DORIIS. This information is necessary for CalRecycle to determine whether the dealer cooperative is achieving the quarterly performance standards it established in its stewardship plan and providing convenient redemption to consumers as required by the Act.
C- 2 -5	2382. Dealer Cooperative Operation	Website	Jules Bailey	CLYNK	Parties other than redemption contractors should be able to contract with both dealer cooperatives and redemption contractors to fulfill redemption services without becoming certified as recycling centers or redemption contractors. For instance, a bag drop provider should be able to contract with dealer cooperatives to provide bag drop service, and contract with a certified redemption contractor to pick up and process bags and report redemption to CalRecycle, without the bag drop technology owner becoming certified as a redemption contractor. Ownership of a bag drop site, account system, and counting technology should not count as a redemption contractor.	CalRecycle rejects this comment. CalRecycle disagrees that clarification is needed with regard to entities that dealer cooperatives may contract with as specified in section 2382(e). A bag drop provider that is in contract with a dealer cooperative and redeems empty beverage containers from consumers as part of the dealer cooperative's stewardship plan would be considered a redemption contractor under the definition of a "redemption contractor" in section 2370(g): "a person redeeming empty beverage containers from consumers pursuant to a stewardship plan on behalf of a dealer cooperative". Redemption contractors are not required to be certified as the comment suggests, as specified in section 2370(h).
C- 3 -1	Comment Letter	Email	Karim Ameri	Recycling Innovations	No text entered, see attachment for comment C-3-1	
C- 3 -2	Unclassified	Email	Karim Ameri	Recycling Innovations	Concerns Overview The proposed regulations make it difficult and costly to form, join, and operate dealer cooperatives, imposing unnecessary burdens that exceed the requirements of SB 1013. Meanwhile, dealers outside coops continue under minimal enforcement, contributing to low redemption rates	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-2.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 3 -3	Unclassified	Email	Karim Ameri	Recycling Innovations	<p>Legislative Simplicity SB 1013's Section 14578.5 provides clear, simple requirements for dealer cooperatives: Submit a plan with sufficient redemption opportunities. Assess fees on cooperative members. Accept all CRV material types. Be operational. Register with the department. Provide reports on containers collected.</p> <p>However, the proposed regulations introduce unauthorized and burdensome requirements, conflicting with the Supreme Court's stance in Loper Bright Enterprises v. Raimondo that regulations must adhere strictly to legislative mandates.</p>	<p>CalRecycle rejects this comment. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. Additionally, Loper Bright Enterprises v. Raimondo, 603 U.S. (2024) is relevant to Federal judicial deference, and is not applicable to the State of California's rulemaking process. The dealer cooperatives rulemaking package is designed to aid the statutory objective of increasing consumer convenience and access for CRV redemption to increase California's recycling rates to 80% in areas where there is no recycling center available to consumers]. The provisions are reasonable because the Legislature mandated that CalRecycle promulgate regulations that include the registration process for dealers, the application and registration process for the dealer cooperative, and the process for updating information after registration as needed, and other regulations necessary for the implementation and enforcement of this subdivision. It does not conflict with or contradict any statutory provision within the California Beverage Container Recycling and Litter Reduction Act.</p>
C- 3 -4	Unclassified	Email	Karim Ameri	Recycling Innovations	<p>Key Issues 1. Overreach and Unnecessary Complexity The regulations impose requirements that go beyond the scope of SB 1013, resembling an RFP for a solid waste franchise rather than a cooperative framework</p>	<p>CalRecycle rejects this comment. This comment or a substantially similar comments were submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments C-3-10, C-3-45, C-3-46, C-3-52, C-3-57, C-3-61, C-3-63, C-3-76, and C-3-91.</p>

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 3 -5	Article 3. Stewardship Plan	Email	Karim Ameri	Recycling Innovations	2. Prohibitive Costs Drafting and approval costs for cooperative plans could range from \$25,000 to \$500,000, creating financial barriers to cooperative formation.	CalRecycle rejects this comment. With regard to financial barriers surrounding the stewardship plan development and submittal, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that the comment identifies a financial barrier to start a dealer cooperative, small businesses that may have limited funding are exempt from dealer cooperative requirements and their financial investments pursuant to PRC section 14578(b)(1). To the extent that there is a financial investment required of a dealer to start a dealer cooperative, CalRecycle has taken this into consideration in the Economic and Fiscal Impact Statement Supplemental Information and Form STD 399 and calculated an estimated financial benefit to dealer cooperatives that far outweighs the estimated financial cost. The financial benefit of dealer cooperatives is that they are eligible for reimbursement of CRV funds paid to consumers, processing payments, handling fees, and administrative fees, unlike dealers who choose to redeem in store. Dealer cooperatives are non-profit organizations funded by one or more dealers who have voluntarily opted into this obligation over redeeming beverage containers in-store and will collect membership fees from the dealer members in order to fund the initial and ongoing operation. A particular dealer that finds it is more cost effective in their specific circumstance to redeem in store than join a dealer cooperative is lawfully free to do so under PRC section 14578(a)(1).
C- 3 -6	Article 3. Stewardship Plan	Email	Karim Ameri	Recycling Innovations	Concern: The department is renaming the redemption plan to a stewardship plan without legislative authority. The Act specifically calls for a redemption plan, not a stewardship plan. The bottle bill is a redemption program, not a stewardship program.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to the title of Article 3 being "Stewardship Plan" and the terms "stewardship plan" and "stewardship program" used instead of "redemption plan" and "redemption program", this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
C- 3 -7	2375. Stewardship Plan Submission	Email	Karim Ameri	Recycling Innovations	Section 2375.2 (a)(4)(4) – Web Content Accessibility: Concern: The department lacks authority to impose these requirements on private entities, as Government Code section 7405 applies to public agencies, not private businesses.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-39.
C- 3 -8	2375.4. Stewardship Plan Substantive Contents	Email	Karim Ameri	Recycling Innovations	Sections 2375.4 (a)(3), (d), and (f)(2) – Education, Outreach, Community Input, and Capacity Requirements: Issues: These sections introduce requirements not authorized by the Act, increasing costs and burdens on cooperatives without comparable standards for other program participants.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment I-3-30.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 3 -9	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Email	Karim Ameri	Recycling Innovations	Section 2376 – Plan Review and Approval: Concern: The department's proposed 90-day review period and ability to disapprove plans lack legislative support. The Act intended for the department to approve plans without undue delay.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to CalRecycle's 90-day review and approval or disapproval of stewardship plans, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
C- 3 -10	2377. Stewardship Plan Five-Year Updates	Email	Karim Ameri	Recycling Innovations	Section 2377 – Five-Year Review:	CalRecycle rejects this comment. With regard to dealer cooperative stewardship plan five-year review and updates, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process.
C- 4 -1	Comment Letter	Website	Tony Gonzalez	TOMRA	<p>TOMRA is pleased to convey its support for CalRecycle's initiatives in building back a deposit-return collection (DRS) infrastructure that is both easy and accessible for consumers and dealers. The creation of a dealer cooperative stewardship plan and respective regulations will contribute to that goal. I respectfully propose targeted modifications to the 'final draft' regulations that will maximize the potential for the State of California to reach its statutory goal of an 80% recycling rate for empty beverage containers.</p> <p>The draft regulations would benefit from clarity in a few parts so that dealers and their service providers may understand to what performance standards they are expected to design, build, and operate.</p> <p>Paramount to this is the principle that redemption must be easy and accessible for consumers. The State of California has a responsibility to ensure that consumers can access the payment of the refund value of the they return empty beverage containers. Our recommendations are below:</p>	CalRecycle rejects this comment because this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. We thank you for your participation in the 15-day public comment period. To the extent that the commenter is suggesting specific changes to performance standards please see CalRecycle's response in C-4-2 and C-4-3 through C-4-6.
C- 4 -2	2381. Reporting	Website	Tony Gonzalez	TOMRA	<p>Reporting of downtime re pickup service.</p> <p>The requirement for only reverse vending machine and bag-drop based programs should be reversed to the previous intent covering all redemption options. Of course, a 'manned' collection service can be measured like any other. Think about curbside recycling and waste services and how they respond to sick-outs, vehicle breakdowns, or foul weather, for examples. Once a schedule is set – it's a matter of keeping it. Not having a performance metric for this one service does not serve the interests of the public</p>	CalRecycle rejects this comment and disagrees that these provisions need to be amended. Section 2381(b)(1)(D) is designed to aid the statutory objective of providing convenient redemption opportunities and ensuring a dealer cooperative is operating in accordance with its stewardship plan. Changing the term from "innovative method of redemption" to "reverse vending machine or bag drop" in these provisions is reasonable because the definition of "innovative method of redemption" includes pickup service and other non-technology-based methods of redemption where operating time of the technology may not be feasible to report. This amendment enhances clarity for dealer cooperatives on what information needs to be tracked and reported in quarterly reports. Each method of redemption offered by a dealer cooperative is covered by the performance standards established pursuant to section 2375.6, therefore ensuring that excessive downtime of any redemption method must be compensated with alternative redemption. The performance standards of these regulations in total ensure that dealer cooperatives uphold the goals of Act, such as an 80% recycling rate (PRC section 14510(c)) and convenient access to redemption opportunities (PRC section 14578.5(c)(1)).

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 4 -3	2373. Dealer Redemption Requirements	Website	Tony Gonzalez	TOMRA	Dealers which do not join a dealer cooperative. We support the provision that requires dealers located in an Unserved Zone, that is also being serviced by a dealer cooperative, to take back empty beverage containers from consumers and pay the refund value.	CalRecycle rejects this comment because this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. We thank you for your participation in the 15-day public comment period.
C- 4 -4	2376. Stewardship Plan Review and Approval or Disapproval; Operational Noti	Website	Tony Gonzalez	TOMRA	Approval and Implementation of Dealer Cooperative Plan. Considering the timing of the release of these regulations, and the time CalRecycle will need to approve any plan provided by a Dealer Cooperative, we recommend that CalRecycle prioritize their review process to allow any Cooperative to meet the January 1, 2025, obligations.	CalRecycle rejects this comment. With regard to stewardship plan review and approval or disapproval, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that CalRecycle should prioritize the review process for dealer cooperative stewardship plans, CalRecycle is cognizant of the dealer obligation to meet the requirements of the Act that begin January 1, 2025, and will review stewardship applications within the timeframe established pursuant to section 2376.
C- 4 -5	2430. Payments	Website	Tony Gonzalez	TOMRA	Reimbursement of the refund value by count to recyclers which pay consumers by count. A key component of making innovative methods of redemption financially viable is ensuring that providers of innovative methods of redemption are fully reimbursed for the refund value (CRV) they pay to consumers. The innovative methods of redemption contemplated by the proposed regulations and funded through the RIG – bag drops and reverse vending machines – consumers are paid based on count, not based on weight. When those providers of innovative methods of redemption are themselves paid by the processors and, ultimately, by CalRecycle, the regulations should be clarified to state that CalRecycle shall reimburse processors, and ultimately recyclers who operate bag drops or reverse vending machines, based on count and not based on weight.	CalRecycle rejects this comment. With regard to requiring that processors reimburse the CRV based on count rather than weight to innovative methods of redemption contemplated by the proposed regulations and funded through the Redemption Innovation Grant Program, such as bag drops and reverse vending machines, this comment is outside of the scope of this regulatory package, which relates to dealer registration and dealer cooperatives. Changing the method by which processors pay out CRV has broader implications that affect the entire BCRP and therefore is not appropriate to include in this regulatory package. CalRecycle continues to engage with the interested public on count vs. weight feedback and suggestions in the larger scope of the BCRP.
C- 4 -6	2370. Definitions	Website	Tony Gonzalez	TOMRA	Research funded by CalRecycle, with sample charts below, makes clear the consumers' habits and feedback points to expanding the requirement of this section to more hours and a requirement to operate on Saturday and Sunday.	CalRecycle rejects this comment. With regard to definitions of consumer convenience, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that CalRecycle should increase the minimum operating hours requirement for redemption locations, the amendments to these provisions are necessary to make more specific the requirement in PRC section 14578.5 that dealer cooperative stewardship programs offer comparable consumer convenience to PRC sections 14571 and 14571.9. This definition maintains a minimum standard of consumer convenience as it relates to certified recycling centers and pilot projects. While it is possible for dealer cooperatives to operate at these minimum hours of operation, they must demonstrate that these hours provide sufficient redemption opportunities that meet the performance standards specified in their approved stewardship plan. If offering redemption at the minimum operating hours is insufficient to redeem 80% of the beverage containers sold by dealer members, then dealer cooperatives will have to adjust to meet the needs of their community. To the extent that this comment suggests increased hours on Saturday and Sunday, section 2370(a)(1) and (2) both require a minimum number of weekend hours.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 5 -1	Comment Letter	Website	ors csaszar	our planet recycling	No text entered, see attachment for comment C-5-1	
C- 5 -2	Unclassified	Website	ors csaszar	our planet recycling	However, after reviewing the proposed regulations, we have identified several issues that could impede the successful implementation of the legislation's original objectives. Rather than simplifying and improving the process, these new rules introduce unnecessary complexities that make it challenging for cooperatives like ours to fulfill the intended goals.	CalRecycle rejects this comment. This comment or a substantially similar comments were submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments O-4-5, C-2-6, C-4-3, and C-4-4.
C- 5 -3	Unclassified	Website	ors csaszar	our planet recycling	<p>Legislative Intent and Simplicity</p> <p>SB 1013's Section 14578.5 was designed with straightforward requirements for dealer cooperatives:</p> <ul style="list-style-type: none"> Submission of a plan that ensures adequate redemption opportunities. Imposition of fees on cooperative members. Acceptance of all CRV material types. Maintenance of operational status. Registration with the department. Submission of reports on collected containers. <p>Despite this clear framework, the proposed regulations introduce additional, unauthorized burdens that contradict the legal precedent set by the Supreme Court in Loper Bright Enterprises v. Raimondo, which mandates that regulations strictly align with legislative directives.</p>	CalRecycle rejects this comment. Imposing requirements in regulation not set out in statute does not necessarily violate the Administrative Procedure Act's standard of consistency (Gov. Code section 11349(d)). Creating requirements through regulation is inherently part of the rulemaking process so long as the requirements are reasonably designed to aid a statutory objective and do not conflict with or contradict any statutory provision. Additionally, Loper Bright Enterprises v. Raimondo, 603 U.S. (2024) is relevant to Federal judicial deference, and is not applicable to the State of California's rulemaking process. The dealer cooperatives rulemaking package is designed to aid the statutory objective of increasing consumer convenience and access for CRV redemption to increase California's recycling rates to 80% in areas where there is no recycling center available to consumers. The provisions are reasonable because the Legislature mandated that CalRecycle promulgate regulations that include the registration process for dealers, the application and registration process for the dealer cooperative, and the process for updating information after registration as needed, and other regulations necessary for the implementation and enforcement of this subdivision. It does not conflict with or contradict any statutory provision within the California Beverage Container Recycling and Litter Reduction Act.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 5 -4	Unclassified	Website	ors csaszar	our planet recycling	<p>Prohibitive Costs</p> <p>The financial burden associated with drafting and securing approval for cooperative plans is a significant concern. The projected costs for these activities could easily reach several hundreds of thousands of dollars. This presents a substantial barrier to the formation of cooperatives, particularly impacting smaller organizations that may find these expenses prohibitive, thereby hindering their effective participation in the program.</p>	<p>CalRecycle rejects this comment. With regard to financial barriers surrounding the stewardship plan development and submittal, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that the comment identifies a financial barrier to start a dealer cooperative for smaller organizations, small businesses are exempt from dealer cooperative requirements pursuant to PRC section 14578(b)(1). To the effect that there is a financial investment required of the dealer to start a dealer cooperative, CalRecycle has taken this into consideration in the Economic and Fiscal Impact Statement Supplemental Information and Form (STD 399) and calculated an estimated financial cost of \$1.7 million for the dealer cooperatives. CalRecycle has also calculated the annual financial benefit of \$9 million for dealer cooperatives pursuant to PRC section 14578.5(d)(1), which provides eligibility for fully operational dealer cooperatives to be reimbursed by CalRecycle for program payments. Lastly, dealer cooperatives are non-profit organizations funded by multiple dealers who have voluntarily opted into this obligation over redeeming beverage containers in-store and will collect membership fees from the dealers in order to fund the initial and ongoing operation, thus sharing the burden of the costs among multiple dealer members.</p>
C- 5 -5	Unclassified	Website	ors csaszar	our planet recycling	<p>Overreach and Unnecessary Complexity</p> <p>The current proposals impose requirements that extend far beyond the legislative intent of SB 1013. Instead of establishing a straightforward cooperative framework, these regulations mirror the stringent conditions typically associated with solid waste franchise agreements. This excessive complexity not only complicates the process but also discourages potential participants from forming or joining cooperatives.</p>	<p>CalRecycle rejects this comment. This comment or a substantially similar comments were submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments C-3-10, C-3-45, C-3-46, C-3-52, C-3-57, C-3-61, C-3-63, C-3-76, and C-3-91.</p>
C- 5 -6	Unclassified	Website	ors csaszar	our planet recycling	<p>Adversarial Enforcement</p> <p>We are concerned that the proposed regulations could foster an adversarial relationship between cooperatives and the regulatory body. The stringent enforcement measures outlined may create an atmosphere of tension and mistrust, dissuading cooperatives from fully engaging with the program. This shift in focus from improving recycling outcomes to merely complying with burdensome regulations could significantly undermine the initiative's success.</p>	<p>CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment C-3-7.</p>

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
C- 5 -7	Unclassified	Website	ors csaszar	our planet recycling	<p>Adopt a Supportive Approach</p> <p>We strongly urge the department to reconsider its approach in drafting these regulations. The objective should be to develop a framework that genuinely supports and encourages cooperative participation. By providing clear and practical guidelines that reflect the operational realities of running a cooperative, the department can foster a more collaborative and effective relationship with stakeholders. A supportive regulatory environment will motivate cooperatives to actively participate, thereby enhancing the overall success of the CRV program.</p>	<p>CalRecycle rejects this comment. With regard to providing clear and practical guidelines that reflect the operational realities of running a cooperative, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that the comment suggests CalRecycle adopt a framework that is supportive and motivating for dealers who choose dealer cooperatives as their legal obligation pursuant to PRC section 14578(a) over redeeming empty beverage containers in-store to provide consumer convenience in the unserved convenience zone, PRC section 14578.5(d)(1) establishes incentives for those dealers who voluntarily choose dealer cooperatives to encourage participation. Additionally, CalRecycle has proposed specific protections for dealer cooperatives such as section 2030 to prevent the certification of proposed recycling centers in the same zone as a dealer cooperative to support these programs, as well as proposed broad interpretive stewardship plan contents and performance standards to avoid the over-regulation of dealer cooperatives.</p>
C- 5 -8	Unclassified	Website	ors csaszar	our planet recycling	<p>Challenges and Issues</p> <p>A significant concern lies in the evolving definitions within the CRV program, particularly the conflation of recycling centers with reverse vending machines (RVMs). While both are certified as recycling facilities, they differ substantially in capacity and functionality: Recycling Centers are equipped to handle large volumes and a wide variety of CRV materials, offering comprehensive services to consumers. RVMs, although valuable, have limited capacity and cannot match the breadth of services provided by full-scale recycling centers.</p> <p>Applying the same regulatory framework to these distinctly different entities undermines the effectiveness of both, leading to consumer confusion and inefficiencies in the redemption process. It is essential to recognize and address these differences to ensure that each facility type operates optimally within its capabilities.</p>	<p>CalRecycle rejects this comment. The scope of this rulemaking is limited to dealer registration and dealer cooperatives. At this time, CalRecycle does not have the statutory authority to alter the requirements for recycling centers or pilot projects operating in served convenience zones. PRC section 14578.5(b)(1) requires that CalRecycle develop regulations that include the registration process for dealers, the application and registration process for dealer cooperatives, and the process for updating information after registration as needed, and other regulations necessary for the implementation and enforcement of this subdivision. To the extent that reverse vending machines do not match the scale of redemption offered by certified recycling centers, these regulations require dealer cooperatives to offer comparable consumer convenience pursuant to 2370(a). The regulations acknowledge the limitations of innovative methods of redemption, such as reverse vending machines, compared to recycling centers and has proposed performance standards, such as a minimum redemption rate of 80% and minimum capacity design of 100% as outlined in section 2375.6. The supporting statement provided in the comment compares a single recycling center to the operation of a single reverse vending machine. This is not an accurate comparison as it relates to dealer cooperatives, because dealer cooperatives will need to strategically create possibly many redemption locations using a wide selection of methods of redemption to meet these two performance requirements.</p>

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C- 5 -9	2373. Dealer Redemption Requirements	Website	ors csaszar	our planet recycling	<p>Section 2373 (a)-(e) – Dealer Redemption Requirements</p> <p>This section raises significant issues as it fails to align with existing regulations under Title 14 (Sections 2500, 2501, and 2525). Such misalignment creates inconsistencies that can lead to confusion and uneven enforcement across the program. It is crucial that non-cooperative dealers meet comparable standards to ensure proper handling and management of CRV materials. Consistent standards for all participants are essential for maintaining the integrity and effectiveness of the recycling initiative and achieving the desired environmental outcomes.</p>	CalRecycle rejects this comment. PRC section 14578 gives dealers the option of either redeeming in store or joining a dealer cooperative. PRC section 14578(a)(1) describes the requirements for dealers who choose to redeem in store. Dealers who redeem in store are ineligible for payments therefore do not have the same standards set for dealer cooperatives. The requirements for dealer cooperatives under PRC section 14578.5 include reporting and other requirements. Imposing the same standards for dealers who redeem in store with dealer cooperatives would be inconsistent with the statutes being implemented by these regulations.
C- 5 -10	2380. Recordkeeping	Website	ors csaszar	our planet recycling	<p>Section 2380 (a)(1)&(2) – Financial Statement</p> <p>We are deeply concerned about the requirement for cooperatives to submit financial statements that would become public data. Businesses, including ours, are understandably reluctant to disclose sensitive financial information publicly. This requirement raises significant privacy issues and could deter otherwise willing businesses from participating in the program. If financial data analysis is necessary for regulatory purposes, we recommend implementing strict confidentiality measures to ensure this information remains protected and inaccessible to the public. Alternatively, removing this requirement would alleviate privacy concerns and encourage greater participation in the cooperative initiative.</p>	CalRecycle rejects this comment. This regulatory provision requiring dealer cooperatives that are required to prepare annual audited financial statements to submit those annual audited financial statements to CalRecycle is designed to aid the statutory objective of dealer cooperatives being transparent and accountable in utilizing dealer cooperative fees for the operation of the approved redemption model (PRC section 14578.5(f)). The provision is reasonable because it ensures clarity on what dealer cooperatives are obligated to provide to CalRecycle to ensure that financial transparency and accountability. Additionally, the provision is reasonable because it only subjects dealer cooperatives to this requirement if they are already required to prepare the annual audited financial statements under existing law, thereby not burdening smaller dealer cooperatives with gross fiscal year revenue of less than \$2,000,000 with a new requirement. CalRecycle disagrees that this provision unduly makes public private financial information of dealer cooperatives, because a dealer cooperative is only required to submit this information to CalRecycle and not post it publicly. Additionally, under PRC section 14554, CalRecycle is required to protect any privileged, confidential, commercial, or financial information obtained while collecting information, therefore this regulatory provision does not compromise the privacy of dealer cooperatives or dealer members. Furthermore, nonprofits with annual gross receipts of over \$50,000 are already required to make their annual Form 990's publicly available that contains much of the same information.

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C- 5 -11	Unclassified	Website	ors csaszar	our planet recycling	<p>Conclusion</p> <p>In summary, the proposed regulations, as currently drafted, could deter the formation of dealer cooperatives and undermine the core objectives of SB 1013. We respectfully request that these regulations be revised to ensure they are practical, fair, and closely aligned with the legislative intent. Adopting a balanced and supportive approach will better serve all stakeholders and contribute significantly to the long-term success of the CRV program.</p>	<p>CalRecycle rejects this comment. With regard to providing clear and practical guidelines that reflect the operational realities of running a cooperative, this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that the comment suggests CalRecycle adopt a framework that is supportive and motivating for dealers who choose dealer cooperatives as their legal obligation pursuant to PRC section 14578(a) over redeeming empty beverage containers in-store to provide consumer convenience in the unserved convenience zone, PRC section 14578.5(d)(1) establishes incentives for those dealers who voluntarily choose dealer cooperatives to encourage participation. Additionally, CalRecycle has proposed specific protections for dealer cooperatives such as section 2030 to prevent the certification of proposed recycling centers in the same zone as a dealer cooperative to support these programs, as well as proposed broad interpretive stewardship plan contents and performance standards to avoid the over-regulation of dealer cooperatives.</p>
O- 1 -1	Comment Letter	Website	Brian Phillips Phillips	Circular-CRV Association	<p>Csilla Richmond</p> <p>SB 1013 Dealer Registration and Dealer Cooperative Permanent Regulations</p> <p>Department of Resources, Recycling and Recovery, Regulations Unit</p> <p>1011 "I" Street, MS-24B</p> <p>Sacramento, CA 95814</p> <p>VIA EMAIL: SB 1013 Dealer Registration and Dealer Cooperative Regulations (15-Day Public Comment Period)</p> <p>To Whom it Concern:</p> <p>Circular-CRV Association (C-CRV) is the 501(c)(3) not-for-profit organization created to fulfill the requirements of Senate Bill (SB)1013 surrounding the formation of Dealer Cooperatives to increase redemption rates of CRV materials in the State of California. C-CRV represents several grocers, both large and small, as well as other retailers subject to the provisions of California's Beverage Container Recycling Program.</p> <p>C-CRV recognizes the efforts made by CalRecycle to create provisions for, regulate, and implement a Dealer Cooperative in accordance with SB1013, and is providing the following comments to ensure the final regulations governing the Dealer Cooperative are clear, concise, and economically viable in the long-term for both Dealers and the public.</p> <p>Subchapter 4.5. Dealers and Dealer Cooperatives, Section 2370</p> <p>Section 2370 (a) gives two different acceptable definitions of 'comparable consumer convenience.' The proposed text reads: "Consumer convenience that is comparable to the requirements of section 14571 and section 14571.9 of the Act means either of the following:"</p> <ul style="list-style-type: none"> • Accepting and paying out CRV for a minimum of 30 hours per week, five (5) of which must be outside the time frame of Monday through Friday between 9:00AM and 5:00PM, OR • Accepting and paying out CRV under all the following conditions: <ul style="list-style-type: none"> o Minimum of one day a week Monday through Friday for a minimum of eight (8) hours o Minimum of one day a week on either Saturday or Sunday for a minimum of eight (8) hours o A minimum of five (5) hours per week Monday through Friday not between 9:00AM and 5:00PM <p>Subparagraph (a) is much more lenient and would be the option most Dealers approve above subparagraph (b). Subparagraph (b) prescribes stricter guidelines and guarantees weekend operations for consumers. One can envision two possible scenarios where subparagraph (a) would limit consumer convenience:</p> <ol style="list-style-type: none"> 1. If a mobile recycling program is submitted as part of a Stewardship Plan, and the mobile program operates at five (5) different locations – at a different location each day, Monday through Friday from 8:00am to 1:00pm – would this satisfy the requirement of providing 'comparable consumer convenience'? 2. If an RVM-based program, or a bag drop program is submitted as part of a Stewardship Plan, would the RVMs or bag drop units be permitted to be turned on or opened for only 30 hours per week, from 8:00AM to 1:00PM Monday through Friday, to satisfy the requirement of Section 2370 (a)(1)? <p>The Department must consider providing clarity on its intention with this definition. For example, is subparagraph (a) intended to apply to 'innovative methods of redemption' and do the prescribed minimum operating hours guidelines apply to each one of the innovative methods? What is the Department's intention with providing one definition of 'comparable' that limits consumer convenience to weekdays and providing another definition that expands consumer convenience to weekends?</p> <p>Section 2370 (h) defines a redemption location as "a place at which beverage containers are redeemed on behalf of a dealer cooperative, including, but not limited to, and innovative method of redemption."</p> <p>Section 2370 (f) defines an innovative method of redemption to include any of the following: Pickup service (from a customer's address), Bag drop, Reverse vending machine, or a method of redemption at which an attendant is not present to accept materials, while also deleting the reference to a mobile collection program.</p>	

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
					<p>Are mobile collection programs no longer an acceptable method of redemption or are they not an "innovative method of redemption"? We request clarification on how a mobile-based redemption program fits into the definitions provided by 2370 (h) and (f) and urge the Department to include mobile collection programs as one of the choices of an "innovative method of redemption".</p> <p>Article 2. Dealers. Section 2371</p> <p>While we know this is not a change included in the 15-day notice, we believe it is a significant issue the Department should consider from its own perspective to minimize unnecessary workload.</p> <p>Section 2371 (b) (4) requires a Dealer to provide a Store Manager's name, title, phone number and email address as part of a registration process once the rules become effective.</p> <p>At larger Dealers with several stores, store managers are often transferred between locations. The Dealer would need to notify the Department every time a personnel transfer is made. This could conceivably lead to an inundation of information for the Department. However, at these Dealers, there is always one person responsible for oversight of the implementation of state-mandated programs. This individual typically works at the Dealer's General Offices and has assistants or supervisors who fill in when the responsible party is absent.</p> <p>The Department should consider changing the verbiage in Section 2371 (b) (4) to read "the store manager's or other responsible party." This will alleviate the burden of providing the Department with every store manager personnel change, as well as alleviate the Department from recording this information repeatedly.</p> <p>Article 2. Dealers. Section 2372. Dealer Notification Requirements and New Registration Required</p> <p>Section 2372 (c) (3) requires a Dealer to notify the Department "electronically in writing" within 30 days of a "change in the store manager's or secondary contact's information." For the same reasons stated above pertaining to Section 2371, we request the Department to amend 2372 (c) (3) to read "the store manager's or other responsible party."</p> <p>Section 2373. Dealer Redemption Requirements</p> <p>Section 2374. Implementation Period for Stewardship Plan Submission and Dealer Redemption Requirements</p> <p>Section 2376. Stewardship Plan Review and Approval or Disapproval; Operational Notice</p> <p>We see these three sections to be intrinsically linked to the ultimate success or failure of the Dealer Cooperative and request the Department to seriously consider our recommendations.</p> <p>Section 2373 (b) requires a Dealer to redeem empty beverage containers on the Dealer's premises in accordance with section 14578(a)(1) of the Act until the dealer cooperative's approved stewardship plan is fully operational.</p> <p>Section 2374 has been completely eliminated from the Proposed rules. This Section provided a Dealer Cooperative with 120 days from the effective date of the Regulations to submit a Stewardship Plan on behalf of its members and, in so doing, satisfied the requirements of Section 14578(a) of the Act.</p> <p>Section 2376 (b)(1) requires the Department to review and approve or disapprove of a stewardship plan within 90 days of the Department's receipt of a stewardship plan.</p> <p>Together, these three Sections require a Dealer to redeem CRV on the premises until a Stewardship Plan is fully operational. The Department can approve or disapprove a Stewardship Plan up to 90 days from submission. In the meantime, the Department requires a Dealer to join a Cooperative, pay fees into the Cooperative, and still requires the Dealer to redeem CRV material on the premises. With the requirements of SB 1013 becoming effective on January 1, 2025, and the final regulations providing guidance on the requirements of a Dealer Cooperative to develop a Stewardship Plan not finalized until November 2024, at the earliest, the proposed language would create a Double Jeopardy for dealers operating in unserved zones requiring them to pay into a dealer cooperative AND redeem containers in store. This will not be cost effective for many dealers and will create a significant hardship on the dealer cooperative from the onset.</p> <p>We request the Department to reinstate Section 2374. At a minimum, the Department must consider the good-faith efforts and financial responsibility of dealers willing to join a Dealer Cooperative – especially at the outset of this dynamic change – and refrain from imposing upon willing dealers the requirement to redeem on premises while a Stewardship Plan approval process is underway.</p> <p>Section 2375.4. Stewardship Plan Substantive Contents</p> <p>Section 2375.4 (b) (2) requires a Stewardship Plan to contain an education and outreach program that includes at a minimum..."materials [to] be translated into each language that 5 percent or more of the non-English speaking people speak in each census tract in which the unserved convenience zone is located."</p> <p>A Dealer Cooperative will not have access to this level of data among the 8,000+ census tracts that exist in the State of California. While community outreach to non-English speaking individuals is critical as part of any Stewardship Plan, the Department must consider prescribing the languages in which printed materials must be provided (based on the 2020 census results) while including a provision that other languages may be necessary as a condition for Stewardship Plan approval, to be determined by the Department. Furthermore, CalRecycle currently only offers materials for dealers and recyclers in Spanish and English. If CalRecycle is not currently providing materials for all non-English speaking people, it seems like an overreach to require a non-profit dealer cooperative to incur this extremely costly effort.</p> <p>Article 4. Recordkeeping, Reporting and Operation</p> <p>Section 2380. Recordkeeping</p> <p>Section 2380 (2) (b) states "As part of a stewardship program, the following records shall be prepared and retained for each beverage container redemption transaction:" and lists details required by the Regulations. If a Dealer Cooperative contracts with existing recyclers to bring constituent dealers into compliance with the Act, are records prepared by those recyclers on behalf of the Cooperative acceptable, provided the Dealer Cooperative retains them as prescribed by the Regulations? This is an important clarification because the Dealer Cooperative will not have the fiscal or staffing capabilities to handle this requirement. These requirements would be better suited to be managed by the professional partners working with the Dealer Cooperative to ensure the requirements of the law are met. The Dealer Cooperative, in turn, can be responsible for ensuring those partners are preparing and retaining the required documentation.</p> <p>Section 2382. Dealer Cooperative Operation</p> <p>We provided comment on this issue previously and it was not addressed, so we raise it again because of its importance to the success of Dealer Cooperative model.</p> <p>Section 2382 (f) states "More than one Dealer Cooperative may operate in a single unserved convenience zone."</p> <p>Allowing more than one Dealer Cooperative to operate in an unserved zone will lead to an over-saturation of recyclers operating in a particular zone, not allowing the recycler to economically provide the service on an ongoing basis. Almost every other State EPR Program defines one single Stewardship Plan to manage the recycling efforts of that particular industry. Allowing more than one Dealer Cooperative will fundamentally impede any Cooperative's efforts to remain economically viable. The Department must consider limiting any unserved convenience zone to only one Dealer Cooperative.</p> <p>The Circular- CRV Association appreciates the Department's consideration of these submitted comments and looks forward to working with the Department to provide for the long-term success of a Dealer Cooperative throughout the State of California. If you have any questions, or would like further input on any of the concerns or changes discussed, please feel free to contact myself or Louie Brown, our representative in Sacramento at lbrown@ksacsacramento.com.</p> <p>Sincerely, Brian Phillips Executive Director Circular-CRV Association O: (818) 817-6367 C: (714) 713-1867</p>	

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O- 1 -2	2370. Definitions	Website	Brian Phillips Phillips	Circular-CRV Association	<p>Subchapter 4.5. Dealers and Dealer Cooperatives, Section 2370 Section 2370 (a) gives two different acceptable definitions of 'comparable consumer convenience.' The proposed text reads: "Consumer convenience that is comparable to the requirements of section 14571 and section 14571.9 of the Act means either of the following:"</p> <p>Accepting and paying out CRV for a minimum of 30 hours per week, five (5) of which must be outside the time frame of Monday through Friday between 9:00AM and 5:00PM, OR</p> <p>Accepting and paying out CRV under all the following conditions:</p> <p>Minimum of one day a week Monday though Friday for a minimum of eight (8) hours</p> <p>Minimum of one day a week on either Saturday or Sunday for a minimum of eight (8) hours</p> <p>A minimum of five (5) hours per week Monday through Friday not between 9:00AM and 5:00PM</p> <p>Subparagraph (a) is much more lenient and would be the option most Dealers approve above subparagraph (b). Subparagraph (b) prescribes stricter guidelines and guarantees weekend operations for consumers. One can envision two possible scenarios where subparagraph (a) would limit consumer convenience: If a mobile recycling program is submitted as part of a Stewardship Plan, and the mobile program operates at five (5) different locations – at a different location each day, Monday through Friday from 8:00am to 1:00pm – would this satisfy the requirement of providing 'comparable consumer convenience'?</p> <p>If an RVM-based program, or a bag drop program is submitted as part of a Stewardship Plan, would the RVMs or bag drop units be permitted to be turned on or opened for only 30 hours per week, from 8:00AM to 1:00PM Monday through Friday, to satisfy the requirement of Section 2370 (a)(1)?</p> <p>The Department must consider providing clarity on its intention with this definition. For example, is subparagraph (a) intended to apply to 'innovative methods of redemption' and do the prescribed minimum operating hours guidelines apply to each one of the innovative methods?</p>	<p>CalRecycle rejects this comment. To the extent that the dealer cooperative has the flexibility to determine the redemption method and operating hours for each redemption site, the dealer cooperative is responsible for explaining in their stewardship plan how they will redeem all beverage container material types, pursuant to section 2375.4, Stewardship Plan Substantive Contents. This definition does not act as a maximum standard for operational hours, but rather, CalRecycle expects dealer cooperatives will operate in excess of this definition. This is because this requirement in conjunction with performance standards, such as the 80%redemption requirement and 100%capacity design, creates a framework for dealer cooperatives to operate multiple redemption locations within the convenience zone for the hours it takes to meet these requirements. This revision was made in response to public comment received during the 45-day public comment period to make standards for dealer cooperatives that have comparable consumer convenience to recycling center and pilot project operating requirements.</p>
O- 1 -3	2370. Definitions	Website	Brian Phillips Phillips	Circular-CRV Association	<p>What is the Department's intention with providing one definition of 'comparable' that limits consumer convenience to weekdays and providing another definition that expands consumer convenience to weekends?</p>	<p>CalRecycle rejects this comment. With regard to the definition for "Consumer convenience that is comparable to the requirements of section 14571 and section 14571.9 of the Act", this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that there are two options for the dealer cooperative to meet the comparable standard of consumer convenience defined in PRC sections 14571 and 14571.9, neither option restricts recycling operations to only weekdays. CalRecycle sets both options as a minimum standard for operational hours. This is because this requirement, in conjunction with performance standards such as the 80% redemption requirement and 100% capacity design, creates a framework for dealer cooperatives to operate multiple redemption locations within the convenience zone for the hours it takes to meet these requirements. This revision was made in response to public comment received during the 45-day public comment to address standards for dealer cooperatives to be made comparable consumer convenience to recycling center and pilot project operating requirements.</p>

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O- 1 -4	2370. Definitions	Website	Brian Phillips Phillips	Circular-CRV Association	<p>Section 2370 (h) defines a redemption location as "a place at which beverage containers are redeemed on behalf of a dealer cooperative, including, but not limited to, and innovative method of redemption."</p> <p>Section 2370 (f) defines an innovative method of redemption to include any of the following: Pickup service (from a customer's address), Bag drop, Reverse vending machine, or a method of redemption at which an attendant is not present to accept materials, while also deleting the reference to a mobile collection program.</p> <p>Are mobile collection programs no longer an acceptable method of redemption or are they not an "innovative method of redemption"? We request clarification on how a mobile-based redemption program fits into the definitions provided by 2370 (h) and (f) and urge the Department to include mobile collection programs as one of the choices of an "innovative method of redemption".</p>	<p>CalRecycle rejects this comment. To the extent that the comment suggests the definition of "innovative method of redemption" and "redemption location" has been revised to exclude mobile recycling redemption from participating as a dealer cooperative redemption method, this is inaccurate. The language proposed in section 2370(h) and (f) allows for many types of redemption methods. The definition for "innovative method of redemption" means any of the following four technologies: pickup service where the redemption occurs at the consumer's address, bag drop, reverse vending machine, and unstaffed methods of redemption. These methods of redemption are classified as "innovative methods of redemption" for purposes of determining payment because they do not require an attendant to be present and therefore, pursuant to section 2382(n)(1)(B), such sites must pay the refund value within three working days. While the term "mobile collection" was replaced with pickup service in the definition of "innovative method of redemption" as it specifically pertains to collection occurring at a consumer's address, nothing prohibits a dealer cooperative from using mobile recycling to fulfill the obligations in their stewardship plan. Mobile recycling is not expressly prohibited by the regulation text, and it can also be used in conjunction with innovative methods of redemption. Additionally, the definition for "redemption location" means "a place at which the beverage containers are redeemed including, but not limited to, an innovative method of redemption," emphasizing that the redemption could include additional unspecified types of redemption beyond innovative methods of redemption.</p>
O- 1 -5	2371. Dealer Registration	Website	Brian Phillips Phillips	Circular-CRV Association	<p>Article 2. Dealers. Section 2371 While we know this is not a change included in the 15-day notice, we believe it is a significant issue the Department should consider from its own perspective to minimize unnecessary workload.</p> <p>Section 2371 (b) (4) requires a Dealer to provide a Store Manager's name, title, phone number and email address as part of a registration process once the rules become effective.</p> <p>At larger Dealers with several stores, store managers are often transferred between locations. The Dealer would need to notify the Department every time a personnel transfer is made. This could conceivably lead to an inundation of information for the Department. However, at these Dealers, there is always one person responsible for oversight of the implementation of state-mandated programs. This individual typically works at the Dealer's General Offices and has assistants or supervisors who fill in when the responsible party is absent.</p> <p>The Department should consider changing the verbiage in Section 2371 (b) (4) to read "the store manager's or other responsible party." This will alleviate the burden of providing the Department with every store manager personnel change, as well as alleviate the Department from recording this information repeatedly.</p>	<p>CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to requiring a dealer member's store manager's name, title, phone number, and email address, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.</p>

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O- 1 -6	2372. Dealer Notification Requirements and New Registration Required	Website	Brian Phillips Phillips	Circular-CRV Association	Article 2. Dealers. Section 2372. Dealer Notification Requirements and New Registration Required Section 2372 (c) (3) requires a Dealer to notify the Department "electronically in writing" within 30 days of a "change in the store manager's or secondary contact's information." For the same reasons stated above pertaining to Section 2371, we request the Department to amend 2372 (c) (3) to read "the store manager's or other responsible party."	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to requiring a dealer member that is part of a dealer cooperative to notify CalRecycle electronically in writing within 30 days after a change in the store manager's or secondary contact's information, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process. Additionally the website implementing this provision allows for a single user to manage multiple dealer accounts to allow the flexibility of a single person to manage the accounts of many in the instance of a larger chain of retail stores.
O- 1 -7	2374. Implementation Period for Stewardship Plan Submission and Dealer Rede	Website	Brian Phillips Phillips	Circular-CRV Association	Section 2373. Dealer Redemption Requirements Section 2374. Implementation Period for Stewardship Plan Submission and Dealer Redemption Requirements Section 2376. Stewardship Plan Review and Approval or Disapproval; Operational Notice We see these three sections to be intrinsically linked to the ultimate success or failure of the Dealer Cooperative and request the Department to seriously consider our recommendations. Section 2373 (b) requires a Dealer to redeem empty beverage containers on the Dealer's premises in accordance with section 14578(a)(1) of the Act until the dealer cooperative's approved stewardship plan is fully operational. Section 2374 has been completely eliminated from the Proposed rules. This Section provided a Dealer Cooperative with 120 days from the effective date of the Regulations to submit a Stewardship Plan on behalf of its members and, in so doing, satisfied the requirements of Section 14578(a) of the Act. Section 2376 (b)(1) requires the Department to review and approve or disapprove of a stewardship plan within 90 days of the Department's receipt of a stewardship plan. Together, these three Sections require a Dealer to redeem CRV on the premises until a Stewardship Plan is fully operational. The Department can approve or disapprove a Stewardship Plan up to 90 days from submission. In the meantime, the Department requires a Dealer to join a Cooperative, pay fees into the Cooperative, and still requires the Dealer to redeem CRV material on the premises. With the requirements of SB 1013 becoming effective on January 1, 2025, and the final regulations providing guidance on the requirements of a Dealer Cooperative to develop a Stewardship Plan not finalized until November 2024, at the earliest, the proposed language would create a Double Jeopardy for dealers operating in unserved zones requiring them to pay into a dealer cooperative AND redeem containers in store. This will not be cost effective for many dealers and will create a significant hardship on the dealer cooperative from the onset. We request the Department to reinstate Section 2374. At a minimum, the Department must consider the good-faith efforts and financial responsibility of dealers willing to join a Dealer Cooperative – especially at the outset of this dynamic change – and refrain from imposing upon willing dealers the requirement to redeem on premises while a Stewardship Plan approval process is underway.	CalRecycle rejects this comment. CalRecycle determined that the previously proposed regulatory provision that gave dealer cooperatives 120 days to submit a stewardship plan in which their dealer members did not have to redeem in store is contrary to the goal of increasing consumer convenience and access for CRV redemption to increase California's beverage container recycling rates to 80%, as specific in PRC section 14501(c). PRC section 14578(a)(2)(A) requires that a stewardship plan be approved by CalRecycle and operational in order for a dealer to be in compliance with PRC section 14578 under PRC section 14578(a)(2), therefore if a stewardship plan is not approved and operational a dealer in an unserved zone must comply with the alternative requirements to redeem in store under PRC section 14578(a)(1). Eliminating section 2374 of the regulatory text is necessary to effectuate this statutory provision because CalRecycle determined that while this is within the enforcement discretion of CalRecycle, the regulations cannot allow dealer members of a dealer cooperative to be absolved of the requirements of PRC section 14578(a) until the dealer cooperative has a stewardship plan approved by CalRecycle that is fully operational. This is necessary to ensure that consumers are not deprived of redemption opportunities provided by dealers redeeming in store while stewardship plans are under review by CalRecycle until the time that a dealer cooperative is fully operational.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
O- 1 -8	2375.4. Stewardship Plan Substantive Contents	Website	Brian Phillips Phillips	Circular-CRV Association	<p>Section 2375.4. Stewardship Plan Substantive Contents Section 2375.4 (b) (2) requires a Stewardship Plan to contain an education and outreach program that includes at a minimum..."materials [to] be translated into each language that 5 percent or more of the non-English speaking people speak in each census tract in which the unserved convenience zone is located."</p> <p>A Dealer Cooperative will not have access to this level of data among the 8,000+ census tracts that exist in the State of California. While community outreach to non-English speaking individuals is critical as part of any Stewardship Plan, the Department must consider prescribing the languages in which printed materials must be provided (based on the 2020 census results) while including a provision that other languages may be necessary as a condition for Stewardship Plan approval, to be determined by the Department.</p>	<p>CalRecycle rejects this comment. The regulation requirement in section 2375.4(b)(2) is necessary to increase consumer convenience and access for CRV redemption to increase California's recycling rates to 80%. PRC section 14578.5(c)(1) requires that a dealer cooperative must offer a redemption program that includes sufficient redemption opportunities for consumers that have comparable consumer convenience to the requirements of section 14571, and requiring a dealer cooperative to identify the specific languages in which their education and outreach materials must be translated is necessary to effectuate this statutory provision because the redemption opportunities for consumers cannot be convenient as required by the Act if consumers are not aware of the opportunities, which they may not be if the education and outreach is not in a language they can understand. It is necessary that the dealer cooperative provide education and outreach in languages of the targeted audience within the unserved zone it intends to operate in to maximize consumer utilization of the dealer cooperative redemption locations. The comment states that a dealer cooperative does not have access to this data without support as to why the dealer cooperative could not obtain the data. Additionally, CalRecycle has supported this provision with the inclusion of the data in the 'Documents Relied Upon' section of the rulemaking package. This language microdata is available for free on the California Department of Finance Demographic Research Unit's website: https://dru-data-portal-cacensus.hub.arcgis.com/.</p>
O- 1 -9	2375.4. Stewardship Plan Substantive Contents	Website	Brian Phillips Phillips	Circular-CRV Association	<p>Furthermore, CalRecycle currently only offers materials for dealers and recyclers in Spanish and English. If CalRecycle is not currently providing materials for all non-English speaking people, it seems like an overreach to require a non-profit dealer cooperative to incur this extremely costly effort.</p>	<p>CalRecycle rejects this comment. With regard to providing materials for all non-English speaking people, these comments do not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that dealer cooperatives will have to provide education and outreach materials to promote redemption sites in languages in addition to English in areas where 5% or more of the population speaks such a language, it is the responsibility of dealer cooperatives to advertise its redemption locations to non-English speakers so that the dealer cooperative can reach the required 80% minimum performance standard for redemption of containers sold by dealer members. Additionally, the statement that CalRecycle currently only offers materials for dealers and recyclers in Spanish and English is inaccurate. CalRecycle provides translated materials, such as standardized signage, in non-English languages such as Spanish, and provides translated standardized materials in additionally required languages, upon request of any Californian utilizing services provided by CalRecycle.</p>

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
O- 1 -10	2380. Recordkeeping	Website	Brian Phillips Phillips	Circular-CRV Association	Article 4. Recordkeeping, Reporting and Operation Section 2380. Recordkeeping Section 2380 (2) (b) states "As part of a stewardship program, the following records shall be prepared and retained for each beverage container redemption transaction:" and lists details required by the Regulations. If a Dealer Cooperative contracts with existing recyclers to bring constituent dealers into compliance with the Act, are records prepared by those recyclers on behalf of the Cooperative acceptable, provided the Dealer Cooperative retains them as prescribed by the Regulations? This is an important clarification because the Dealer Cooperative will not have the fiscal or staffing capabilities to handle this requirement. These requirements would be better suited to be managed by the professional partners working with the Dealer Cooperative to ensure the requirements of the law are met. The Dealer Cooperative, in turn, can be responsible for ensuring those partners are preparing and retaining the required documentation.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. To the extent that this comment asserts that this requirement would be infeasible for the dealer cooperative, the comment fails to acknowledge that section 2380(b) does not identify a specific entity in the dealer cooperative stewardship program. This was intentional to allow the dealer cooperative flexibility to delegate responsibility for recordkeeping requirements to a redemption contractor or other partner. This comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
O- 1 -11	2382. Dealer Cooperative Operation	Website	Brian Phillips Phillips	Circular-CRV Association	Section 2382. Dealer Cooperative Operation We provided comment on this issue previously and it was not addressed, so we raise it again because of its importance to the success of Dealer Cooperative model. Section 2382 (f) states "More than one Dealer Cooperative may operate in a single unserved convenience zone." Allowing more than one Dealer Cooperative to operate in an unserved zone will lead to an over-saturation of recyclers operating in a particular zone, not allowing the recycler to economically provide the service on an ongoing basis. Almost every other State EPR Program defines one single Stewardship Plan to manage the recycling efforts of that particular industry. Allowing more than one Dealer Cooperative will fundamentally impede any Cooperative's efforts to remain economically viable. The Department must consider limiting any unserved convenience zone to only one Dealer Cooperative.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to section 2382(f) allowing more than one dealer cooperative to operate in a single unserved convenience zone, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
O- 2 -1	Comment Letter	Website	Lauren Smillie	Circular-CRV Association	No text entered, see attachment for comment O-2-1	
O- 2 -2	2370. Definitions	Website	Lauren Smillie	Circular-CRV Association	Subchapter 4.5. Dealers and Dealer Cooperatives, Section 2370 Section 2370 (a) gives two different acceptable definitions of 'comparable consumer convenience.' The proposed text reads: "Consumer convenience that is comparable to the requirements of section 14571 and section 14571.9 of the Act means either of the following:" Accepting and paying out CRV for a minimum of 30 hours per week, five (5) of which must be outside the time frame of Monday through Friday between 9:00AM and 5:00PM, OR Accepting and paying out CRV under all the following conditions: Minimum of one day a week Monday through Friday for a minimum of eight (8) hours Minimum of one day a week on either Saturday or Sunday for a minimum of eight (8) hours A minimum of five (5) hours per week Monday through Friday not between 9:00AM and 5:00PM Subparagraph (a) is much more lenient and would be the option most Dealers approve above subparagraph (b). Subparagraph (b) prescribes stricter guidelines and guarantees weekend operations for consumers. One can envision two possible scenarios where subparagraph (a) would limit consumer convenience: If a mobile recycling program is submitted as part of a Stewardship Plan, and the mobile program operates at five (5) different locations – at a different location each day, Monday through Friday from 8:00am to 1:00pm – would this satisfy the requirement of providing 'comparable consumer convenience'? If an RVM-based program, or a bag drop program is submitted as part of a Stewardship Plan, would the RVMs or bag drop units be permitted to be turned on or opened for only 30 hours per week, from 8:00AM to 1:00PM Monday through Friday, to satisfy the requirement of Section 2370 (a)(1)? The Department must consider providing clarity on its intention with this definition. For example, is subparagraph (a) intended to apply to 'innovative methods of redemption' and do the prescribed minimum operating hours guidelines apply to each one of the innovative methods?	CalRecycle rejects this comment. To the extent that the dealer cooperative has the flexibility to determine the redemption method and operating hours for each redemption site, the dealer cooperative is responsible for explaining in their stewardship plan how they will redeem all beverage container material types, pursuant to section 2375.4, Stewardship Plan Substantive Contents. This definition does not act as a maximum standard for operational hours, but rather, CalRecycle expects dealer cooperatives will operate in excess of this definition. This is because this requirement in conjunction with performance standards, such as the 80% redemption requirement and 100% capacity design, creates a framework for dealer cooperatives to operate multiple redemption locations within the convenience zone for the hours it takes to meet these requirements. This revision was made in response to public comment received during the 45-day public comment period to make standards for dealer cooperatives that have comparable consumer convenience to recycling center and pilot project operating requirements.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
O- 2 -3	2370. Definitions	Website	Lauren Smillie	Circular-CRV Association	What is the Department's intention with providing one definition of 'comparable' that limits consumer convenience to weekdays and providing another definition that expands consumer convenience to weekends?	CalRecycle rejects this comment. With regard to the definition for "Consumer convenience that is comparable to the requirements of section 14571 and section 14571.9 of the Act", this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that there are two options for the dealer cooperative to meet the comparable standard of consumer convenience defined in PRC sections 14571 and 14571.9, neither option restricts recycling operations to only weekdays. CalRecycle sets both options as a minimum standard for operational hours. This is because this requirement, in conjunction with performance standards such as the 80% redemption requirement and 100% capacity design, creates a framework for dealer cooperatives to operate multiple redemption locations within the convenience zone for the hours it takes to meet these requirements. This revision was made in response to public comment received during the 45-day public comment to address standards for dealer cooperatives to be made comparable consumer convenience to recycling center and pilot project operating requirements.
O- 2 -4	2370. Definitions	Website	Lauren Smillie	Circular-CRV Association	Section 2370 (h) defines a redemption location as "a place at which beverage containers are redeemed on behalf of a dealer cooperative, including, but not limited to, and innovative method of redemption." Section 2370 (f) defines an innovative method of redemption to include any of the following: Pickup service (from a customer's address), Bag drop, Reverse vending machine, or a method of redemption at which an attendant is not present to accept materials, while also deleting the reference to a mobile collection program. Are mobile collection programs no longer an acceptable method of redemption or are they not an "innovative method of redemption"? We request clarification on how a mobile-based redemption program fits into the definitions provided by 2370 (h) and (f) and urge the Department to include mobile collection programs as one of the choices of an "innovative method of redemption".	CalRecycle rejects this comment. To the extent that the comment suggests the definition of "innovative method of redemption" and "redemption location" has been revised to exclude mobile recycling redemption from participating as a dealer cooperative redemption method, this is inaccurate. The language proposed in section 2370(h) and (f) allows for many types of redemption methods. The definition for "innovative method of redemption" means any of the following four technologies: pickup service where the redemption occurs at the consumer's address, bag drop, reverse vending machine, and unstaffed methods of redemption. These methods of redemption are classified as "innovative methods of redemption" for purposes of determining payment because they do not require an attendant to be present and therefore, pursuant to section 2382(n)(1)(B), such sites must pay the refund value within three working days. While the term "mobile collection" was replaced with pickup service in the definition of "innovative method of redemption" as it specifically pertains to collection occurring at a consumer's address, nothing prohibits a dealer cooperative from using mobile recycling to fulfill the obligations in their stewardship plan. Mobile recycling is not expressly prohibited by the regulation text, and it can also be used in conjunction with innovative methods of redemption. Additionally, the definition for "redemption location" means "a place at which the beverage containers are redeemed including, but not limited to, an innovative method of redemption," emphasizing that the redemption could include additional unspecified types of redemption beyond innovative methods of redemption.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
O- 2 -5	2371. Dealer Registration	Website	Lauren Smillie	Circular-CRV Association	<p>Article 2. Dealers. Section 2371</p> <p>While we know this is not a change included in the 15-day notice, we believe it is a significant issue the Department should consider from its own perspective to minimize unnecessary workload.</p> <p>Section 2371 (b) (4) requires a Dealer to provide a Store Manager's name, title, phone number and email address as part of a registration process once the rules become effective.</p> <p>At larger Dealers with several stores, store managers are often transferred between locations. The Dealer would need to notify the Department every time a personnel transfer is made. This could conceivably lead to an inundation of information for the Department. However, at these Dealers, there is always one person responsible for oversight of the implementation of state-mandated programs. This individual typically works at the Dealer's General Offices and has assistants or supervisors who fill in when the responsible party is absent.</p> <p>The Department should consider changing the verbiage in Section 2371 (b) (4) to read "the store manager's or other responsible party." This will alleviate the burden of providing the Department with every store manager personnel change, as well as alleviate the Department from recording this information repeatedly.</p>	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to requiring a dealer member's store manager's name, title, phone number, and email address, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
O- 2 -6	2372. Dealer Notification Requirements and New Registration Required	Website	Lauren Smillie	Circular-CRV Association	<p>Article 2. Dealers. Section 2372. Dealer Notification Requirements and New Registration Required</p> <p>Section 2372 (c) (3) requires a Dealer to notify the Department "electronically in writing" within 30 days of a "change in the store manager's or secondary contact's information." For the same reasons stated above pertaining to Section 2371, we request the Department to amend 2372 (c) (3) to read "the store manager's or other responsible party."</p>	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to requiring a dealer member that is part of a dealer cooperative to notify CalRecycle electronically in writing within 30 days after a change in the store manager's or secondary contact's information, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process. Additionally the website implementing this provision allows for a single user to manage multiple dealer accounts to allow the flexibility of a single person to manage the accounts of many in the instance of a larger chain of retail stores.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
O- 2 -7	2374. Implementation Period for Stewardship Plan Submission and Dealer Rede	Website	Lauren Smillie	Circular-CRV Association	<p>Section 2373. Dealer Redemption Requirements Section 2374. Implementation Period for Stewardship Plan Submission and Dealer Redemption Requirements Section 2376. Stewardship Plan Review and Approval or Disapproval; Operational Notice</p> <p>We see these three sections to be intrinsically linked to the ultimate success or failure of the Dealer Cooperative and request the Department to seriously consider our recommendations.</p> <p>Section 2373 (b) requires a Dealer to redeem empty beverage containers on the Dealer's premises in accordance with section 14578(a)(1) of the Act until the dealer cooperative's approved stewardship plan is fully operational.</p> <p>Section 2374 has been completely eliminated from the Proposed rules. This Section provided a Dealer Cooperative with 120 days from the effective date of the Regulations to submit a Stewardship Plan on behalf of its members and, in so doing, satisfied the requirements of Section 14578(a) of the Act.</p> <p>Section 2376 (b)(1) requires the Department to review and approve or disapprove of a stewardship plan within 90 days of the Department's receipt of a stewardship plan.</p> <p>Together, these three Sections require a Dealer to redeem CRV on the premises until a Stewardship Plan is fully operational. The Department can approve or disapprove a Stewardship Plan up to 90 days from submission. In the meantime, the Department requires a Dealer to join a Cooperative, pay fees into the Cooperative, and still requires the Dealer to redeem CRV material on the premises. With the requirements of SB 1013 becoming effective on January 1, 2025, and the final regulations providing guidance on the requirements of a Dealer Cooperative to develop a Stewardship Plan not finalized until November 2024, at the earliest, the proposed language would create a Double Jeopardy for dealers operating in unserved zones requiring them to pay into a dealer cooperative AND redeem containers in store. This will not be cost effective for many dealers and will create a significant hardship on the dealer cooperative from the onset.</p> <p>We request the Department to reinstate Section 2374. At a minimum, the Department must consider the good-faith efforts and financial responsibility of dealers willing to join a Dealer Cooperative – especially at the outset of this dynamic change – and refrain from imposing upon willing dealers the requirement to redeem on premises while a Stewardship Plan approval process is underway.</p>	<p>CalRecycle rejects this comment. CalRecycle determined that the previously proposed regulatory provision that gave dealer cooperatives 120 days to submit a stewardship plan in which their dealer members did not have to redeem in store is contrary to the goal of increasing consumer convenience and access for CRV redemption to increase California's beverage container recycling rates to 80%, as specific in PRC section 14501(c). PRC section 14578(a)(2)(A) requires that a stewardship plan be approved by CalRecycle and operational in order for a dealer to be in compliance with PRC section 14578 under PRC section 14578(a)(2), therefore if a stewardship plan is not approved and operational a dealer in an unserved zone must comply with the alternative requirements to redeem in store under PRC section 14578(a)(1). Eliminating section 2374 of the regulatory text is necessary to effectuate this statutory provision because CalRecycle determined that while this is within the enforcement discretion of CalRecycle, the regulations cannot allow dealer members of a dealer cooperative to be absolved of the requirements of PRC section 14578(a) until the dealer cooperative has a stewardship plan approved by CalRecycle that is fully operational. This is necessary to ensure that consumers are not deprived of redemption opportunities provided by dealers redeeming in store while stewardship plans are under review by CalRecycle until the time that a dealer cooperative is fully operational.</p>
O- 2 -8	2375.4. Stewardship Plan Substantive Contents	Website	Lauren Smillie	Circular-CRV Association	<p>Section 2375.4. Stewardship Plan Substantive Contents Section 2375.4 (b) (2) requires a Stewardship Plan to contain an education and outreach program that includes at a minimum..."materials [to] be translated into each language that 5 percent or more of the non-English speaking people speak in each census tract in which the unserved convenience zone is located."</p> <p>A Dealer Cooperative will not have access to this level of data among the 8,000+ census tracts that exist in the State of California. While community outreach to non-English speaking individuals is critical as part of any Stewardship Plan, the Department must consider prescribing the languages in which printed materials must be provided (based on the 2020 census results) while including a provision that other languages may be necessary as a condition for Stewardship Plan approval, to be determined by the Department.</p>	<p>CalRecycle rejects this comment. The regulation requirement in section 2375.4(b)(2) is necessary to increase consumer convenience and access for CRV redemption to increase California's recycling rates to 80%. PRC section 14578.5(c)(1) requires that a dealer cooperative must offer a redemption program that includes sufficient redemption opportunities for consumers that have comparable consumer convenience to the requirements of section 14571, and requiring a dealer cooperative to identify the specific languages in which their education and outreach materials must be translated is necessary to effectuate this statutory provision because the redemption opportunities for consumers cannot be convenient as required by the Act if consumers are not aware of the opportunities, which they may not be if the education and outreach is not in a language they can understand. It is necessary that the dealer cooperative provide education and outreach in languages of the targeted audience within the unserved zone it intends to operate in to maximize consumer utilization of the dealer cooperative redemption locations. The comment states that a dealer cooperative does not have access to this data without support as to why the dealer cooperative could not obtain the data. Additionally, CalRecycle has supported this provision with the inclusion of the data in the 'Documents Relied Upon' section of the rulemaking package. This language microdata is available for free on the California Department of Finance Demographic Research Unit's website: https://dru-data-portal-cacensus.hub.arcgis.com/.</p>

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
O- 2 -9	2375.4. Stewardship Plan Substantive Contents	Website	Lauren Smillie	Circular-CRV Association	Furthermore, CalRecycle currently only offers materials for dealers and recyclers in Spanish and English. If CalRecycle is not currently providing materials for all non-English speaking people, it seems like an overreach to require a non-profit dealer cooperative to incur this extremely costly effort.	CalRecycle rejects this comment. With regard to providing materials for all non-English speaking people, these comments do not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. To the extent that dealer cooperatives will have to provide education and outreach materials to promote redemption sites in languages in addition to English in areas where 5% or more of the population speaks such a language, it is the responsibility of dealer cooperatives to advertise its redemption locations to non-English speakers so that the dealer cooperative can reach the required 80% minimum performance standard for redemption of containers sold by dealer members. Additionally, the statement that CalRecycle currently only offers materials for dealers and recyclers in Spanish and English is inaccurate. CalRecycle provides translated materials, such as standardized signage, in non-English languages such as Spanish, and provides translated standardized materials in additionally required languages, upon request of any Californian utilizing services provided by CalRecycle.
O- 2 -10	2380. Recordkeeping	Website	Lauren Smillie	Circular-CRV Association	Article 4. Recordkeeping, Reporting and Operation Section 2380. Recordkeeping Section 2380 (2) (b) states "As part of a stewardship program, the following records shall be prepared and retained for each beverage container redemption transaction:" and lists details required by the Regulations. If a Dealer Cooperative contracts with existing recyclers to bring constituent dealers into compliance with the Act, are records prepared by those recyclers on behalf of the Cooperative acceptable, provided the Dealer Cooperative retains them as prescribed by the Regulations? This is an important clarification because the Dealer Cooperative will not have the fiscal or staffing capabilities to handle this requirement. These requirements would be better suited to be managed by the professional partners working with the Dealer Cooperative to ensure the requirements of the law are met. The Dealer Cooperative, in turn, can be responsible for ensuring those partners are preparing and retaining the required documentation.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. To the extent that this comment asserts that this requirement would be infeasible for the dealer cooperative, the comment fails to acknowledge that section 2380(b) does not identify a specific entity in the dealer cooperative stewardship program. This was intentional to allow the dealer cooperative flexibility to delegate responsibility for recordkeeping requirements to a redemption contractor or other partner. This comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.
O- 2 -11	2382. Dealer Cooperative Operation	Website	Lauren Smillie	Circular-CRV Association	Section 2382. Dealer Cooperative Operation We provided comment on this issue previously and it was not addressed, so we raise it again because of its importance to the success of Dealer Cooperative model. Section 2382 (f) states "More than one Dealer Cooperative may operate in a single unserved convenience zone." Allowing more than one Dealer Cooperative to operate in an unserved zone will lead to an over-saturation of recyclers operating in a particular zone, not allowing the recycler to economically provide the service on an ongoing basis. Almost every other State EPR Program defines one single Stewardship Plan to manage the recycling efforts of that particular industry. Allowing more than one Dealer Cooperative will fundamentally impede any Cooperative's efforts to remain economically viable. The Department must consider limiting any unserved convenience zone to only one Dealer Cooperative.	CalRecycle rejects this comment. The scope of the 15-day public comment period is limited to regulation text changes made subsequent to the 45-day public comment period. This comment addresses unchanged regulation text, which is outside the scope for the 15-day public comment period. With regard to section 2382(f) allowing more than one dealer cooperative to operate in a single unserved convenience zone, this comment does not suggest any specific changes to the new 15-day public comment period proposed regulations or raise new issues related to the rulemaking process.

Comment Code	Category	Submit Method	Commenter Name	Commenter Affiliation	Comment	CalRecycle's Response
O- 3 -1	Comment Letter	Website	John Kennedy	Rural County Representatives of California	<p>Dear Director Heller:</p> <p>On behalf of the Rural County Representatives of California (RCRC), we are pleased to provide comments on CalRecycle's Senate Bill 1013 Dealer Cooperatives "15-Day Changes." We appreciate the many changes made to the proposed regulation in light of comments raised by other stakeholders and/or in our April 30, 2024, letter; however, we believe a few more refinements are necessary to bring the regulations in line with SB 1013's statutory requirements, protect consumers, and ensure convenience.</p> <p>RCRC is an association of forty rural California counties, and the RCRC Board of Directors is comprised of elected supervisors from each member county. RCRC has long advocated for expansion of convenient beverage container redemption opportunities. The Environmental Services Joint Powers Authority, which includes twenty-six of RCRC's forty member counties, supported SB 1013 (Atkins, Chapter 610, Statutes of 2022) to increase consumer access to convenient redemption opportunities and improve the amount and quality of glass entering the recycling system.</p> <p>Convenient beverage container redemption opportunities do not exist for many Californians. Without convenient redemption opportunities, the Beverage Container Recycling Program (Program) becomes a regressive tax that disproportionately impacts lower-income Californians. For this reason, it should be as easy for a consumer to get the California Redemption Value (CRV) deposit back as it is to pay it in the first place.</p> <p>Further Refinements Are Needed to the Hours of Operation for Locations That Redeem All Beverage Container Material Types.</p> <p>Senate Bill 1013 was intended to increase consumer access to redemption opportunities. It did so by repealing the ability for dealers in unserved zones to pay a \$100/day in-lieu fee to the state to avoid having to take empty containers back from consumers. Under SB 1013, dealers in unserved zones must either take containers back in-store or join a dealer cooperative that redeems empty containers. Dealer cooperatives are supposed to provide a level of convenience comparable to the existing redemption system.</p> <p>Under SB 1013, CalRecycle's regulations must "provide access and convenience for consumers comparable to subdivision (a) of Section 14571." That section requires at least one recycling center or location within every convenience zone that accepts and pays the refund value for all types of empty beverage containers.</p> <p>The "15-Day Revisions" incorporate amendments requiring at least one redemption site to accept all beverage container material types up to the existing statutory daily load limits. While significantly improved, the "15-Day Revisions" are still inconsistent with SB 1013's Public Resources Code Section 14578.5(b), which requires comparable convenience to that under "subdivision (a) of Section 14571" (emphasis added).</p> <p>Under the "15-Day Changes", proposed 14 CCR 2375.4(f)(4) requires the sole redemption center that accepts all beverage container material types to operate a mere 10 hours per week, with at least five hours on a Saturday or Sunday between the hours of 9am and 5pm. This is inconsistent with PRC 14578.5(b)'s mandate. SB 1013 did not set the threshold for convenience at the levels established in PRC 14571, but at those established under the more stringent PRC 14571(a). That subdivision requires "at least one certified recycling center or location within every convenience zone that accepts and pays the refund value, if any, at one location for all types of empty beverage containers and is open for business during at least 30 hours per week with a minimum of five hours of operation occurring during periods other than from Monday to Friday, from 9 a.m. to 5 p.m." (emphasis added).</p> <p>The "15-Day Changes" unfairly relieve dealer cooperatives of having to redeem all beverage container material types for 20 hours each week (hours that must be staffed by any other type of conventional recycler). This concern becomes even more acute if the dealer cooperative does not include an innovative method of redemption to supplement the 10 hour/week baseline obligation.</p> <p>Finally, it is not clear that 10 hours/week would be enough time to adequately serve the needs of consumers in rural areas given the anticipated volume of materials and number of customers who may be compressed into an average of one hour per day.</p> <p>While improved, the "15-Day Changes" are still inconsistent with and unsupported by the clear statutory construction of SB 1013.</p> <p>To avoid this inconsistency with SB 1013 and ensure that consumers have access to redemption location where they can redeem all beverage container material types at least 30 hours per week, RCRC strongly suggests modifying 14 CCR 2375.4(f)(4) as follows:</p> <p>(4) Not all redemption locations are required to redeem all beverage container material types, however at least one redemption location in each unserved convenience zone covered by the stewardship plan shall redeem all beverage container material types with immediate payment of the refund value [strikethrough text]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. [end strikethrough text]</p> <p>More Clarity Is Needed Regarding CalRecycle's Authority to Modify and Approve a Daily Load Limit Proposed by a Dealer Cooperative Pursuant to 14 CCR 2375.4(f)(6).</p> <p>The "15-Day Changes" allow a dealer cooperative's stewardship plan to establish a per customer daily redemption limit for redemption sites (not including the single site that must redeem all beverage container material types at least 10 hours per week). It is not immediately clear that CalRecycle will be able to demand modifications to that limit if what is proposed by the dealer cooperative is too low.</p> <p>Under proposed 14 CCR 2376, CalRecycle may approve or disapprove the stewardship plan within 90 days of receipt and shall approve a stewardship plan if it meets the applicable requirements of the Act and regulations. Neither the Act nor the regulations establish a floor for the daily load limits to prevent a dealer cooperative from setting a limit</p>	

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					<p>applicable requirements of the Act and regulations. Neither the Act nor the regulations establish a floor for the daily load limits to prevent a dealer cooperative from setting a limit that inhibits the consumers' ability to easily redeem containers. Indeed, if the proposed stewardship plan suggests a limit of even 10 containers per type per day, the regulations appear to require CalRecycle to approve that plan.</p> <p>Even limiting consumers to redeeming 500 total containers per day could frustrate consumer convenience in many areas. Assuming an average price of gasoline of \$5/gallon and vehicle fuel efficiency of 20 miles/gallon, it would cost a consumer 100 cans just to break even to take their CRV containers to a redemption center located 10 miles away. Assuming \$0.05/container CRV, redeeming 500 containers would still only provide the consumer with \$25. In rural areas where distances to redemption opportunities are even greater, daily redemption limits will effectively undermine consumers' ability to recover deposits and could lead to a significant regional reduction in the quantity of containers recycled. Even in urban areas, these limits could increase Vehicle Miles Traveled by forcing consumers to make multiple trips to redeem their containers.</p> <p>To avoid this situation and protect consumer access to convenient redemption opportunities, RCRC strongly suggests clarifying either 14 CCR 2375.4(f)(6) or 14 CCR 2376 to specifically preserve CalRecycle's authority to modify a proposed daily load limit. Alternatively, the regulations could specify a floor for the daily load limit, which should certainly be significantly higher than 500 containers/day.</p> <p>The Timeframe for Paying Refund Values to Consumers Proposed in 14 CCR 2382 (n)(1)(B) Is Inconsistent with Statutory Requirements for When Refunds Must Be Paid to Consumers.</p> <p>Proposed 14 CCR 2382(n)(1)(B) allows innovative methods of redemption to pay the refund within three working days. Innovative methods of redemption, as defined in proposed 14 CCR 2370(f), include pickup services, bag drops, reverse vending machines, and other methods of redemption at which an attendant is not present to accept materials.</p> <p>Under Public Resources Code Section 14538(d)(3)(B), only bag drop recycling centers are allowed to pay the refund value for beverage containers within three business days. The implication derived from statutory construction is that all other methods of redemption must immediately pay redemption values unless there is an exception such as what is provided for bag drop programs. This three-day grace period was provided due to the unique nature of bag drop programs and delays in processing the redemption materials. This delay is unique to bag-drop programs and is not an inherent problem for reverse vending machines or pickup services.</p> <p>Expansion of the three-day payment period will have an adverse and regressive impact on those Californians who depend the most on CRV refunds. Residents should not have to wait three days for payment, nor be forced to return to the recycler at a later date to get their money back.</p> <p>To avoid direct conflicts with the Public Resources Code, allow bag drops to continue paying redemption values within three business days, and ensure consumers served by other innovative methods of redemption can receive prompt payment, RCRC strongly suggests amending 14 CCR 2382(n)(1)(B) as follows:</p> <p>(B) A dealer cooperative redemption site that is an innovative method of redemption [add text] pursuant to Section 2370(f)(2) [end add text] shall pay within three working days of delivery the refund value for every eligible empty beverage container delivered to the redemption site for refund.</p> <p>RCRC appreciates your consideration of these comments. We look forward to continuing to work with you on efforts to expand consumer access to redemption opportunities and the development and implementation of these regulations. If you should have any questions, please do not hesitate to contact me at jkennedy@rcrcnet.org.</p> <p>Sincerely,</p> <p>JOHN KENNEDY Senior Policy Advocate</p> <p>cc: The Honorable Benjamin Allen, Chair, Senate Environmental Quality Committee</p> <p>The Honorable Isaac Bryan, Chair, Assembly Natural Resources Committee</p> <p>Elizabeth MacMillan, Consultant, Assembly Natural Resources Committee</p> <p>Brynn Cook, Consultant, Senate Environmental Quality Com</p>	

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O- 3 -2	2375.4. Stewardship Plan Substantive Contents	Website	John Kennedy	Rural County Representatives of California	<p>Further Refinements Are Needed to the Hours of Operation for Locations That Redeem All Beverage Container Material Types.</p> <p>Senate Bill 1013 was intended to increase consumer access to redemption opportunities.1 It did so by repealing the ability for dealers in unserved zones to pay a \$100/day in-lieu fee to the state to avoid having to take empty containers back from consumers. Under SB 1013, dealers in unserved zones must either take containers back in-store or join a dealer cooperative that redeems empty containers. Dealer cooperatives are supposed to provide a level of convenience comparable to the existing redemption system. Under SB 1013, CalRecycle's regulations must "provide access and convenience for consumers comparable to subdivision (a) of Section 14571."2 That section requires at least one recycling center or location within every convenience zone that accepts and pays the refund value for all types of empty beverage containers.</p> <p>The "15-Day Revisions" incorporate amendments requiring at least one redemption site to accept all beverage container material types up to the existing statutory daily load limits. While significantly improved, the "15-Day Revisions" are still inconsistent with SB 1013's Public Resources Code Section 14578.5(b), which requires comparable convenience to that under "subdivision (a) of Section 14571" (emphasis added).3</p> <p>Under the "15-Day Changes", proposed 14 CCR 2375.4(f)(4) requires the sole redemption center that accepts all beverage container material types to operate a mere 10 hours per week, with at least five hours on a Saturday or Sunday between the hours of 9am and 5pm. This is inconsistent with PRC 14578.5(b)'s mandate. SB 1013 did not set the threshold for convenience at the levels established in PRC 14571, but at those established under the more stringent PRC 14571(a). That subdivision requires "at least one certified recycling center or location within every convenience zone that accepts and pays the refund value, if any, at one location for all types of empty beverage containers and is open for business during at least 30 hours per week with a minimum of five hours of operation occurring during periods other than from Monday to Friday, from 9 a.m. to 5 p.m." (emphasis added).</p> <p>The "15-Day Changes" unfairly relieve dealer cooperatives of having to redeem all beverage container material types for 20 hours each week (hours that must be staffed by any other type of conventional recycler). This concern becomes even more acute if the dealer cooperative does not include an innovative method of redemption to supplement the 10 hour/week baseline obligation.</p> <p>Finally, it is not clear that 10 hours/week would be enough time to adequately serve the needs of consumers in rural areas given the anticipated volume of materials and number of customers who may be compressed into an average of one hour per day.</p> <p>While improved, the "15-Day Changes" are still inconsistent with and unsupported by the clear statutory construction of SB 1013. To avoid this inconsistency with SB 1013 and ensure that consumers have access to redemption location where they can redeem all beverage container material types at least 30 hours per week, RCRC strongly suggests modifying 14 CCR 2375.4(f)(4) as follows:</p> <p>(4) Not all redemption locations are required to redeem all beverage container material types, however at least one redemption location in each unserved convenience zone covered by the stewardship plan shall redeem all beverage container material types 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.</p>	<p>CalRecycle rejects this comment. CalRecycle disagrees that clarification is needed with regard to the requirements for redemption locations accepting all material types because the addition of increased minimum hours of operation for at least one location that accepts all material types does not apply to the material type redemption requirements formally defined in PRC section 14578.5(c)(3)(A) which only requires dealer cooperatives to redeem all material types. It is not necessary to make these minimum operating hours the same as certified recycling centers pursuant to PRC section 14571(a) because certified recycling centers act as standalone redemption locations while dealer cooperatives offer multiple redemption opportunities throughout the unserved convenience zone. While it is possible for dealer cooperatives to operate at these minimum hours of operation, they must demonstrate that these hours provide sufficient redemption opportunities that meet the performance standards specified in their approved stewardship plan. If offering redemption for all material types at the minimum operating hours is insufficient to redeem 80% of the beverage containers sold by dealer members, then dealer cooperatives will have to adjust to meet the needs of their community.</p>
O- 3 -3	2375.4. Stewardship Plan Substantive Contents	Website	John Kennedy	Rural County Representatives of California	<p>More Clarity Is Needed Regarding CalRecycle's Authority to Modify and Approve a Daily Load Limit Proposed by a Dealer Cooperative Pursuant to 14 CCR 2375.4(f)(6).</p> <p>The "15-Day Changes" allow a dealer cooperative's stewardship plan to establish a per customer daily redemption limit for redemption sites (not including the single site that must redeem all beverage container material types at least 10 hours per week). It is not immediately clear that CalRecycle will be able to demand modifications to that limit if what is proposed by the dealer cooperative is too low.</p> <p>Under proposed 14 CCR 2376, CalRecycle may approve or disapprove the stewardship plan within 90 days of receipt and shall approve a stewardship plan if it meets the applicable requirements of the Act and regulations. Neither the Act nor the regulations establish a floor for the daily load limits to prevent a dealer cooperative from setting a limit that inhibits the consumers' ability to easily redeem containers. Indeed, if the proposed stewardship plan suggests a limit of even 10 containers per type per day, the regulations appear to require CalRecycle to approve that plan.</p> <p>Even limiting consumers to redeeming 500 total containers per day could frustrate consumer convenience in many areas. Assuming an average price of gasoline of \$5/gallon and vehicle fuel efficiency of 20 miles/gallon, it would cost a consumer 100 cans just to break even to take their CRV containers to a redemption center located 10 miles away. Assuming \$0.05/container CRV, redeeming 500 containers would still only provide the consumer with \$25. In rural areas where distances to redemption opportunities are even greater, daily redemption limits will effectively undermine consumers' ability to recover deposits and could lead to a significant regional reduction in the quantity of containers recycled. Even in urban areas, these limits could increase Vehicle Miles Traveled by forcing consumers to make multiple trips to redeem their containers.</p> <p>To avoid this situation and protect consumer access to convenient redemption opportunities, RCRC strongly suggests clarifying either 14 CCR 2375.4(f)(6) or 14 CCR 2376 to specifically preserve CalRecycle's authority to modify a proposed daily load limit. Alternatively, the regulations could specify a floor for the daily load limit, which should certainly be significantly higher than 500 containers/day.</p>	<p>CalRecycle rejects this comment. CalRecycle disagrees that clarification is needed with regard to allowing dealer cooperatives to establish redemption limits or the basis for approval or disapproval of stewardship plans because the addition of establishing a minimum daily load limit is not necessary to effectuate the statutory provision of providing comparable consumer convenience to the requirements of PRC sections 14571 and 14571.9. Section 2376 establishes CalRecycle may approve or disapprove the stewardship plan within 90 days of receipt and shall approve a stewardship plan if it meets the applicable requirements of the Act and regulations. The stewardship plan requirements outlined in regulation will be considered comprehensively when CalRecycle evaluates the plans concerning consumer convenience. Paragraph 2375.4(e) requires that dealer cooperatives must describe how they will address factors affecting consumer convenience, which may include the distance consumers must travel to access redemption opportunities. Any proposed redemption limits must not inhibit the dealer cooperative's ability to meet the performance standards established in their stewardship plan under section 2375.6, otherwise their stewardship plan will not be approved.</p>

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O- 3 -4	2382. Dealer Cooperative Operation	Website	John Kennedy	Rural County Representatives of California	<p>The Timeframe for Paying Refund Values to Consumers Proposed in 14 CCR 2382 (n)(1)(B) Is Inconsistent with Statutory Requirements for When Refunds Must Be Paid to Consumers.</p> <p>Proposed 14 CCR 2382(n)(1)(B) allows innovative methods of redemption to pay the refund within three working days. Innovative methods of redemption, as defined in proposed 14 CCR 2370(f), include pickup services, bag drops, reverse vending machines, and other methods of redemption at which an attendant is not present to accept materials.</p> <p>Under Public Resources Code Section 14538(d)(3)(B), only bag drop recycling centers are allowed to pay the refund value for beverage containers within three business days. The implication derived from statutory construction is that all other methods of redemption must immediately pay redemption values unless there is an exception such as what is provided for bag drop programs. This three-day grace period was provided due to the unique nature of bag drop programs and delays in processing the redemption materials. This delay is unique to bag-drop programs and is not an inherent problem for reverse vending machines or pickup services.</p> <p>Expansion of the three-day payment period will have an adverse and regressive impact on those Californians who depend the most on CRV refunds. Residents should not have to wait three days for payment, nor be forced to return to the recycler at a later date to get their money back.</p> <p>To avoid direct conflicts with the Public Resources Code, allow bag drops to continue paying redemption values within three business days, and ensure consumers served by other innovative methods of redemption can receive prompt payment, RCRC strongly suggests amending 14 CCR 2382(n)(1)(B) as follows:</p> <p>(B) A dealer cooperative redemption site that is an innovative method of redemption pursuant to Section 2370(f)(2) shall pay within three working days of delivery the refund value for every eligible empty beverage container delivered to the redemption site for refund.</p>	CalRecycle rejects this comment. CalRecycle disagrees that clarification is needed with regard to requiring innovative methods of redemption to pay the refund value within three working days because the addition of a reference to section 2370(f)(2) restricting the allowance for three working days to just bag drop is not necessary to effectuate the statutory provisions of the Act or of providing comparable consumer convenience under PRC section 14578.5(c)(1) to recycling centers and pilot projects. This provision, as written, does not conflict with the Act, because provisions of the Act explicitly applicable to recycling centers as certified entities are not automatically applicable to dealer cooperatives as registered entities. This provision provides specific operational standards unique to this new beverage container recycling entity and is necessary to increase consumer convenience and provide flexibility of standards for dealer members to comply with their legal obligations. Making dealer cooperative operational provisions the same as recycling center operational provisions is not necessary and is contrary to the intent of SB 1013 to create a new recycling entity to increase consumer redemption of beverage containers in California.
O- 4 -1	Comment Letter	Website	Susan Collins	Container Recycling Institute	Please see the comment attached. Thank you!	
O- 4 -2	2030. Review of Applications	Website	Susan Collins	Container Recycling Institute	1. Review of Applications (§2030)(g)(9): We applaud CalRecycle for clarifying that a dealer cooperative implementing a fully operational stewardship plan has priority over a proposed recycling center within an unserved convenience zone. These changes also eliminate the ambiguity of the term "good standing."	CalRecycle rejects this comment because this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. We thank you for your participation in the 15-day public comment period.
O- 4 -3	2375.4. Stewardship Plan Substantive Contents	Website	Susan Collins	Container Recycling Institute	2. Stewardship Plan Substantive Contents (§2375.4)(b)(2): We applaud the specificity that materials for a stewardship plan's education and outreach programs must be translated into 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. This would allow for a greater understanding of the program from the public.	CalRecycle rejects this comment because this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. We thank you for your participation in the 15-day public comment period .
O- 4 -4	2375.4. Stewardship Plan Substantive Contents	Website	Susan Collins	Container Recycling Institute	3. Stewardship Plan Substantive Contents (§2375.4)(e): We appreciate the addition of how a stewardship plan will include various factors that affect consumer convenience, like the safety and cleanliness of a redemption location, parking availability, and how accessible the redemption location will be in terms of public transportation and/or walking.	CalRecycle rejects this comment because this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. We thank you for your participation in the 15-day public comment period.
O- 4 -5	2375.4. Stewardship Plan Substantive Contents	Website	Susan Collins	Container Recycling Institute	4. Stewardship Plan Substantive Contents (§2375.4)(f)(2): We appreciate how the proposed regulation text specifies that a stewardship plan must outline how a dealer cooperative "will have the capacity to redeem an amount of beverage containers equal to 100% of the beverage containers sold by dealer members into the unserved convenience zone in which any of the dealer members operate."	CalRecycle rejects this comment because this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. We thank you for your participation in the 15-day public comment period.

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O- 4 -6	2375.4. Stewardship Plan Substantive Contents	Website	Susan Collins	Container Recycling Institute	5. Stewardship Plan Substantive Contents, §2375.4(f)(4): In our previous letter, we expressed concerns with the language that "not all redemption locations are required to redeem all beverage container material types," with the recognition that the intent of this section may have been to create a way to deal with 'odd' material types (like bag-in-box, aseptics, or pouches). We appreciate the addition of language stating that there must be one redemption location in an unserved convenience zone that must redeem all types of beverage containers.	CalRecycle rejects this comment because this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. We thank you for your participation in the 15-day public comment period.
O- 4 -7	2373. Dealer Redemption Requirements	Website	Susan Collins	Container Recycling Institute	6. Dealer Redemption Requirements (§2373)(b): Our previous letter expressed concern about the need for clarification on the dealers' obligations during the time of the "in limbo" period before the stewardship plan is approved. We appreciate CalRecycle adding language that a dealer must redeem empty beverage containers during this time "in limbo."	CalRecycle rejects this comment because this comment does not suggest any specific changes to the proposed regulations or raise issues related to the rulemaking process. We thank you for your participation in the 15-day public comment period.
O- 4 -8	Unclassified	Website	Susan Collins	Container Recycling Institute	The need to disallow anti-competitive practices and discriminatory practices and pricing In the proposed regulation text, there is still no language within these regulations enforcing what may happen if grocery stores create a dealer cooperative and refuse to let other organizations join their dealer cooperative. This would, in turn, give smaller (or independent) stores only two options to comply with the law: (1) in-store redemption and take-back or (2) form their own dealer coop, which might be for only one store or a few stores, with little to no economy of scale.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment O-6-3.
O- 4 -9	Unclassified	Website	Susan Collins	Container Recycling Institute	Another potential scenario is one where a large chain or group of stores forms a coop, and charges discriminatory fees for other stores to join the coop. Perhaps the regulations should clarify that the fees charged to each store are meant to be equal, in terms of a per-container-sold fee.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment O-6-4.
O- 4 -10	Unclassified	Website	Susan Collins	Container Recycling Institute	Furthermore, any potential anti-competitive practices or pricing schemes could be hidden from the view of the public and CalRecycle through the use of non-disclosure agreements (NDAs) or fear of discussing pricing because of anti-trust laws. We have seen these types of problems arise in other deposit refund states. While these scenarios are hypothetical, the regulations as they stand do allow for this, therefore allowing for anticompetitive behavior. We suggest adding language to the regulations to disallow such anticompetitive behavior and practices.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment O-6-4.
O- 4 -11	Unclassified	Website	Susan Collins	Container Recycling Institute	Donation-Only Sites We wanted to reiterate a language issue in relation to CalRecycle's grants to organizations that are setting up "donation-only" sites, where the operator chooses the organization. The two companies that were awarded grants are planning to put these donation-only sites in unserved zones. We are hoping that CalRecycle does not consider this as compliance for the purposes of creating a "served" zone and change these zones to the status of "served." It should be clear that a zone is only "served" if consumers can receive full refunds of their deposits, and the same is true for the redemption opportunities that dealer cooperatives provide. All throughout these regulations, the term "redemption" is used; however, the term "redemption" is not traditionally used in regard to donation-only sites. We are worried that this will become a creeping standard where the word "redemption" is used in a novel way. We are asking for language in these regulations that addresses this discrepancy, making this language clear for future grant opportunities and the dealer cooperatives.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comments O-6-5 and O-6-6.

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O- 4 -12	2370. Definitions	Website	Susan Collins	Container Recycling Institute	<p>Definitions §2370, Definitions</p> <p>While CRI appreciates the addition of “consumer convenience that is comparable to the requirements of section 14571 and section 14571.9 of the Act,” we have some confusion on which methods of redemption the 30 hour per week minimum applies to. Does this definition apply to all “innovative method(s) of redemption?” If so, section 14571 of the Act has in statute that a recycling center that is an RVM or a bag drop recycling center is open a minimum of 70 hours a week, with an attendant there a minimum of 10 hours a week. This discrepancy should be addressed in the final regulations.</p>	CalRecycle rejects this comment. This provision provides specific operation standards unique to this new beverage container recycling entity and is necessary to increase consumer awareness and provide flexibility of standards for dealer members to comply with their legal obligations. PRC section 14578.5(c)(1) requires that the dealer cooperative redemption program be sufficient with redemption opportunities for consumers with comparable consumer convenience to recycling centers and pilot projects. While the statute is specific that the redemption plan should be comparable, it is not required that dealer cooperative operate in the exact same manner as recycling centers. Making dealer cooperative operation provisions the same as recycling center provisions in PRC section 14571(e) is not necessary and is contrary to effectuate this statutory provision. Additionally the performance standards outlined in section 2375.6 may influence the dealer cooperative to provide consumer convenience beyond the definition that is proposed in these regulations in order to meet the 80% minimum redemption rate performance standard.
O- 4 -13	2375. Stewardship Plan Submission	Website	Susan Collins	Container Recycling Institute	<p>Stewardship Plan Submission, §2375</p> <p>In our previous letter, we recommended CalRecycle write in the proposed regulation text that the public should receive notification of submitted and approved dealer cooperative plans on CalRecycle's website and listservs, in addition to posting on the dealer cooperative's website. This was not addressed in the newest version of the proposed regulation text, and we continue to recommend this action.</p>	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment O-6-10.
O- 4 -14	2375.4. Stewardship Plan Substantive Contents	Website	Susan Collins	Container Recycling Institute	<p>Stewardship Plan Substantive Contents (§2375.4) & Stewardship Plan Performance Standards (§2375.6)</p> <p>While CRI appreciates that CalRecycle clarified our comment in our April 2024 letter about how the Stewardship Plan will address capacity, we again recommend that the stewardship plans demonstrate the ability in writing to provide a high level of customer service and sufficient storage and transportation capacity during the busiest days of the week, the busiest times of the day, the busiest months of the year, and seasonal variations (for example, the usual surge in beverage sales/redemption in the summertime). The current average rate of beverage container sales is roughly 897 containers per capita in California (roughly 35 billion beverage containers sold divided by a population of 39.14 million.) These numbers include CRI's estimates of all beverage types included in the program, including wine and spirits containers in all types of containers. (Our previous letter erroneously included beverage container types not in the program, as well as milk, which created an overestimate of container sales.) Therefore, at a 100% capacity rate, the stewardship plans should demonstrate capacity to accommodate approximately 897 containers per person per year for the population covered by the stewardship plan operating area.</p>	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment O-6-12.
O- 4 -15	2375.4. Stewardship Plan Substantive Contents	Website	Susan Collins	Container Recycling Institute	<p>Stewardship Plan Substantive Contents. §2375.4(b)(2)(A)</p> <p>While discussing education and outreach in our previous letter, we urged CalRecycle to design an Internet website to be designed with mobile functionality in mind, and that many consumers may prefer a phone application (“app”) to access information instead. If the website also has long URLs, this may dissuade consumers from typing out the URL and accessing valuable information.</p>	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment O-6-13.

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O- 4 -16	2375.4. Stewardship Plan Substantive Contents	Website	Susan Collins	Container Recycling Institute	For physical signage, the draft regulation only mandates minimum information on a redemption site's operational days and hours. CRI again recommends that the physical signage at redemption sites be required to contain pertinent information such as if a retail location is participating in a dealer cooperative.	CalRecycle accepts this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment O-6-14.
O- 4 -17	2375.6. Stewardship Plan Performance Standards	Website	Susan Collins	Container Recycling Institute	Stewardship Plan Performance Standards (§2375.6)(c) We applaud that the performance standards in this section are redemption of a minimum of 80% of beverage container sales. However, as we stated in our previous letter, we do believe that this can be manipulated if a single grocery store can form a dealer cooperative and not allow other dealers within the convenience zone to join their coop (as described in previous section of this letter.) If a single grocery store is the only dealer within a convenience zone, the sales that they have to count for these performance standards are only their single-store sales, making it easier to reach this goal.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment O-6-16.
O- 4 -18	2377. Stewardship Plan Five-Year Updates	Website	Susan Collins	Container Recycling Institute	Stewardship Plan Five- Year Updates, §2377(a) As this dealer cooperative program is the first of its kind in the United States, CRI again suggests that dealer cooperatives must review its stewardship plans more often than every 5 years, at least for the first couple of years in order to make sure the program is running smoothly. In practice, it is likely that stewardship plans will need to be updated more frequently to accommodate the usual churn of dealer locations within an approved plan, as there are likely to be many new store openings or store closings every year.	CalRecycle rejects this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment O-6-19.
O- 4 -19	2535. Payments to Consumers Curbside Programs Community Service Programs an	Website	Susan Collins	Container Recycling Institute	Payments to Consumers, Curbside Programs, Community Service Programs, and Dropoff of Collection Programs, §2535 As we said in our last letter, CRI is hopeful that these regulations would allow for delayed payments for bag-drop programs. Bag-drop programs and certain RVM functions require delayed ways of payment. This section requires clarity on the subject of delayed payments to consumers.	CalRecycle accepts this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment O-6-20.
O- 4 -20	2535. Payments to Consumers Curbside Programs Community Service Programs an	Website	Susan Collins	Container Recycling Institute	Additionally, we found the new language regarding "for every empty beverage container not donated to the recycling center" in §2535(a) strange. Typically, a payment is not donated to a recycling center-- it is donated to a charity of the consumers' choice. Language clarifying this needs to be added to this section.	CalRecycle accepts this comment. This comment or a substantially similar comment was submitted to CalRecycle to consider during the 45-day public comment period for the proposed regulations. Please see CalRecycle's response to this comment by reviewing the comment matrix for the 45-day public comment period for comment O-6-21.