



June 18, 2025

Dear **Tribal Leader**,

**Formal Request for Tribal Consultation Pursuant to the California Environmental Protection Agency
Tribal Consultation Policy for the California Beverage Container Recycling Program**

The California Department of Resources Recycling and Recovery (CalRecycle) is proposing to implement emergency regulations for beverage container bag drop recycling centers and mobile recycling units (Assembly Bill (AB) 1311, Wood, Chapter 506, Statutes of 2021). Additionally, CalRecycle is proposing regulations through the regular rulemaking process in response to Senate Bill (SB) 1013, Atkins, Chapter 610, Statutes of 2022 regarding the addition of new beverages and beverage container types to the California Beverage Container Recycling Program (BCRP). Details of these regulatory packages are set forth below:

- **Bag drop recycling centers and mobile recycling units.** CalRecycle proposes to add to the California Code of Regulations, Title 14, Division 2, Chapter 5, sections 2047, 2500.2, 2500.3, and 2500.5, and to amend sections 2000, 2045, 2060, 2500, 2505, 2525, and 2535. The proposed regulations implement, interpret, and make specific the requirements of AB 1311 relating to bag drop and mobile recycling of beverage containers. The proposed regulations would establish the application process and operating requirements for the redemption of empty beverage containers by bag drop recycling centers and mobile recycling units as an optional alternative to traditional weigh and pay recycling centers. This regulation package primarily affects recycling centers and consumers.
- **New Beverage Containers.** CalRecycle proposes to add to the California Code of Regulations, Title 14, Division 2, Chapter 5, sections 2205, 2241, 2243, and 2311, and to amend sections 2000, 2200, 2230, 2231, 2235, 2240, 2300, 2301, 2305, 2310, 2320, 2400, 2401, 2500, 2501, 2525, 2535, 2830, 2831, 2831.1, 2831.5, 2834, 2835, and 2900. The proposed regulations implement, interpret, and make specific SB 1013 by integrating the new types of beverage containers and beverages into the regulatory framework of the BCRP. This regulation package affects all participants in the BCRP, including recyclers and manufacturers/distributors of wine and distilled spirits in beverage containers.

CalRecycle respectfully requests consultation to receive your views and recommendations on these regulatory packages. Below please find a description of the regulatory packages, a map showing the locations impacted by the proposed regulations, and the name of the point of contact for the proposed regulations. The purpose of this request is to consult with affected tribes pursuant to Executive Order B-10-11 and the

CalEPA Tribal Consultation Policy. Please note that the text of the regulations is subject to change, during the rulemaking process.

Upcoming Related Funding Opportunities and Events

In addition to this request for consultation, CalRecycle welcomes your participation in the following:

- The upcoming grant cycle for the Beverage Container Redemption Innovation Grant (RIG) Program, which helps pay start-up costs for recycling programs. This grant cycle includes a \$15 Million carve out to invest in establishing and expanding Tribal Recycling Centers. This grant program allows different types of redemption to encourage recycling center innovation that can increase places to redeem CRV around the state. More information can be found at: <https://calrecycle.ca.gov/bevcontainer/grants/rig/>.
- The upcoming public comment periods for both regulation packages, details of which will be made available at <https://calrecycle.ca.gov/Laws/Rulemaking/> once the dates are known. Up to date information on the regulation packages, such as how to participate either virtually or in person in public comment periods and public workshops, is also emailed to recipients of the CalRecycle Proposed Regulations listserv, which can be joined at <https://calrecycle.ca.gov/emailupdates/>.

Consultation Background

AB 1311 Bag Drop Recycling Centers and Mobile Units

The proposed bag drop recycling center emergency regulations implement AB 1311, which established the definition of a bag drop recycling center and allowed a delayed payment system unique to bag drop recycling centers. The proposed regulations have two major components: (1) setting forth the application process and operating requirements applicable to all bag drop recycling centers; and (2) allowing certified recycling centers to use mobile recycling units to redeem empty beverage containers off the premises of the anchor recycling center, such as parks, neighborhood locations, or businesses. The proposed regulations for mobile recycling units are based on the existing model utilized by the pilot projects operating in the BCRP and will provide a regulatory framework for the grant recipients that operate mobile units authorized under AB 179 (Ting, Chapter 249, Budget Act of 2022) and subsequent budget bills.

Specifically, the proposed regulations provide a regulatory framework for operating bag drop recycling centers. Bag drop recycling centers are stationary units that are certified recycling centers with their own certification number and are places where consumers may drop off bagged empty beverage containers for California Refund Value (CRV) redemption. Inspection and payment may occur later so long as the consumer receives payment within three business days. Under the proposed regulations, a bag drop recycling center will make a convenience zone served.

The proposed regulations also provide a separate framework allowing for the use of mobile recycling units as long as they are associated with a certified recycling center (the anchor recycling center). Mobile recycling units may move between locations to provide redemption, extending the reach of an anchor recycling center to the consumer. A mobile recycling unit must be owned, leased, or rented by the operator of the anchor recycling center and must be located at the anchor recycling center when not in use or at another location of which CalRecycle is notified. A mobile unit may arrive at the mobile unit's recycling location prior to the

beginning of the mobile unit's business day, then vacate the mobile unit's recycling location at the conclusion of the mobile unit's business day. Alternatively, a mobile recycling unit may drive to residential areas or businesses to pick up and redeem CRV material. The mobile unit must inspect containers and pay the CRV immediately or return containers to the anchor recycling center at the end of each business day of the mobile unit for inspection and payment within three business days. The mobile unit can operate in: The same convenience zone as the anchor recycling center, a different convenience zone that is unserved, or outside of a convenience zone. A mobile unit is an extension of a certified recycling center, not a certified recycling center on its own, therefore if a mobile unit operates in an unserved convenience zone, it does not make the zone served.

SB 1013 New Beverage Containers

SB 1013, approved by Governor Newsom on September 27, 2022, makes major changes to the BCRP, including:

- Brings wine and distilled spirits into the BCRP starting January 1, 2024. These types of beverages are now eligible for CRV redemption.
- SB 1013 also expanded the types of beverage containers eligible for redemption to include a beverage container that is a box, bladder, or pouch, or similar container, regardless of the material type from which the beverage container is made, as long as the box, bladder, or pouch contains wine or distilled spirits.
- SB 1013 sets a CRV rate of 25 cents on the new container types (boxes, bags, bladders, pouches, or similar containers that contain wine or distilled spirits).

The proposed regulations clarify what beverage types are considered a wine and distilled spirit by adding coolers to this definition. The proposed regulations provide clarification about what constitutes a box, bladder, pouch, or similar container, which is important because these container types will be subject to the new 25 cent CRV when they contain wine, distilled spirits, wine coolers, or distilled spirit coolers. The new container types are defined by the regulations to include bags in boxes, multi-layer pouches, and paperboard cartons. A bag in box means a beverage container containing wine, distilled spirits, or wine and distilled spirit coolers that has both an interior flexible bag with a valve dispenser and an exterior rigid box of any shape. The bag and box must remain intact for a consumer to redeem it for CRV. Intact means the interior bag must be connected to the dispensing valve and remain inside the exterior box. Additionally, the proposed regulations clarify that the new container types are subject to the plastic minimum content requirements, which were established under earlier legislation (AB 793, Ting, Chapter 115, Statutes of 2020). Beverage manufacturers have two additional years to comply with the plastic minimum content requirements as they relate to the new container types.

The proposed regulations also change how the CRV message can appear on beverage containers. As proposed, a beverage manufacturer may use a QR code or similar electronic marking that a consumer may scan in order to see the CRV message. For container types that have a 60% or higher recycling rate, a chasing arrows symbol may be printed within the QR code to alert consumers that the product is redeemable for the CRV. For container types that do not have a 60% or higher recycling rate, the QR code must show the word "DEPOSIT" to indicate that the container is redeemable for CRV. Recyclers that accept beverage containers for redemption are not required to electronically scan beverage containers for compliance but must visually inspect the container for the required indicator (QR code or similar with the chasing arrows symbol or word

“DEPOSIT.”). The proposed regulations also require recyclers that redeem and ship the new container types to a processor to ship bags in boxes, multi-layer pouches, and paperboard cartons separately from other containers. A recycler shipping a load of new container types must not combine them.

For both of these regulation packages, the program location is the entirety of the State of California, as shown in Attachment A.

Please contact the CalRecycle Tribal Liaison, Katrina Leni-Konig for additional information, questions, or concerns, by email at tribalaffairs@calrecycle.ca.gov or by mail at:

Department of Resources Recycling and Recovery (CalRecycle)
P.O. Box 4025
Sacramento, CA 95812-4025

CalRecycle staff would like to consult with **your tribe** to better understand Native American concerns regarding this Proposed Program. We respectfully request that you respond within 30 days from the receipt of this letter to request consultation, in writing by email or mail to CalRecycle. For that purpose, you may complete the enclosed Tribal Consultation Options Response Form (Attachment B) and return it to CalRecycle within 30 days of your receipt of this correspondence. Your timely response will greatly assist us in incorporating your input into program planning and regulation development. CalRecycle will begin the consultation process within 30 days of receiving the tribe’s request for consultation if that option is selected.

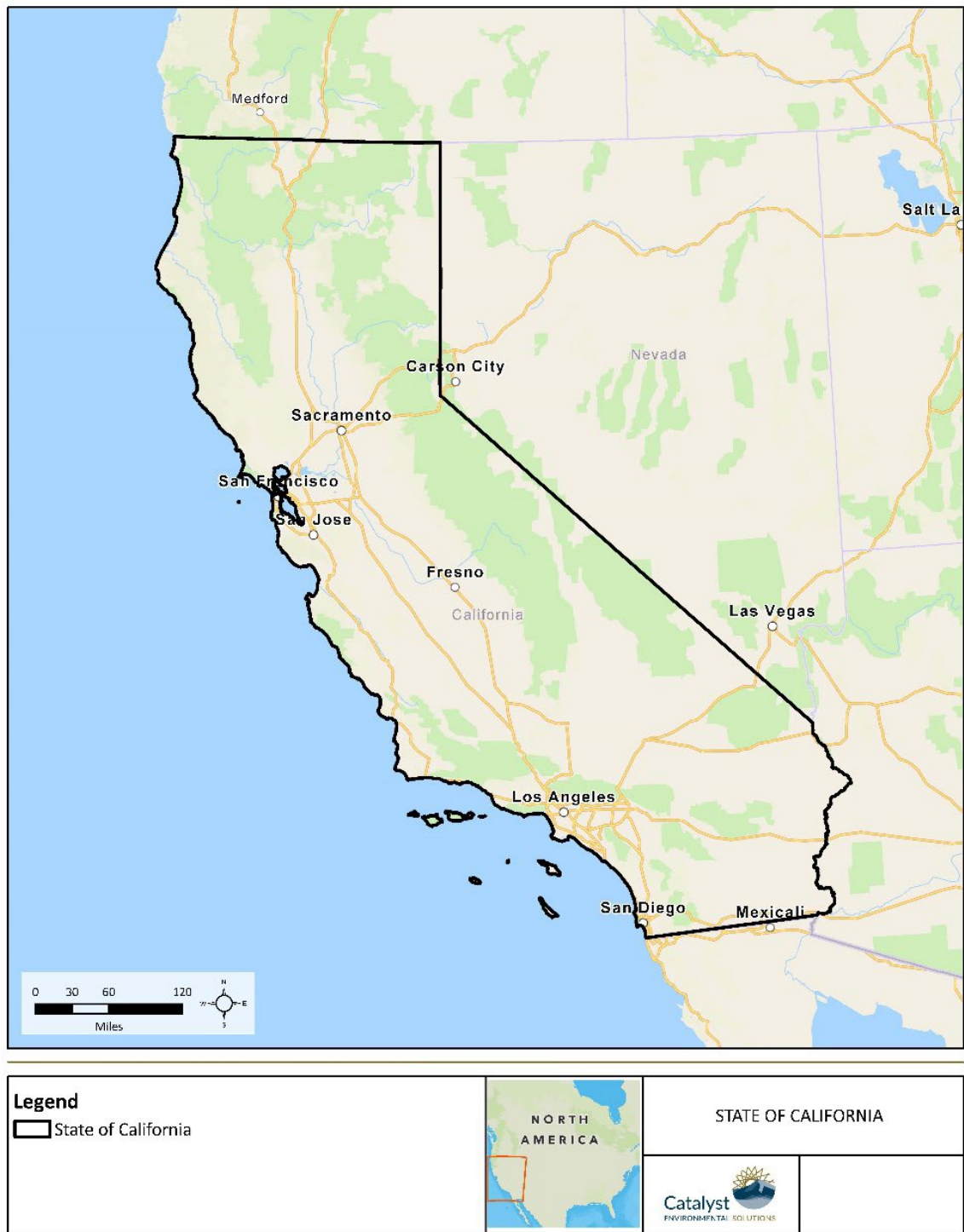
Sincerely,

A handwritten signature in black ink, reading "Kat Leni Konig". The signature is fluid and cursive, with the first and last names being more prominent.

Katrina Leni-Konig
Deputy Director and Tribal Liaison
CalRecycle

Attachment A: Map of Project Area, Statewide, State of California
Attachment B: Tribal Consultation Options Response Form

Attachment A
Map of Project Area, Statewide, State of California



Attachment B

Tribal Consultation Options Response Form (Optional)

Tribe:

Project Name: California Beverage Container Recycling Program: Bag Drop Recycling Centers, Mobile Recycling Units, and New Beverage Containers Regulation Packages

Please check the appropriate response:

_____ Request to continue coordination for this proposed program directly with the Department of Resources Recycling and Recovery (CalRecycle) and requests initiation of formal consultation pursuant to the CalEPA Tribal Consultation Policy.

_____ No interest associated with this proposed program and further consultation is not required.

Tribal Leader (Please print)

Phone

Tribal Leader (Signature)

Date

If you have chosen to proceed with consultation, please identify a Tribal Representative for the consultation.

Name of Formal Tribal Representative (Please print)

Phone

Email

Name of Formal Tribal Representative (Signature)

Date

Please mail this form to:

Department of Resources Recycling
and Recovery (CalRecycle)
P.O. Box 4025
Sacramento, CA 95812-4025

or E-mail to:

tribalaffairs@calrecycle.ca.gov