

AMENDED IN SENATE MAY 4, 2009

SENATE BILL

No. 497

Introduced by Senators Correa, Padilla, and Romero
(Coauthor: Assembly Member Torlakson)

February 26, 2009

An act to add and repeal Chapter 12.4 (commencing with Section 42615) of Part 3 of Division 30 of the Public Resources Code, relating to school recycling programs.

LEGISLATIVE COUNSEL'S DIGEST

SB 497, as amended, Correa. School recycling programs.

(1) Existing law establishes the public school system in this state and, among other things, provides for the establishment of school districts throughout the state and for their provision of instruction at the public elementary and secondary schools they operate and maintain. Existing law authorizes school districts to establish and maintain a paper recycling program in all classrooms, administrative offices, and other areas owned or leased by the school district where a significant quantity of wastepaper is generated or may be collected. Existing law requires the California Integrated Waste Management Board to develop and implement a source reduction and recycling program for schools in which schools are encouraged, but not required, to participate.

This bill would express findings and declarations of the Legislature with respect to the potential benefits of school recycling programs. The bill would, until January 1, 2012, require each school district ~~to consult with the local Community Conservation Corps to obtain information in order~~ to establish a beverage container recycling program at each school campus and public office of that school district, but only to the extent that the district does not incur costs. Under the bill, a school

district would be authorized to choose whether to operate its own beverage container recycling program, to contact its local Community Conservation Corps or another recycler to collect the beverage containers, to provide a beverage container collection program as a fundraising activity for the school district, or to continue a recycling program in existence on January 1, ~~2009~~ 2010. Because the bill would impose new duties on school districts, it would constitute a state-mandated local program.

The bill would require the California Integrated Waste Management Board and the Department of Conservation to provide specified recycling supplies and materials to a school district to which the bill is applicable upon request of that district. The bill would authorize school districts to enter into an agreement or partnership with a public agency or private sector or nonprofit entity to obtain all or part of the supplies and information necessary for participation in the beverage container recycling program and to use the proceeds from the program for specified purposes.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. (a) The Legislature finds and declares all of the
- 2 following:
- 3 (1) Recycling saves energy, resources, and landfill space,
- 4 prevents emissions of many greenhouse gases and water pollutants,
- 5 creates jobs and helps the economy, reduces the need for
- 6 incinerators, and stimulates the development of greener
- 7 technologies.
- 8 (2) Only about one-fourth of the paper, aluminum, iron, and
- 9 steel used in the world is recovered for recycling.
- 10 (3) Although the waste generated from school districts is only
- 11 about 2 percent of the statewide waste stream, within an individual

jurisdiction school district waste can represent as much as 10 to 15 percent of the total waste disposed in a jurisdiction.

(4) Every year, commercial and industrial enterprises in California spend more than \$2.8 billion on the collection and disposal of solid waste.

(5) California currently generates approximately 68 million tons of solid waste per year, about two tons annually per each man, woman, and child in the state.

(6) Recycling and other waste diversion efforts keep an estimated 28.5 million tons of solid waste out of the state's landfills annually. Since 1990, cities and counties have diverted over 200 million tons of solid waste—enough to fill a line of garbage trucks end-to-end that would circle the Earth's equator more than six times.

(7) According to the Department of Conservation, only 14.7 billion of the 22 billion beverage containers bought last year in California were recycled.

(8) The annual impact of recycling these billions of beverage containers saves approximately 5.3 million barrels of oil and reduces greenhouse gas emissions by approximately 617,000 metric tons.

(9) Ongoing costs of collection and sorting efforts are typically minimal compared to the savings from diversion and income realized from the recycled materials.

(10) California school districts dispose of large amounts of waste (approximately 763,817 tons per year).

(11) Incorporating waste reduction as part of the school district's overall way of doing business can provide a number of important benefits:

(A) Reduced disposal costs.

(B) Improved worker safety.

(C) Reduced long-term liability.

(D) Increased efficiency of school operations.

(E) Decreased associated purchasing costs.

(12) The California Integrated Waste Management Act of 1989 requires that all California cities and counties divert 50 percent of solid waste generation. School districts can play a critical role in a city or county's ability to realize this goal.

(13) School facilities that have implemented recycling programs have been able to achieve diversion rates as high as 80 percent.

(14) For example, the Desert Sands Unified School District was able to save enough in avoided disposal costs to more than pay for the program's full-time staff member. The district saved an additional \$57,000, which it transferred to the schools' discretionary budgets based upon participation. Each school received amounts ranging from \$1,000 to \$3,000, with a high of \$7,000.

(15) When pupils, faculty, administrators, and district office staff use recycling bins for bottles and cans, they will accomplish all of the following:

(A) Reduce the district's waste collection and disposal expenditures.

(B) Help to raise money for our schools.

(C) In some cases, they will help to increase the ability of their local Community Conservation Corps to expand and help more at-risk youth.

(D) Send an important message to California's young people, encouraging them to be aware of the environmental implications of their actions, including the positive impact recycling has on reducing global warming.

(b) Therefore, it is the intent of the Legislature to enact legislation to require each public school and school district office in the state to consult with the local Community Conservation Corps or another recycler to provide and maintain a sufficient number of beverage container recycling bins for participation in a local recycling program or to administer its own recycling program.

SEC. 2. Chapter 12.4 (commencing with Section 42615) is added to Part 3 of Division 30 of the Public Resources Code, to read:

CHAPTER 12.4. SCHOOL BEVERAGE CONTAINER RECYCLING PROGRAM

42615. For purposes of this chapter, the following definitions apply:

(a) "Beverage container" has the same meaning as defined in Section 14505.

(b) "Recycler" has the same meaning as defined in Section 14519.5.

1 (c) “Recycling center” has the same meaning as defined in
2 Section 14520.

3 (d) “School district” has the same meaning as defined in Section
4 80 of the Education Code.

5 42616. (a) A school district, only to the extent that it does not
6 incur costs, shall ~~consult with the local Community Conservation~~
7 ~~Corps or another recycler to obtain information in order to establish~~
8 a beverage container recycling program at each school campus
9 and public office of that school district. *The school district may*
10 *consult with the local Community Conservation Corps or another*
11 *recycler to obtain information on establishing the program.*

12 (b) Beverage container recycling program services may be
13 provided in a manner determined by the district, consistent with
14 this division and Division 12.1 (commencing with Section 14500),
15 including, but not limited to, any of the following:

16 (1) Operating a beverage container recycling program by
17 redeeming containers that are collected on its campuses.

18 (2) Providing for a local Community Conservation Corps or
19 recycler to collect the beverage containers.

20 (3) Providing a beverage container collection program as a
21 fundraising activity for the school district.

22 (4) Continuing a recycling program that is in existence on
23 January 1, ~~2009~~ 2010.

24 (c) *The proceeds from beverage container recycling may be*
25 *used, at the discretion of the school district governing board, for*
26 *all of the following consistent with this division and Division 12.1*
27 *(commencing with Section 14500):*

28 (1) *Reimbursement for the initial cost of acquiring beverage*
29 *container recycling bins.*

30 (2) *For transfers to a participating school’s or district’s*
31 *discretionary fund.*

32 (3) *For other costs, including the cost of personnel associated*
33 *with the maintenance of the beverage container recycling bins.*

34 42617. (a) Upon the request of a school district, the board and
35 the Department of Conservation shall provide a school district
36 with information and supplies, including, but not necessarily
37 limited to, any of the following:

38 (1) Literature on how to start and run a school-based recycling
39 program in order to assist in funding school programs.

1 (2) Contact information for the board and the Department of
2 Conservation.

3 (3) Contact information for the nearest location of the local
4 Community Conservation Corps and for recycling centers.

5 (b) Upon the request of a school district and subject to the
6 availability of funds, the board and the Department of Conservation
7 may provide a school district with a sufficient number of beverage
8 container recycling bins to meet the estimated need of the campus
9 or office to be served.

10 (c) A school district may enter into an agreement or partnership
11 with a public agency or private sector or nonprofit entity to obtain
12 all or part of the supplies and information necessary for
13 participation in the program established by this article.

14 ~~(d) The proceeds from beverage container recycling may be~~
15 ~~used, at the discretion of the school district governing board, for~~
16 ~~all of the following:~~

17 ~~(1) Reimbursement for the initial cost of acquiring beverage~~
18 ~~container recycling bins.~~

19 ~~(2) For transfers to a participating school's or district's~~
20 ~~discretionary fund.~~

21 ~~(3) For other costs, including the cost of personnel associated~~
22 ~~with the maintenance of the beverage container recycling bins.~~

23 42620. This chapter shall remain in effect only until January
24 1, 2012, and as of that date is repealed, unless a later enacted
25 statute, that is enacted before January 1, 2012, deletes or extends
26 that date.

27 SEC. 3. If the Commission on State Mandates determines that
28 this act contains costs mandated by the state, reimbursement to
29 local agencies and school districts for those costs shall be made
30 pursuant to Part 7 (commencing with Section 17500) of Division
31 4 of Title 2 of the Government Code.