

Introduced by Senator Simitian

February 17, 2011

An act to amend Sections 14501 and 14551 of, and to repeal Section 14523.5 of, the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

SB 518, as introduced, Simitian. Recycling: beverage containers.

Existing law, the California Beverage Container Recycling and Litter Reduction Act, requires the Department of Resources Recycling and Recovery to establish reporting periods of 6 months each for redemption rates and recycling rates for specified types of beverage containers. The act also requires the department to determine the redemption rates and recycling rates for those beverage containers for each reporting period and to issue a report on those determinations. The act defines various words for purposes of those provisions, including "redemption rate." The act also makes various findings and declarations, including a declaration that, when the redemption rate for any one type of beverage container falls below 65%, the act provides for an increased refund value.

This bill would delete the provisions that require the department to establish reporting periods for redemption rates and that require the department to determine redemption rates for specified types of beverage containers. The bill also would delete the definition of redemption rate and make other conforming changes.

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

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

SECTION 1. Section 14501 of the Public Resources Code is amended to read:

14501. The Legislature finds and declares as follows:

(a) Experience in this state and others demonstrates that financial incentives and convenient return systems ensure the efficient and large-scale recycling of beverage containers. Accordingly, it is the intent of the Legislature to encourage increased, and more convenient, beverage container redemption opportunities for all consumers. These redemption opportunities shall consist of dealer and other shopping center locations, independent and industry operated recycling centers, curbside programs, nonprofit dropoff programs, and other recycling systems that assure all consumers, in every region of the state, the opportunity to return beverage containers conveniently, efficiently, and economically.

(b) California grocery, beer, soft drink, container manufacturing, labor, agricultural, consumer, environmental, government, citizen, recreational, taxpayer, and recycling groups have joined together in calling for an innovative program to generate large-scale redemption and recycling of beverage containers.

(c) This division establishes a beverage container recycling goal of 80 percent, and when the redemption rate for any one type of beverage container falls below 65 percent, this division provides for an increased refund value.

(d) It is the intent of the Legislature to ensure that every container type proves its own recyclability.

(e) It is the intent of the Legislature to make redemption and recycling convenient to consumers, and the Legislature hereby urges cities and counties, when exercising their zoning authority, to act favorably on the siting of multimaterial recycling centers, reverse vending machines, mobile recycling units, or other types of recycling opportunities, as necessary for consumer convenience, and the overall success of litter abatement and beverage container recycling in the state.

(f) The purpose of this division is to create and maintain a marketplace where it is profitable to establish sufficient recycling centers and locations to provide consumers with convenient recycling opportunities through the establishment of minimum refund values and processing fees and, through the proper

1 application of these elements, to enhance the profitability of
2 recycling centers, recycling locations, and other beverage container
3 recycling programs.

4 (g) The responsibility to provide convenient, efficient, and
5 economical redemption opportunities rests jointly with
6 manufacturers, distributors, dealers, recyclers, processors, and the
7 Department of Conservation *Resources Recycling and Recovery*.

8 (h) It is the intent of the Legislature, in enacting this division,
9 that all empty beverage containers redeemed shall be recycled,
10 and that the responsibilities and regulations of the department shall
11 be determined and implemented in a manner which favors the
12 recycling of redeemed containers, as opposed to their disposal.

13 (i) Nothing in this division shall be interpreted as affecting the
14 current business practices of scrap dealers or recycling centers,
15 except that, to the extent they function as a recycling center or
16 processor, they shall do so in accordance with this division.

17 (j) The program established by this division will contribute
18 significantly to the reduction of the beverage container component
19 of litter in this state.

20 SEC. 2. Section 14523.5 of the Public Resources Code is
21 repealed.

22 ~~14523.5. "Redemption rate" means the proportion of empty~~
23 ~~beverage containers returned to processors measured in the manner~~
24 ~~prescribed in Section 14551.~~

25 SEC. 3. Section 14551 of the Public Resources Code is
26 amended to read:

27 14551. (a) The department shall establish reporting periods
28 for the reporting of ~~redemption rates~~ and recycling rates. Each
29 reporting period shall be six months. The department shall
30 determine all of the following for each reporting period and shall
31 issue a report on its determinations, within 130 days of the end of
32 each reporting period:

33 (1) Sales of beverages in aluminum beverage containers, bimetal
34 beverage containers, glass beverage containers, plastic beverage
35 containers, and other beverage containers in this state, including
36 refillable beverage containers.

37 (2) Returns for recycling, and returns not for recycling, of empty
38 aluminum beverage containers, bimetal beverage containers, glass
39 beverage containers, plastic beverage containers, and other
40 beverage containers in this state, including refillable beverage

1 containers returned to distributors pursuant to Section 14572.5.
2 These numbers shall be calculated using the average current
3 weights of beverage containers, as determined and reported by the
4 department. ~~To these numbers shall be added and separately~~
5 ~~reported the following, if greater than, or equal to, zero:~~

6 ~~(A) All empty postfilled aluminum, glass, and plastic food or~~
7 ~~drink packaging materials sold in the state, returned for recycling,~~
8 ~~and reported by weight to the department which do not have a~~
9 ~~refund value less the number specified in subparagraph (B).~~

10 ~~(B) The number of beverage containers which comprise the first~~
11 ~~five percentage points of the redemption rate without including~~
12 ~~the empty postfilled aluminum, glass, and plastic food or drink~~
13 ~~packaging materials sold in the state, returned for recycling and~~
14 ~~reported by weight to the department which do not have a refund~~
15 ~~value.~~

16 ~~(3) An aluminum beverage container redemption rate, the~~
17 ~~numerator of which shall be the number of empty aluminum~~
18 ~~beverage containers returned, including refillable aluminum~~
19 ~~beverage containers and empty postfilled aluminum food or drink~~
20 ~~packaging material included in paragraph (2), and the denominator~~
21 ~~of which shall be the number of aluminum beverage containers~~
22 ~~sold in this state.~~

23 ~~(4)~~
24 ~~(3) An aluminum beverage container recycling rate, the~~
25 ~~numerator of which shall be the number of empty aluminum~~
26 ~~beverage containers returned for recycling, including refillable~~
27 ~~aluminum beverage containers, and the denominator of which shall~~
28 ~~be the number of aluminum beverage containers sold in this state.~~

29 ~~(5) A bimetal beverage container redemption rate, the numerator~~
30 ~~of which shall be the number of empty bimetal beverage containers~~
31 ~~returned, and the denominator of which shall be the number of~~
32 ~~bimetal beverage containers sold in this state.~~

33 ~~(6)~~
34 ~~(4) A bimetal beverage container recycling rate, the numerator~~
35 ~~of which shall be the number of empty bimetal containers returned~~
36 ~~for recycling, including refillable bimetal beverage containers, and~~
37 ~~the denominator of which shall be the number of bimetal beverage~~
38 ~~containers sold in this state.~~

39 ~~(7) A glass beverage container redemption rate, the numerator~~
40 ~~of which shall be the number of empty glass beverage containers~~

1 returned, including refillable glass beverage containers and empty
2 postfilled food or drink packaging materials included in paragraph
3 (2), and the denominator of which shall be the number of glass
4 beverage containers sold in this state.

5 (8)

6 (5) A glass beverage container recycling rate, the numerator of
7 which shall be the number of empty glass beverage containers
8 returned for recycling, including refillable glass beverage
9 containers, and the denominator of which shall be the number of
10 glass beverage containers sold in this state.

11 (9) A plastic beverage container redemption rate, the numerator
12 of which shall be the number of empty plastic beverage containers
13 returned, including refillable plastic beverage containers and empty
14 postfilled food or drink packaging materials included in paragraph
15 (2), and the denominator of which shall be the number of plastic
16 beverage containers sold in this state.

17 (10)

18 (6) A plastic beverage container recycling rate, the numerator
19 of which shall be the number of empty plastic beverage containers
20 returned for recycling, including refillable plastic beverage
21 containers, and the denominator of which shall be the number of
22 plastic beverage containers sold in this state.

23 (11) A redemption rate for other beverage containers, the
24 numerator of which shall be the number of empty beverage
25 containers other than those containers specified in paragraphs (1)
26 to (10), inclusive, returned, and the denominator of which shall be
27 the number of beverage containers, other than those containers
28 specified in paragraphs (1) to (10), inclusive, sold in this state.

29 (12)

30 (7) A recycling rate for other beverage containers, the numerator
31 of which shall be the number of empty beverage containers other
32 than those containers specified in paragraphs (1) to (10) (6),
33 inclusive, returned for recycling, and the denominator of which
34 shall be the number of beverage containers, other than those
35 containers specified in paragraphs (1) to (10) (6), inclusive, sold
36 in this state.

37 (13)

38 (8) The department may define categories of other beverage
39 containers, and report a redemption rate and a recycling rate for
40 each such category of those categories of other beverage containers.

- 1 ~~(14)~~
2 (9) The volumes of materials collected from certified recycling
3 centers, by city or county, as requested by the city or county, if
4 the reporting is consistent with the procedures established pursuant
5 to Section 14554 to protect proprietary information.
6 (b) The department shall determine the manner of collecting
7 the information for the reports specified in subdivision (a),
8 including establishing procedures, to protect any proprietary
9 information concerning the sales and purchases.