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AB-2493 Beverage container recycling: recycling centers and payments. (2017-2018)

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Assembly Bill No. 2493

CHAPTER 715

An act to amend Section 14571 of, and to add Section 14531 to, the Public Resources Code, relating to recycling.

[Approved by Governor September 23, 2018. Filed with Secretary of State September 23, 2018.]

LEGISLATIVE COUNSEL'S DIGEST

AB 2493, Bloom. Beverage container recycling: recycling centers and payments.

(1) The California Beverage Container Recycling and Litter Reduction Act requires the Department of Resources Recycling and Recovery to annually designate convenience zones and requires that at least one certified recycling center or location within every convenience zone accept all types of empty beverage containers and pay the refund value, if any, for those beverage containers at one location, and be open for business at least 30 hours per week, as provided.

The act provides that a recycling center that consists of reverse vending machines or other unmanned automated equipment is "open for business," for purposes of the requirement to be open 30 hours per week, if the equipment at the recycling center is properly functioning, accepting all types of empty beverage containers at the recycling location, and paying posted refund values no less than the minimums required by the act.

This bill would provide that a recycling center that meets those requirements is not required to have an employee present during the hours of operation in order to be "open for business."

The bill would provide that a recycling center that is a reverse vending machine that accepts all types of empty beverage containers except those that are 3 or more liters in volume and those that are pouches is open for business if it provides an attendant to accept all types of empty beverage containers for no less than 10 hours per week, as provided, and is operable and properly functioning for no less than 70 hours per week. The bill would require the department to pay handling fees to those recycling centers, and would require those recycling centers to pay refund values, on the basis of the number of beverage containers redeemed through the reverse vending machines, and not on the basis of weight. The bill would require the department to determine the method of certifying the validity of the number of beverage containers counted by the reverse vending machine.

(2) Under the act, a beverage distributor is required to pay a redemption payment to the department for every beverage container sold or offered for sale in the state by the distributor, and the department is required to deposit those amounts in the California Beverage Container Recycling Fund. The money in the fund is continuously appropriated to the department to, among other things, pay refund values and administrative fees to processors. Additionally, under the act, the department is required to calculate a processing fee for each beverage container with a specified scrap value, which is required to be paid by beverage manufacturers for each beverage container sold or transferred to a distributor or dealer. Under the act, the processing fee is calculated based on the recycling rate for each particular container type, which determines the fee at a specified corresponding percentage of the processing payment for that particular container type.

This bill would specify that a payment made pursuant to the act, including, but not limited to, a handling fee payment, refund value payment, processing fee payment, or processing payment, may be made electronically.

Vote: majority Appropriation: no Fiscal Committee: yes Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 14531 is added to the Public Resources Code, to read:

14531. A payment made pursuant to this division, including, but not limited to, a handling fee payment, refund value payment, processing fee payment, or processing payment, may be made electronically.

SEC. 2. Section 14571 of the Public Resources Code is amended to read:

14571. (a) Except as otherwise provided in this chapter, there shall be 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.

(b) (1) Notwithstanding subdivision (a), the department may require a certified recycling center to operate 15 of its 30 hours of operation other than during 9 a.m. to 5 p.m.

(2) Notwithstanding subdivision (a) and paragraph (1), the department may certify a recycling center that will operate less than 30 hours per week, if all of the following conditions are met:

(A) The recycling center is in a rural region. For purposes of this subparagraph, "rural region" means a nonurban area identified by the department on an annual basis using the loan eligibility criteria of the Rural Housing Service of the United States Department of Agriculture, Rural Development Administration, or its successor agency. Those criteria include, but are not limited to, places, open country, cities, towns, or census designated places with populations that are less than 10,000 persons. The department may designate an area with a population of between 10,000 and 50,000 persons as a rural region, unless the area is identified as part of, or associated with, an urban area, as determined by the department on an individual basis.

(B) The recycling center agrees to post a sign indicating the location of the nearest recycling center that is open at least 30 hours per week and that will accept all material types.

(C) The needs of the community and the goals of this division will be best served by certification of the operation as a recycling center.

(c) Before establishing operating hours for a certified recycling center pursuant to subdivision (b), the department shall make a determination that this action is necessary to further the goals of this division and that the proposed operating hours will not significantly decrease the ability of consumers to conveniently return beverage containers for the refund value to a certified recycling center redeeming all material types.

(d) For purposes of this section, if the recycling center is staffed and is not a reverse vending machine, a center is "open for business" if all of the following requirements are met:

(1) An employee of the certified recycling center or location is present during the hours of operation and available to the public to accept containers and to pay the refund values.

(2) In addition to the sign specified in subdivision (i), a sign having a minimum size of two feet by two feet is posted at the certified recycling center or location indicating that the center or location is open. Where allowed by local zoning requirements or where zoning restrictions apply, the sign shall be of the maximum allowable size.

(3) The prices paid, by weight or per container, are posted at the location.

(e) (1) Except as provided in subdivisions (f) and (h), for the purpose of this section, if the recycling center consists of reverse vending machines or other unmanned automated equipment, the center is "open for business" if the equipment is properly functioning, accepting all types of empty beverage containers at the recycling location, and paying posted refund values no less than the minimums required by this division.

(2) A recycling center that meets the requirements in paragraph (1) shall not be required to have an employee present during the hours of operation in order to be "open for business."

(f) If a recycling center consists of reverse vending machines or other automated equipment, the recycling center is "open for business" if the equipment is properly functioning, and accepting all types of empty beverage containers at one physical recycling location within the recycling location.

(g) Whenever a recycling center that is a reverse vending machine is not "open for business" during the 30 hours of operation required and posted pursuant to this section and Section 14570, the dealer that is hosting the reverse vending machine at its place of business shall redeem all empty beverage container types at all open cash registers or one designated location in the store, as specified on the sign required pursuant to subdivision (i).

(h) (1) A recycling center that is a reverse vending machine that accepts all types of empty beverage containers except those that are three or more liters in volume and those that are pouches is open for business if it does both of the following:

(A) Provides an attendant to accept all types of empty beverage containers for no less than 10 hours per week, with no less than five of those hours on a weekend day between the hours of 9 a.m. and 5 p.m.

(B) Is operational and properly functioning for no less than 70 hours per week.

(2) A handling fee shall not be paid to a recycling center described in paragraph (1) if the recycling center is located in a convenience zone in which a preexisting certified recycling center is located. Notwithstanding paragraph (1) of subdivision (c) of Section 14585, a preexisting certified recycling center located in the same convenience zone as a recycling center described in paragraph (1) shall continue to be eligible to receive handling fee payments.

(3) The department shall pay handling fees to a recycling center described in paragraph (1), and the recycling center shall pay refund values, on the basis of the number of beverage containers redeemed through the reverse vending machine, and not on the basis of weight. The department shall determine the method of certifying the validity of the number of beverage containers counted by the reverse vending machine.

(i) In addition to the sign specified in paragraph (2) of subdivision (d), each reverse vending machine shall be posted with a clear and conspicuous sign on or near the reverse vending machine that states that beverage containers may be redeemed by the host dealer if the machine is nonoperational at any time during the required 30 hours of operation, pursuant to subdivision (g). The department shall determine the size and location of the sign and the message required to be printed on the sign.