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**SB-1113 Beverage container recycling: pilot projects: extension.** (2023-2024)

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**Senate Bill No. 1113**

**CHAPTER 182**

An act to amend Sections 14515.8 and 14571.9 of the Public Resources Code, relating to solid waste, and making an appropriation therefor.

[ Approved by Governor August 19, 2024. Filed with Secretary of State August 19, 2024. ]

**LEGISLATIVE COUNSEL'S DIGEST**

SB 1113, Newman. Beverage container recycling: pilot projects: extension.

The California Beverage Container Recycling and Litter Reduction Act requires the Department of Resources Recycling and Recovery to annually designate convenience zones and requires at least one certified recycling center that meets certain requirements to be located within every convenience zone. The act authorizes up to 10 limited-term recycling pilot projects, subject to certain requirements, that are designed to improve redemption opportunities in unserved convenience zones, and deems a convenience zone that falls within the area of an operational, department-approved pilot project to be served. The act makes the authorization provisions inoperative on June 30, 2026, and repeals them on January 1, 2027. The act establishes the California Beverage Container Recycling Fund and continuously appropriates moneys in the fund to the department for specified purposes, including the amount necessary to pay handling fees to certain types of recyclers to provide an incentive for the redemption of empty beverage containers in convenience zones. The act makes a pilot project recycler eligible to apply for handling fees from the department.

This bill would authorize recycling pilot projects to operate until January 1, 2034, and repeal those provisions on that date. By extending the time recycling pilot projects may operate, the bill would make an appropriation by increasing expenditures from a continuously appropriated fund for handling fee payments to pilot project recyclers. The bill would limit the time that a convenience zone that falls within the area of an operational, department-approved pilot project is deemed to be served to January 1, 2027.

Vote: 2/3 Appropriation: yes Fiscal Committee: yes Local Program: no

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

**SECTION 1.** Section 14515.8 of the Public Resources Code is amended to read:

**14515.8.** (a) "Pilot project recycler" means a recycling location established under Section 14571.9.

(b) This section shall remain in effect only until January 1, 2034, and as of that date is repealed.

**SEC. 2.** Section 14571.9 of the Public Resources Code, as added by Section 27 of Chapter 610 of the Statutes of 2022, is amended to read:

**14571.9.** (a) (1) Until January 1, 2032, the department may approve up to 10 recycling pilot projects that meet the requirements of this section.

(2) The pilot projects, which shall be submitted by applicant jurisdictions, shall be designed to improve redemption opportunities in unserved convenience zones. It is the intent of the Legislature to create new, convenient recycling opportunities to improve consumer redemption of eligible beverage containers and increase recycling rates in jurisdictions served by pilot projects and to provide recycling opportunities to improve consumer redemption of eligible containers in pilot project areas, including in rural areas.

(3) Unless otherwise specified in or authorized by the department under this section, a pilot project operator shall be subject to all requirements imposed on recycling centers as specified in this division and any implementing regulations, except for the requirements specified in Sections 14570 and 14571.

(4) If a pilot project ends before January 1, 2032, the department may consider additional pilot project proposals, but not more than 10 pilot projects may operate at the same time.

(b) (1) Notwithstanding Sections 14570, 14571, and 14578, until January 1, 2027, a convenience zone that falls within the area of a pilot project approved by the department under this section shall be deemed served if the pilot project is operational.

(2) (A) A dealer within the jurisdiction of a pilot project shall post a clear and conspicuous sign of at least 10 inches by 15 inches at each public entrance to the dealer's place of business that specifies the name of the pilot project location nearest to the dealer, as provided by the department, the days and hours of operation of the pilot project location, and the toll-free telephone number established by the department under subparagraph (B). This information shall be kept accurate and up to date.

(B) The department shall establish a toll-free telephone number and an internet website to disseminate information regarding beverage container recycling opportunities.

(3) If a pilot project ceases operation or the pilot project's certification has been revoked by the department, a dealer in the convenience zone served by the pilot project shall comply with Sections 14570, 14571, and 14578. The department shall inform all dealers within a convenience zone of any change in status of a pilot project serving that convenience zone within 10 calendar days.

(c) The requirements for a pilot project shall include, but not be limited to, all of the following:

(1) A pilot project shall serve one of the following:

(A) At least three unserved convenience zones.

(B) One or more convenience zones impacting a total of at least 30 dealers in unserved convenience zones.

(C) A rural region.

(2) A pilot project shall be in a jurisdiction that, as of the effective date of the pilot project application, meets at least one of the following conditions:

(A) Had at least six unserved convenience zones.

(B) Had 75 percent of the convenience zones in the jurisdiction unserved.

(C) Is located in a rural region.

(3) A pilot project shall not establish a location for redeeming a beverage container for its refund value that is outside of the pilot project area.

(4) A pilot project recycler may be located anywhere within the pilot project area.

(5) A pilot project shall be served only by a pilot project recycler that meets all of the following requirements:

(A) The pilot project recycler shall be open a minimum of one weekday per week for at least eight hours.

(B) In addition to the requirement in subparagraph (C), the pilot project recycler shall be open at least five hours per week during periods other than from Monday through Friday from 9 a.m. to 5 p.m.

(C) The pilot project recycler shall be open at least eight hours per week during the weekend.

(D) The pilot project recycler shall accept and pay the refund value for all eligible beverage container types.

(E) The pilot project operator shall notify the department in writing 10 calendar days before any change of the location where redeemed empty beverage containers are stored.

(F) The pilot project recycler shall only redeem eligible empty beverage container material purchased from consumers for recycling, and shall not accept material from any other certified or noncertified person or entity, including, but not limited to, recycling centers, dropoff or collection programs, curbside programs, and processors.

(G) The pilot project operator shall keep separate transaction records for each location within the pilot project, and in the case of mobile collection programs, separate transaction records for each location served by the mobile unit.

(6) A processor shall not issue an authorization to cancel under subdivision (b) of Section 2110 of Title 14 of the California Code of Regulations to a pilot project recycler.

(7) Additional requirements as deemed necessary by the department.

(d) A pilot project established pursuant to this section may provide stationary dropoff locations or mobile collection programs.

(e) A jurisdiction that opts to be served by a pilot project shall submit its pilot project proposal to the department for approval. The proposal shall include all of the following elements:

(1) A map of the pilot project area, including intended locations for pilot project recyclers.

(2) A list of proposed operators of pilot project recyclers.

(3) Contact information for the jurisdiction.

(4) Planned dates of operation.

(5) A description of how the pilot project will meet the requirements of this section.

(6) Additional elements as determined by the department.

(f) The department may issue probationary certificates of operation to pilot project recyclers participating in an approved pilot project. A certificate issued under this section shall be valid, and shall specify that the certificate is valid, for a period of not more than five years or until the end of the pilot project, whichever comes first. Notwithstanding certification requirements imposed by this division or implementing regulations, the following application review timelines shall apply to pilot projects:

(1) The department shall notify each applicant and the appropriate pilot project contact within 30 calendar days of receipt of the proposal, or receipt of additional information if the proposal was initially deemed incomplete, that the proposal for certification is either complete and accepted for further review or incomplete and the reasons for incompleteness.

(2) Upon determining that a proposal is complete, the department shall notify the applicant and appropriate pilot project contact in writing within 30 calendar days that the application is either approved with probationary status or denied and the reasons for denial.

(g) In approving pilot projects, the department shall consider all of the following factors:

(1) The number of unserved convenience zones that will be served by the pilot project.

(2) The total number of hours per week the pilot project recycler will operate.

(3) The total number of locations that will be served under the pilot project.

(4) Whether the jurisdiction has actively prevented the siting or operation of a certified recycling center at a supermarket site.

(5) The geographic distribution of jurisdictions proposing a pilot project.

(6) Potential impacts to existing certified recycling centers.

(7) Additional factors deemed relevant by the department.

(h) (1) The department may revoke the approval of a pilot project or the associated probationary certification of a pilot project recycler participating in the pilot project, or both, at any time if the jurisdiction or pilot project operator fails to meet the conditions outlined in the department's approval of the application or violates this division or a regulation adopted under this division, except

as to violations of the division or regulations that are inconsistent with the operation of an approved pilot project. If the department revokes a probationary certification of a pilot project recycler, the department may require the jurisdiction or the pilot project operator to take the steps necessary to ensure that the pilot project achieves its goals consistent with the approved pilot project application.

(2) If the approval of a pilot project is revoked, the review process described in Section 14571.7 shall apply to each convenience zone that was a part of the pilot project.

(i) (1) Notwithstanding paragraph (1) of subdivision (c) of Section 14585, a pilot project recycler that has been certified by the department on a probationary basis under an approved pilot project shall be eligible to apply for handling fees under Section 14585 and to receive from certified processors the amounts specified in subdivision (a) of Section 14573.5 for refund values, administrative costs, and processing payments.

(2) Notwithstanding paragraph (1) of subdivision (c) of Section 14585, the existence of a pilot project recycler shall not affect the handling fee eligibility of a recycling center.

(3) For purposes of handling fee eligibility, a pilot project recycler may be located anywhere within a pilot project area.

(j) The department may adopt emergency regulations to implement this section. Emergency regulations, if adopted, shall be adopted in accordance with Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code, and for the purposes of that chapter, including Section 11349.6 of the Government Code, the adoption of these regulations is an emergency and shall be considered by the Office of Administrative Law as necessary for the immediate preservation of the public peace, health and safety, and general welfare. Emergency regulations adopted under this section shall be filed with, but not be repealed by, the Office of Administrative Law and shall remain in effect until amended or repealed by the department or January 1, 2034, whichever comes first.

(k) This section shall become operative on January 1, 2025.

(l) This section shall become inoperative on January 1, 2034, and, as of January 1, 2034, is repealed.