



County of Santa Cruz ⁰¹⁹⁵

BOARD OF SUPERVISORS

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JEFF ALMQUIST
FIFTH DISTRICT

AGENDA: 4/24/01

April 17, 2001

BOARD OF SUPERVISORS
County of Santa Cruz
701 Ocean Street
Santa Cruz, CA 95060

RE: SENATE BILL 1069 - PLASTICS RECYCLING

Dear Members of the Board:

Californians Against Waste has requested that the Board indicate our support for the passage of Senate Bill 1069, as introduced by Senator Wes Chesbro. Senate Bill 1069, as amended on April 16, 2001, would require any manufacturer of a product sold or offered for sale in a rigid plastic packaging container to pay a plastic pollution prevention fee to the California Integrated Waste Management Board (CIWMB) for every plastic container of a resin type that fails to equal or exceed a recycling rate of 50 percent or more on or before January 1, 2005. SB 1069 would further require the CIWMB to set the plastic pollution prevention fee equal to the difference between the scrap value and the cost of recycling for each resin type, except as specified. Funds generated from this fee would be expended to promote the recycling of rigid plastic packaging containers including, but not limited to, payments to recyclers and local governments to offset the cost of recycling rigid plastic packaging containers.

Santa Cruz County has consistently supported measures which would require manufacturers to provide consumers with packaging materials which can be recycled and which contain post-recycled materials. Further, every effort must be made to achieve the objectives of the State's solid waste reduction plan, AB 939, which mandates that all landfills in California reduce waste disposal by 50 percent. Clearly, requiring this same 50 percent recycling goal for plastic containers is appropriate and would assist the County in our efforts to divert 50 percent of waste from the landfill.

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Accordingly, I recommend that the Board of Supervisors take the following actions:

1. Adopt the attached resolution supporting the passage of Senate Bill 1069.
2. Direct the Clerk of the Board to distribute the resolution as indicated.
3. Direct the County Administrative Officer to place the Bill in our legislative tracking system.

Sincerely,

Handwritten signature of Tony Campos in cursive script.

TONY CAMPOS, Chairman
Board of Supervisors

TC:ted
Attachments

cc: Californians Against Waste
Senator Wes Chesbro
County Administrative Office
Public Works Department

2511A6

BEFORE THE BOARD OF SUPERVISORS
OF THE COUNTY OF SANTA CRUZ, STATE OF CALIFORNIA

0197

RESOLUTION NO.

On the motion of Supervisor
duly seconded by Supervisor
the following resolution is adopted

RESOLUTION SUPPORTING THE PASSAGE OF SENATE BILL 1069

WHEREAS, Senate Bill 1069 has been introduced into the California State Senate by Senator Wes Chesbro; and

WHEREAS, Senate Bill 1069, as amended on April 16, 2001, would require any manufacturer of a product sold or offered for sale in a rigid plastic packaging container to pay a plastic pollution prevention fee to the California Integrated Waste Management Board (CIWMB) for every plastic container of a resin type that fails to equal or exceed a recycling rate of 50 percent or more on or before January 1, 2005; and

WHEREAS, Senate Bill 1069 would further require the CIWMB to set the plastic pollution prevention fee equal to the difference between the scrap value and the cost of recycling for each resin type, except as specified; and

WHEREAS, funds generated from this fee would be expended to promote the recycling of rigid plastic packaging containers including, but not limited to, payments to recyclers and local governments to offset the cost of recycling rigid plastic packaging containers; and

WHEREAS, Santa Cruz County has consistently supported measures which would require manufacturers to provide consumers with packaging materials which can be recycled and which contain post-recycled materials; and

WHEREAS, every effort must be made to achieve the objectives of the State's solid waste reduction plan, AB 939, which mandates that all landfills in California reduce waste disposal by 50 percent; and

WHEREAS, requiring this same 50 percent recycling goal for plastic containers is appropriate and would assist the County in our efforts to divert 50 percent of waste from the landfill.

NOW, THEREFORE, BE IT RESOLVED that the Santa Cruz County Board of Supervisors hereby supports the passage of Senate Bill 1069.

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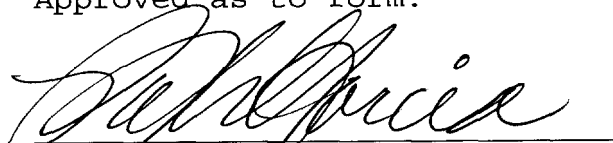
PASSED AND ADOPTED by the Board of Supervisors of the County of Santa Cruz, State of California, this _____ day of _____, 2001, by the following vote:

AYES: SUPERVISORS
NOES: SUPERVISORS
ABSENT: SUPERVISORS

TONY CAMPOS, Chairman
Board of Supervisors

ATTEST: _____
Clerk of said Board

Approved as to form:



County Counsel

DISTRIBUTION: Senator Wes Chesbro
Senator Bruce McPherson
Assembly Member Fred Keeley
Assembly Member Simon Salinas
Californians Against Waste
Public Works Department
County Counsel

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CAW LEGISLATIVE ACTION ALERT: 0199 **support SB 1069 (Chesbro) Plastics Recycling**

Actions Needed:

- CAW's Plastics Recycling Legislation **has** been amended **and will be heard** in the Senate Environmental Quality Committee on Monday, April 16.
- support Letters are urgently needed and should be **faxed to** the committee by **Thursday, April 12.**
- Witnesses are needed to testify at the committee hearing scheduled for 1:30 pm on Monday, April 16.

Summary of SB 1069 (Chesbro) Plastics Recycling Legislation:

- 1) SB 1069 would establish a 50% recycling goal for all plastic containers effective January 1, 2005.
- 2) The bill would establish a Plastic Pollution Prevention **Fee** on any plastic container (resin) type that fails to achieve the 50% recycling goal.
- 3) The Fee would be equal to the net cost of recycling the plastic container type.
- 4) Fee revenue would be used to promote plastic recycling, including providing payments to local agencies and **recyclers** to help offset the cost of plastic recycling.

Summary of California's Plastic Problem:

- Lightweight, cheap and flexible, plastic is one of the fastest growing materials in California's waste stream, and one of the most costly to manage.
- Californian's annually dispose of more than 3 million tons of plastic **waste.**
- The cleanup and disposal of plastic waste in California costs local agencies and ratepayers and estimated \$340 to \$500 million annually.
- Plastic recycling is failing in California and across the country. Since 1995, plastic container recycling rates have actually declined, from 24.6% to 17.9% in 1999.
- Markets for recycled plastic do not support the cost of plastic collection and processing. Unlike the paper, glass and metals industries, plastic resin producers and container manufacturers **have** generally failed to invest in the development of infrastructure and markets for **plastic** recycling.
- Local curbside programs and other recycling efforts lose money on plastic recycling due to inconsistent markets, multiple and changing resin types, high handling costs, and low scrap values.
- California's existing plastic recycling law exempts food, drug, personal care and cosmetic packaging-the majority of the container market,

What You Can do: FAX SB 1069 Letters to the Senate EQ Committee by Thursday

Senator Byron Sher, Chair
Senate Environmental Quality Committee
State Capitol
Sacramento, CA 95814
FAX (916) 323-4529

AMENDED IN SENATE APRIL 16, 2001

SENATE BILL

No. 1069

Introduced by Senator Chesbro

February 23, 2001

An act to ~~amend Section 40200 of~~ *add Section 42305 to, and to add Article 6 (commencing with Section 42346) to Chapter 5.5 of Part 3 of Division 30 of, the Public Resources Code, relating to solid waste.*

LEGISLATIVE COUNSEL'S DIGEST

SB 1069, as amended, Chesbro. ~~Solid waste facilities~~ *Plastic pollution prevention fee.*

The California Integrated Waste Management Act of 1989 requires, except as specified, every rigid plastic packaging container, as defined, that is sold or offered for sale in the state to meet, on average, at least one of 7 specified criteria, including being made from 2.5% postconsumer material or having a specified recycling rate of 25%, based on annual reports published by the California Integrated Waste Management Board. Certain rigid plastic packaging containers are exempted from meeting those criteria, including those containers that contain food or cosmetics.

This bill would require any manufacturer of a product sold or offered for sale in a rigid plastic packaging container to pay a plastic pollution prevention fee to the board for every plastic container of a resin type that fails to equal or exceed a recycling rate of 50% or more on or before January 1, 2005. The bill would require the board set the plastic pollution prevention fee equal to the difference between the scrap value and the cost of recycling for each resin type, except as specified.

The bill would require the board to deposit the fees in the Rigid Plastic Pollution Subaccount, which the bill would create in the existing

Rigid Container Account in the Integrated Waste Management Fund in the State Treasury. The bill would authorize the board to expend the moneys deposited in the Rigid Plastic Pollution Subaccount to promote the recycling of rigid plastic packaging containers, including but not limited to, payments to recyclers and local governments to offset the cost of recycling rigid plastic packaging containers.

The bill would authorize the board to adopt regulations to implement the bill.

~~Existing law, for purposes of the Integrated Waste Management Act of 1989, excludes certain facilities from the definition of transfer or processing station, including a facility whose principal function is to receive, store, separate, convert, or otherwise process wastes which have already been separated for reuse and are not intended for disposal.~~

~~This bill would limit that exclusion to facilities whose principal function is to receive, store, separate, convert, or otherwise process nonputrescible wastes which have already been separated for reuse and are not intended for disposal.~~

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

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

1 ~~SECTION 1. Section 40200 of the Public Resources Code is~~

2 *SECTION I. The Legislature finds and declares all of the*
3 *following..*

4 *(a) A decade ago, in order to reduce waste and conserve*
5 *natural resources, the Legislature committed to cutting solid waste*
6 *disposal in this state in half*

7 *(b) While this effort remains incomplete, the state, in*
8 *partnership with local government, the private sector and the*
9 *public, has developed a comprehensive recycling infrastructure,*
10 *and achieved one of the nation's highest waste diversion rates.*

11 *(c) Dozens of jurisdictions, along with several categories of*
12 *materials, have already equaled or exceeded 50percent recycling.*

13 *(dj Amidst this recycling success, one category of*
14 *materials--plastic packaging--stands out as a recycling failure.*
15 *While plastic packaging remains one of the fastest growing*
16 *components of California's waste stream, recycling rates for*
17 *plastic packaging lag behind those for virtually every other*
18 *packaging material.*

1 (e) According to reports from the California Integrated Waste
 2 Management Board, recycling rates for rigid plastic packaging
 3 containers have actually been in decline, dropping from nearly 25
 4 percent in 1995, to 23 percent in 1996, 22 percent in 1997, 19
 5 percent in 1998, and less than 18 percent in 1999.

6 (f) According to a report from the California Integrated Waste
 7 Management Board, California disposed of more than 2 million
 8 tons of plastic packaging in 1999. The total cost to local
 9 governments and ratepayers of collecting and disposing of this
 10 plastic waste is estimated at three hundred forty million dollars
 11 (\$340,000,000) annually.

12 SEC. 2. Section 42305 is added to the Public Resources Code,
 13 to read:

14 42305. (a) It is the intent of the Legislature that this state
 15 pursue a path of shared responsibility between product producers,
 16 container manufactures, local governments, and private recyclers
 17 to ensure that, by 2005 and beyond, at least 50 percent of rigid
 18 plastic packaging containers are diverted from this state's solid
 19 waste and litter stream and recycled into new products.

20 (b) It is the intent of the Legislature that manufacturers of
 21 products sold in rigid plastic packaging containers shall be
 22 responsible for offsetting costs associated with the recycling of
 23 those plastic containers.

24 (c) It is the intent of the Legislature that operators of curbside
 25 recycling programs in this state accept for recycling any rigid
 26 plastic packaging container for which they receive revenue from
 27 scrap value, product manufacturers, or the state, the total of which
 28 is equal to or greater than the cost of recycling.

29 SEC. 3. Article 6 (commencing with Section 42346) is added
 30 to Chapter 5.5 of Part 3 of Division 30 of the Public Resources
 31 Code, to read.

32

33 Article 6. Plastic Pollution Prevention Fee

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35 42346. (a) On and after January 1, 2006, any manufacturer
 36 of a product sold or offered for sale in a rigid plastic packaging
 37 container shall pay a plastic pollution prevention fee to the board,
 38 as determined pursuant to subdivision (b), for every plastic
 39 container of a resin type that fails to equal or exceed a recycling
 40 rate of 50 percent or more on or before January 1, 2005.

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1 (b) (1) The board shall set the amount of the plastic pollution
 2 prevention fee equal to the difference between the average cost of
 3 recycling and the average scrap value for each resin type as
 4 determined by the board.

5 (2) For plastic containers that are not recyclable, the board
 6 shall set the plastic pollution prevention fee in an amount equal to
 7 the average cost of collection and disposal of the container as solid
 8 waste.

9 42347. The board shall deposit all fees collected pursuant to
 10 this article in the Rigid Plastic Pollution Subaccount, which is
 11 hereby created in the Rigid Container Account established
 12 pursuant to subdivision (e) of Section 42322. The board may
 13 expend the moneys deposited in the Rigid Plastic Pollution
 14 Subaccount to promote the recycling of rigid plastic packaging
 15 containers, including, but not limited to, payments to recyclers and
 16 local governments to offset the cost of recycling rigid plastic
 17 packaging containers.

18 (d) The board may adopt regulations to implement this article.
 19 amended to read:

20 ~~40200. (a) "Transfer or processing station" or "station"~~
 21 ~~includes those facilities utilized to receive solid wastes,~~
 22 ~~temporarily store, separate, convert, or otherwise process the~~
 23 ~~materials in the solid wastes, or to transfer the solid wastes directly~~
 24 ~~from smaller to larger vehicles for transport, and those facilities~~
 25 ~~utilized for transformation.~~

26 ~~(b) "Transfer or processing station" or "station" does not~~
 27 ~~include any of the following:~~

28 ~~(1) A facility, whose principal function is to receive, store,~~
 29 ~~separate, convert, or otherwise process in accordance with state~~
 30 ~~minimum standards, manure.~~

31 ~~(2) A facility, whose principal function is to receive, store,~~
 32 ~~convert, or otherwise process nonputrescible wastes which have~~
 33 ~~already been separated for reuse and are not intended for disposal.~~

34 ~~(3) The operations premises of a duly licensed solid waste~~
 35 ~~handling operator who receives, stores, transfers, or otherwise~~
 36 ~~processes wastes as an activity incidental to the conduct of a refuse~~
 37 ~~collection and disposal business in accordance with regulations~~
 38 ~~adopted pursuant to Section 43309.~~

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