



MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Home of the Last Chance Mercantile

August 3, 2007

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DISTRICT ENGINEER

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Mr. Lew Bauman, County Administrative Officer
County of Monterey
168 W. Alisal Street, 3rd Floor
Salinas, CA 93901

RE: Plastic Bag Recycling Law

Lew
Dear Mr. Bauman:

California retailers distribute more than 19 billion plastic carryout bags annually, and less than 5% of these are currently recycled. In an effort to reduce plastic bag usage and increase recycling, Assembly Bill 2449 was passed and became law in California effective July 1, 2007. This law requires certain retail stores to provide plastic bag recycling and to promote reusable shopping bags.

The definition of "stores" under AB 2449 means a retail establishment that provides plastic carryout bags to its customers as a result of the sale of a product and that meets either of the following requirements:

1. Retail establishment--has over 10,000 square feet of retail space that generates sales tax *and* has a licensed pharmacy (this would include large and "big box" retail stores with a pharmacy on site).
2. Supermarket--a full-line, self-service, retail store with gross annual sales of \$2 million or more and which sells a line of dry groceries, canned goods, nonfood items, or perishable goods.

The basic plastic bag recycling requirements for stores include the following:

- All plastic carryout bags provided by the store shall have printed or displayed on the bag, in a manner visible to a consumer, the words "**Please Return to a Participating Store for Recycling.**"
- At least one plastic carryout bag collection bin shall be placed at each store. The bin should be visible and easily accessible to the consumer. It should be clearly marked indicating that the collection bin is available for the purpose of collecting and recycling plastic carryout bags.
- The store shall maintain records for a minimum of three years describing the collection, transport, and recycling of plastic bags and shall upon request make the records available to the California Integrated Waste Management Board (CIWMB) or the local jurisdiction to demonstrate compliance with this chapter.
- The operator of the store shall make reusable bags available to customers within the store, which may be purchased and used in lieu of using a plastic carryout bag or paper bag.

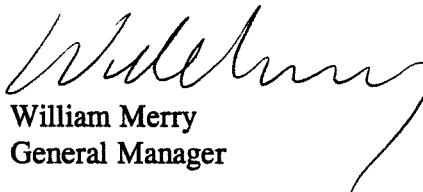
Local Government Roles

A city, county, or other public agency may do the following:

- Ensure that a store is in compliance.
- Review and analyze store records.
- Pursue civil penalties. A city, county, or the state may impose civil liability in the amount of five hundred dollars (\$500) for the first violation of AB 2449, one thousand dollars (\$1,000) for the second violation, and two thousand dollars (\$2,000) for the third and subsequent violation for those who do not comply with AB 2449.
- Adopt, implement, or enforce any local ordinance, resolution, regulation, or rule governing curbside or drop off recycling programs operated by, or pursuant to a contract with, a city, county, or other public agency, including any action relating to fees for these programs.

The District looks forward to working with staff from our member jurisdictions to ensure that local retail establishments that fall under the AB 2449 regulations offer the required bag recycling and reuse options. We plan to work with city staff to monitor store efforts locally and I look forward to reporting back to you on the success of these efforts. If you have any questions, please contact the District's Public Education and Recycling Manager, Jeff Lindenthal, or me, at (831) 384-5313.

Very truly yours,



William Merry
General Manager

cc: MRWMD Board of Directors
Member Jurisdiction City Managers
Nick Chiulos, County of Monterey
Allen Stroh, County of Monterey
John Ramirez, County of Monterey
Matt Fore, County of Monterey
Patrick Mathews, County of Santa Cruz
Steve Johnson, Salinas Valley Solid Waste Authority