

**City of Culver City, California
Agenda Item Report**

Meeting Date: 07/23/12		Item Number: <u>A-3</u>	
CITY COUNCIL AGENDA ITEM: Consideration of a Policy Position on Assembly Bill 298 – Solid Waste: Single-Use Carryout Bags.			
Contact Person/Dept.: Shelly Wolfberg		Phone Number: (310) 253-6008	
Fiscal Impact: Yes ☒ No ☐		General Fund: Yes ☒ No ☐	
Public Hearing: ☐		Action Item: ☒	Attachments: ☒
Commission Action Required: Yes ☐ No ☒		Date:	
Public Notification: Meetings and Agendas – City Council (07/20/12); Ongoing Topics- Sustainability and Environmental Issues (07/20/12); Office of Assemblymember Julia Brownley (07/18/12)			
Department Approval: Martin R. Cole (07/19/12)		City Attorney Approval: Carol Schwab (by H. Baker) (07/17/12)	
Chief Financial Officer Approval: Jeff Muir (by N. Kimball) (07/19/12)		City Manager Approval: John Nachbar (07/20/12)	
<u>RECOMMENDATION:</u> Staff recommends the City Council provide a policy position on AB 298 (Brownley), as amended - solid waste: single-use carryout bags. <u>BACKGROUND/DISCUSSION:</u> Existing law, until January 1, 2013, requires an operator of a store, as defined, to establish an at-store recycling program that provides to customers the opportunity to return clean plastic carryout bags to that store and prohibits a city, county, or other local public agency from taking specified regulatory actions with regard to the recycling of plastic carryout bags. With specified exceptions, AB 298 would, as of January 1, 2014, prohibit stores that have a specified amount of dollar sales or retail floor space from providing a single-use carryout bag to a customer. The bill would require these stores to meet other specified requirements regarding providing recycled paper bags, compostable bags, or reusable bags to customers. AB 298 would also require these stores, on and after January 1, 2013, to provide a plastic bag collection bin for their customers, for the purpose of collecting and recycling single-use plastic bags and reusable bags. AB 298 would, on and after July 1, 2015, additionally impose these prohibitions and requirements on convenience food stores, food marts, and certain other specified stores, except for the requirement to provide plastic bag collection bins. The Bill would, beginning January 1, 2015, require a reusable grocery bag producer to submit to the Department of Resources Recycling and Recovery (Department) a biennial certification, including a certification fee established by the Department, that certifies that each type of reusable grocery bag that is imported, manufactured, sold,			

City of Culver City, California
Agenda Item Report

or distributed in the state and provided to a store for sale or distribution meets specified requirements. AB 298 would require the Department to deposit the certification fees into the Reusable Bag Account, which would be established by the Bill in the Integrated Waste Management Fund and expended under specified terms.

The bill would require the Department, by January 1, 2016, to submit a report to the Legislature regarding the implementation of the bill's provisions. The bill would repeal this report requirement on January 1, 2017.

The bill would allow a city, county, or city and county, or the state to impose civil penalties for a violation of the bill's requirements, except for the certification requirements. The bill would require these civil penalties to be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action, and would allow the penalties collected by the Attorney General to be expended by the Attorney General, upon appropriation by the Legislature, to enforce the bill's provisions.

Local agencies spend considerable funds to dispose of plastic bags and clean up discarded plastic bags. If AB 298 becomes law, fewer plastic bags would enter the City's waste stream and storm drain system. The City's current Legislative Advocacy Program allows for the support of "reasonable environmental regulations aimed at enhancing air and water quality and reducing storm water pollution that will provide for corresponding funding mechanisms and will not become a financial burden to the City".

The Sustainability Subcommittee (Vice Mayor Cooper/Council Member Sahli-Wells) has considered this proposed legislation, supports the bill, and recommended consideration of the bill by the City Council.

FISCAL ANALYSIS:

There is no fiscal impact to the City to take a policy position on AB 298.

ATTACHMENTS:

AB 298 Amended Bill Text-Amended in the Senate on June 18, 2012.

MOTION:

That the City Council:

City of Culver City, California
Agenda Item Report

1. Consider AB 298, and, if desired, take a policy position to support, support if amended, or oppose the bill; and,
2. Direct the City Manager to prepare a letter for the Mayor's signature consistent with the policy position, if any, taken by the City Council.