

MARIN COUNTY HAZARDOUS & SOLID WASTE  
MANAGEMENT JOINT POWERS AUTHORITY

AB 939 LOCAL TASK FORCE

Wednesday, March 2, 2011  
Suite 200-A Conference Room  
65 Mitchell Blvd., San Rafael

8:30 -10:00 AM

AGENDA

Call to Order.

- 1) Open Time for Public Comment (5 Minutes)
- 2) Approval of the February 2, 2011 JPA Local Task Force Minutes (Action – 5 Minutes)
- 3) County Single-Use Carry-Out Bag Ordinance (Information – 20 Minutes)
- 4) EPR and EPP Subcommittee Formation (Action – 15 Minutes)
- 5) The Hive Advertising Outreach Program Process Update (Information – 20 Minutes)
- 6) Executive Committee Meeting Update (Information - 15 Minutes)
- 7) Conflict of Interest – Form 700 Reminder (Information – 5 Minutes)
- 8) Open Time for Member Comment (5 Minutes)
- 9) Adjourn.

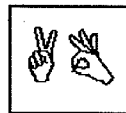
Next LTF Meeting will be held on April 6, 2011 at 8:30 AM.

Next Executive Committee Meeting will be held on April 20, 2011 at 2:00 PM.

Next JPA Board Meeting will be held on May 26, 2011 at 9:00 AM.

The full agenda including staff reports can be viewed at  
[www.marinrecycles.org/mins\\_agendas.cfm](http://www.marinrecycles.org/mins_agendas.cfm)

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Contact the County's Waste Management Division, at 499-6647 for more information



## Draft

MARIN COUNTY HAZARDOUS & SOLID WASTE  
MANAGEMENT JOINT POWERS AUTHORITY

AB 939 Local Task Force Meeting  
Wednesday, February 2, 2011  
Suite 200-A Conference Room  
65 Mitchell Blvd., San Rafael

## MINUTES

**MEMBERS PRESENT**

Patricia Garbarino, Marin Sanitary  
Jon Elam, Tamalpais CSD  
Matt McCarron, Novato  
Loretta Figueroa, Almonte Sanitary District  
Steve McCaffrey, Redwood Empire Disposal  
Judy Schriebman, LGVSD  
Tamara Hull, Sustainable San Rafael  
Renee Goddard, Ross Valley  
Tania Levy, Unincorporated Area  
Elissa Giambastiani, San Rafael  
Joan Irwin, Southern Marin  
Jennie Pardi, Conservation Corps (Alternate)

**MEMBERS ABSENT**

Ramin Khany, Redwood Landfill  
David Haskell, Sustainable Marin  
Greg Christie, Bay Cities (Alternate)

**STAFF PRESENT**

Alex Souldard, JPA Staff  
Kiel Gillis, JPA Staff

**OTHERS PRESENT**

Russ Greenfield, LGVSD  
Gail Napell, Woodbine Studio  
Casey Mazzoni, Marin Builders Assn.  
Dee Johnson, Novato Sanitary District  
Madeline Hope, West Marin Ed. Coord.  
Bob Brown, City of San Rafael

Call to Order. The Local Task Force (LTF) meeting came to order at 8:30 AM.

1. Open Time for Public Comment. Staff handed out a roster for the members to provide contact information, announced the new Task Force Members, and provided introductions.

2. Approval of the January 5, 2011 JPA Local Task Force Minutes. M/s Hull, McCaffrey to approve the minutes from the January 5, 2011 LTF meeting. Motion passed unanimously.

3. Zero Waste Grant Program Options. Staff provided a list of programs as developed by the Grant Program Subcommittee and stated that the LTF should review and approve a final list which will be included in the JPA Grant Program documents. Approved programs will be eligible for JPA Zero Waste Grant Funds. The Task Force discussed the option of adding a statement which would allow funding of any Zero Waste related program. M/s Garbarino, Giambastiani to include, "Items that are included in parameters of the Zero Waste Resolutions" to the list. The amendment did not pass. M/s Hull, Giambastiani to approve the list of programs as submitted by the Grant Subcommittee. Motion passed unanimously.

4. Update by Bob Brown of San Rafael Community Development. Bob Brown of San Rafael Community Development presented information on an effort being made in

conjunction with six other cities to address the issue of single use plastics. He identified the formation of an advisory committee that is expected to develop guidelines and policy recommendations for the participating city councils. Bob Brown also stated that the City would be working to tackle Environmental Purchasing Policy Issues and Extended Producer Responsibility. These programs are listed in the JPA's Zero Waste Feasibility Study and he requested the Local Task Force provide input on how to proceed with these issues. The Local Task Force decided to form a subcommittee to discuss Extended Producer Responsibility and Environmental Purchasing Policies and requested that staff send out an email to determine who is interested in participating in the group.

5. Zero Waste Outreach Program Update. Staff stated that the Zero Waste Outreach program contract with The Hive Advertising was approved by the JPA Board. The Hive will be attending the March 2, 2011 LTF meeting to collect feedback from the Task Force before a strategy for the campaign is finalized. Staff reported the Grant Program Guidelines were approved by the JPA Board, allowing staff to continue development of the necessary grant documentation and application forms. Staff informed the LTF that schedule of Zero Waste Education presentations made by the JPA contractor ZunZun will be updated on MarinRecycles.org as necessary and that 11 presentations have been scheduled. Staff reported that all LTF Members will be receiving information via email on the required Statement of Economic Interest/Conflict of Interest Form (700). This form must be completed and returned in hard copy to JPA Staff. Staff stated that the JPA Board has requested feedback on the Zero Waste Toolkit. The document will be posted online and comments should be submitted to staff. The Toolkit and the feedback information process will be posted on MarinRecycles.org. Jon Elam proposed the formation of a subcommittee or workshop which could educate new members on the role and obligations of the JPA Local Task Force. No action was necessary.

6. Open time for Member Comment. Each member was given the opportunity to briefly comment on progress made within their jurisdiction in regards to waste reduction or to provide feedback to the board.

7. Adjourn.

**MARIN COUNTY HAZARDOUS AND SOLID WASTE  
MANAGEMENT JOINT POWERS AUTHORITY**

**Belvedere:**  
George Rodericks

Date: March 2, 2011

**Corte Madera:**  
David Bracken

To: Local Task Force Members

**County of Marin:**  
Matthew Hymel

From: Alex Soulard

Re: Single-Use Carry-Out Bag Ordinance

**Fairfax:**  
Michael Rock

**Larkspur:**  
Dan Schwarz

At requested of your Chair a copy of the County's recently approve Single-Use Carry-Out Bag Ordinance has been attached for the Task Force's review. A copy of the staff report from County Counsel has also been attached as background information.

**Mill Valley:**  
Jim McCann

The Ordinance prohibits stores of a certain size and type within unincorporated areas to proved single-use carry-out bags to customers. It also requires that stores charge at least 5 cents for recycled paper bags. The enforcement of the ordinance will start on January 1, 2012.

**Novato:**  
Michael Frank

**Ross:**  
Gary Broad

The JPA Board has allocated \$25,000 to the County Weights and Measures Department for outreach for the implementation of the Ordinance. This will provide for outreach from the department regulating retail businesses to encourage voluntary compliance. For the life of the ordinance enforcement will be funded through penalties.

**San Anselmo:**  
Debbie Stutsman

**San Rafael:**  
Jim Schutz

**Sausalito:**  
Adam Politzer

Attachments.

**Tiburon:**  
Margaret Curran

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PATRICK K. FAULKNER  
COUNTY COUNSEL

JACK F. GOVI  
ASSISTANT COUNTY COUNSEL

DOROTHY R. JONES  
CHIEF DEPUTY

COUNTY COUNSEL OF MARIN COUNTY

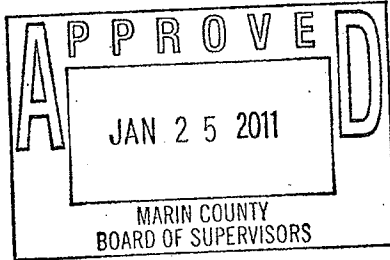
3501 Civic Center Drive, Suite 275  
San Rafael, California 94903-5222

(415) 499-6117

FAX (415) 499-3796  
TDD (415) 473-2226

MARI-ANN G. RIVERS  
RENEE GIACOMINI BREWER  
DAVID L. ZALTSMAN  
MICHELE KENO  
NANCY STUART GRISHAM  
JENNIFER M. W. VUILLERMET  
PATRICK M. K. RICHARDSON  
THOMAS F. LYONS  
STEPHEN R. RAAB  
STEVEN M. PERL  
SHEILA SHAH LICHTBLAU  
EDWARD J. KIERNAN  
JESSICA F. MILLS  
DEPUTIES

JEANINE MICHAELS  
ADMINISTRATIVE ASSISTANT



January 25, 2011

Marin County Board of Supervisors  
3501 Civic Center Drive  
San Rafael, CA 94903.

**SUBJECT:** Ordinance Regulating Retail Establishments' Provision  
Of Single- Use Carry-Out Bags

Dear Board Members:

**RECOMMENDATION:** Proceed with the second reading and public hearing with respect to the proposed ordinance regulating retail establishments' provision of single-use carry-out bags as detailed in the staff report from the Department of Agriculture's Division of Weights and Measures dated January 4, 2011.

**BACKGROUND:** At your meeting of January 4, 2011, your Board was scheduled to conduct the second reading and public hearing on the above referenced ordinance. However, the prior week, 91 documents consisting of several hundred pages, were provided by the counsel for the "Save the Plastic Bag Coalition" in support of their 42 page letter claiming (mostly) that the County failed to comply with the California Environmental Quality Act ("CEQA") in processing and adopting the ordinance. Your Board, at our office's request, therefore continued the hearing three weeks to allow our office to fully review these materials.

We have now completed our review. In our opinion, exempting the ordinance from CEQA review based upon the categorical exemptions contained in CEQA Guidelines 15307 and 15308, (the so-called Class 7 and 8 exemptions), remains valid. There is substantial evidence to support your Board's conclusion the ordinance is a regulatory measure designed to protect both natural resources and the environment generally. Prohibiting the distribution of single-use plastic carry-out bags at many retailers will undoubtedly have a positive environmental impact so long as customers do not merely shift from single-use plastic to single-use paper carry-out bags which also have adverse environmental impacts. And we believe the available evidence still shows that even at a 5 cent charge for paper bags, enough customers will convert to truly re-useable bags that the net effect of the ordinance will be to reduce the use of both plastic

Marin County Board of Supervisors  
Re: *Single Use Bag Regulation Ordinance*  
January 25, 2011  
Page 2.

and paper single-use carry-out bags from their current levels in unincorporated Marin County.

Very truly yours,

A handwritten signature in black ink, appearing to read "David Zaltsman". The signature is fluid and cursive, with the first name "David" and last name "Zaltsman" clearly distinguishable.

David L. Zaltsman  
Deputy County Counsel



**ORDINANCE NO. 3553**  
**ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS**  
**REGULATING RETAIL ESTABLISHMENTS PROVISION OF SINGLE-USE CARRY-OUT**  
**BAGS**

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ORDAINS AS FOLLOWS:

**SECTION 1. FINDINGS.**

**WHEREAS**, the use of all single-use shopping bags (plastic, paper, biodegradable) have severe environmental impacts, including greenhouse gas (GHG) emissions, litter, harm to wildlife, ground level ozone formation, atmospheric acidification, water consumption and solid waste generation; and

**WHEREAS**, there are approximately forty (40) retail establishments or stores as defined herein in the unincorporated portion of Marin County, most of which provide single-use, disposable carry-out bags to their customers; and

**WHEREAS**, many of these single-use carry-out bags are made from plastic or other material that does not readily decompose; and

**WHEREAS**, approximately Nineteen Billion (19,000,000,000) single-use plastic bags are used annually in California but less than 5% are recycled; and

**WHEREAS**, numerous studies have documented the prevalence of single-use plastic carry-out bags littering the environment, blocking storm drains and fouling beaches; and

**WHEREAS**, the County of Marin's taxpayers must bear the brunt of the clean-up costs of this litter; and

**WHEREAS**, plastic bags are a significant source of marine debris and are hazardous to marine animals and birds which often confuse single-use plastic carry-out bags for a source of food resulting in injury and death to birds and marine animals; and

**WHEREAS**, of all single-use bags, single-use plastic bags have the greatest impacts on litter and marine life; and

**WHEREAS**, the use of single-use paper bags result in greater (GHG) emissions, atmospheric acidification, water consumption, and ozone production than single-use plastic bags; and

**WHEREAS**, from an overall environmental and economic perspective, the best alternative to single-use plastic and paper carry-out bags is a shift to reusable bags; and

**WHEREAS**, there are several alternatives to single-use carry-out bags readily available in the County of Marin; and

**WHEREAS**, an important goal of the County is to procure and use sustainable products and services; and

**WHEREAS**, it is the County's desire to conserve resources; reduce the amount of GHG emissions, waste, litter and marine pollution and to protect the public health and welfare including wildlife, all of which increase the quality of life for the County's residents and visitors; and

**WHEREAS**, studies document that banning plastic bags and placing a mandatory charge on paper bags will dramatically reduce the use of both types of bags.

SECTION 2. Chapter 5.46 is hereby added to Title 5 of the Marin County Code to read as follows:

## **CHAPTER 5.46 DISPOSABLE BAG REDUCTION ORDINANCE**

### **SECTION 5.46.010. DEFINITIONS**

For purposes of this chapter, the following definitions shall apply:

- (a) "Director" means the Marin County Agricultural Commissioner, or his/her designee.
- (b) "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- (c) "Recycled paper bag" means a paper carry-out bag provided by a store to a customer at the point of sale that meets all of the following requirements:
  - (1) (A) Except as provided in subparagraph (B), the paper carry-out bag contains a minimum of 40 percent postconsumer recycled materials.  
(B) An eight pound or smaller recycled paper bag shall contain a minimum of 20 percent postconsumer recycled material.
  - (2) Is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the state.
  - (3) Is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400.
  - (4) Has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the minimum percentage of post-consumer content.
- (d) "Reusable grocery bag" on and after January 1, 2012, means a bag that meets the requirements of Section 5.46.030.
- (e) (1) "Single-use carry-out bag" means a bag made of plastic, paper, or other material, that is provided by a store to a customer at the point of sale and that is not a reusable grocery bag that meets the requirements of 5.46.030.
  - (2) A single-use carry-out bag does not include either of the following:
    - (A) A bag provided by a pharmacy pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the California Business and Professions Code to a customer purchasing a prescription medication.

(B) A non-handled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or reusable bag.

- (f) "Store" means any of the following retail establishments located within the unincorporated area of the County:
- (1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;
  - (2) A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
  - (3) A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

#### **SECTION 5.46.020. CARRY-OUT BAG REGULATION**

- (a) On and after January 1, 2012, a store shall not provide a single-use carry-out bag to a customer at the point of sale, except as provided in this section.
- (b) (1) A store shall make reusable bags available for purchase by a customer.
- (2) (A) A store may provide reusable bags to customers at no cost, until December 31, 2012.
- (B) On and after January 1, 2013, a store may provide reusable bags to customers at no cost only when combined with a time-limited store promotional program.
- (C) Notwithstanding any other law, on and after January 1, 2012, a store shall provide a customer participating in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code and a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code, with a reusable bag or a recycled paper bag at no cost at the point of sale.
- (D) On and after January 1, 2012, a store may provide to a customer a recycled paper bag upon request but shall charge the consumer, except as provided in subdivision (C), a reasonable cost, but not less than five cents.

#### **SECTION 5.46.030. REUSABLE GROCERY BAGS**

- (a) On and after January 1, 2012, a reusable grocery bag provided by a store shall meet all of the following requirements:
- (1) Be designed and manufactured to withstand repeated uses over a period of time.
  - (2) Be made from a material that can be cleaned and disinfected.

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- (3) Shall not contain lead, cadmium, or any other heavy metal in toxic amounts.

**SECTION 5.46.040. RECOGNITION OF STATEWIDE IMPORTANCE**

The County of Marin recognizes carry-out bag regulation as a matter of statewide interest and concern and is best applied uniformly throughout the state. In the absence of statewide regulation the County of Marin believes it is in the best interest of the County of Marin to regulate carry-out bags.

**SECTION 5.46.050. ENFORCEMENT AND NOTICE OF VIOLATIONS**

- (a) The Agricultural Commissioner, or his or her designee, shall have primary responsibility for enforcement of this Chapter. The Agricultural Commissioner is authorized to establish regulations and to take any and all actions reasonable and necessary to obtain compliance with this Chapter, including, but not limited to, inspecting any store's premises to verify compliance.
- (b) Anyone violating or failing to comply with any of the requirements of this Chapter shall be guilty of an infraction.
- (c) The County may seek legal, injunctive, or other equitable relief to enforce this Chapter.
- (d) The remedies and penalties provided in this section are cumulative and not exclusive, and nothing in this Chapter shall preclude any person from pursuing any other remedies provided by law.

**SECTION 5.46.060. PENALTIES FOR VIOLATIONS**

- (a) Violations of this ordinance shall be punishable as follows:

**Plastic Bag Compliance Fee Matrix**

Violations	Scanner Number		
	1-3	4-9	10 or more
First	Written Warning Notice		
Second	\$135.00	\$200.00	\$220.00
Third	\$185.00	\$250.00	\$270.00
Fourth	\$270.00	\$400.00	\$440.00
Fifth	Administrative Civil Penalty or Referral to DA		

- (1) Each violation of this Chapter shall be considered a separate offense.

SECTION 3. Any provision of the Marin County Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 5. EFFECTIVE DATE. This ordinance shall be and is hereby declared to be in full force and effect as of January 1, 2012 from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the supervisors voting for and against the same in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

**PASSED AND ADOPTED** at a regular meeting of the Board of Supervisors of the County of Marin held on this 25th day of January, 2011, by the following vote:

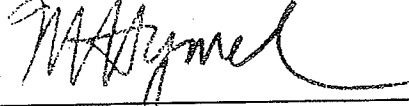
AYES: SUPERVISORS Judy Arnold, Charles McGlashan, Steve Kinsey,  
Susan L. Adams

NOES: NONE

ABSENT: SUPERVISOR Harold C. Brown, Jr.

  
\_\_\_\_\_  
PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

  
\_\_\_\_\_  
CLERK



# MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

**Belvedere:**  
George Rodericks

Date: March 2, 2011

**Corte Madera:**  
David Bracken

To: Local Task Force Members

**County of Marin:**  
Matthew Hymel

From: Alex Soulard

Re: EPR and EPP Subcommittee Formation

**Fairfax:**  
Michael Rock

**Larkspur:**  
Dan Schwarz

**Mill Valley:**  
Jim McCann

**Novato:**  
Michael Frank

**Ross:**  
Gary Broad

**San Anselmo:**  
Debbie Stutsman

**San Rafael:**  
Jim Schutz

**Sausalito:**  
Adam Politzer

**Tiburon:**  
Margaret Curran

At the February 2, 2011 Local Task Force Meeting your group received a presentation from Bob Brown of the San Rafael Community Development Department. He stated that he would like to work with the JPA to address the issues of Extended Producer Responsibility (EPR) and Environmental Purchasing Policies (EPP). The Task Force requested staff circulate an email to see who would like to participate in a subcommittee to address those issues.

Following a request for participation staff only received responses from Delyn Kies and Jon Elam. The subcommittee has not yet met. Staff would like to request additional members who would like to contribute to the subcommittee.

Please let staff know if you are interested in joining the EPR and EPP subcommittee and if so when you are available to meet in the upcoming weeks.

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