

CHAPTER 4

ARTICLE 6

AT-STORE RECYCLING PROGRAM  
RECORDKEEPING, REPORTING AND MEASUREMENT

**Section 17987. Scope.**

These regulations provide guidance to stores subject to the requirements of the At-Store Recycling Program Law (Public Resources Code Sections 42250 et seq.). Under this law, stores, as defined, shall provide at-store recycling opportunities for plastic carryout bags provided to customers by the stores at the point-of-sale, and shall maintain records describing the collection, transport and recycling of plastic bags collected for a minimum of three years. These regulations are designed to clarify the recordkeeping requirements of the law.

**Note:**

**Authority cited:**

Sections 40502 and 42252, Public Resources Code.

**Reference:**

Section 42252, Public Resources Code.

**Section 17987.1. Applicability.**

These regulations do not cover retail establishments that do not meet the definition of a store, nor bags that are not plastic carryout bags, as defined. The requirements of the At-Store Recycling Program Law apply only to stores as defined in this Article that provide plastic carryout bags to customers at the point-of-sale.

**Note:**

**Authority cited:**

Section 40502 and 42252, Public Resources Code.

**Reference:**

Section 42250, 42251, 42252, Public Resources Code

**Section 17987.2. Definitions.**

The following definitions apply to the regulations in this Article.

(a) “Board” means the California Integrated Waste Management Board.

(b) “Co-Mingled Recycling Rate” means the percentage of plastic carryout bags recycled relative to other film plastic material recycled as determined by periodic waste characterization studies performed by or on behalf of the Board.

(c) "Compostable Carryout Bag" means a bag provided by a store to customers at the point-of-sale that meets the American Society of Testing and Material Standard D6400 for degradation through biological processes or degrades from the action of naturally occurring microorganisms including, but not limited to, bacteria, fungi and algae. This definition includes any bag labeled in compliance with Public Resources Code Section 42355 et seq.

(d) "Designated Reporting Party or Parties" means a person authorized by an operator to maintain and report the records and data required by this Article. An operator may have more than one designated reporting party.

(e) "Local Jurisdiction" means a county, city, city and county, district, public authority, public agency, and any other political subdivision or public corporation in the state, but does not include the state government.

(f) "Manufacturer" means the producer or generator of a plastic carryout bag sold to a store in California. If no manufacturer is identified in printed information on the bag, or through store records, then the distributor or importer of a plastic carryout bag shall be considered the manufacturer.

(g) "Measurement Period" means the twelve month period beginning on January 1 and ending December 31 of each calendar year.

(h) "Operator" means a person in control of, or having daily responsibility for, the daily operation of a store, as defined in this Article, which may include, but is not limited to, the owner, lessee, or franchisee. An operator may have control of more than one store.

(i) "Person" means any natural person, corporation, partnership, limited liability company, firm, association, or sole proprietorship.

(j) "Plastic Carryout Bag" means a plastic carryout bag provided by a store to a customer at the point of sale. A compostable carryout bag is not a plastic carryout bag for purposes of this Article.

(k) "Store" 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) Meets the definition of a "supermarket" as found in this Article.

(2) Has over 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 has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code.

(l) "Supermarket" means a full-line, self-service retail store with gross annual sales of at least two million dollars (\$2,000,000), and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.

**Note:**

**Authority cited:**

Sections 40502 and 42252, Public Resources Code.

**Reference:**

Sections 42250 and 42252, Public Resources Code

---

**Section 17987.3. Recordkeeping.**

(a) Each operator or its designated reporting party or parties shall maintain the following records:

(1) A record of all shipments of plastic carryout bags to the store or stores.

(2) An operator or its designated reporting party or parties shall maintain one of the following types of records depending on whether it is reporting on the actual weight of plastic carryout bags or is reporting an estimated weight based on the co-mingled recycling rate:

(a) A record of the weight of all plastic carryout bags recycled or transported; or

(b) A record of the weight of all film plastic recycled or transported. This weight shall include all plastic carryout bags that are co-mingled with other types of film plastic.

(3) A copy of every form or report required to be filed with the Board.

(4) Operators or designated reporting parties using the co-mingled recycling rate shall maintain any records describing the calculation(s) of the weights of recycled plastic carryout bags and other film plastic materials.

(b) Each operator shall be responsible for maintaining the records required by this Article. An operator may allow its designated reporting party to maintain required records, but the operator shall ultimately be responsible for making all records available to the Board or local jurisdiction within 30 calendar days after receiving a written request. If records are made available for in-person inspection by the Board or a local jurisdiction, such records shall be made available during normal working hours.

(c) Each operator shall retain all required records for a minimum of three (3) years after the submission of an annual report required by this Article. If an operator is using a designated reporting party to maintain records, it shall ensure that the designated reporting party retains records for the minimum three (3) years. An operator, at its discretion, may ensure the record retention through a contract.

**Note:**

**Authority cited:**

Sections 40502 and 42252, Public Resources Code.

**Reference:**

Section 42250 and 42252, Public Resources Code.

**Section 17987.4. Filing of Annual Report.**

(a) Each operator or designated reporting party shall submit the required information enumerated in this section to the Board no later than April 1 of each year for the previous measurement period.

(b) For the 2007 measurement period, operators or designated reporting parties shall be required to only report for the six-month period beginning July 1, 2007 and ending December 31, 2007. An operator or designated reporting party may report for a longer period during the 2007 calendar year at its discretion.

(c) An operator with multiple store locations may submit one annual report for all of its stores. A designated reporting party shall submit a separate form and data sheet for each operator.

(d) Notwithstanding sub-section (c), a designated reporting party who is reporting on behalf of twenty-five (25) or more operators may submit one annual report including the information required by the section for all of its operators. Designated reporting parties submitting an annual report in this manner shall report the information required by this section and shall include a listing of each operator's name, mailing address, telephone number and contact name.

(e) Each operator or its designated reporting party or parties shall report the following information to the Board. The co-mingled recycling rate may be utilized to calculate weights where applicable.

(1) The full and complete name of the designated reporting party if applicable.

(2) The mailing address of the designated reporting party if applicable.

(3) The contact name and telephone number for the designated reporting party if applicable.

(4) The full and complete name of the operator.

(5) The mailing address of the operator.

(6) The contact name and telephone number of the operator.

(7) The name of the store(s), if different from the name of the operator.

(8) The addresses of stores, distribution centers, warehouses or other locations where reported transactions occurred.

(9) The weight of plastic carryout bags purchased.

(10) The weight of plastic carryout bags collected and recycled or sent for recycling by the operator or designated reporting party or parties.

(11) The names and addresses of the recyclers utilized by the operator or designated reporting party or parties.

(f) The operator or its designated reporting party or parties shall submit a certification form or other declaration that the information was submitted under penalty of perjury, according to the following format:

**"I certify under penalty of perjury under the laws of the State of California that the information and data contained herein is true and correct."**

\_\_\_\_\_  
**(Signature)**

\_\_\_\_\_  
**(Date)**

(g) An operator or designated reporting party may either directly report the weight of plastic carryout bags or film plastic products recycled by the operator's store or stores by use of the co-mingled recycling rate. If the co-mingled recycling rate is used by an operator or designated reporting party to calculate a weight of plastic carryout bags and other film plastic materials that was recycled by the operator's store or stores, then calculated weights shall be reported to the Board as part of the annual report.

(h) The Board shall, at least once per measurement period, calculate and publish a co-mingled recycling rate. The co-mingled recycling rate shall be calculated through waste characterization studies that determine the percentage of plastic carryout bags relative to other film plastic products collected for recycling.

(i) Although an operator may use a designated reporting party or parties to submit the information required in this section, an operator is nevertheless responsible for compliance with the reporting and other requirements of this Article and may be subject to penalties for non-compliance due to the action or non-action of its designated reporting party or parties.

**Note:**

**Authority cited:**

Sections 40502 and 42252, Public Resources Code.

**Reference:**

Section 42252, Public Resources Code.

**Section 17987.5. Submittal of Confidential, Proprietary Data or Trade Secrets.**

The submittal of data or information to the Board that is confidential, proprietary or a trade secret under applicable California law shall will be subject to the provisions of Title 14, California Code of Regulations, Section 17041, et seq.

**Note:**

**Authority cited:**

Section 40502 and 42252, Public Resources Code.

**Reference:**

Section 42252, Public Resources Code.

**Section 17987.6. Violations and Penalties.**

(a) A city, county, or the state may impose civil liability in the amount of five hundred dollars (\$500) for the first violation of this Article, one thousand dollars (\$1,000) for the

second violation, and two thousand dollars (\$2,000) for the third and subsequent violation.

(b) Any civil penalties collected pursuant to subdivision (a) shall be paid to the office of the city attorney, city prosecutor, district attorney, or Attorney General, whichever office brought the action. The penalties collected pursuant to this section by the Attorney General may be expended by the Attorney General, upon appropriation by the Legislature, to enforce Chapter 5.1 of Part 3 of Division 30 of the Public Resources Code and these regulations.

**Note:**

**Authority cited:**

Sections 40502 and 42252, Public Resources Code.

**Reference:**

Section 42255, Public Resources Code.