

**DETERMINATION THAT AN ACTIVITY  
IS EXEMPT FROM THE  
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)**

ACTIVITY No.: WO#7086, CP#19-24

ACTIVITY NAME: Ordinance Banning Polystyrene Foodware

PREPARED BY: Alex Nattkemper

DATE: July 18, 2019


**This activity is not subject to the California Environmental Quality Act (CEQA) pursuant to Section 15061 (b) (3) of the CEQA Guidelines.**

It can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment; therefore, the activity is not subject to CEQA.

**DESCRIPTION OF THE ACTIVITY:**

The project consists of adopting a proposed ordinance that would ban the use and sale of polystyrene (often referred to as Styrofoam) food and beverage containers in restaurants, convenience stores, care facilities, and other similar places in unincorporated communities throughout Contra Costa County (County). The ordinance is needed to help the County meet its storm water permit requirements. The San Francisco Bay Regional Water Quality Control Board issues the County a Municipal Regional Permit (MRP), which requires the County to reduce trash and improve water quality in the County's waterways and storm drain system in unincorporated County communities. The County has developed a Trash Reduction Plan to meet the permit requirements, and one element of the plan is to ban polystyrene food containers. The ordinance is compatible with and supports the County's Climate Action Plan. The County will track the effectiveness of the ban by analyzing the content of trash collected throughout the County, comparing the amount of polystyrene litter collected after ordinance implementation with the amount collected before the ordinance. Upon adoption of the ordinance by the County Board of Supervisors, staff will begin an outreach and awareness program. Staff will contact all restaurants, stores, and other places that prepare and sell or provide food and beverages to the public, and inform them that they can no longer use polystyrene food and beverage containers. In addition, staff will contact all retail outlets that sell merchandise that they can no longer sell food and beverage containers made from polystyrene. The ordinance allows a six-month grace period, after adoption, before the ordinance becomes effective. This provision allows business owners to use up their existing supplies of polystyrene containers. Certain polystyrene products are exempt, including food products pre-packaged outside the County, packaging for raw meat, fish, chicken, and eggs, and reusable ice chests. After the outreach effort to business owners, approximately 6 months after adoption, staff will begin a soft enforcement program where businesses are checked to see if they comply or not. If they do not comply then a warning will be issued. A year after adoption, and any warnings issued, staff will begin long-term full enforcement. Outreach was conducted to inform interested and impacted parties of the proposed ordinance and requested comments, which were used to inform the various elements of the ordinance. The County Board of Supervisors approved moving forward with the ban on December 4, 2018. Prior to adoption of the ban, a second public meeting will be conducted.

**LOCATION:** The project is located in unincorporated areas throughout Contra Costa County.

REVIEWED BY:  DATE: 7-18-19  
Avé Brown  
Principal Environmental Analyst  
Environmental Services Division  
Contra Costa County Public Works Department

APPROVED BY:  DATE: 8-1-19  
Department of Conservation and  
Development Representative



**CALIFORNIA ENVIRONMENTAL QUALITY ACT**  
**Notice of Exemption**

To:  Office of Planning and Research  
P.O. Box 3044, Room 113  
Sacramento, CA 95812-3044

From: Contra Costa County  
Dept. of Conservation & Development  
30 Muir Road  
Martinez, CA 94553

County Clerk  
County of: Contra Costa

**Project Title:** **Ordinance Banning Polystyrene Foodware**  
**Project No. WO#7086, CP#19-24**

**Project Applicant:** **Contra Costa County Public Works Department,**  
**255 Glacier Drive Martinez, CA 94553**

**Project Location:** The project is located in unincorporated communities throughout Contra Costa County

**Lead Agency:** **Contra Costa County Department of Conservation and Development**

**Description of Nature, Purpose and Beneficiaries of Project:** The project consists of adopting a proposed ordinance that would ban the use and sale of polystyrene (often referred to as Styrofoam) food and beverage containers in restaurants, convenience stores, care facilities, and other similar places in unincorporated communities throughout Contra Costa County (County). The ordinance is needed to help the County meet its storm water permit requirements. The San Francisco Bay Regional Water Quality Control Board issues the County a Municipal Regional Permit (MRP), which requires the County to reduce trash and improve water quality in the County's waterways and storm drain system in unincorporated County communities. The County has developed a Trash Reduction Plan to meet the permit requirements, and one element of the plan is to ban polystyrene food containers. The ordinance is compatible with and supports the County's Climate Action Plan. The County will track the effectiveness of the ban by analyzing the content of trash collected throughout the County, comparing the amount of polystyrene litter collected after ordinance implementation with the amount collected before the ordinance. Upon adoption of the ordinance by the County Board of Supervisors, staff will begin an outreach and awareness program. Staff will contact all restaurants, stores, and other places that prepare and sell or provide food and beverages to the public, and inform them that they can no longer use polystyrene food and beverage containers. In addition, staff will contact all retail outlets that sell merchandise that they can no longer sell food and beverage containers made from polystyrene. The ordinance allows a six-month grace period, after adoption, before the ordinance becomes effective. This provision allows business owners to use up their existing supplies of polystyrene containers. Certain polystyrene products are exempt, including food products pre-packaged outside the County, packaging for raw meat, fish, chicken, and eggs, and reusable ice chests. After the outreach effort to business owners, approximately 6 months after adoption, staff will begin a soft enforcement program where businesses are checked to see if they comply or not. If they do not comply then a warning will be issued. A year after adoption, and any warnings issued, staff will begin long-term full enforcement. Outreach was conducted to inform interested and impacted parties of the proposed ordinance and requested comments, which were used to inform the various elements of the ordinance. The County Board of Supervisors approved moving forward with the ban on December 4, 2018. Prior to adoption of the ban, a second public meeting will be conducted.

Name of Public Agency Approving Project: **Contra Costa County**  
Name of Person or Agency Carrying Out Project: **Contra Costa County Public Works Department**

**Exempt Status:**

- Ministerial Project (Sec. 21080(b) (1); 15268;                       Categorical Exemption: Class ( )  
 Declared Emergency (Sec. 21080(b)(3); 15269(a));             Other Statutory Exemption, Code No.: \_\_\_\_\_  
 Emergency Project (Sec. 21080(b)(4); 15269(b)(c));             Common Sense Exemption [Section 15061 (b)(3)]

**Reasons why project is exempt:** It can be seen with certainty that there is no possibility that the activity may have a significant adverse effect on the environment; therefore, the activity is not subject to CEQA pursuant to Section 15061 (b)(3) of the CEQA guidelines.

Lead Agency Contact Person: **Alex Nattkemper - Public Works Dept.** Area Code/Telephone/Extension: **(925) 313-2364**

If filed by applicant:

1. Attach certified document of exemption finding.
2. Has a Notice of Exemption been filed by the public agency approving the project?  Yes  No

Signature: \_\_\_\_\_ Date: \_\_\_\_\_ Title: \_\_\_\_\_

**Contra Costa County Department of Conservation and Development**

Signed by Lead Agency     Signed by Applicant

**AFFIDAVIT OF FILING AND POSTING**

I declare that on \_\_\_\_\_ I received and posted this notice as required by California Public Resources Code Section 21152(c). Said notice will remain posted for 30 days from the filing date.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Title

**Applicant:**

Public Works Department  
255 Glacier Drive  
Martinez, CA 94553

Attn: **Alex Nattkemper**

Environmental Services Division

Phone: (925) 313-2364

**Department of Fish and Game Fees Due**

- EIR - \$3,271.<sup>00</sup>  
 Neg. Dec. - \$2,354.<sup>75</sup>  
 DeMinimis Findings - \$0  
 County Clerk - \$50  
 Conservation & Development - \$25

**Total Due: \$75.<sup>00</sup>**

Total Paid \$ \_\_\_\_\_

Receipt #: \_\_\_\_\_