




# Contra Costa County Public Works Department

Brian M. Balbas, Director

Deputy Directors  
Stephen Kowalewski, Chief  
Allison Knapp  
Warren Lai  
Carrie Ricci  
Joe Yee

## Memo

August 12, 2019

**TO:** Transportation, Water, and Infrastructure Committee  
**FROM:** Brian M. Balbas, Director   
**SUBJECT:** Proposed Ban of Polystyrene Food and Beverage Containers

### Recommendation

- Consider the draft ordinance to ban the sale and use of polystyrene (Styrofoam) food and beverage containers
- Consider public comments on the draft ordinance
- Provide staff with suggested changes to the draft ordinance
- Forward to the Board for consideration with a recommendation to adopt the ordinance

### Background

The Regional Water Quality Control Board issues the County a Municipal Regional Permit (MRP), a stormwater permit requiring the County to improve stormwater quality in unincorporated County communities. Many of the permit provisions focus on reducing various pollutants in the County's waterways and storm drain system. Trash is considered a pollutant and the current permit (MRP 2.0) has a strong emphasis on reducing trash, with load reduction targets of 70% by 2017, 80% by 2019 and 100% by 2022. The County has developed a Trash Reduction Plan to meet these load reduction targets, and one element of the plan is to ban polystyrene food containers. Polystyrene (often referred to as styrofoam) is an especially troublesome form of litter as it tends to break down into smaller and smaller pieces in the environment, so that one initial piece of polystyrene trash over time becomes multiple pieces of trash. As the polystyrene breaks down into smaller pieces it becomes more and more difficult to pick out of or extract from the environment.

County staff began looking into a polystyrene ban in April of 2018, preparing an outline of the process to develop a County ordinance, a work plan to lay out the key steps, and a tentative schedule to complete each item. The Sustainability Commission was interested in the County's proposal to ban polystyrene containers and two members met with Public Works Department staff on April 17, 2018. The Commission members reviewed the outline, discussed the process with staff, and offered their support as the process moved forward.

### **Prior Committee Meeting**

The TWI Committee heard this item on November 8, 2018. That meeting provided the public an opportunity to give the County comments on whether or not to ban polystyrene food and beverage containers, and if so what types of products should be banned. The primary question before the Committee revolved around what types of products should be banned and how broadly should the ban be applied. In the County, 10 of the 19 incorporated cities and towns have adopted a polystyrene ban, some banning just food and beverage container products while others ban a wide spectrum of products including ice chests and packaging. Some cities/towns limit the ban to businesses that sell food and beverages, while others extend the ban to include the sale of food and beverage containers.

Comments received prior to the Committee meeting ranged from business interests not wanting a ban or wanting to limit the extent of a ban, to other interests wanting to expand the limits of the ban as much as possible. Staff could not address all of the comments with a uniform recommendation and instead presented the Committee with two options. Option One, a modest proposal, provided the greatest consistency with surrounding cities/towns by banning the use of polystyrene food and beverage containers. Option Two, a more expansive proposal, focused on environmental protection as a priority by banning more than just the use of food and beverage containers. The Committee considered the options and recommended the Board proceed with Option One.

### **Prior Board Meeting**

On December 4, 2018, the Board of Supervisors considered the Committee's recommendations and expanded the proposal to include the sale of food and beverage containers. The Board then directed staff to prepare a draft ordinance banning the use and sale of polystyrene containers. The Board also directed staff to do the following:

- **Letter to Cities and Towns.** The Board asked staff to draft a letter to the cities and towns advising them of the County's proposed ordinance and the County's interest in having requirements throughout the county that are as consistent as possible. On January 10, 2019, two draft letters, one to cities/towns with an ordinance and one to cities/towns without an ordinance, were sent to each Board member for them to send to the cities/towns within their Supervisorial District. The letter indicated that County staff would be contacting the City/Town to discuss how they enforce their ordinance, if they have one, and if they have no ordinance asking if they had plans to adopt one.
- **City/Town Report.** Not all the cities/towns had responded to staff inquiries at the time this report was written, so staff will present the findings at the Committee meeting on August 12, 2019.

- **Public Service Announcement.** The Board asked staff to prepare a public service announcement explaining why the ban of polystyrene food and beverage containers is needed to protect wildlife and prevent pollution of our waterways. Staff has been working with the Office of Communications and Media to develop a public service announcement and has completed the storyboard and script and ready to film. The public service announcement will be ready to view at the Board of Supervisors meeting when this proposed ordinance is taken to the Board.

### **Proposed Ordinance**

The attached draft ordinance has the following key provisions:

- Prohibits food vendors (restaurants, fast food or take-out services, food trucks, and other businesses that sell food or beverages) from using polystyrene food and beverage containers
- Requires food vendors to use environmentally friendly food and beverage containers
- Prohibits the retail sale of polystyrene food and beverage containers
- Allows for a six month grace period so businesses can use up existing supplies
- Prepackaged food items and reusable polystyrene ice chests and coolers are exempt
- The ban extends to County operations, County facilities, and County contracts

### **Outreach**

Since the last TWI Committee meeting, staff has expanded the outreach mailing list to include over 450 businesses and impacted parties, including representative associations and other parties of interest, like the Restaurant Association, chambers of commerce, and recyclers or recovery businesses. On July 15, 2019, a letter was sent to all parties on the outreach mailing list informing them of the proposed polystyrene ban (a copy of the letter is attached). The letter included a caption in both Spanish and Chinese that directed them to a website with more information. The website includes text of the letter in English with a button that will take the reader to a translated version of the text into either Spanish or Chinese. The draft ordinance is also on the website in English, Spanish, and Chinese. The letter requested comments on the draft ordinance and informed them of the opportunity to express their concerns in person at the Transportation, Water, and Infrastructure Committee meeting on August 12, 2019.

### **Comments on the Draft Ordinance**

As comments will likely come in right up to the date of the Committee meeting, staff will provide the Committee with an overview of the comments at the Committee meeting on August 12, 2019.

### **Attachments**

- Draft ordinance banning the use and sale of polystyrene food and beverage containers
- July 15, 2019 letter to businesses and interested parties

BMB:RMA:lz  
G:\fldctl\Mitch\Polystyrene Ban\TWIC memo 8-12-2019.docx  
Attachments

c: Allison Knapp, Administration  
Tim Jensen, Flood Control  
Cece Sellgren, Flood Control