



**Contra
Costa
County**

To: Board of Supervisors
From: Transportation Water and Infrastructure Committee
Date: October 8, 2019

Subject: Adopt Ordinance No. 2019-25 regulating polystyrene food and beverage containers, as recommended by the TWI Committee. Project No. 7517-6W7086

RECOMMENDATION(S):

ADOPT the attached Findings In Support of Ordinance No. 2019-25.

ADOPT Ordinance No. 2019-25 regulating polystyrene-based food service ware in unincorporated Contra Costa County.

DETERMINE that the activity is not subject to the California Environmental Quality Act (CEQA), pursuant to Sections 15061(b)(3) of the CEQA Guidelines.

DIRECT the Director of the Department of Conservation and Development to file a Notice of Exemption with the County Clerk.

AUTHORIZE the Public Works Director, or designee, to arrange for payment of a \$25 fee to the Department of Conservation and Development for processing, and a \$50 fee to the County Clerk for filing the Notice of Exemption.

FISCAL IMPACT:

The annual cost to enforce Ordinance No. 2019-25 is estimated to be \$25,000. These costs

☒ APPROVE

☐ OTHER

☒ RECOMMENDATION OF CNTY

☐ RECOMMENDATION OF BOARD

ADMINISTRATOR

COMMITTEE

Action of Board On: **10/08/2019** ☒ APPROVED AS RECOMMENDED ☐ OTHER

Clerks Notes:

VOTE OF SUPERVISORS

AYE: John Gioia, District I Supervisor
Candace Andersen, District II Supervisor
Diane Burgis, District III Supervisor
Karen Mitchoff, District IV Supervisor
Federal D. Glover, District V Supervisor

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: October 8, 2019

David Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Michele Mancuso,
(925) 313-2236

By: June McHuen, Deputy

will be paid with Stormwater Utility Assessment funds.

BACKGROUND:

The Transportation, Water and Infrastructure Committee (TWI Committee) first 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. On December 4, 2018, the Board of Supervisors considered a TWI Committee recommendation to adopt an ordinance banning polystyrene food and beverage containers and the extent of the ban. The Board considered the recommendation and expanded the ban to include not only the use of, but also the sale of polystyrene food and beverage containers. The Board then directed staff to prepare an ordinance to implement that ban on polystyrene food service ware. The TWI Committee reviewed the ordinance at its August 12, 2019, meeting and recommended its adoption by the Board.

Ordinance No. 2019-25. Ordinance No. 2019-25 includes the following provisions:

- The ordinance prohibits food vendors (e.g., restaurants, fast food or take-out services, food trucks, and other businesses that sell food or beverages) in the unincorporated County from using polystyrene food and beverage containers beginning May 1, 2020.
- The ordinance requires food vendors in the unincorporated County to use environmentally friendly food and beverage containers.
- The ordinance prohibits the sale of polystyrene food and beverage containers in the unincorporated County beginning May 1, 2020.
- Prepackaged food items, raw meat trays, and reusable polystyrene ice chests and coolers are exempt.
- Leases and rental agreements for County-owned facilities may require the use of environmentally friendly food service ware. Contracts with County vendors and service providers may require the use of environmentally friendly food service ware in connection with services performed for the County.
- The ordinance includes a process for food vendors to request that the Public Works Director issue a one-year hardship exemption under limited circumstances.

An Administrative Bulletin is currently being prepared that will prohibit the use of polystyrene-based food service ware by County departments.

Outreach. Before the TWI Committee meeting on August 12, 2019, staff expanded the outreach mailing list for this project 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. 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 ordinance is also on the website in English, Spanish, and Chinese. The letter requested comments on the ordinance and informed them of the

opportunity to express their concerns in person at the TWI Committee meeting on August 12, 2019. There was no public comment at the TWI Committee meeting. A similar letter was subsequently sent to all parties on the outreach mailing list informing them of the Board meeting on September 24, 2019, and the opportunity to submit comments by mail, by e-mail, or by phone, or to comment in person at the September 24, 2019, Board meeting.

California Environmental Quality Act (CEQA). The Department of Conservation and Development staff have determined that the approval of Ordinance No. 2019-25 is exempt from CEQA environmental review under CEQA Guidelines Section 15061(b)(3), the common sense exemption. This exemption applies to projects that will have no significant effect on the environment. Adopting the ordinance and implementing the ban of polystyrene food and beverage containers will not adversely affect the environment but will actually improve the environment by removing a product that degrades habitat and causes loss of wildlife.

For the above reasons, the TWI Committee and Public Works Department staff recommends that the Board of Supervisors adopt Ordinance No. 2019-25 and take the other recommended actions set forth above.

CONSEQUENCE OF NEGATIVE ACTION:

If the ordinance is not adopted, polystyrene-based food service ware will continue to be sold and used in unincorporated Contra Costa County and the adverse environmental effects associated with these activities will continue.

ATTACHMENTS

Findings for Ordinance 2019-25

Ordinance 2019-25

CEQA Notice of Exemption