

DATE: July 10, 2018 ITEM: 20

Approve  Deny

Continue to \_\_\_\_\_

**TO: San Luis Obispo County Integrated Waste Management Authority**

**FROM: Patti Toews, IWMA Program Director**

**RE: Study Session / Workshop - Polystyrene and Single-Use Disposables (SUDs) Study Session**

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**BACKGROUND:**

At the June 26, 2019, IWMA Executive Committee Meeting staff were directed to prepare a study session for the IWMA Board regarding a possible expanded polystyrene, polystyrene, and single-use disposables (SUDs) ordinance. The purpose of the study session is to give the full Board a chance to thoroughly examine the issues and provide direction to staff on whether to develop an ordinance and guidance on what should be included or not in the ordinance.

<b>Date</b>	<b>Action</b>
March 14, 2018	Staff directed to agendize discussion of an ordinance to ban expanded polystyrene (EPS)
May 9, 2018	Staff agendize discussion, public comment received
May 8, 2019	Staff directed to draft ordinance to ban EPS
June 26, 2019	Staff directed to hold draft and prepare study session
July 10, 2019	Study Session
September 11, 2019	If directed, first reading of ordinance
October 9, 2019	If directed, second reading of ordinance

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**RECOMMENDATION:**

Discuss Expanded Polystyrene (EPS), Polystyrene, and Single-Use Disposables (SUDs) ordinance options and direct staff to draft ordinance based on Board selected options.

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**FISCAL IMPACT:**

With the adoption of the ordinance there will be costs associated with IWMA educational outreach and possible enforcement actions by city and county staff. Implementation of the ordinance will

likely reduce litter and storm water impacts providing a positive fiscal impact on cleanup efforts throughout San Luis Obispo County.

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**ATTACHMENTS:**

- City of Arroyo Grande – Ordinance Regulating Expanded Polystyrene Food Containers and Products.
- City of Grover Beach – Ordinance to Regulate the Use of Expanded Polystyrene Products
- City of Morro Bay – Ordinance Regulating the Use of Expanded Polystyrene Products
- City of Pismo Beach – Ordinance Expanded Polystyrene
- City of San Luis Obispo – Ordinance Regulating Expanded Polystyrene Food Containers and Products.
- California Bans Spreadsheet
- Ordinance Option Worksheets
- Public Letters and Emails



## MEMORANDUM

**TO:** CITY COUNCIL

**FROM:** TERESA MCCLISH, COMMUNITY DEVELOPMENT DIRECTOR

**BY:** MATTHEW DOWNING, ASSOCIATE PLANNER

**SUBJECT:** CONSIDERATION OF ADOPTION OF AN ORDINANCE REGULATING EXPANDED POLYSTYRENE FOOD CONTAINERS AND PRODUCTS; LOCATION – CITYWIDE; APPLICANT – CITY OF ARROYO GRANDE

**DATE:** FEBRUARY 9, 2016

### RECOMMENDATION:

It is recommended the City Council adopt the Ordinance adding Chapter 8.34 to Title 8 of the Arroyo Grande Municipal Code regulating expanded polystyrene (EPS) food containers and products.

### IMPACTS ON FINANCIAL AND PERSONNEL RESOURCES:

The regulation of EPS will have little direct fiscal impact on the City, although it will generate some costs for enforcement of the regulations. The majority of enforcement costs are anticipated to peak during the first year of implementation until businesses adapt to the regulations. This item is not identified in the Critical Needs Action Plan.

### BACKGROUND:

On January 26, 2016, the City Council voted 4-1 to introduce an Ordinance adding Chapter 8.34 to Title 8 of the Arroyo Grande Municipal Code prohibiting the use of EPS food or drink containers and the retail sale of non-encased EPS products.

### ANALYSIS OF ISSUES:

Language contained in the Ordinance provides that the regulations will take effect six (6) months from the date of adoption in order to allow businesses in the City to utilize any existing stock of EPS products. During the Council's consideration of the Ordinance on January 26, 2016, a question was raised regarding the Ordinance's applicability to public schools in the Lucia Mar Unified School District (the "District"). While the public schools would not be required to comply with the Ordinance due to their sovereign immunity of City regulations, the District has been using compostable products for over a year at their schools.



**ORDINANCE NO.**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ARROYO GRANDE ADDING CHAPTER 8.34 TO TITLE 8 OF THE ARROYO GRANDE MUNICIPAL CODE REGULATING EXPANDED POLYSTYRENE FOOD CONTAINERS AND PRODUCTS**

**WHEREAS**, the City of Arroyo Grande ("City") has the police power to protect the health, safety and welfare of the community, including the ability to protect and enhance the natural environment; and

**WHEREAS**, according to the California Department of Transportation, expanded polystyrene products ("EPS") comprises approximately 15% of storm drain litter and is the second most common form of beach debris in California. Also, plastic products, including expanded polystyrene, make up 80-90% of floating marine debris; and

**WHEREAS**, the City boundary includes numerous creeks and other waterways, which are an important natural resource as exemplified in various policies of the City's General Plan. Expanded polystyrene products break apart into small pieces and ultimately flow to the Pacific Ocean contributing to concerns related to water quality and habitat protection both within the creek system as well as the marine environment; and

**WHEREAS**, items made from expanded polystyrene are not biodegradable, compostable, or recyclable locally; and

**WHEREAS**, expanded polystyrene breaks into small pieces and because it is lightweight, may be picked up by the wind even when it has been disposed of properly; and

**WHEREAS**, expanded polystyrene as litter is highly durable and is present in many public places, streets and roads, waterways and storm drains which may ultimately float, or be blown, into the Pacific Ocean; and

**WHEREAS**, marine animals and birds often confuse expanded polystyrene with pieces of food, and when ingested, it can impact their digestive tracts, often leading to death; and

**WHEREAS**, expanded polystyrene is manufactured from petroleum, a non-renewable resource; and

**WHEREAS**, take-out food packaging that is biodegradable, compostable, and recyclable is the most responsible and sustainable choice for the City's tourist economy, its citizenry and its environment. When products are recycled, natural resources are spared, less energy is used for the production of new products, and landfill space is preserved; and

**WHEREAS**, regulating the use of expanded polystyrene products will maximize the operating life of landfills; and



**ORDINANCE NO.**  
**PAGE 3**

limitation, food containers for takeout foods and/or leftovers from partially consumed meals prepared by Food Providers. This does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.

- H. "Events Promoter" means an applicant for any event permit issued by the City or any City employee(s) responsible for any City-organized event.
- I. "Expanded Polystyrene" or EPS means blown expanded and extruded polystyrene or other plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding, and extrusion-blown molding (extruded foam plastic). Expanded polystyrene and other plastic foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, ice chests, shipping boxes and packing peanuts.
- J. "Expanded Polystyrene Products" means any item such as coolers, ice chests, cups, bowls, plates, clamshells containers, shipping boxes, or any other merchandise made from expanded polystyrene that is not wholly encapsulated or encased by a more durable material.
- K. "Food Provider" Means any establishment located within the City, that is a retailer of Prepared Food or beverages for public consumption including, but not limited to any store, supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.
- L. "Person" means an individual, business, Event Promoter, trust, firm, joint stock company, corporation, non-profit, including a government corporation, partnership, or association.
- M. "Prepared Food" means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the City. Prepared Food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar food establishment.
- N. "Recyclable" means any material that is specified in the franchise agreement with the City's solid waste removal provider including, but not limited to aluminum, tin and bi-metal cans, clear and colored glass containers, High Density Polyethylene (HDPE), Polyethylene Terephthalate (PET), clear or rigid polystyrene, corrugated cardboard and mixed paper.
- O. "Vendor" means any store or business which sells or offers goods or merchandise, located or operating within the City of Arroyo Grande, including those referenced in and including "Food Provider."

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**PAGE 4**

8.34.020 – Expanded Polystyrene Disposable Food Containers Prohibited.

- A. Food Providers within the City of Arroyo Grande may not provide Prepared Food in or provide separately any Disposable Food Container made from Expanded Polystyrene, except as exempted in Section 8.34.050.
- B. Disposable Food Containers made from Expanded Polystyrene are prohibited from use in all City Facilities.
- C. City Contractors in the performance of City contracts and Events Promoters may not provide Prepared Food in Disposable Food Containers made from Expanded Polystyrene.

8.34.030 - Required Biodegradable, Compostable, or Recyclable Disposable Food Containers.

- A. All Food Providers within the City utilizing Disposable Food Containers shall use Biodegradable, Compostable or Recyclable products.
- B. All City Facilities utilizing Disposable Food Containers shall use Biodegradable, Compostable or Recyclable products.
- C. City Contractors and Events Promoters utilizing Disposable Food Containers shall use Biodegradable, Compostable, or Recyclable products while performing under a City contract or permit.

8.34.040 - Prohibited Sales.

No Vendor or Events Promoter in the City may sell or otherwise provide any Expanded Polystyrene Product, which is not wholly encapsulated or encased within a more durable material, except as exempted in Section 8.34.050. This specifically includes, but is not limited to, cups, plates, bowls, trays, clamshells and other products intended primarily for food service use, as well as coolers, containers, ice chests, shipping boxes, packing peanuts, or other packaging materials.

8.34.050 – Exemptions.

- A. The City Manager or designee, may exempt a Food Provider from the requirements set forth in section 8.34.020(A) of this ordinance for a one-year period upon the Food Provider showing, in writing, that this ordinance would create an undue hardship or practical difficulty as evidenced by no alternatives being available or such alternatives are not Affordable. The City Manager or designee shall put the decision to grant or deny a one-year exemption in writing, and the decision shall be final.



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**PAGE 5**

- B. Exemptions to allow for the sale or provision of Expanded Polystyrene Products may be granted by the City Manager or designee, if the vendor can demonstrate in writing a public health and safety requirement or medical necessity to use the product. The City Manager or designee shall put the decision to grant or deny the exemption in writing and the decision shall be final.
- C. An exemption application shall include all information necessary for the City Manager or designee to make a decision, including but not limited to documentation showing factual support for the claimed exemption. The City Manager or designee may require the applicant to provide additional information. The City Manager or designee may approve the exemption application in whole or in part, with or without conditions.
- D. Foods prepared or packaged outside the City and sold inside the City are exempt from the provisions of this chapter.
- E. Raw meat, fish and other raw food trays are exempt from the provisions of this chapter.
- F. Products made from Expanded Polystyrene, which are wholly encapsulated or encased by a more durable material are exempt from the provisions of this chapter. Examples include surfboards, life preservers, and craft supplies, which are wholly encapsulated or encased by a more durable material, and coolers encased in hard plastic.
- G. Construction products made from Expanded Polystyrene are exempted from this ordinance if the products are used in compliance with Arroyo Grande Municipal Code Title 15 Buildings and Construction and used in a manner preventing the Expanded Polystyrene from being released into the environment.
- H. In a situation deemed by the City Manager to be an emergency for the immediate preservation of the public peace, health or safety, City Facilities, Food Providers, City Contractors and Vendors doing business with the City shall be exempt from the provisions of this chapter.
- I. Expanded Polystyrene packaging products, which have been received from sources outside the City, may be reused to be kept out of the waste stream.

8.34.060 Violations.

- A. Any violation of the provisions of this chapter by any person is subject to the penalty provisions as provided in Chapter 1.16 of this code.
- B. For the first violation, the City Manager or designee may allow the violating Food Provider, in lieu of the penalty provisions contained above, to submit receipts

**ORDINANCE NO.  
PAGE 7**

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**JIM HILL, MAYOR**

**ATTEST:**

\_\_\_\_\_  
**KELLY WETMORE, CITY CLERK**

**APPROVED AS TO CONTENT:**

\_\_\_\_\_  
**DIANNE THOMPSON, CITY MANAGER**

**APPROVED AS TO FORM:**

\_\_\_\_\_  
**HEATHER K. WHITHAM, CITY ATTORNEY**





## CITY COUNCIL STAFF REPORT

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**TO:** Honorable Mayor and City Council                      **DATE:** January 22, 2018  
**FROM:** Matthew Bronson, City Manager  
**PREPARED BY:** Matthew Bronson, City Manager  
**SUBJECT:** Second Reading and Adoption of an Ordinance to Regulate the Use of Expanded Polystyrene Products

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### RECOMMENDATION

Conduct second reading, by title only, and adopt Ordinance No. 18-01 adding Chapter 7 to Article V of the Grover Beach Municipal Code to regulate Expanded Polystyrene Products with an effective date of July 22, 2018.

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### BACKGROUND

On January 8, 2018, the Council conducted a public hearing and introduced and conducted a first reading, by title only, of an Ordinance adding Chapter 7, Article V to the Grover Beach Municipal Code to regulate Expanded Polystyrene (EPS) Products. This hearing was the culmination of work over the past year in researching the potential regulation of EPS products and ultimately drafting an ordinance to regulate such products in a manner consistent with other nearby cities (Arroyo Grande, Morro Bay, Pismo Beach, and San Luis Obispo).

Staff is requesting that the Council conduct a second reading and adopt this Ordinance with an effective date of July 22, 2018. This effective date would provide a six-month window for businesses to use up their existing supply of EPS products before being required to use alternative products. The final Ordinance shown in Attachment 1 reflects the Council's revision to change the term "police power" in the first "Whereas" statement to "authority."

Pending Council adoption, staff will work with the Arroyo Grande/Grover Beach Chamber of Commerce to conduct outreach to Grover Beach businesses about the Ordinance and the requirement to use non-EPS products beginning in July 2018. Staff will also advise businesses of the exemption request available due to undue hardship, practical difficulty, or public health and safety needs,

Lastly, the City received a letter from the EPS Industry Alliance (see Attachment 2) requesting a continuance of this item which would be a policy decision for the Council. The City forwarded a copy of this letter to the Integrated Waste Management Authority (IWMA) and received a response from IWMA Manager Bill Worrell (see Attachment 3).

### FISCAL IMPACT

Implementation and enforcement of this Ordinance will be provided through existing City resources with enforcement on a complaint basis similar to other code enforcement complaints.

**ALTERNATIVES**

1. Conduct second reading, by title only, and adopt Ordinance No. 18-01 adding Chapter 7 to Article V of the Grover Beach Municipal Code to regulate Expanded Polystyrene Products with an effective date of July 22, 2018; or
2. Provide alternative direction to staff.

**PUBLIC NOTIFICATION**

The agenda was posted in accordance with the Brown Act. A copy of this staff report and meeting agenda were provided to the Arroyo Grande/Grover Beach Chamber of Commerce and representatives of SLO Foam Free.

**ATTACHMENTS**

1. Ordinance No. 18-01
2. Correspondence, EPS Industry Alliance, dated January 17, 2018
3. Correspondence, IWMA, dated January 18, 2018



## ORDINANCE 18-01

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GROVER BEACH, CALIFORNIA, ADDING CHAPTER 7 TO ARTICLE V OF THE GROVER BEACH MUNICIPAL CODE TO REGULATE EXPANDED POLYSTYRENE PRODUCTS**

**WHEREAS**, the City of Grover Beach ("City") has the ~~police power~~ authority to protect the health, safety and welfare of the community, including the ability to protect and enhance the natural environment; and

**WHEREAS**, according to the California Department of Transportation, expanded polystyrene products ("EPS") comprises approximately 15% of storm drain litter and is the second most common form of beach debris in California. Also, plastic products, including expanded polystyrene, make up 80-90% of floating marine debris; and

**WHEREAS**, the City boundary includes creeks and other waterways, which are an important natural resource as exemplified in various policies of the City's General Plan. Expanded polystyrene products break apart into small pieces and ultimately flow to the Pacific Ocean contributing to concerns related to water quality and habitat protection both within the creek system as well as the marine environment; and

**WHEREAS**, items made from expanded polystyrene are not biodegradable, compostable, or recyclable locally; and

**WHEREAS**, expanded polystyrene breaks into small pieces and because it is lightweight, may be picked up by the wind even when it has been disposed of properly; and

**WHEREAS**, expanded polystyrene as litter is highly durable and is present in many public places, streets and roads, waterways and storm drains which may ultimately float, or be blown, into the Pacific Ocean; and

**WHEREAS**, marine animals and birds often confuse expanded polystyrene with pieces of food and, when ingested, it can impact their digestive tracts, often leading to death; and

**WHEREAS**, expanded polystyrene is manufactured from petroleum, a non-renewable resource; and

**WHEREAS**, take-out food packaging that is biodegradable, compostable, and recyclable is the most responsible and sustainable choice for the City's tourist economy, its citizenry and its environment. When products are recycled, natural resources are spared, less energy is used for the production of new products, and landfill space is preserved; and

**WHEREAS**, regulating the use of expanded polystyrene products will maximize the operating life of landfills; and

**WHEREAS**, regulating the use of expanded polystyrene products within the City will help protect the City's natural environment from contamination and degradation.

**NOW, THEREFORE, BE IT ORDAINED** by the City Council of the City of Grover Beach as follows:

**PART 1:** The above recitals and findings are true and correct and incorporated herein by this reference.

**PART 2:** Chapter 7 of Article V, Expanded Polystyrene Products, is hereby added to the Grover Beach Municipal Code as follows:

CHAPTER 7 – EXPANDED POLYSTYRENE PRODUCTS

5700	Definitions
5701	Expanded Polystyrene Disposable Food Containers Prohibited
5702	Required Biodegradable, Compostable, or Recyclable Disposable Food Containers
5703	Prohibited Sales
5704	Exemptions
5705	Violations

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. "ASTM Standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended.
- B. "Biodegradable" means Compostable (separately defined) or the ability of organic matter to break down from a complex to a more simple form through the action of bacteria or to undergo this process.
- C. "City Facility" means any building, structure or vehicle owned and operated by the City of Grover Beach, its agents, agencies, and departments.
- D. "City Contractor" means any person or entity that enters into an agreement with the City to furnish products or services to or for the City.
- E. "Compostable" means all the materials in the product or package will break down, or otherwise become part of, usable compost (e.g., soil-conditioning material, mulch). Compostable disposable food containers must meet ASTM Standards for compostable materials.
- F. "Disposable Food Container" is interchangeable with "to go" packaging and "food packaging material" and means all containers that are used to hold Prepared Food or drinks. Disposable Food Containers include clamshells, bowls, plates, trays, cartons, and cups that are intended for single use, including without limitation, food containers for takeout foods and/or leftovers from partially consumed meals prepared by Food Providers. This does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.
- G. "Events Promoter" means an applicant for any event permit issued by the City or any City employee(s) responsible for any City-organized event.



- H. "Expanded Polystyrene" or "EPS" means blown expanded and extruded polystyrene or other plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding, and extrusion-blown molding (extruded foam plastic). Expanded polystyrene and other plastic foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, ice chests, shipping boxes and packing peanuts.
- I. "Expanded Polystyrene Products" means any item such as coolers, ice chests, cups, bowls, plates, clamshells containers, shipping boxes, packing peanuts, or any other merchandise made from expanded polystyrene that is not wholly encapsulated or encased by a more durable material.
- J. "Food Provider" means any establishment located within the City, that is a retailer of Prepared Food or beverages for public consumption including, but not limited to any store, supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.
- K. "Person" means an individual, business, Event Promoter, trust, firm, joint stock company, corporation, non-profit, including a government corporation, partnership, or association.
- L. "Prepared Food" means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the city. Prepared Food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar food establishment.
- M. "Recyclable" means any material that is specified in the franchise agreement with the City's solid waste removal provider including, but not limited to, aluminum, tin and bi-metal cans, clear and colored glass containers, High Density Polyethylene (HDPE), Polyethylene Terephthalate (PET), clear or rigid polystyrene, corrugated cardboard and mixed paper.
- N. "Vendor" means any store or business which sells or offers goods or merchandise, located or operating within the City of Grover Beach, including those referenced in and including "Food Provider."

5701 Expanded Polystyrene Disposable Food Containers Prohibited

- A. Food Providers within the City of Grover Beach may not provide Prepared Food in or provide separately any Disposable Food Container made from Expanded Polystyrene, except as exempted in Section 5704.
- B. Disposable Food Containers made from Expanded Polystyrene are prohibited from use in all City Facilities.
- C. City Contractors in the performance of City contracts and Events Promoters may not provide Prepared Food in Disposable Food Containers made from Expanded Polystyrene.

5702 Required Biodegradable, Compostable, or Recyclable Disposable Food Containers

- A. All Food Providers within the City utilizing Disposable Food Containers shall use Biodegradable, Compostable or Recyclable products.
- B. All City Facilities utilizing Disposable Food Containers shall use Biodegradable, Compostable or Recyclable products.
- C. City Contractors and Events Promoters utilizing Disposable Food Containers shall use Biodegradable, Compostable, or Recyclable products while performing under a City contract or permit.

#### 5703 Prohibited Sales

No Vendor or Events Promoter in the City may sell or otherwise provide any Expanded Polystyrene Product, which is not wholly encapsulated or encased within a more durable material, except as exempted in Section 5704. This specifically includes, but is not limited to, cups, plates, bowls, trays, clamshells and other products intended primarily for food service use, as well as coolers, containers, ice chests, shipping boxes, packing peanuts, or other packaging materials.

#### 5704 Exemptions

- A. The City Manager, or his/her designee, may issue a one-time exemption for up to one (1) year for a Food Provider from the requirements set forth in this ordinance upon the Food Provider showing, in writing, that this ordinance would create an undue hardship or practical difficulty. The City Manager or designee shall put the decision to grant or deny an exemption in writing, and the decision shall be final.
- B. Exemptions to allow for the sale or provision of Expanded Polystyrene Products may be granted by the City Manager or designee, if the vendor can demonstrate in writing a public health and safety requirement or medical necessity to use the product. The City Manager or designee shall put the decision to grant or deny the exemption in writing and the decision shall be final.
- C. An exemption application shall include all information necessary for the City Manager or designee to make a decision, including, but not limited to, documentation showing factual support for the claimed exemption. The City Manager or designee may require the applicant to provide additional information. The City Manager or designee may approve the exemption application in whole or in part, with or without conditions.
- D. Foods prepared or packaged outside the City and sold inside the City are exempt from the provisions of this chapter.
- E. Raw meat, fish and other raw food trays are exempt from the provisions of this chapter.
- F. Products made from Expanded Polystyrene, which are wholly encapsulated or encased by a more durable material are exempt from the provisions of this chapter. Examples include surfboards, life preservers, and craft supplies, which are wholly encapsulated or encased by a more durable material, and coolers encased in hard plastic.
- G. Construction products made from Expanded Polystyrene are exempted from this ordinance if the products are used in compliance with Grover Beach Municipal Code



Article VIII Building Regulations and used in a manner preventing the Expanded Polystyrene from being released into the environment.

- H. In a situation deemed in writing by the City Manager or designee to be an emergency for the immediate preservation of the public peace, health or safety, City Facilities, Food Providers, City Contractors and Vendors doing business with the City shall be exempt from the provisions of this chapter.
- I. Expanded Polystyrene packaging products, which have been received from sources outside the City, may be reused to be kept out of the waste stream.

5705 Violations

- A. Any violation of the provisions of this chapter by any person is subject to the penalty provisions as provided in Chapter 2 (Penal Provisions), Article 1 (General Provisions) or any other pertinent provision of this code or as amended.
- B. For the first violation, the City Manager or designee may allow the violating Food Provider, in lieu of the penalty provisions contained above, to submit receipts demonstrating the purchase after the citation date, of Biodegradable, Compostable, or Recyclable products.
- C. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the City Attorney including, but not limited to, administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

**PART 3:** If any section, subsection, subdivision, paragraph, sentence, or clause of this Ordinance or any part thereof is for any reason held to be unlawful, such decision shall not affect the validity of the remaining portion of this Ordinance or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, or clause thereof, irrespective of the fact that any one or more section, subsection, subdivision, paragraph, sentence, or clause be declared in violation of the law.

**PART 4:** This Ordinance shall become effective six (6) months after the date of its adoption, and within fifteen (15) days after its adoption, it shall be published once, together with the names of the Council Members voting thereon, in a newspaper of general circulation within the City.

**INTRODUCED** at a regular meeting of the City Council held January 8, 2018 and **PASSED, APPROVED, and ADOPTED** by the City Council on \_\_\_\_\_, on the following roll call vote, to wit:

AYES:	Council Members –
NOES:	Council Members –
ABSENT:	Council Members –
ABSTAIN:	Council Members –

APPROVED:

**\*\* D R A F T \*\***

\_\_\_\_\_  
JOHN P. SHOALS, MAYOR

ATTEST:

\_\_\_\_\_  
DONNA L. McMAHON, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
DAVID P. HALE, CITY ATTORNEY



**ORDINANCE NO. 600**

**AN ORDINANCE OF THE CITY COUNCIL  
OF THE CITY OF MORRO BAY, CALIFORNIA  
TO ADD CHAPTER 8.17 EXPANDED POLYSTYRENE REGULATING THE USE OF  
EXPANDED POLYSTYRENE PRODUCTS WITHIN THE CITY TO  
THE MORRO BAY MUNICIPAL CODE**

**THE CITY COUNCIL  
City of Morro Bay, California**

WHEREAS, The City of Morro Bay ("City") has the police power to protect the health, safety and welfare of the community, including the ability to protect and enhance the natural environment; and

WHEREAS, according to the California Department of Transportation, expanded polystyrene comprises approximately 15% of storm drain litter and is the second most common form of beach debris in California, and plastic products, including expanded polystyrene, make up 80 -90% of floating marine debris; and

WHEREAS, the City is situated adjacent to the Pacific Ocean and during regular beach clean-ups, expanded polystyrene products are found and discarded; and

WHEREAS, items made from expanded polystyrene are not biodegradable, compostable, or recyclable locally and expanded polystyrene as litter is high durable; and

WHEREAS, expanded polystyrene breaks into small, lightweight pieces that may be picked up by the wind even when it has been disposed of property, and flow or be flown into creeks and the Pacific Ocean, contributing to water quality and habitat protection concerns; and

WHEREAS, marine animals and birds often confuse expanded polystyrene with pieces of food, and when ingested, it can impact their digestive tracts, often leading to death; and

WHEREAS, expanded polystyrene is manufactured from petroleum, a non – renewable resource; and

WHEREAS, expanded polystyrene is not recycled at the Cold Canyon Landfill and there are no current plans to recycle it, and regulating the use of expanded polystyrene products will therefore maximize the operating life of the landfills; and

WHEREAS, take-out food packaging that is biodegradable, compostable, and recyclable is the most responsible and sustainable choice for the City's tourist economy, its citizenry and its environment and when these products are recycled, natural resources are spared, less energy is used for the production of new products; and

WHEREAS, regulating the use of expanded polystyrene products within the City will help protect the City's natural environment from contamination and degradation; and

NOW, THEREFORE, the City Council of the City of Morro Bay does hereby ordain as follows:

SECTION 1: There is hereby added to the Morro Bay Municipal Code, a new Chapter 8.17 to Title 8 to read, in its entirety, as follows:

**Chapter 8.17**  
**EXPANDED POLYSTYRENE**

**8.17.010 Definitions.**

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. "ASTM standard" means meeting the standards of the American Society for Testing and Materials (ASTM) international standard D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended.
- B. "Biodegradable" means compostable (separately defined) or the ability of organic matter to break down from a complex to a more simple form through the action of bacteria or to undergo this process.
- C. "City facility" means any building, structure or vehicle owned and operated by the city of Morro Bay, its agents, agencies, and departments.
- D. "City contractor" means any person or entity that enters into an agreement with the city to furnish products or services to or for the city.
- E. "Compostable" means all the materials in the product or package will break down, or otherwise become part of usable compost (e.g., soil-conditioning material, mulch). Compostable disposable food containers must meet ASTM standards for compostable materials.
- F. "Disposable food container" is interchangeable with "to go" packaging and "food packaging material" and means all containers that are used to hold prepared food or drinks. Disposable food containers include clamshells, bowls, plates, trays, cartons, boxes, and cups that are intended for single use, including, without limitation, food containers for takeout foods and/or leftovers from partially consumed meals prepared by food providers. This does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.
- G. "Events promoter" means an applicant for any event permit issued by the city or any city employee(s) responsible for any city-organized event.
- H. "Expanded polystyrene" or EPS means blown expanded and extruded polystyrene or other plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding, and extrusion-blown molding (extruded foam plastic). Expanded polystyrene and other plastic foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, ice chests, shipping boxes and packing peanuts.



I. "Expanded polystyrene products" means any item such as coolers, ice chests, cups, bowls, plates, clamshell containers, shipping boxes, or any other merchandise made from expanded polystyrene that is not wholly encapsulated or encased by a more durable material.

J. "Food provider" means any establishment located within the city that is a retailer of prepared food or beverages for public consumption including, but not limited to, any store, supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.

K. "Person" means an individual, business, event promoter, trust, firm, joint stock company, corporation, nonprofit, including a government corporation, partnership, or association.

L. "Prepared food" means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the city. Prepared food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar food establishment.

M. "Recyclable" means any material that is specified in the franchise agreement with the city's solid waste removal provider including, but not limited to, aluminum, tin and bi-metal cans, clear and colored glass containers, high density polyethylene (HDPE), polyethylene terephthalate (PET), clear or rigid polystyrene, corrugated cardboard and mixed paper.

N. "Vendor" means any retail store or business which sells or offers goods or merchandise, located or operating within the city of Morro Bay, including those referenced in the definition of "food provider."

#### **8.17.020 Expanded polystyrene disposable food containers prohibited.**

A. Food providers within the city of Morro Bay may not provide prepared food in or provide separately any disposable food container made from expanded polystyrene, except as exempted in Section 8.17.050.

B. Disposable food containers made from expanded polystyrene are prohibited from use in all city facilities.

C. City contractors in the performance of city contracts and events promoters may not provide prepared food in disposable food containers made from expanded polystyrene.

#### **8.17.030 Required biodegradable, compostable, or recyclable disposable food containers.**

A. All food providers within the city utilizing disposable food containers shall use biodegradable, compostable or recyclable products.

B. All city facilities utilizing disposable food containers shall use biodegradable, compostable or recyclable products.

C. City contractors and events promoters utilizing disposable food containers shall use biodegradable, compostable, or recyclable products while performing under a city contract or permit.

#### **8.17.040 Prohibited sales.**

No vendor or events promoter in the city may sell or otherwise provide any expanded polystyrene product which is not wholly encapsulated or encased within a more durable material, except as exempted in Section 8.17.050. This specifically includes, but is not limited to, cups, plates, bowls, trays, clamshells and other products intended primarily for food service use, as well as coolers, containers, ice chests, shipping boxes, packing peanuts, or other packaging materials.

#### **8.17.050 Exemptions.**

A. The city manager or designee may exempt a food provider from the requirements set forth in Section 8.17.020(A) for a single, six-month period upon written application by the vendor or food provider showing that this chapter would create an undue hardship or practical difficulty. The city manager or designee's decision shall be in writing, and the decision shall be final and not subject to appeal. The city manager or designee may approve the exemption application in whole or in part, with or without conditions.

B. Exemptions to allow for the sale or provision of expanded polystyrene products may be granted by the city manager or designee, if the vendor can demonstrate in writing a public health and safety requirement or medical necessity to use the product. The city manager or designee shall put the decision to grant or deny the exemption in writing and the decision shall be final.

C. An exemption application shall include all information necessary for the city manager or designee to make a decision, including but not limited to documentation showing factual support for the claimed exemption. The city manager or designee may require the applicant to provide additional information.

D. Foods prepared or packaged outside the city and sold inside the city are exempt from the provisions of this chapter.

E. Raw meat, fish and other raw food trays are exempt from the provisions of this chapter.

F. Products made from expanded polystyrene which are wholly encapsulated or encased by a more durable material are exempt from the provisions of this chapter. Examples include surfboards, life preservers, and craft supplies which are wholly encapsulated or encased by a more durable material, and coolers encased in hard plastic.

G. Construction products made from expanded polystyrene are exempted from this chapter if the products are used in compliance with Title 14, Buildings and Construction, and used in a manner preventing the expanded polystyrene from being released into the environment.

H. In a situation deemed by the city manager to be an emergency for the immediate preservation of the public peace, health or safety, city facilities, food providers, city contractors and vendors doing business with the city shall be exempt from the provisions of this chapter.

I. Expanded polystyrene packaging products which have been received from sources outside the city may be reused to be kept out of the waste stream.



### **8.17.060 Violations.**

A. Any violation of the provisions of this chapter by any person is subject to administrative fines as provided in Chapter 1.03, which may be appealed pursuant to the procedures in that chapter.

B. For the first violation, the city manager or designee may allow the violating food provider, in lieu of payment of the administrative fine, to submit receipts demonstrating the purchase after the citation date of biodegradable, compostable, or recyclable products in an amount equal to the amount of the citation.

C. Food providers or vendors who violate this chapter in connection with city permitted special events shall be assessed fines as follows:

1. A fine not to exceed two hundred dollars for an event of one to two hundred persons.
2. A fine not to exceed four hundred dollars for an event of two hundred one to four hundred persons.
3. A fine not to exceed six hundred dollars for an event of four hundred one to six hundred persons.
4. A fine not to exceed one thousand dollars for an event of six hundred or more persons.

B. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the city attorney, including but not limited to administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

SECTION 2. This ordinance is exempt from review under the California Environmental Quality Act (CEQA) (California Public Resources Code Section 2100 et seq.). Pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Further, the proposed Ordinance is exempt from CEQA on the separate and independent ground that it is an action of a regulatory agency (the City) for the protection of the environment because, among other things, it will regulate the use and sale of expanded polystyrene products and reduce the amount of expanded polystyrene products that enter local landfill and waterways. Thus, this Ordinance is categorically exempt from the requirements of CEQA under Section 15308 of Title 14 of the California Code of Regulations as an action by a regulatory agency for the protection of the environment.

SECTION 3. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is, for any reason, held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Morro Bay hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase, or portion thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions thereof may be declared invalid or unconstitutional.

SECTION 4. This Ordinance shall be in full force and effect on May 1, 2016 after its adoption following second reading.

SECTION 5: The City Clerk shall certify to the adoption of this Ordinance and cause it to be published, in accordance with Government Code, section 36933.

**INTRODUCED** at a regular meeting of the City Council of Morro Bay, held on the 26th day of January, 2016, by motion of Councilmember John Heading, seconded by Councilmember Noah Smukler.

**PASSED AND ADOPTED** on the 9<sup>th</sup> day of February, 2016.

\_\_\_\_\_  
JAMIE L. IRONS, Mayor

Attest:

\_\_\_\_\_  
DANA SWANSON, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Joseph W. Pannone, City Attorney

I, Dana Swanson, City Clerk for the City of Morro Bay, hereby certify that the foregoing ordinance was duly and regularly introduced at a meeting of the City Council of the 26th day of January, 2016, and hereafter the said ordinance was duly and regularly adopted at a meeting of the City Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2016, by the following vote, to wit:

AYES:  
NOES:  
ABATAIN:  
ABSENT:

IN WITNESS WHEREOF I have hereunto set my hand and affixed the official seal of the City of Morro Bay, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

\_\_\_\_\_  
City Clerk of the City of Morro Bay



ORDINANCE NO. O-2015-008

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH  
ADDING CHAPTER 8.40: EXPANDED POLYSTYRENE, TO TITLE 8, HEALTH AND  
SAFETY, OF THE CITY OF PISMO BEACH MUNICIPAL CODE

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**WHEREAS**, the City of Pismo Beach has the police power to protect the health, safety and welfare of the community, including the ability to protect and enhance the natural environment; and

**WHEREAS**, according to studies, expanded polystyrene comprises approximately 15% of storm drain litter and is the second most common form of beach debris in California, and plastic products, including expanded polystyrene, make up 80—90% of floating marine debris; and

**WHEREAS**, the City is situated adjacent to the Pacific Ocean and during regular maintenance of the City's beach, creeks and other locations within the City, the City finds and discards a significant amount of expanded polystyrene products such as clamshell food containers, cups and plates; and

**WHEREAS**, items made from expanded polystyrene are not biodegradable, compostable, or recyclable locally, and expanded polystyrene as litter is highly durable; and

**WHEREAS**, expanded polystyrene breaks into small, lightweight pieces that may be picked up by the wind even when it has been disposed of properly, and flow or be blown into creeks and the Pacific Ocean, contributing to water quality and habitat protection concerns; and

**WHEREAS**, marine animals and birds often confuse expanded polystyrene with pieces of food, and when ingested, it can impact their digestive tracts, often leading to death; and

**WHEREAS**, expanded polystyrene is manufactured from petroleum, a non-renewable resource; and

**WHEREAS**, expanded polystyrene is not recycled at the Cold Canyon Landfill and there are no plans to provide for its recycling, and regulating the use of expanded polystyrene products will therefore maximize the operating life of landfills; and

**WHEREAS**, take-out food packaging that is biodegradable, compostable, and recyclable is the most responsible and sustainable choice for the City's tourist economy, its citizenry and its environment, and when these products are recycled, natural resources are spared and less energy is used for the production of new products; and

**WHEREAS**, regulating the use of expanded polystyrene products within the City will therefore help protect the City's natural environment from contamination and degradation.

**NOW, THEREFORE**, the City Council of the City of Pismo Beach does ordain as follows:

**SECTION 1.**

**Chapter 8.40 of the Pismo Beach City Code shall be added, to read as follows:**

**Chapter 8.40 EXPANDED POLYSTYRENE**

**8.40.010 Definitions.**

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

- A. "Affordable" means that a biodegradable, compostable or recyclable product costs no more than fifteen percent greater than the purchase cost of comparable expanded polystyrene alternatives.
- B. "ASTM standard" means meeting the standards of the American Society for Testing and Materials international standard D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended.
- C. "Biodegradable" means compostable, or able to be broken down from a complex to a more simple form through the action of bacteria or other living organisms.
- D. "City facility" means any building, structure or vehicle owned and operated by the city of Pismo Beach, its agents, agencies, and departments.
- E. "City contractor" means any person or entity that enters into an agreement with the city to furnish products or services to or for the city.
- F. "Compost" means the product of the decomposition process resulting from the aerobic treatment of organic material.
- G. "Compostable" means all the materials in a product or package will break down, or otherwise become part of usable compost. Compostable disposable food containers must meet ASTM standards for compostable materials.
- H. "Disposable food container" means all containers that are used to hold prepared food or drinks. Disposable food containers include clamshells, bowls, plates, trays, cartons, cups and similar items that are intended for single use, including, without limitation, food containers for takeout foods and/or leftovers from partially consumed meals prepared by food providers. This does not include single-use



disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.

- I. "Events promoter" means the holder of any event permit issued by the city pursuant to Chapter 12.16 or any city employee(s) responsible for any city-organized event.
- J. "Expanded polystyrene" (EPS) means blown or extruded polystyrene or other plastic foams that are manufactured or processed by any number of techniques, including but not limited to fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, or extrusion-blow molding (extruded foam polystyrene). Expanded polystyrene shall not include recyclable clear or solid polystyrene (oriented polystyrene).
- K. "Expanded polystyrene product" means any item made from expanded polystyrene that is not wholly encapsulated or encased by a more durable material, including but not limited to coolers, ice chests, cups, bowls, plates, trays, clamshell containers, shipping boxes, and packing peanuts. Products made from expanded polystyrene that are wholly encapsulated or encased by a more durable material are exempt from the provisions of this chapter. Examples of exempt products include surfboards, life preservers, and craft supplies that are wholly encapsulated or encased by a more durable material, and coolers encased in hard plastic. Construction products made from expanded polystyrene are exempt from the provisions of this chapter if the products are used in compliance with Title 15, Buildings and Construction and if they are used in a manner preventing the expanded polystyrene from being released into the environment.
- L. "Food provider" means any establishment located within the city that is a retailer of prepared food or beverages for public consumption including, but not limited to, any store, supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.
- M. "Person" means an individual, business, event promoter, trust, firm, joint stock company, corporation, nonprofit, including a government corporation, partnership, or association.
- N. "Polystyrene" means a thermoplastic petrochemical material utilizing the styrene monomer. The recycle code for polystyrene is "6" or "PS," either alone or in combination with other letters. This definition includes and applies to all polystyrene products, regardless of whether they exhibit a recycle code.
- O. "Prepared food" means food or beverages that are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the city. Prepared food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar food establishment.



- P. "Recyclable" means any material that is specified in the franchise agreement with the city's solid waste removal provider including, but not limited to, aluminum, tin and bi-metal cans, clear and colored glass containers, high density polyethylene (HDPE), polyethylene terephthalate (PET), clear or solid polystyrene (oriented polystyrene), corrugated cardboard and mixed paper.
- Q. "Vendor" means any store or business that sells or offers goods or merchandise, located or operating within the city of Pismo Beach, including those referenced in the definition of "food provider."

**8.40.020 Expanded polystyrene disposable food containers prohibited.**

- A. Food providers and vendors within the city of Pismo Beach may not provide prepared food in, or provide separately, any disposable food container made from expanded polystyrene, except as permitted in Section 8.40.050.
- B. Disposable food containers made from expanded polystyrene shall not be used in any city facilities.
- C. City contractors in the performance of city contracts and events promoters may not provide prepared food in disposable food containers made from expanded polystyrene.

**8.40.030 Required biodegradable, compostable, or recyclable disposable food containers.**

- A. Food providers and vendors within the city utilizing disposable food containers shall use biodegradable, compostable or recyclable food container products.
- B. All city facilities utilizing disposable food containers shall use biodegradable, compostable or recyclable food container products.
- C. City contractors and events promoters utilizing disposable food containers shall use biodegradable, compostable, or recyclable food container products while in the performance of city contracts and events.

**8.40.040 Prohibited sales.**

No vendor or events promoter in the city shall sell or otherwise provide any expanded polystyrene product, except as permitted in Section 8.40.050.

**8.40.050 Exemptions.**

- A. The city manager or designee may exempt a vendor or food provider from the requirements set forth in Section 8.40.020(A) for a single, six-month period upon written application by the vendor or food provider showing that this chapter would



create an undue financial hardship or practical difficulty. The city manager's decision shall be in writing, and the decision shall be final and not subject to appeal. The city manager or designee may approve the exemption application in whole or in part, with or without conditions.

- B. The city manager or designee may exempt a vendor or food provider from the requirements set forth in Section 8.40.020(A) if the vendor or food provider demonstrates in writing a public health and safety requirement or medical necessity to use a disposable food container product otherwise prohibited by this chapter. The city manager's decision shall be in writing, and the decision shall be final and not subject to appeal. The city manager or designee may approve the exemption application in whole or in part, with or without conditions.
- C. An exemption application under subsections (A) or (B) shall include all information necessary for the city manager or designee to make a decision, including but not limited to documentation showing factual support for the claimed exemption. The city manager or designee may require the applicant to provide additional information.
- D. Foods prepared and packaged in expanded polystyrene products outside the city and sold inside the city are exempt from the provisions of this chapter.
- E. Raw meat, fish and other raw food trays made of expanded polystyrene are exempt from the provisions of this chapter.
- F. In a situation deemed by the city manager to be an emergency for the immediate preservation of the public peace, health or safety, city facilities, food providers, city contractors and vendors doing business with the city shall be exempt from the provisions of this chapter.

#### **8.40.060 Violations.**

- A. Any violation of the provisions of this chapter by any person is subject to administrative fines as provided in Chapter 1.24.
- B. For a first violation, the city manager or designee may allow the violating food provider or vendor, in lieu of payment of the administrative fine, to submit receipts demonstrating the food provider's or vendor's post-citation purchase of biodegradable, compostable, or recyclable products in an amount equal to the amount of the administrative fine levied under Chapter 1.24.
- C. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the city attorney, including but not limited to administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for



injunctive relief. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

## **SECTION 2.**

This ordinance is exempt from review under the California Environmental Quality Act ("CEQA") (California Public Resources Code Section 21000 et seq.). Pursuant to State CEQA Guidelines section 15307 (14 Cal. Code Regs. § 15307), this ordinance is covered by the CEQA Categorical Exemption for actions taken to assure the maintenance, restoration, enhancement, or protection of a natural resource where the regulatory process involves procedures for protection of the environment. The adoption of this ordinance will result in the enhancement and protection of natural resources, and will not result in cumulative adverse environmental impacts or any other potentially significant impact described in State CEQA Guidelines section 15300.2. It is therefore exempt from the provisions of CEQA.

## **SECTION 3.**

This ordinance shall not be interpreted in any manner to conflict with controlling provisions of state or federal law, including, without limitation, the Constitution of the State of California or of the United States of America. If any section, subsection or clause of this ordinance shall be deemed to be unconstitutional or otherwise invalid, the validity of the remaining sections, subsections and clauses shall not be affected thereby. If this ordinance, or any section, subsection or clause of this ordinance shall be deemed unconstitutional or invalid as applied to a particular appeal, the validity of the remainder of this ordinance and its sections, subsections and clauses shall not be affected.

## **SECTION 4.**

This ordinance shall become effective on the thirtieth (30<sup>th</sup>) day following passage and adoption hereof.

## **SECTION 5.**

The City Clerk shall certify to the passage and adoption of this Ordinance, shall enter the same in the book of original ordinances of the City and shall make a minute of the passage and adoption thereof in the records of the meeting at which the same is passed and adopted. Before the expiration of fifteen (15) days after the passage of this Ordinance, the City Clerk shall cause the same to be posted in three public places within the City of Pismo Beach, to wit: 1) City Hall, 760 Mattie Road, Pismo Beach, 2) U.S. Post Office, Shell Beach Road, Pismo Beach, 3) U.S. Post Office, Crest Drive, Pismo Beach.

**INTRODUCED** at a regular meeting of the City Council held this 17<sup>th</sup> day of November, 2015, on motion of Mayor Pro Tem Waage, seconded by Council Member Blake, and on the following roll call vote, to wit:



**AYES: 5 Council Members Waage, Blake, Howell, Reiss, Higginbotham**  
**NOES: 0**  
**ABSENT: 0**  
**ABSTAIN: 0**  
**RECUSED: 0**

**Approved:**

**Attest:**

  
\_\_\_\_\_  
**Shelly Higginbotham**  
**Mayor**


  
\_\_\_\_\_  
**Erica Inderlied**  
**City Clerk**

**SECOND READING AND ADOPTION** at a regular meeting of the City Council held this 15<sup>th</sup> day of December, 2015, on motion of Mayor Pro Tem Waage, seconded by Council Member Blake, and on the following vote:

**AYES: 4 Council Members Waage, Blake, Howell, Higginbotham**  
**NOES: 0**  
**ABSENT: 1 Council Member Reiss**  
**ABSTAIN: 0**  
**RECUSED: 0**

**Approved:**

**Attest:**

  
\_\_\_\_\_  
**Shelly Higginbotham**  
**Mayor**

  
\_\_\_\_\_  
**Erica Inderlied**  
**City Clerk**

**APPROVED AS TO FORM:**

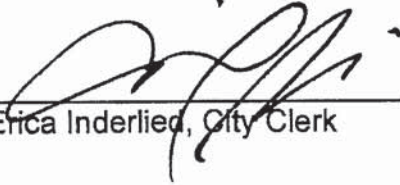
  
\_\_\_\_\_  
**David M. Fleishman, City Attorney**

**CERTIFICATION OF ORDINANCE POSTING**  
Government Code §40806

STATE OF CALIFORNIA        }  
  }  
COUNTY OF SAN LUIS OBISPO }

I, Erica Inderlied, the City Clerk of the City of Pismo Beach, California, hereby certify in accordance with California Government Code Section 40806 that the foregoing document is a true and correct copy of **Ordinance No. O-2015-008**, titled **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PISMO BEACH ADDING CHAPTER 8.40: EXPANDED POLYSTYRENE, TO TITLE 8, HEALTH AND SAFETY, OF THE CITY OF PISMO BEACH MUNICIPAL CODE**, and that I caused the same to be duly posted in three public places within the City within fifteen (15) days of adoption thereof, pursuant to the requirements of California Government Code Section 36933.

Dated this 16th day of December, 2015. Witness my hand and official seal.

  
\_\_\_\_\_  
Erica Inderlied, City Clerk





**ORDINANCE NO. 1617 (2015 Series)**

**AN ORDINANCE OF THE CITY OF SAN LUIS OBISPO ADDING  
CHAPTER 8.06 TO THE SAN LUIS OBISPO MUNICIPAL CODE  
REGULATING EXPANDED POLYSTYRENE FOOD CONTAINERS AND  
PRODUCTS**

**WHEREAS**, The City of San Luis Obispo (“City”) has the police power to protect the health, safety and welfare of the community, including the ability to protect and enhance the natural environment; and

**WHEREAS**, according to the California Department of Transportation, EPS comprises approximately 15% of storm drain litter. A study published in 2011 found that 71% of all the plastic flowing through the Los Angeles and San Gabriel Rivers is foam. It is the second most common form of beach debris in California, according to a study conducted in Orange County. Also, several studies approximate that plastic products, including expanded polystyrene, make up 80-90% of floating marine debris; and

**WHEREAS**, the City is situated entirely within the 84 square mile San Luis Obispo Creek Watershed. The City’s watershed and creek system are important natural resources as exemplified in various policies of the City’s General Plan. As part of the City’s natural resource program, the City performs regular creek clean-ups. During these clean-ups, the City finds and discards a significant amount of expanded polystyrene products such as clamshell containers, cups and plates. These products break apart into small pieces and ultimately flow to the Pacific Ocean contributing to concerns related to water quality and habitat protection both within the creek system as well as the marine environment; and

**WHEREAS**, items made from expanded polystyrene are not biodegradable, compostable, or recyclable locally. Expanded polystyrene breaks into small pieces and because it is lightweight, may be picked up by the wind even when it has been disposed of properly; and

**WHEREAS**, expanded polystyrene as litter is highly durable. Expanded polystyrene litter is present in City parks and public places, streets and roads, waterways and storm drains which may ultimately float, or be blown, into the Pacific Ocean; and

**WHEREAS**, marine animals and birds often confuse expanded polystyrene with pieces of food, and when ingested, it can impact their digestive tracts, often leading to death; and

**WHEREAS**, expanded polystyrene is manufactured from petroleum, a non-renewable resource; and

**WHEREAS**, expanded polystyrene is not recycled at the Cold Canyon Landfill and there are no current plans to recycle it;

**WHEREAS**, take-out food packaging that is biodegradable, compostable, and recyclable is the most responsible and sustainable choice for the City’s tourist economy, its citizenry and its

environment. When products are recycled, natural resources are spared, less energy is used for the production of new products, and landfill space is preserved; and

**WHEREAS**, regulating the use of expanded polystyrene products will maximize the operating life of landfills; and

**WHEREAS**, regulating the use of expanded polystyrene products within the City will help protect the City's natural environment from contamination and degradation; and

**WHEREAS**, the City Council of the City of San Luis Obispo conducted a study session in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California, on September 2, 2014, and directed staff to develop an ordinance to prohibit the use of expanded polystyrene food or drink containers and the retail sale of non-encased expanded polystyrene products; and

**WHEREAS**, the City Council of the City of San Luis Obispo conducted a public hearing in the Council Chamber of City Hall, 990 Palm Street, San Luis Obispo, California, on June 2, 2015, for the purpose of considering the addition of Chapter 8.06 to the Municipal Code to prohibit the use of expanded polystyrene food or drink containers and the retail sale of non-encased expanded polystyrene products; and

**BE IT ORDAINED** by the Council of the City of San Luis Obispo as follows:

**SECTION 1. Recitals.** The above recitals are true and correct and incorporated herein by this reference as the findings of the City Council.

**SECTION 2. Environmental Determination.** The proposed ordinance is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. Further, the proposed Ordinance is exempt from CEQA on the separate and independent ground that it is an action of a regulatory agency (the City) for the protection of the environment because, among other things, it will regulate the use and sale of expanded polystyrene products and reduce the amount of expanded polystyrene products that enter local landfill and waterways. Thus, this Ordinance is categorically exempt from the requirements of CEQA under Section 15308 of Title 14 of the California Code of Regulations as an action by a regulatory agency for the protection of the environment.

**SECTION 3. Action.** Chapter 8.06, establishing regulations to prohibit the use of expanded polystyrene food or drink containers and the retail sale of non-encased expanded polystyrene products, is hereby added to the San Luis Obispo Municipal Code as follows:



## Chapter 8.06 – EXPANDED POLYSTYRENE

**8.06.010 - Definitions.**

The following words and phrases, whenever used in this chapter, shall have the meanings defined in this section unless the context clearly requires otherwise:

A. "Affordable" means that a biodegradable, compostable or recyclable product may cost up to 15 percent more than the purchase cost of comparable EPS alternatives.

B. "ASTM Standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International Standards D6400 or D6868 for biodegradable and compostable plastics, as those standards may be amended.

C. "Biodegradable" means Compostable (separately defined) or the ability of organic matter to break down from a complex to a more simple form through the action of bacteria or to undergo this process.

D. "City Facility" means any building, structure or vehicle owned and operated by the City of San Luis Obispo, its agents, agencies, and departments.

E. "City Contractor" means any person or entity that enters into an agreement with the City to furnish products or services to or for the City.

F. "Compostable" means all the materials in the product or package will break down, or otherwise become part of, usable compost (e.g. soil-conditioning material, mulch). Compostable disposable food containers must meet ASTM Standards for compostable materials.

G. "Disposable Food Container" is interchangeable with "to go" packaging and "food packaging material" and means all containers that are used to hold Prepared Food or drinks. Disposable Food Containers include clamshells, bowls, plates, trays, cartons, and cups that are intended for single use, including without limitation, food containers for takeout foods and/or leftovers from partially consumed meals prepared by Food Providers. This does not include single-use disposable items such as straws, cup lids, or utensils, nor does it include single-use disposable packaging for unprepared foods.

H. "Events Promoter" means an applicant for any event permit issued by the City or any City employee(s) responsible for any City-organized event.

I. "Expanded Polystyrene" or EPS means blown expanded and extruded polystyrene or other plastic foams which are processed by any number of techniques including, but not limited to, fusion of monomer spheres (expanded bead plastic), injection molding, foam molding, and extrusion-blown molding (extruded foam plastic). Expanded polystyrene and other plastic foam is generally used to make cups, bowls, plates, trays, clamshell containers, meat trays, ice chests, shipping boxes and packing peanuts.

J. "Expanded Polystyrene Products" means any item such as coolers, ice chests, cups, bowls, plates, clamshells containers, shipping boxes, or any other merchandise made from expanded polystyrene that is not wholly encapsulated or encased by a more durable material.

K. "Food Provider" Means any establishment located within the City, that is a retailer of Prepared Food or beverages for public consumption including, but not limited to any store, supermarket, delicatessen, restaurant, shop, caterer or mobile food vendor.

L. "Person" means an individual, business, Event Promoter, trust, firm, joint stock company, corporation, non-profit, including a government corporation, partnership, or association.

M. "Prepared Food" means food or beverages, which are served, packaged, cooked, chopped, sliced, mixed, brewed, frozen, squeezed or otherwise prepared within the City. Prepared Food does not include raw, butchered meats, fish and/or poultry sold from a butcher case or similar food establishment.

N. "Recyclable" means any material that is specified in the franchise agreement with the City's solid waste removal provider including, but not limited to aluminum, tin and bi-metal cans, clear and colored glass containers, High Density Polyethylene (HDPE), Polyethylene Terephthalate (PET), clear or rigid polystyrene, corrugated cardboard and mixed paper.

O. "Vendor" means any store or business which sells or offers goods or merchandise, located or operating within the City of San Luis Obispo, including those referenced in and "Food Provider."

**8.06.020 – Expanded Polystyrene Disposable Food Containers Prohibited.**

- A. Food Providers within the City of San Luis Obispo may not provide Prepared Food in or provide separately any Disposable Food Container made from Expanded Polystyrene, except as exempted in Section 8.06.050.
- B. Disposable Food Containers made from Expanded Polystyrene are prohibited from use in all City Facilities.
- C. City Contractors in the performance of City contracts and Events Promoters may not provide Prepared Food in Disposable Food Containers made from Expanded Polystyrene.

**8.06.030 - Required Biodegradable, Compostable, or Recyclable Disposable Food Containers.**

- A. All Food Providers within the City utilizing Disposable Food Containers shall use Biodegradable, Compostable or Recyclable products.
- B. All City Facilities utilizing Disposable Food Containers shall use Biodegradable, Compostable or Recyclable products.
- C. City Contractors and Events Promoters utilizing Disposable Food Containers shall use Biodegradable, Compostable, or Recyclable products while performing under a City contract or permit.



**8.06.040 - Prohibited Sales.**

No Vendor or Events Promoter in the City may sell or otherwise provide any Expanded Polystyrene Product which is not wholly encapsulated or encased within a more durable material, except as exempted in Section 8.06.050. This specifically includes, but is not limited to, cups, plates, bowls, trays, clamshells and other products intended primarily for food service use, as well as coolers, containers, ice chests, shipping boxes, packing peanuts, or other packaging materials.

**8.06.050 – Exemptions.**

- A. The City Manager or designee, may exempt a Food Provider from the requirements set forth in section 8.06.020(A) of this ordinance for a single, one-year period upon the Food Provider showing, in writing, that this ordinance would create an undue hardship or practical difficulty as evidenced by no alternatives being available or such alternatives are not Affordable. The City Manager or designee shall put the decision to grant or deny a one-year exemption in writing, and the decision shall be final.
- B. Exemptions to allow for the sale or provision of Expanded Polystyrene Products may be granted by the City Manager or designee, if the vendor can demonstrate in writing a public health and safety requirement or medical necessity to use the product. The City Manager or designee shall put the decision to grant or deny the exemption in writing and the decision shall be final.
- C. An exemption application shall include all information necessary for the City Manager or designee to make a decision, including but not limited to documentation showing factual support for the claimed exemption. The City Manager or designee may require the applicant to provide additional information.
- D. The City Manager or designee may approve the exemption application in whole or in part, with or without conditions.
- E. Foods prepared or packaged outside the City and sold inside the City are exempt from the provisions of this chapter.
- F. Raw meat, fish and other raw food trays are exempt from the provisions of this chapter.
- G. Products made from Expanded Polystyrene which are wholly encapsulated or encased by a more durable material are exempt from the provisions of this chapter. Examples include surfboards, life preservers, and craft supplies which are wholly encapsulated or encased by a more durable material, and coolers encased in hard plastic.
- H. Construction products made from Expanded Polystyrene are exempted from this ordinance if the products are used in compliance with San Luis Obispo Municipal Code Title 15 Buildings and Construction and Chapter 12.08 Urban Storm Water Quality Management and

Discharge Control and used in a manner preventing the Expanded Polystyrene from being released into the environment.

- I. In a situation deemed by the City Manager to be an emergency for the immediate preservation of the public peace, health or safety, City Facilities, Food Providers, City Contractors and Vendors doing business with the City shall be exempt from the provisions of this chapter.
- J. Expanded Polystyrene packaging products which have been received from sources outside the City may be reused to be kept out of the waste stream.

#### **8.06.060 Violations.**

- A. Any violation of the provisions of this chapter by any person is subject to administrative fines as provided in Chapter 1.24 of this code, which may be appealed pursuant to the procedures in that Chapter 1.24.
- B. For the first violation, the City Manager or designee may allow the violating Food Provider, in lieu of payment of the administrative fine, to submit receipts demonstrating the purchase after the citation date, of Biodegradable, Compostable, or Recyclable products in an amount equal to the amount of the citation.
- C. Food Providers or Vendors who violate this chapter in connection with City permitted special events shall be assessed fines as follows:
  - 1. A fine not to exceed \$200 for an event of 1 to 200 Persons
  - 2. A fine not to exceed \$400 for an event of 201 to 400 Persons
  - 3. A fine not to exceed \$600 for an event of 401 to 600 Persons
  - 4. A fine not to exceed \$1,000 for an event of 600 or more Persons
- B. In addition to other remedies provided by this chapter or by other law, any violation of this chapter may be remedied by a civil action brought by the city attorney, including but not limited to administrative or judicial nuisance abatement proceedings, civil or criminal code enforcement proceedings, and suits for injunctive relief. The remedies provided by this chapter are cumulative and in addition to any other remedies available at law or in equity.

**SECTION 4. Severability.** If any subdivision, paragraph, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance, or any other provisions of the city's rules and regulations. It is the city's express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

**SECTION 5. Effective Dates.** A summary of this ordinance, together with the names of Council members voting for and against, shall be published at least five (5) days prior to its final passage, in The Tribune, a newspaper published and circulated in this City. This ordinance shall go into effect at the expiration of six (6) months after its final passage. A copy of the full text of this



ordinance shall be on file in the Office of the City Clerk on and after the date following introduction and passage to print and shall be available to any member of the public.

**INTRODUCED** on the 2nd day of June 2015, **AND FINALLY ADOPTED** by the Council of the City of San Luis Obispo on the 16th day of June 2015, on the following roll call vote:

AYES:

NOES:

ABSENT:

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Mayor Jan Marx

ATTEST:

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Anthony J. Mejia  
City Clerk

APPROVED AS TO FORM:

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J. Christine Dietrick  
City Attorney

City	Ordinance No.	Date	Banned		Exempt			Violations/Penalties
			Cups, bowls, plates, trays, clamshell containers, meat trays, egg cartons	Single use items, straws, cup lids, utensils	Hardship (up to one year)	Foam coolers and ice chests intended for reuse	Prepared food does not include raw, butchered meats, fish or poultry sold from butcher or retail	
City of Alameda	2977	1/2/2008	X	X	X	X	X	Violations/Penalties Citations
County of Alameda			X	X				1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Albany	08-02	Sep-08	X	X		X	X	1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Arcata	1440	10/1/2015	X	X	X	X	X	Infraction Civil action
Arroyo Grande		2/9/2016	X	X	X	X	X	1st Offense: Written Violation. Second Offense: within 6 months, not to exceed \$100.00. Third Offense: within one year from 2nd offense, not to exceed \$200.00. Subsequent Offenses: Not to exceed \$500.00
Avalon			X	X	X	X	X	1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Belmont		2012	X	X				Citation/Infraction
Berkeley	7,639-N.S.	1/22/2019	X	X	2 years			1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Brisbane	590		X	X		X	X	1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Burlingame	1861-2011	5/16/2011	X	X		X	X	Infraction/misdemeanor
Calabasas	2007-233	2/21/2007	X	X		X	X	
Campbell	2187	6/1/2015	X	X	X	X	X	Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Capitola	964	10/27/2011	X	X		X	X	



City	Ordinance No.	Date	Banned		Exempt			Violations/Penalties
			Cups, bowls, plates, trays, clamshell containers, meat trays, egg cartons	Single use items, straws, cup lids, utensils	Hardship (up to one year)	Foam coolers and ice chests intended for reuse	Prepared food does not include raw, butchered meats, fish or poultry sold from butcher or retail	
Carmel by the Sea	2018-05	1/8/2019	X	On request	X			Written warning. 1st violation after warning: 250.00 Second violation: \$500.00 May be scheduled for business license revocation.
Carpinteria	634	10/27/2008	X		X		X	Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Colma		Mar-13	X		X	X	X	Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Concord	18-5	8/14/2018	X		X	X	X	Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Culver City	2017	11/8/2017	X	X	X	X	X	Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Cupertino	14-2116	7/1/2014	X		X		X	Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Daly City	1362	8/13/2012	X		X	X	X	Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Dana Point	12-03	2/21/2012	X		X	X	X	Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Davis		9/1/2017	X		X	X	X	Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Del Rey Oaks	269	12/15/2009	X		X	X	X	Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
El Cerrito	2013-04	9/17/2013	X	X	X	X	X	Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Emeryville	07-004	4/3/2007	X	X	X	X	X	Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00

City	Ordinance No.	Date	Banned			Exempt			Violations/Penalties
			Cups, bowls, plates, trays, clamshell containers, meat trays, egg cartons	Single use items, straws, cup lids, utensils		Hardship (up to one year) reuse	Foam coolers and ice chests intended for reuse	Prepared food does not include raw, butchered meats, fish or poultry sold from butcher or retail	
Enclinitas	2016-12	11/16/2016	X			X			Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$1,000.00
Fort Bragg	913-2014	10/22/2014	X			X			Written warning. 1st violation after warning: 100.00 Second violation: \$200.00 Third violation: \$500.00
Foster City	567	10/18/2011	X			X			Written warning. After 30 days, any remedies set forth in the City's code enforcement process.
Gonzales	2014-79	7/7/2014	X			X			Written warning. 1st violation: \$500.00 2nd violation: \$1,000.00 subsequent violations: \$2,000.00
Greenfield	505	8/12/2014	X			X			Written warning. 1st violation: \$500.00 2nd violation: \$1,000.00 subsequent violations: \$2,000.00
Grover Beach	18-01	7/22/2018	X			X			
Half Moon Bay	C -11	8/1/2011	X			X			May seek legal, injunctive or other equitable relief.
Hermosa Beach	12-1332	9/11/2012	X			X			May seek legal, injunctive or other equitable relief.
Imperial Beach	2017-1171	1/17/2018	X			X			May seek legal, injunctive or other equitable relief.
Lafayette		12/8/2014	X			X			May seek legal, injunctive or other equitable relief.
Laguna Beach		7/1/2013	X			X			Written warning. 1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00
Livermore	2081	12/10/2018	X			X			Written warning. 1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00
Long Beach		10/17/2017	X			X			Fine set forth in the administrative citation schedule.



City	Ordinance No.	Date	Banned			Exempt			Violations/Penalties
			Cups, bowls, plates, trays, clamshell containers, meat trays, egg cartons	Single use items, straws, cup lids, utensils	Hardship (up to one year)	Foam coolers and ice chests intended for reuse	Prepared food does not include raw, butchered meats, fish or poultry sold from butcher or retail	Emergency Situations	
Los Altos	2014-397	7/4/2014	X		X		X	Violations/Penalties Penalty under "Administrative Citations and Orders".	
Los Altos Hills	534	6/15/2012	X		X		X	Written warning. Penalty under Los Gatos Muni Code, Article III, Section 1.30 "Administration Citations".	
Los Gatos		6/1/2015	X		X		X	May seek legal, injunctive or other equitable relief.	
Malibu	412	11/28/2016	X		X		X	Infraction	
Manhattan Beach	13-0009	9/10/2013	X		X		X		
Marin County	3531	11/10/2009	X		X		X		
Marina	8.5		X		X		X		
Martinez		1/1/1995	X		X		X		
Mendocino County		3/1/2015	X		X		X	Written warning. 1st violation: \$100.00 Subsequent violations: \$500.00	
Menlo Park	984	8/28/2012	X		X		X	Fees and fines	
Millbrae	717	10/9/2007	X		X		X	Written warning. Subsequent violations under penalties set forth in Section 1.05.010 of Muni Code. 1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00	
Mill Valley		11/2/2009	X		X		X		
Milpitas	293	7/1/2018	X		X		X	Written Warning Fine per City's Admin Fine Resolution	
Monrovia	2017-44	12/5/2017	X		X		X	Written Warning then citation Warning, then citation Administrative Fines	
Monterey	08- C.S.	6/30/1905	X		X		X	Resolution	
Monterey County	5156	4/13/2010	X		X		X	Warning, then citation	
Morgan Hill	2090	4/22/2014	X		X		X	Warning, then citation	
Morro Bay	600	2/9/2016	X		X		X	Administrative Fines	
Mountain View	920	7/1/2014	X		X		X		
Newport Beach	2008-17		X		X		X	Citation and fines Per Chapter 1.6 of Muni Code	
Novato	1577	5/7/2013	X		X		X	Fines per Title 1, Chapter 2 of Muni Code	
Ojai	837	1/28/2014	X		X		X		

City	Ordinance No.	Date	Banned		Exempt				Violations/Penalties
			trays, clamshell containers, meat trays, egg cartons	Single use items, straws, cup lids, utensils	Hardship (up to one year)	Foam coolers and ice chests intended for reuse	Prepared food does not include raw, butchered meats, fish or poultry sold from butcher or retail	Emergency Situations	
Pacific Grove	Chapter 11.99		X		X				Violations/Penalties Written warning: 1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00 Civil Fine in accordance with Title 1 Chapter 6
Pacifica	767-CS	11/9/2009	X		X				Chapter 6 Infraction
Palo Alto	5039	5/11/2009	X		X				Infraction
Pasadena			X		X				Citation
Pismo Beach	0-2015		X						Administrative Fines
Pleasanton	2064	4/16/2013	X						Infraction
Portola Valley	2012-								
Redwood City		1/1/2013	X						1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00
Richmond		1/1/2014	X						Written warning. City's administrative citation process.
Salinas	N.C.S.	7/19/2011	X	X	X				Written warning. Administrative Citation.
San Bruno		4/1/2010	X	X	X				Written warning. 1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00
San Clemente	1533	1/4/2011	X		X				Per Administrative Citation Program
San Francisco	140-16	1/1/2017	X						Written warning. Fines from \$100 - \$500
San Jose		1/1/2014	X		X				
San Leandro	2011-	11/1/2012	X		X				Written warning. Administrative Citation.
San Luis Obispo	1617	6/16/2015	X		X				Administrative Fines
San Mateo	2013-		X		X				1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00
San Mateo County	4542	7/1/2011	X		X				1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00



City	Ordinance No.	Date	Banned	Exempt	Violations/Penalties
			Cups, bowls, plates, Single use trays, clamshell containers, meat straws, cup lids, utensils	Hardship (up to one year) reuse Foam coolers and ice chests intended for reuse Prepared food does not include raw, butchered meats, fish or poultry sold from butcher or retail Emergency Situations	
San Pablo	2014-013	10/20/2014	X		Fines pursuant to Administrative Citation process.
San Rafael	1907	10/1/2012	X	X	Misdemeanor or infraction
Santa Clara	1925	5/6/2014	X	X	Fine
County of Santa Clara	517.8	2/1/2013	X	X	1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00
Santa Cruz	Chapter 6.48		X	X	Infraction and fine
Santa Monica	2216	1/9/2007	X		Written notice. 1st violation: \$100.00 2nd violation: \$250.00
Sausalito	1188	11/13/2007	X	X	Written warning. 1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00
Solana Beach	466	10/28/2015	X	X	Infraction not to exceed \$250.00. Misdemeanor not to exceed \$1,000.00.
South Lake Tahoe	1117	4/3/2018	X	X	1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00
South Pasadena	Chapter 16		X	X	Written notice. 1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00
Sunnyvale		13-Oct	X	X	Written notice. 1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00
Ukiah			X	X	Written warning. 1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00

City	Ordinance No.	Date	Banned		Exempt				Violations/Penalties
			trays, clamshell containers, meat trays, egg cartons	Single use items, straws, cup lids, utensils	Hardship (up to one year)	Foam coolers and ice chests intended for reuse	meats, fish or poultry sold from butcher or retail	butchered	
Union City	820-16	1/1/2017	X		X	X	X	X	Written violation, Administrative Enforcement
Walnut Creek	Chapter 7	12/18/2014	X		X				Written warning, Infraction.
Watsonville	Chapter 6,48	14-Feb	X	X	X	X	X		Citations Written warning. 1st violation: \$100.00 2nd violation: \$200.00 3rd violation: \$500.00 Fine Not to Exceed \$250.00
West Hollywood	90-261		X	X	X				
Yountville	209	10/17/1989	X	X	X				
FLORIDA									
HAWAII	SB 522		X	X					
MAINE									
MARYLAND	SB 285/HB 109	7/1/2020	X	X	X				\$250.00
MASSACHUSETTS									
NEW JERSEY									
NEW YORK CITY	Local Law 142	1/1/2019	X			X			Warning. 1st offense: \$250.00 2nd offense: \$500.00 3rd offense: \$1,000.00
OREGON									
TEXAS									
SEATTLE WA	122751	1/1/2009	X						Infraction, maximum \$250.00
WASHINGTON DC									
ZIMBABWE									



Banned

Exempt

Cups, bowls, plates, single use  
trays, clamshell  
containers, meat  
trays, egg cartons

Hardship (up  
to one year)

Foam coolers  
and ice chests  
intended for  
reuse

Emergency  
Situations

Violations/Penalties

Prepared food  
does not  
include raw,  
butchered  
meats, fish or  
poultry sold  
from butcher  
or retail

Cty  
INDIA  
ANTIGUA AND BARBUDA  
GUYANA  
ST. VINCENT AND GRENADINES  
JAMAICA  
GRENADA  
ST. LUCIA  
DOMINICA  
ST. KITTS AND NEVIS

Ordinance No.

Date








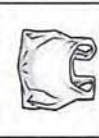

City	Ordinance No.	Date	Banned	Exempt	Violations/Penalties
			Cups, bowls, plates, Single use trays, clamshell items, containers, meat straws, cup lids, utensils	Prepared food does not include raw, butchered meats, fish or poultry sold from butcher and ice chests intended for reuse	Emergency Situations
				Hardship (up to one year)	



**Study Session / Workshop Polystyrene and Single-Use Disposables  
July 10, 2019 IWMA Board Meeting**



**Material Option Worksheet**

No	Yes	Option	Item	
		A	Expanded Polystyrene Food Containers	
		B	Polystyrene Food Containers	
		C	Polystyrene Egg Cartons	
		D	Polystyrene Meat/Seafood Trays	
		E	Non-Encapsulated Coolers	
		F	Plastic Straws	
		G	Plastic Utensils	
		H	Single-Use Plastic Bags	
		I	Non-Encapsulated EPS Marine Buoys	

Study Session / Workshop Polystyrene and Single-Use Disposables  
 July 10, 2019 IWMMA Board Meeting



Approved Replacement Worksheet

No	Yes	Option	Item
		1	Re-usable Containers/Utensils
		2	Aluminum Containers/Foil
		3	Glass Containers
		4	Paper Containers
		5	Paper Take-Out Bags
		6	Paper Egg Cartons
		7	Non-plastic straws



Study Session / Workshop Polystyrene and Single-Use Disposables  
 July 10, 2019 IWMA Board Meeting



**Exemption Worksheet**

No	Yes	Option	Item
		1	Foods prepared or packaged outside the county and sold inside the county
		2	EPS raw meat, fish and other raw food trays
		3	EPS wholly encapsulated (surfboards, life preservers, craft supplies)
		4	EPS Construction Products
		5	Non-Encapsulated EPS Coolers during emergencies
		6	Single-Use Plastic Straws for Medical Use
		7	Packaging received from sources outside the County
		8	IWMA Board approved one-year hardship exemption

Study Session / Workshop Polystyrene and Single-Use Disposables  
 July 10, 2019 IWMA Board Meeting  
**Phase-In Time Frame & Penalties Worksheet**



No	Yes	Option	Time Frame
		1	Three (3) Months
		2	Six (6) Months
		3	One (1) Year

No	Yes	Option	Penalties
		1	Consistent with city ordinances
		2	Other - Please describe for staff



**Subject:** San Luis Obispo County Proposed Expanded Polystyrene Ban  
**From:** Christopher Hamma <cchamma9876@gmail.com>  
**Date:** 7/5/2019, 12:13 PM  
**To:** ptoews@iwma.com

Dear Ms. Toews,

I am writing to express my strong support for the proposed ban on expanded polystyrene ("Styrofoam") in San Luis Obispo County.

Polystyrene is a petroleum-based material that is widely used in to-go food containers and many other types of packaging. It has been shown to adversely affect health in nonclinical (animal) research studies, and to leach toxic chemicals such as styrenes and benzenes into food and drink.

The United States Environmental Protection Agency (USEPA) reports the following:

"Acute (short-term) exposure to styrene in humans results in mucous membrane and eye irritation, and gastrointestinal effects. Chronic (long-term) exposure to styrene in humans results in effects on the central nervous system (CNS), such as headache, fatigue, weakness, and depression, CSN dysfunction, hearing loss, and peripheral neuropathy." Source: <https://www.epa.gov/sites/production/files/2016-09/documents/styrene.pdf>

When polystyrene is released into the environment as litter, it often breaks up into tiny pieces that are very difficult, if not impossible, to collect and dispose of appropriately. In my role as a frequent beach cleanup volunteer with ECOSLO, I have personally seen this many times. Presumably, these small pieces release their toxins into our soil and water over time, thus affecting not only human health but wildlife health as well.

I was reminded of this yet again last week at the intersection of Broad St. and Orcutt Rd. in San Luis Obispo. A piece of expanded polystyrene had fallen out of a vehicle and was being run over by multiple other vehicles. There were a few 8-10" pieces, a couple dozen 4-6" pieces, and hundreds of tiny pieces blowing all over the road and being continually broken into smaller pieces. Needless to say, little if any of it is likely to be gathered and properly disposed of. Perhaps a street sweeper will capture some of it.

Regardless, the point is clear. This material needs to be removed from use in favor of more sustainable alternatives. I applaud and support the IWMA in its efforts to abate this public health hazard.

Sincerely,

Christopher Hamma  
Arroyo Grande, CA

**Subject:** Re: Too late for another letter/email  
**From:** trevor harper <trevor.harper13@gmail.com>  
**Date:** 7/1/2019, 10:34 AM  
**To:** Patti Toews <ptoews@iwma.com>

To whom it may concern -

My name is Trevor Harper. I have lived in San Luis Obispo since February of this year. What an amazing city we live in. The proximity to the ocean and so many different beaches, elephant seals of San Simeon and Big Sur just North of that. I may be calling SLO my home for a long time to come. I work at the local Trader Joe's and am doing my part on a daily basis of educating and reeducating my coworkers on the importance of recycling and composting correctly. In fact, working at Trader Joe's has inspired me to pursue a Master's Degree in Sustainability in order to help change that food packaging model to something more sustainable.

That leads me into my point for writing this letter. It starts with the little things, and those little things grow into big things. Banning styrofoam is a no brainer. Get rid of the stuff. There are options that are just as cheap and are not harmful to the environment. And while on the subject, let's not stop there... I would hope a ban of all single use items especially plastic would be the next discussion. We need to get back to the days when everything is not trash but something to be treasured or at least reused over and over again. Our proximity to the ocean makes it that much more important for us to be dialed about our waste management and banning styrofoam is a good place to start. I am imagining a picnic now where everyone brings stuff from home and when they are done they take it back home and wash it and get it ready for the next picnic. We need to move away from single use things.

Thanks for reading.

--Trevor



**Subject:** letter support  
**From:** Janine Kennel Rands <j9rands@gmail.com>  
**Date:** 6/27/2019, 10:43 AM  
**To:** Patti Toews <ptoews@iwma.com>

Hi Patti

Would you be willing to give me the names of the people that sent you letters of support.? So I don't duplicate a request for letters, I don't want to hound the wrong people...

Also, I'll ask who amongst them would be willing to speak July 10.

I do know a few from me - Savannah Cooper, Jane Swanson, some sent in from ECO SLO's letter of request (but I don't know who those would be).

ALSO - #3 - did you get any letters from other people in the Climate Coalition? I know that June Cochran sent one. How about Anastasia Nicole? Travis Higgins.

Thanks. jkr

**Janine Rands**  
**San Luis Obispo**

**Subject:** Public Comments Proposed county-wide styrofoam ban  
**From:** June Cochran <gradofcal@yahoo.com>  
**Date:** 6/26/2019, 1:40 PM  
**To:** iwma@iwma.com  
**CC:** "ptoews@iwma.com" <ptoews@iwma.com>

June 23, 2019

To: IWMA Board of Directors  
From: June Cochran, resident of Pismo Beach, SLO County, and California

I have been an advocate for what is right and just since I became an activist at UC Berkeley. Living in Pismo Beach makes me doubly concerned about the environment as there are so many challenges that threaten the place I live/love. Overuse of plastics is right on top of my list and it is moving up rapidly on the lists of concerns for scientists, cities, counties, states, and countries.

I know you all know what I am about to write, but I want you to see the urgency and need to be bold in your action by .concentrating on the huge issues facing all of us.

A 2016 report from the World Economic Forum warned that by 2050, there will be more plastic than fish in the world's oceans by weight. Right now, our oceans contain more than five trillion pieces of plastic. Many fish and marine mammals die when they ingest plastic. Although I am a vegetarian, many of my fellow humans consume this plastic via seafood and health officials are indicating a vast number of health problems are caused by or exacerbated by plastic being consumed or breathed into human lungs.

Research suggests that the total economic damage to the world's marine ecosystem, caused by plastic, is at least \$13 billion every year. Of the 9.1 billion tons (8.3 billion metric tons) of plastic that the world has produced since 1950, 6.9 billion tons (6.3 billion metric tons) has become waste, and only 9 percent of that has been recycled. The rest ends up in landfills and in the world's oceans, where plastic pollution is ravaging wildlife and washing up on beaches such as Pismo Beach. About 40 percent of the waste is discarded packaging.

Let's also consider the costs. It has been estimated that the total economic damage to the world's marine ecosystem caused by plastic is at least \$13 billion every year. In California, taxpayers spend over \$420 million yearly to clean up largely plastic debris. I am always blown away when I go to the gyms here, sports games, restaurants, and markets and see the mountains of single plastic water bottles, plastic cups, lids, straws, cutlery, foam egg cartons and trays (that hold meat, corn, etc.), per- and polyfluoroalkyl substances found in such items as food wrappers and microwave popcorn bags, and packaging that is used and then tossed. Plastic playground equipment, buoys, and other large items can be made with natural materials instead. **Please promote an ordinance that will outlaw the use of plastic items.**

Anela Choy, lead author of a study published in [Scientific Reports](#), said that because of previous research they had expected to find microplastics in the deepest parts of Monterey Bay, "we just didn't know the extent of the absolute amounts that we would find and how they would vary with ocean depth," she told *Newsweek*.

Despite the severity of the problem of plastic pollution, she said she is still hopeful we can make a change: "As with all environmental problems, it is never too late to modify our behavior and attempt to take effective corrective action ... Our findings can be used to encourage positive community action, and to motivate individuals and corporations to be more responsible partners in helping to solve this problem. I am optimistic we can do better."

**We now have the knowledge and the resources to move beyond so much plastic in our everyday lives. Do you have the will and the courage? You have been proactive before with our ordinances now in place; please take the next steps necessary to move forward to improve our quality of life via a strong ordinance and enforced compliance. Please see attached.**  
June Cochran



June 24, 2019

Dear IWMA Board of Directors,

My name is Kristen Hazard, founder and CEO of Wildnote Inc. and Vice Chair of San Luis Obispo Climate Coalition.

I am writing in support of the polystyrene ban that you are considering.

In addition, I request your consideration to include the following in your ordinance:

1. Remove the exemption of foam meat trays and egg cartons;
2. Include restrictions to "rigid" polystyrene - plastic cutlery, straws, stirrers, lids
3. Add Marine buoys and all flotation devices be encapsulated to prevent PS toxins to rivers, lakes and ocean marinas.
4. Add "PFAS", the waxy moisture barrier inside paper containers:  
"Perfluoroalkyl and Polyfluoroalkyl Substances" are extremely persistent chemicals in the environment, ground water and human body - meaning they don't break down and accumulate over time.

Please make these bold steps to move our county in the right direction. We've got to figure out this plastic problem and I believe it will start with action at the local level.

Sincerely,

Kristen Hazard  
[kristen@wildnoteapp.com](mailto:kristen@wildnoteapp.com)

**Subject:** Plastic pollution elimination in SLO County

**From:** Lee <lacr@sbcglobal.net>

**Date:** 6/21/2019, 5:27 PM

**To:** "IWMA@iwma.com" <IWMA@iwma.com>

**CC:** "ptoews@iwma.com" <ptoews@iwma.com>

**Greetings,**

**Please recognize The Problem:** Toxic issues from plastics are entering our food, air and water. Every piece of plastic ever produced still exists in our landfills or in the environment (SB 54). Before 2017, the United States was sending 4,000 shipping containers a day full of American waste to China every year, including two-thirds of California's recyclable materials. After China closed the gate to taking the world's dirty plastics effective January 1, 2017, local governments have to absorb this problem. The State of California says that about 9% of plastics are getting recycled today. Where is the remainder going? No one can tell me. California taxpayers and local governments spend over \$420 million annually in efforts to clean up and prevent litter in streets, storm drains, parks and waterways. In addition, language identifying PS has changed to write a good clear ordinance

**BASIC REQUESTS TO THE EXECUTIVE BOARD** (in addition to our current ordinances):

GOAL: Reduce waste from single-use packaging and plastic disposable items

Our current ordinances affect "Expanded Polystyrene" (aka Styrofoam). I want us to ask for these additional points:

- Remove the exemption of foam meat trays and egg cartons;
- Add "rigid" polystyrene - plastic cutlery, straws, stirrers, lids
- Add Marine buoys and flotation devices be encapsulated to prevent PS toxins leaking into rivers, lakes and ocean marinas.
- Add "PFAS", the waxy moisture barrier inside paper containers: "Perfluoroalkyl and Polyfluoroalkyl Substances" are extremely persistent chemicals that are creating significant harm to the environment. The problem goes far beyond with the most problematic single-use packaging and products.

We must act now.

We must change the way we package goods and services and eliminate pollution in every area of our personal and social lives.

Thank you for being part of this solution energy

Lee Collver-Richards  
323/203-8843



**Subject:** To the IWMA Board  
**From:** Avifox <avifox@protonmail.com>  
**Date:** 6/21/2019, 6:08 PM  
**To:** "lwma@iwma.com" <lwma@iwma.com>

Dear IWMA Board,

My name is Savanna Cooper and I was born and raised here on the beautiful central coast. I love where I live and I care deeply about it. I often do community beach and creek clean ups too. I always take a bag with me to pick up trash when I go walking. I'm writing you today to ask for your support to help with the end of single use plastic's. I believe that by reducing plastic pollution is a very far and doable action that can be achieved. I have been doing my part with bringing in my reusable cups, straws and containers but as a citizen there is only so much I can do as a single person.

Single-use plastic packaging has such a negative affect on us on so many levels. Research is finding plastic and associated toxins throughout the food web, including in our blood, feces, and tissues. Exposure to these toxins has been linked to cancers, birth defects, impaired immunity, endocrine disruption, and other ailments. Not to mention the deep impact it has on our environment and the pollution of it. Toxins from leaking into lakes, rivers and ocean marinas.

My fellow Americans needs help with making this a easier task of ending single use plastic's. The resources and technology is there for this transition. The only thing we need is your leadership. It will be a better transition for all of us including the animals that are often found with plastics in them. Again I am asking for your support. Thank you for your time.

-Savanna Cooper

Sent from ProtonMail Mobile

June 21, 2019

IWMA Board of Directors

I am Janine Rands and represent SLO Foam Free as the Founder and Chair in San Luis Obispo County. Our grassroots group has worked on polystyrene ordinances in each of our incorporated cities since January 2014. We are proud of helping five of our cities adopt a comprehensive ordinance to curtail the use of expanded Polystyrene (EPS) in all retail stores, food businesses and mailing centers. Those cities are: San Luis Obispo (6/2015), Pismo Beach (12/2015), Arroyo Grande (2/2016), Morro Bay (2/2016), and Grover Beach (1/2018).

We reached the goal of getting five cities in SLO County to adopt this ordinance to have the support of the majority of our cities to approach the IWMA for a county-wide ordinance. The ordinances deal with just expanded polystyrene in restaurant use and retail sales, which is only part of the problem. Our goal to stop EPS has shown a radical reduction in EPS trash, but with it being available in all the unincorporated towns, Paso Robles and Atascadero, the problem continues. Since our first work with the City of SLO in April 2014, we have learned a lot and much has happened in the world of plastics.

**The Problem:** Toxic issues from plastics are entering our food, air and water. Every piece of plastic ever produced still exists in our landfills or in the environment (SB 54). Before 2017, the **United States was sending 4,000 shipping containers a day full of American waste to China every year, including two-thirds of California's recyclable materials.** After China closed the gate to taking the world's dirty plastics effective January 1, 2017, local governments have to absorb this problem. The State of California says that about 9% of plastics are recycled today. Where is the remainder going? California taxpayers and local governments spend over \$420 million annually in efforts to clean up and prevent litter in streets, storm drains, parks and waterways. In addition, we need to use language identifying PS correctly to write a good and clear ordinance. Manhattan Beach and Malibu have excellent ordinances that we should consider with similar geographic conditions.

**REQUESTS TO THE EXECUTIVE BOARD** (in addition to our current ordinances) with the goal to reduce waste from single-use packaging and plastic disposable items:

We ask for these additional points - these are already implemented in at least CA 12 cities:

- Remove the exemption of foam meat trays and egg cartons;
- Include restrictions to "rigid" polystyrene - plastic cutlery, straws, stirrers, lids
- Add Marine buoys and all flotation devices be encapsulated to prevent PS toxins to rivers, lakes and ocean marinas.
- Add "PFAS", the waxy moisture barrier inside paper containers: "Perfluoroalkyl and Polyfluoroalkyl Substances" are extremely persistent chemicals in the environment, ground water and human body - meaning they don't break down and accumulate over time. Exposure to PFAS is linked to adverse human health effects.

We are asking you for a tough approach to stop single-use disposable plastics, packaging (SB54/AB1080), EPS leaking into the marinas and lakes and the toxic PFAS. Let's be bold and have an ordinance to address these issues. Together we will all work for the environment.

Sincerely,

Janine Rands  
Chair - SLO Foam Free  
[j9rands@gmail.com](mailto:j9rands@gmail.com)



**Subject:** STYROFOAM BAN  
**From:** Sharon Sutliff <sasutliff@aol.com>  
**Date:** 6/21/2019, 5:01 PM  
**To:** IWMA@iwma.com  
**CC:** ptoews@iwma.com

Hello Integrated Waste Management Authority staff,

The styrofoam ban must be approved. Already there are whole states and countries that are getting on board with this much needed ban. Please, please, do the right thing for San Luis Obispo County.

Thank you.

Sharon Sutliff  
1227 Sydney Street  
San Luis Obispo, CA 93401

**Subject:** Plastics  
**From:** Caroline Hall <caro@stbenslosos.org>  
**Date:** 6/21/2019, 4:29 PM  
**To:** IWMA@iwma.com

Dear IWMA board:

As you know, plastic in the environment is a problem that is effecting birds, fish and sea mammals - and is now entering our own food supply. But it is a hard situation to control since plastic breaks down into tiny pieces and can take hundreds of years to decompose. In many cases. recycling is no longer a viable response.

The only way to protect the health of our children and grandchildren - not to mention the creatures with whom we share this biosphere - is to radically reduce the plastics that we use.

I urge you to consider a comprehensive county-wide ban on single-use packaging and plastic disposable items, including PFAs.

thank you for giving this your urgent attention

Caroline Hall

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The Rev. Dr. Caroline Hall  
St. Benedict's Episcopal Church, Los Osos  
[www.stbenslosos.org](http://www.stbenslosos.org)  
805-704-5826 (cell)



**Subject:** Polystyrene Ordinance  
**From:** SLO RAP <rap@slo.surfrider.org>  
**Date:** 6/21/2019, 2:53 PM  
**To:** IWMA@iwma.com, ptoews@iwma.com  
**CC:** San Luis Obispo Chair <chair@slo.surfrider.org>

Hello,

My name is Chelsea Potter and I am the Rise Above Plastics Chair for San Luis Obispo Chapter of the Surfrider foundation.

Please see our attached letter for our stance on the Polystyrene Ordinance.

Sincerely,

Chelsea Potter

--

Rise Above Plastics  
Surfrider Foundation  
San Luis Obispo Chapter

[Help protect your oceans, waves & beaches by becoming a Surfrider Foundation member today!](#)

— Attachments: —

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Dear IWMA Board.pdf

38.0 KB

Dear IWMA Board,

My name is Chelsea Potter, I am writing representing the Rise Above Plastics initiative of the Surfrider Foundation San Luis Obispo and as a local health care professional. San Luis Obispo Surfrider is a nonprofit, grassroots organization that diligently and actively works to protect nearly 100 miles of our local coastline as well as the marine life that inhabits that coast.

Surfrider Foundation requests banning the use of expanded polystyrene (Styrofoam) in San Luis Obispo County because of the very well researched and documented detrimental effect it has on our environment, eco system, and health. This ban would be inclusive of foam meat trays and cartons, rigid polystyrene plastic cutlery, straws, stirrers, lids, etc. We encourage that Marine Buoys and floatation devices be encapsulated to prevent EPS toxins from leaching into rivers, lakes and ocean marinas. We are proposing this ban also include PFAS (Perfluoroalkyl and Polyfluoroalkyl Substances) that line paper containers.

Some important stats to consider about Polystyrene:

In the US alone, the amount of polystyrene cups used each year would circle the earth 426 times, that's almost 18 million miles of styrofoam cups. Styrofoam is a big part of the plastic pollution in our oceans. Because of its buoyancy, it easily floats down waterways, eventually making it's way into the ocean where it gets broken down into smaller pieces (microplastics) and is ingested by marine life. These microplastics in turn, are ingested by humans.

According to the National Human Adipose Tissue Survey conducted by the Environmental Protection Agency, Styrene was found in 100% of tissue samples taken. The National Research Council has classified styrene as a cancer causing carcinogen and neurotoxin and has been associated with lymphoma and leukemia. Furthermore, since this material is not recyclable, if the polystyrene ends up in the landfill (instead of our waterways) it releases methane gases that have over 20 times the ozone destroying potency as CO2.

As you review the polystyrene ordinance we urge you to allow San Luis Obispo County to be on the forefront of reducing plastic pollution. San Luis Obispo is leading the way in moving toward carbon neutrality, this is the next logical step in that direction. Since there are many suitable, healthier, and environmentally friendly alternatives to this detrimental substance, it is time to change our ways. When we know better, we should do better.

Sincerely,

Chelsea Potter

Rise Above Plastics, Surfrider San Luis Obispo



Sources:

- 1) Clean Water Action California  
([http://www.cleanwateraction.org/files/publications/ca/cwa\\_fact\\_sheet\\_styrene\\_2011.pdf](http://www.cleanwateraction.org/files/publications/ca/cwa_fact_sheet_styrene_2011.pdf))
- 2) Agency for Toxic Substances & Disease Registry, U.S. Department of Health and Human Services: ToxFAQs for Styrene, September 2007: ; International Agency for Research on Cancer, "Overall Evaluations of Carcinogenicity to Humans," . J.L. O'Donoghue, Neurotoxicity of Industrial and Commercial Chemicals: Vol. 2, CRC Press, Inc., Boca Raton, Florida, 1985, pages 127-137.
- 3) Styrene, CASRN: 100-42-5 (Human Health Effects). Toxnet Hazardous Substances Data Bank, National Library of Medicine, Revised November 1, 1994.
- 4) EPA.gov (<https://www.epa.gov/sites/production/files/2016-09/documents/styrene.pdf>)
- 5) <http://www8.nationalacademies.org/onpinews/newsitem.aspx?RecordID=18725>
- 6) The EPA National Human Adipose Tissue Survey for 1986 identified styrene residues in 100% of all samples of human fat tissue taken in 1982 in the US.. A 1988 survey published by the Foundation for Advancements in Science and Education also found styrene in human fatty tissue with a frequency of 100%.

**Subject:** IWMA Board Plea - Plastic Ban  
**From:** Dara Stepanek <dara.stepanek@gmail.com>  
**Date:** 6/21/2019, 11:37 AM  
**To:** IWMA@iwma.com  
**CC:** ptoews@iwma.com

IWMA Board,

Toxic issues from plastics are entering our food, air and water. Every piece of plastic ever produced still exists in our landfills or in the environment (SB 54). Before 2017, the United States was sending 4,000 shipping containers a day full of American waste to China every year, including two-thirds of California's recyclable materials. After China closed the gate to taking the world's dirty plastics effective January 1, 2017, local governments have to absorb this problem. The State of California says that about 9% of plastics are getting recycled today. Where is the remainder going? No one can tell me. California taxpayers and local governments spend over \$420 million annually in efforts to clean up and prevent litter in streets, storm drains, parks and waterways. In addition, language identifying polystyrene has changed to write a good clear ordinance.

In addition to maintaining our current ordinances, I demand that SLO County reduce waste from single-use packaging and plastic disposable items.

Our current ordinances affect "Expanded Polystyrene" (aka Styrofoam). I want us to ask for these additional points:

- Remove the exemption of foam meat trays and egg cartons;
  - Add "rigid" polystyrene - plastic cutlery, straws, stirrers, lids
  - Add Marine buoys and flotation devices be encapsulated to prevent PS toxins leaking into rivers, lakes and ocean marinas.
- Add "PFAS", the waxy moisture barrier inside paper containers: "Perfluoroalkyl and Polyfluoroalkyl Substances" are extremely persistent chemicals that are creating significant harm to the environment. The problem goes far beyond with the most problematic single-use packaging and products.

Thank you for your time and your work,  
~Dara Stepanek~



**Subject:** Patty Toews ptoews@iwma.com  
**From:** Earth Day Alliance <earthdayalliance@gmail.com>  
**Date:** 6/21/2019, 11:23 AM  
**To:** IWMA@iwma.com

To: Executive Board of IWMA

I understand there will be a meeting on Wednesday, June 26, to review a preliminary draft of the polystyrene ordinance that is being prepared. As a resident since 1974 and Director of the Earth Day Alliance I see this as a great opportunity of the City of San Luis Obispo to once again be a the forefront of change that will impact the world in a positive way.

As with climate change we have little if any wiggle room on this issue. It is imperative that we, the City of San Luis Obispo, act fast to reduce waste from single-use packaging and plastic disposable items. As with no smoking this is a opportunity to open eyes and turn the tide. By acting quickly and boldly the City of San Luis Obispo will continue to be an example of environmental action and change that will influence others.

Currently Polystyrene ordinances exist in Arroyo Grande, Grover Beach, Morro Bay, Pismo Beach and San Luis Obispo. These are very basic and deal with expanded polystyrene in restaurant use and retail sales. Unfortunately the problem of plastics is growing exponentially. We need to act fast and make the maximum effort in reducing/stopping plastics from are entering our food system, air and water.

As you develop the ordinance please include these additional points:

- Remove the exemption of foam meat trays and egg cartons;
- Add "rigid" polystyrene - plastic cutlery, straws, stirrers, lids
- Add "PFAS", the waxy moisture barrier inside paper containers: Perfluoroalkyl and Polyfluoroalkyl substances" are extremely persistent chemicals that are creating significant harm to the environment. The problem goes far beyond with the most problematic single-use packaging and products.

Thank you for your time and consideration.

Sandra Marshall, resident since 1974  
Director of the Earth Day Alliance  
(805) 440-2547

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Earth Day Alliance, Inc.  
Producer of Earth Day  
San Luis Obispo since 1990  
(805) 544-8529  
[www.earthdayslo.org](http://www.earthdayslo.org)

Virus-free. [www.avg.com](http://www.avg.com)

**Subject:** Ordinance banning polystyrene (styrofoam)  
**From:** judith bernstein <ryewit@live.com>  
**Date:** 6/21/2019, 11:13 AM  
**To:** "IWMA@iwma.com" <IWMA@iwma.com>  
**CC:** Patti Toews <ptoews@iwma.com>

I am in complete support with the Board considering and then passing an ordinance that would ban the sale and use of polystyrene (Styrofoam) products in our county's unincorporated area. This would include prohibiting use of same at restaurants and grocery stores for food products as well as prohibiting their sale from stores such as Walmart, Target, etc. The products are not biodegradable and cause harm to birds and mammals, litter beaches and streams, and have been shown to have negative health impacts on humans. Five cities in our County have such ordinances now and you could model yours on the ones in Morro Bay, Arroyo Grande, etc.

I would like to see an addition regulation regarding plastic straws and utensil. Several cities have now passed regs that say use alternatives to plastic straws or only give them out on request.

I wrote an article on this topic (attached) for Edible San Luis Obispo and interviewed 3 restaurant owners, all of whom supported the ordinance and said it would not cause undue hardship. If it added a few pennies to each substitute item used instead of Styrofoam, they all said they could handle that. Now that so many restaurants are ordering the alternative materials, the cost has gone down appreciably, so economic hardship cited by some opposed to such a regulation really doesn't hold up. It is not an excuse for us not doing the right thing. If we now have people used to and supporting the use of alternatives to plastic bags, surely we can also accommodate this switch to sustainable products.

Sincerely,

Judith Bernstein, Arroyo Grande, 805-904-6365



## Farewell to Foam

By Judith Bernstein

Back in the day, diners were embarrassed to ask for restaurant left overs, so we used the pretext that our pet was eagerly awaiting a 'doggie bag'. But when a new product, expanded polystyrene (EPS) also known as Styrofoam<sup>1</sup>, came along, goodbye 'doggie bag', hello clam shell. Now many of us in SLO County will also bid farewell to Styrofoam. In California, more than 82 cities including Pismo Beach, Arroyo Grande, Morro Bay and San Luis Obispo have banned EPS products. Grover Beach will consider a similar ban in March and hopefully cities in North County will follow suit.

The history of EPS goes back to 1941 when Dow Chemical Company invented and patented the product. Its first use was in a Coast Guard life raft and later in industrial products. But in the 1960s, the 7-Eleven chain introduced Styrofoam coffee cups and in the early 70s, McDonalds adopted the clam shell and soon many others followed suit. The ubiquitous EPS products were convenient, cheap, easily molded into different shapes, and almost leak proof.<sup>2</sup> However, by the late 90s, harmful effects of EPS were identified.

- 1) EPS products are commonly only used once and are not recyclable.
- 2) When discarded, EPS can be blown from trash receptacles and disposal sites.
- 3) EPS products break easily into smaller pieces, do not biodegrade and can be ingested by fish and wildlife, causing internal damage.
- 4) EPS comprises 15% of the litter found in storm drains and is the second most common type of litter on California beaches.

(From the FAQ sheet published by the City of San Luis Obispo. For more information on EPS and the ordinance passed by the City, go to [www.slocity.org/eps](http://www.slocity.org/eps).)

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<sup>1</sup>

Styrofoam is the popular term for *expanded* (not extruded) polystyrene foam or EPS, such as disposable coffee cups, coolers, or cushioning material in packaging

With these strikes against it, many cities throughout the country including Portland, Oregon, Seattle, Minneapolis, New York City and Washington, D.C. have outlawed the sale and/or use of EPS products.

Janine Rands, founder of SLO Foam Free, deserves kudos for taking the proposal to ban polystyrene products to more than seven city councils. Asked what inspired her passionate commitment, she said, "I decided to go after Styrofoam because it's one of the more obnoxious forms of trash that aren't recyclable, yet it's often thrown out.<sup>3</sup> I found a group of environmental friends who were willing to support me, formed a partnership with SLO Surfriders and we went from there."

"Going from there" wasn't a quick and easy process. After researching regulations in other cities, Rands chose Santa Cruz with one of the strictest bans to recommend to the SLO City Council in March 2015. The Council then requested that Community Development Department staff, led by Special Projects Manager Greg Hermann, look into ordinances in other cities and report to the Council in a September study session; SLO Foam Free members were there in full force.

Afterwards, Department staff went to great lengths to inform the effected business community such as restaurants and supermarkets and also to solicit their opinions. They mailed a questionnaire to 400 business and according to Hermann, the responses fell into three groups: 1) those who had never used Styrofoam; 2) those who were already making the transition to alternatives; and 3) current users. When there was opposition, the main reasons were cost and additional government regulations.

After the Council voted unanimous approval on June 2, the Department mailed a two page flyer and later hand delivered it to effected businesses and organizations that hold events to make sure they understood the phase in period, exemptions such as foam trays for uncooked meats, what kind of Styrofoam alternatives were available, and non-compliance fines. And as of January 1, 2016 the ordinance was official.

I was curious as to how local restaurant are transitioning from Styrofoam to other materials. A few of them hadn't used EPS products for years, including Splash Café in Pismo Beach and San Luis Obispo. When Splash Café first opened, co-owner Joanne Curry remembered, "Everyone used Styrofoam containers since there wasn't much else; the cost of alternatives was astronomical. But by 2005, it was a different story. There were potato starch plastic ware and clamshells made out of sugar cane pulp and the price was a magnitude of difference." Asked if they passed on the additional cost to

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<sup>3</sup> According to the EPA, Americans throw away 25,000,000,000 Styrofoam cups each year.



customers, Curry said “No, since the extra cost is negligible. However, for fast food restaurants whose business is mostly carryout, it might be more burdensome.”<sup>4</sup>

Rib Line co-owner Brian Appiano has three locations specializing in what he calls “Amazing, award-winning barbeque.” He estimates that at all locations combined, Rib Line goes through about 2500 Styrofoam six-ounce cups and 1800 clamshells *per week*. Local alternatives that he’s found cost about 20-30% more than the Styrofoam products, but Appiano hopes to find less expensive products. In spite of the financial hardship the ban imposes, he is all for it, “I’m pro future and for making the environment better.”

Pismo Beach Cracked Crab owner Kevin Holland learned in November that the local ban was coming and got proactive. Their meal containers were aluminum with a cardboard lid so they were already in compliance, but their soup containers were Styrofoam. When he called his supplier, San Luis Paper Company, they not only had a compostable paper bowl but offered to take back the leftover Styrofoam inventory for credit. Since the cost of switching was minor, it won’t be passed on to customers. As he sees it, “Why not keep our patrons’ good will and at the same time do something to help the environment?”

Most restaurants I talked to share this perspective. So goodbye foam, hello coated cardboard, bamboo and corn plastics. And for those who are truly ecological minded, BYO—ceramic cups, glass casseroles, and Tupperware containers.

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<sup>4</sup> Interestingly, McDonalds phased out the use of foam cups in 1990 and in 2013, did the same for clamshells.

**Subject:** Time to stop single-use disposable plastics and packaging  
**From:** Kathryn <elkatsan@gmail.com>  
**Date:** 6/20/2019, 7:19 PM  
**To:** IWMA@iwma.com  
**CC:** "Admin. Patty Toews" <ptoews@iwma.com>

Dear Integrated Waste Management Authority,

One day, when enough of us realize the utter dysfunction of waste, which does not exist in natural systems, your name will change and we will celebrate our ability as an intelligent society to manage our inputs and outputs as the true resources they were meant to be.

In the meantime, we still have steps to take to get there: the most pressing at this time is eliminating the use and production of petroplastics and styrofoam.

We took a wrong turn as society when we embraced the false promises of plastic as being convenient and hygienic and cheap- without really knowing how we would "dispose" of it. Recycling of certain plastics was touted as an answer, but we know now that isn't sufficient- and countries that formally accepted our recyclables have stopped, because their recycling industries were found to be shams- and a toxic pollutant to their own countries.

We know that we were able to solve our human needs before toxic plastic packaging was invented- and, we can do it again!

While we are calling for a ban on disposable plastics and all types of polystyrene, it shouldn't be thought of as a limit on our freedoms, but rather a guidepost to allowing for all that we might want: a healthy, living environment that provides for the needs of humans and animals and plants- all living beings.

Is there really any question of why we should no longer allow these non-biocompatible products in our communities? How much of our waterways and oceans must be contaminated with plastic for us to say- ENOUGH!  
How many species must suffer for us to say- ENOUGH! How many micro plastics do we need to ingest to say- ENOUGH! The tired argument that some will take an economic hit is no longer viable. Money does not trump the conditions needed to sustain life.

In addition, whole new economic endeavors will be supported by the switch to biocompatible packaging. New plant fiber feedstocks for packaging means new agricultural crops; reusable packaging- aka, glass or metal containers that have deposits on them to return to the retailer/producer (instead of our broken CRV system) will necessitate new service sectors. Our economy can no longer be based on toxic TRASH!

One day, we will reach a point where we are clear enough in our understanding of natural



systems to say:

" We will allow anything in our communities that is biocompatible" There- that takes care of everything! In the meantime, we must start with eliminating that which does not support life.

OUR GOAL should be: Reduce waste from single-use packaging and plastic disposable items  
Our current ordinances affect "Expanded Polystyrene"

- We need to Remove the exemption of foam meat trays and egg cartons;
- Add "rigid" polystyrene - plastic cutlery, straws, stirrers, lids
- Add Marine buoys and flotation devices be encapsulated to prevent PS toxins leaking into rivers, lakes and ocean marinas.
- Add "PFAS", the waxy moisture barrier inside paper containers: "Perfluoroalkyl and Polyfluoroalkyl Substances" are extremely persistent chemicals that are creating significant harm to the environment.

You have the opportunity to make a decision that will beneficially affect all living beings for forever more.

Rise to your higher selves and choose wisely.

Kathryn Ellen

*Biocompatibility for Life*

**Subject:** Polystyrene  
**From:** Charles Varni <charles@varni.org>  
**Date:** 6/20/2019, 12:27 PM  
**To:** iwma@iwma.com

I am strongly in FAVOR of a strong polystyrene ordinance and thre banning of single use disposable plastics and packaging material.

The massive use of single-use plastics is part of the the global warming crisis and destruction of our ocean food chains.

Everyone needs to do their part to clean up this waste and source point prevention is, by far, the cheapest fix.

Sincerely,

Charles Varni, PhD, Coordinator  
SLO Surfrider STOP Climate Change campaign



**Subject:** polystyrene ordinance  
**From:** Lucy J Swanson <janeslo@icloud.com>  
**Date:** 6/19/2019, 6:56 PM  
**To:** IWMA@iwma.com  
**CC:** ptoews@iwma.com, Swanson Jane <janeslo@icloud.com>

June 19, 2019

TO: Integrated Waste Management Authority

CC: Administrator Patty Toews

As a resident of the unincorporated area of San Luis Obispo County since 1974, I urge the IWMA to draft a strong ordinance to reduce pollution from single-use packaging and plastic disposable items. In addition to the current ordinances that affect "Expanded Polystyrene" (aka Styrofoam) I urge the following:

Remove the exemption for foam meat trays and egg cartons;

Add to the ban "rigid" polystyrene - plastic cutlery, straws, stirrers, lids;

Add to the ban "PFAS", the waxy moisture barrier inside paper containers.

There are alternatives to these harmful plastics. And it is our responsibility to protect our environment from the harm caused by these pollutants.

San Luis Obispo County has a well-deserved reputation for its natural beauty and the environmental activism of its citizens. We now have an opportunity to show leadership and set a good example by doing the right thing for our landfills, our ocean life and our planet.

Jane Swanson  
475 Squire Canyon Road  
San Luis Obispo, CA 93401  
[janeslo@icloud.com](mailto:janeslo@icloud.com)

**Subject:** stop single-use disposable plastics and packaging

**From:** Jill ZamEk <jzamek@gmail.com>

**Date:** 6/19/2019, 7:59 PM

**To:** IWMA@iwma.com

**CC:** ptoews@iwma.com

I am a concerned resident of Arroyo Grande. I am writing to express my support of SB54/AB1080 which will stop the single-use disposable plastics and packaging - both in restaurants and retail sales. I oppose the exemption of foam meat trays and egg cartons, and I would like to add rigid polystyrene (plastic cutlery, straws, stirrers, and lids) as well as PFAS (the waxy moisture barrier inside paper containers

The problems of plastics has grown exponentially on our planet, and it's past time to take action.

Jill ZamEk  
1123 Flora Rd.  
Arroyo Grande, CA 93420



**Subject:** Ban on Polystyrene to include SUDS

**From:** Lucille Bosco <[whitehawkmedicinewoman@gmail.com](mailto:whitehawkmedicinewoman@gmail.com)>

**Date:** 6/19/2019, 8:22 PM

**To:** [IWMA@iwma.com](mailto:IWMA@iwma.com)

**CC:** [ptoews@iwm.com](mailto:ptoews@iwm.com)

To: IWMA Board [IWMA@iwma.com](mailto:IWMA@iwma.com),  
County Executive Board of IWMA :

I am one of many concerned citizens who feel the Executive Board may not realize the devastation that has and is occurring from the use of "single-use disposable plastics and packaging" (language from SB54/AB1080). Since we first worked on these ordinances in 2014, every piece of plastic ever produced still exists in our landfills poisoning our water, soil and air we breathe. China has stopped taking 4,000 containers of waste we were sending A DAY! This included two-thirds of California's recyclable materials. Although the State of California says that about 9% of plastics are getting recycled today. Where is the remainder going? This why it is critical that the IWMA Board write a clear ordinance including the following basic requests:

1. Foam meat trays and egg cartons.
2. Plastic cutlery, straws, stirrers, and lids.
3. "PFAS", waxy moisture barrier inside plastic containers: "Perfluoroalkyl and Polyfluoroalkyl". (These substances contain persistent chemicals that harm the environment).

This ordinance is being requested on behalf of all the species who need clean air, water and food to survive.

Sincerely,

Lucille Bosco, Climate Reality Project Leader  
[whitehawkmedicinewoman@gmail.com](mailto:whitehawkmedicinewoman@gmail.com)

**Subject:** Please Stop - single-use disposable plastics and packaging  
**From:** Debbie Peterson <debbiepeterson805@gmail.com>  
**Date:** 6/19/2019, 9:42 PM  
**To:** IWMA@iwma.com  
**CC:** ptoews@iwma.com

Dear Board of Directors,

**The more you know about plastics and polystyrene the scarier it becomes.** Toxic compounds from plastics enter our food, air, and water. Every piece of plastic ever produced still exists in our landfills or the environment (SB 54). As you know, before 2017, the United States was sending 4,000 shipping containers a day of American waste to China, including two-thirds of California's recyclable materials. China banned the world's dirty plastics effective January 1, 2017, so it is now a local government challenge. The State says 9% of plastics are recycled. Where is the remainder going? Taxpayers spend over \$420 Million annually for local governments to clean up and prevent litter in streets, storm drains, parks, and waterways. As a result of these changes, language identifying polystyrene has changed, enabling better legislation to be drafted.

**Please follow the lead of the state and our five cities and be on the forefront** to reduce pollution from single-use packaging and disposable plastic items. Our current ordinances affect "Expanded Polystyrene" Please also -

- Remove the exemption of foam meat trays and egg cartons;
- Add "rigid" polystyrene - plastic cutlery, straws, stirrers, lids;
- Add PFAS (Perfluoroalkyl and Polyfluoroalkyl Substances), the waxy moisture barrier inside paper containers: extremely persistent chemicals creating significant harm to the environment.

My understanding is that you agreed to support this critical legislation once four cities had signed on. We are now at FIVE cities (Arroyo Grande, Grover Beach, Morro Bay, and San Luis Obispo) and await your support. The hard work has been done, and with it, tremendous knowledge comes to you from the proponents. I know you are committed to getting stakeholder input on this matter and look forward to seeing a final decision that is responsive to the people with the grassroots information. I have been relieved to find that it has not presented significant problems for local businesses.



Sincerely,

**Debbie Peterson, Broker**

**BRE License No. 01257839**

**160 S. 3rd St.**

**Grover Beach, CA 93433**

**Tel/Text 805-550-4490**

**Subject:** Banning polystyrene  
**From:** Beautify Cambria <claudia@beautifycambria.org>  
**Date:** 6/18/2019, 7:26 PM  
**To:** iwma@iwma.com

Our non-profit group, Beautify Cambria Association, is unanimously in favor of banning polystyrene in all of San Luis Obispo County. Please add BCA to your list of supporters.  
[www.beautifycambria.org](http://www.beautifycambria.org).

Thank you,

Claudia Harmon Worthen  
President Beautify Cambria

Beautify Cambria Association  
Claudia Harmon Worthen  
LEED AP ID+C, CAPS, CID #6727  
President  
1241 Knollwood Drive, PMB 113  
Cambria, CA 93428  
[www.beautifycambria.org](http://www.beautifycambria.org)  
[Claudia@beautifycambria.org](mailto:Claudia@beautifycambria.org)  
1•805•927.1934





San Luis Obispo County  
Integrated Waste Management Authority  
870 Osos Street  
San Luis Obispo, CA 93401

June 18, 2019

**RE: Support of Ban of Polystyrene Foam**

Dear IWMA Board of Directors,

The Morro Coast Audubon Society, MCAS, appreciates this opportunity to provide comments regarding the use of polystyrene in the County of San Luis Obispo.

MCAS urges you to adopt a county-wide ordinance to ban the use of expanded polystyrene. We ask that you heed the actions of the five cities in San Luis Obispo County that have enacted polystyrene ordinances – to ban this non-biodegradable product that is harmful to the environment, detrimental to the economy, and is hazardous to public health.

Polystyrene is made from petroleum, a non-sustainable, non-renewable, heavily polluting commodity. We believe the action you take to ban polystyrene foam is supported by the County's Climate Action Plan – EnergyWise, adopted in 2011. San Luis Obispo County's EnergyWise Plan demonstrates the County's commitment to addressing the challenges of climate change by reducing greenhouse gas emissions.

Additionally, the County's goal of improving public health and quality of life afford the County the right and duty to regulate dangerous products, like polystyrene, to protect the health, safety, and welfare of the community, including to protect and enhance the natural environment.

P.O. BOX 1507

MORRO BAY, CA 93443

805-772-1991

[www.morrocoastaudubon.org](http://www.morrocoastaudubon.org)

A major problem with polystyrene is that it is not biodegradable, compostable, or in San Luis Obispo County, recyclable. Rather, polystyrene slowly photodegrades – breaks down under exposure to sun’s ultraviolet rays – into smaller and smaller pieces that never go away.

Once these small plastic pieces enter the marine environment and continue to photodegrade, marine life can mistake them for food, often with fatal results. Marine plastic pollution has impacted at least 270 species worldwide including 86% of all sea turtles, 44% of all seabirds, and 43% of all marine mammal species.

The United Nations Environment Program estimated in 2006 that every square mile of ocean host 46,000 pieces of floating plastic – while a 2014 study estimates that more than five trillion plastic pieces weighing over 250,000 tons are afloat at sea. These micro-plastics will stay in our oceans virtually forever – they persist and their removal is not possible.

In addition to being harmful to the marine environment, polystyrene is a threat to our public health. Polystyrene contains the substances styrene and benzene – suspected carcinogens and neurotoxins that are listed as a hazardous substance by the EPA. Polystyrene primarily exhibits its toxicity to humans as a neurotoxin by attacking the central and peripheral nervous systems.

Food containers made with polystyrene can leach the toxin styrene when in contact with hot food or drink, alcohol, oils, and acidic foods. This contact with polystyrene starts a partial breakdown causing some toxins to be absorbed into our bloodstream and tissue.

In conclusion, polystyrene food containers are contributing to serious environmental and public health issues. Polystyrene foam may seem like a cheap, convenient material, but its true costs to our health and environment are borne by others, including taxpayers and consumers. Tackling these issues will require the culmination of many small actions to bring about the large change.

San Luis Obispo County banning polystyrene foam is an important and easily implemented step towards meaningful change.

Respectfully submitted,

*Douglas W. Tait*

Doug Tait  
Conservation Chair, Morro Coast Audubon Society

P.O. BOX 1507

MORRO BAY, CA 93443

805-772-1991

[www.morrocoastaudubon.org](http://www.morrocoastaudubon.org)



18 June 2019  
SLO County I.W.M.A. Board of Directors  
990 Palm St.  
San Luis Obispo, CA 93401  
RE: SLO County ordinance to ban expanded polystyrene  
via email to iwma@iwma.com

Thank you for this opportunity to support the County in banning expanded polystyrene (EPS). Greenspace — The Cambria Land Trust welcomes this ordinance as a step toward less trash to contaminate and pollute the North Coast. Greenspace considers the North Coast a national treasure. Banning EPS will help Greenspace carry out its mission to protect and enhance its ecological systems, cultural resources and marine habitats.

Let San Luis Obispo County join California communities from Oakland and Alameda to Half Moon Bay and down to Hermosa Beach, our sister county to the north, Monterey, and Los Angeles and Orange counties to the south, in banning this material.

The arguments against it are many:

It does not biodegrade. Worse yet, it may break into small, even minuscule pieces. The smaller pieces of EPS gets, the harder it is to clean up.

EPS is made of fossil fuels and synthetic chemicals. Those chemicals may leach into the contents of the container if they come in contact with hot, greasy or acidic food. Those toxic substances can

#### THE GREENSPACE BOARD OF DIRECTORS

Andrea Wogsland  
Executive Director  
PO Box 1505, Cambria CA 93428  
805 927-2866 (v)  
greenspacecambria.org  
info@greenspacecambria.org

Mary Webb, President  
Christine Heinrichs, Vice President  
Dewayne Lee, Treasurer  
John Zinke, Secretary  
Rick Hawley  
Art Van Rhyn  
C. Ann Cichowski

Wayne Attoe  
Ellen Leigh  
Bob Fountain  
Karen Dean  
Amanda Darling  
Deborah Parker, Director Emeritus



cause food contamination.

Fossil fuels create carbon emissions that are driving climate change. Any reduction in fossil fuel use helps.

Animals may mistake it for food. Turtles and fish are especially at risk for consuming it, leading to a slow death. It's indigestible, displacing nutritious food. It can also pick up toxins from the ocean water around it, adding to their toxic load. Smaller marine creatures consume it even in the driest places.

Recycling is technically possible, but unrealistically expensive and unwieldy. Few community recycling centers are able to accept throwaway foam food containers.

Alternative, biodegradable materials are readily available to replace items made of EPS. Requiring businesses to use items made of other materials ensures an industry standard on this point. In many cases, restaurant consumers aren't readily aware of what type of packaging their take-away food will be placed in until after the fact. It avoids placing the responsibility on individual consumers to make a point of purchase choice about a product they want, but packaging they don't.

Banning it in SLO County shows our commitment to a healthy environment today, and for future generations. The community, and Greenspace, support you in taking this step.

Thank you.



Andrea Woodland  
Executive Director

PO Box 1685, Cambria, CA 93428-1685, 927-2863, [www.greenspacecambria.org](http://www.greenspacecambria.org)



Mail: P.O. Box 1014  
San Luis Obispo, CA 93406  
Office: 2830 McMillan Ave, Unit 2  
San Luis Obispo, CA 93401



Phone: (805) 544-1777  
Email: info@ecoslo.org  
Online: ecoslo.org

*Protecting & preserving San Luis Obispo County's natural beauty since 1971*

June 18, 2019

SLO County I.W.M.A. Board of Directors  
990 Palm St.  
San Luis Obispo, CA 93401

**RE: SLO County ordinance to ban expanded polystyrene**

The Environmental Center of San Luis Obispo (ECOSLO) has served San Luis Obispo County for nearly 50 years in protecting and preserving our community's natural beauty through education, advocacy, and action. This letter provided shows our support for the San Luis Obispo County ordinance to ban expanded polystyrene (styrofoam), and represents the support of ECOSLO as well as Camp Ocean Pines, Creeklands, San Luis Obispo Mothers for Peace, North County Watch, Northern Chumash Tribal Council, San Luis Obispo Coastkeeper, and the Santa Lucia Chapter of the Sierra Club (please see page 3).

As the County Coordinator for International Coastal Cleanup Day for the past 14 years, ECOSLO gets a unique, one-day snapshot of trash in our county every year. Each September about 1,500 volunteers come together to clean up trash at 35 locations at our local beaches, creeks, and lakes. Consistently, one of the top 10 items found is pieces of polystyrene. In the past four years (2015-2018) it has been, on average, the eighth most picked-up item.

At all ECOSLO-hosted cleanups, there are four categories in which we track polystyrene trash:

1. Foam To-Go Containers
2. Foam Cups & Plates
3. Other Plastic/Foam Packaging
4. Foam Pieces

In the chart on the next page you will see ECOSLO's data for each category, as well as the average for each category for the past four years. Collection of polystyrene trash by our volunteers has increased by 38% increase in just four years at our community's beaches, creeks, and lakes, from 1,969 total foam items in 2015 to 2,720 in 2018.

**ECOSLO - Environmental Center of San Luis Obispo**

Coastal Cleanup Day

Data collected from ~35 cleanup sites, annually on the 3rd Saturday morning of September

	<u>2018</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>	<u>AVERAGE</u>
Foam To-Go Containers	211	249	407	190	<b>264</b>
Foam Cups & Plates	131	216	258	191	<b>199</b>
Other Plastic/Foam Packaging	955	1,041	680	418	<b>774</b>
Foam Pieces	1,423	1,768	1,416	1,170	<b>1,444</b>
<b>TOTAL</b>	<b>2,720</b>	<b>3,274</b>	<b>2,761</b>	<b>1,969</b>	

Yes, we have more volunteers join the cleanup each year, but with more volunteers we are able to reach more trash and clean it up. In fact, over the past four years, we have had a 21% increase in volunteers which is a lower increase than the 38% increase of polystyrene trash in the same time frame.

Polystyrene is not biodegradable. It does not "break down" - it breaks up into tiny pieces which are extremely challenging to pick up. Try to pick up a tiny piece of polystyrene. It's not easy as it breaks apart in your hand. Birds and marine animals ingest trash in the environment, including polystyrene. The cleanup efforts are done by volunteers, organized by groups like ours, with volunteers just wanting to help out - this is tedious and costly. Volunteers cannot pick it all up, thus it is simply "collecting" in our environment indefinitely.

ECOSLO strongly supports the proposed ban on expanded polystyrene that is being presented at the July 10 I.W.M.A. board meeting. We cannot simply try and continue to clean up this harmful product; prevention is the best way to keep it from continuing to accumulate in our environment. Something has to change and that is the availability and use of polystyrene. Companies who produce it have no accountability but local government can do something. Polystyrene is wreaking havoc on our community and all who enjoy this beautiful place. Please support the San Luis Obispo County-wide ordinance to ban polystyrene.

Thank you,



Mary A. Ciesinski, Executive Director

ECOSLO

ECOSLO is a 501(c)(3) not-for-profit, and our Federal Tax ID number is 23-7213237





Andrew Boyd-Goodrich, Executive Director  
Camp Ocean Pines



Don Chartrand, Executive Director  
Creeklands



Jill ZamEk, Secretary  
San Luis Obispo Mothers for Peace



Susan Harvey, President  
North County Watch



Violet Sage Walker, Vice Chairwoman  
Northern Chumash Tribal Council



Gordon Hensley  
San Luis Obispo Coastkeeper



Susan Harvey, Chair  
Santa Lucia Chapter of the Sierra Club

Buckeye Processing & MRF, LLC.  
6625 Benton Rd  
Paso Robles, CA 93446

6/10/2019

To whom It May Concern:

As the last year has progressed in the recycling industry, we as facility operators have faced many struggles. Most have reduced our profitability and ability to move material into viable markets that can continually reuse many of the recyclable products that we recover. The unfortunate downturn of the commodity market for these products have posed many new problems. In the past, dealing with the residual content in the inbound feedstocks was something the facility could absorb financially and deal with on a product by product case. Polystyrene is a recyclable product, however logistically and operationally it does not make any economic sense for us on the central coast. Even though the ability to recycle large pieces of foam packaging is viable in certain regions, recycling for smaller uses like food service containers are not widely available. The recycling industry is almost nonexistent when it comes to polystyrene, for the main reasons of the lack of marketability, handling and transportation.

Another concern with polystyrene in the recycling stream is that even if we could find a reasonable outlet, the contamination that is associated with many of the food containers would not only create a problem for the recycling of polystyrene it would increase the cross contamination into many other recyclables that currently do not have a problem. We as the recycling facility operator would like to see the reduction of these types of products used and disposed of in the recycling stream.

Best Regards

*Aron Kardashian*

Aron Kardashian



APPROVED JULY 18, 2019

SAN LUIS OBISPO COUNTY  
INTEGRATED WASTE MANAGEMENT AUTHORITY  
BOARD MEETING

MINUTES OF JULY 10, 2019

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1. **CALL TO ORDER:** Aaron Gomez, President 1:30 p.m.
2. **PLEDGE OF ALLEGIANCE:** Aaron Gomez, President
3. **ROLL CALL:** Aaron Gomez, President

**Board Members Present:**

Debbie Arnold, San Luis Obispo County Supervisor  
Sheila Blake, City of Pismo Beach  
Charles Bourbeau, City of Atascadero  
Lynn Compton, San Luis Obispo County Supervisor  
Bruce Gibson, San Luis Obispo County Supervisor: Arrived 1:32 p.m.  
John Hamon, City of Paso Robles  
Jeff Heller, City of Morro Bay  
Adam Hill, San Luis Obispo County Supervisor  
Jeff Lee, City of Grover Beach  
Keith Storton, City of Arroyo Grande  
Aaron Gomez, President, City of San Luis Obispo

**Board Members Absent:**

Robert Enns, Vice President, Authorized Districts  
John Peschong, San Luis Obispo County Supervisor

**Staff Members Present:**

Brooks Stayer, IWMA Executive Director  
Patti Toews, IWMA Program Director  
Jeffrey Minnery, IWMA Counsel  
Jennifer Blackburn, Interim Board Secretary  
Gabby Saunders, Operations Support Specialist

4. **WELCOME** – New IWMA Executive Director, Brooks Stayer, was introduced and welcomed to the IWMA staff.

**APPROVED JULY 18, 2019**

**5. RECOGNITION OF SERVICE** – Outgoing IWMA Board President, Jeff Lee, and IWMA Interim Manager, Michael Giancola.

Aaron Gomez thanked both Jeff Lee, previous IWMA Board President, and Michael Giancola, previous IWMA Interim Manager, for their excellent service during their tenures. They were provided with a Reusable Food Container gift as a token of appreciation.

**PUBLIC COMMENT**

IWMA Board President, Aaron Gomez, announced public comment for items not listed on the IWMA Board Agenda.

A resident of San Luis Obispo County, Barry Rands, provided detailed information regarding the waste management practices at the Live Oak Music Festival. Mr. Rands stated that Live Oak is looking to move towards zero waste for this event in the upcoming years.

**IWMA EXECUTIVE DIRECTOR'S REPORT**

**6. IWMA Executive Director's Report** – Oral report provided by Patti Toews, IWMA Program Director on behalf of Brooks Stayer, IWMA Executive Director.

Patti Toews stated that the Executive Director's Report moving forward will be revised to make the report easier to comprehend.

**Administrative –**

Revenues/Budget to Actual Expense Reports  
Credit Card Report  
Fixed Assets Report  
Contractual Obligations Report  
Board Inquiry Log

**Operational –**

FY 18/19 Science Discovery – School and Business Educational Outreach Status Report  
FY 18/19 Hazardous and Universal Waste Collection Report

Science Discovery Educational Presentation Statistics:  
825 Recycling Education Classroom Presentations, 119 Field Trip Presentations and 10 Adult Presentations.

Science Discovery Commercial Business Statistics:  
They have set up recycling and food waste services at more than 500 restaurants and businesses, including grocery stores, both large and small.



**APPROVED JULY 18, 2019**

Hazardous and Universal Waste Statistics:

Approximately 8,000 residents disposed of waste at our 6 household hazardous waste facilities.

**CONSENT CALENDAR**

**7. Draft Minutes of the June 26, 2019, IWMA Executive Committee Meeting**

Recommendation: Receive and file draft minutes of the June 26, 2019, IWMA Executive Committee Meeting.

**8. Draft Minutes of the April 24, 2019, IWMA Executive Committee Meeting**

Recommendation: Receive and file draft minutes of the April 24, 2019, IWMA Executive Committee Meeting.

**9. Draft Minutes of the May 08, 2019, IWMA Board Meeting**

Recommendation: Approve draft minutes of the May 08, 2019, IWMA Board Meeting.

**10. AB 619 – Reusable Container: Multiuse Utensils Letter of Support**

Recommendation: Discuss and delegate authorization to IWMA Board President to sign letter of support.

**11. SB 424 – Tobacco Products Single-Use and Multiuse Components Letter of Support**

Recommendation: Discuss and delegate authorization to IWMA Board President to sign letter of support.

**12. SB 54 and AB 1080 – California Circular Economy and Plastic Pollution Reduction Act Letter of Support**

Recommendation: Discuss and delegate authorization to IWMA Board President to sign letter of support.

**13. ECO-SLO Consulting Agreement**

Recommendation: Approve consulting agreement and delegate authorization for IWMA Board President to sign agreement.

**14. Chicago Grade Landfill E-Waste Agreement**

Recommendation: Approve agreement for electronic waste collection and recycling services and delegate authorization for IWMA Board President to sign agreement.

**15. Paso Robles Landfill E-Waste Agreement**

Recommendation: Approve agreement for electronic waste collection and recycling services and delegate authorization for IWMA Board President to sign agreement.

**16. Nipomo Community Services District Household Hazardous Waste Facility Lease Agreement**

Recommendation: Approve household hazardous waste lease agreement and delegate authorization for IWMA Board President to sign agreement.

**17. Social Media Andrea Biniskiewicz Consulting Agreement**

Recommendation: Approve agreement for social media consulting services and delegate authorization for IWMA Board President to sign agreement.

**18. CANCELTION of the August 14, 2019, IWMA Board Meeting**

Recommendation: Cancel August 14, 2019, IWMA Board Meeting.

**19. HZI – New Education Center**

Recommendation: Consider and execute Conflict Waiver regarding HZI Education Center and delegate authorization for IWMA Board President to sign waiver.

**Board Member Hill made a motion to approve all Consent Calendar items except item 11. Consent Calendar item 11 was be pulled from Consent Calendar for further discussion by the Board. Seconded by Board Member Lee. Board Member Hamon agreed to approve all Consent Calendar items except item 12. Motion carried by roll call vote.**

**AYES:** Arnold, Blake, Bourbeau, Compton, Gibson, Hamon, Heller, Hill, Lee, Storton and Gomez  
**NOES:** Hamon – Item 12 only  
**ABSTAIN:** None  
**ABSENT:** Enns and Peschong

IWMA Board Members discussed Consent Calendar item 11. Board Member Bourbeau asked if SB 424 was for vaping devices only?

Patti Toews answered that it is for both vaping devices and cigarettes. She explained that the legislation is proposing that only one filter per cigarette pack will be provided when a pack of cigarettes is purchased.

Board Member Bourbeau addressed his concerns on the unrealistic approach of this legislation.

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Board Member Bourbeau asked Board Member Gomez what is our process for the development of the letters of support being presented to the board?

Board Member Gomez stated that certain letters of support were presented to the board earlier in the year and it was requested for the letters of support to be presented back to the board after the letters of support had evolved through the state level.

Board Member Lee wanted the board to understand that moving forward through the mission of the organization with reduce, reuse, and recycle and the components of the strategic plan, that these letters of support will be helpful in crafting our mission as an organization. The current process for the development of the letters of support may get updated or modified.

Brooks Stayer added that if the board had any requested changes or suggestions for the letters of support that the IWMA Staff would incorporate the changes and report back to the board.

**Board Member Lee made a motion to approve staff recommendation for Consent Calendar item 11. Seconded by Board Member Gibson. Motion carried by roll call vote.**

**AYES:** Heller, Gibson, Hill, Lee, Storton, Gomez  
**NOES:** Arnold, Blake, Bourbeau, Compton, Hamon  
**ABSTAIN:** None  
**ABSENT:** Enns and Peschong

**IWMA BUSINESS ITEMS**

**20. Study Session/Workshop – Polystyrene and Single-Use Disposables (SUDs) Study Session**

Recommendation: Participate in a Polystyrene and Single-Use Disposables (SUDs) Study Session and provide staff direction on what should be included in the draft ordinance.

IWMA Program Director, Patti Toews, provided a presentation on Polystyrene and Single-Use Disposables to the Board.

Board Member Gomez provided a broader context as to why we are conducting a study session as opposed to looking at a Polystyrene Ban, considering that is what the IWMA Executive Committee was tasked with originally. He stated upon further researching of the various policies and since (5) cities have put policies in place this entire movement around plastics and polystyrene has evolved rather quickly. Not only within California but in other states and countries. Due to this the IWMA Executive Committee wanted to make sure that we had a full understanding of what the breath of the issue is both locally and on how policies are evolving before we begin to pick and choose what we are going to include in this ban.

Board Member Blake discussed her concerns regarding the various local CRV Recycling Centers. She asked would it be to our benefit to post the addresses of the various local CRV Recycling Centers? Ms. Toews answered “Yes” and stated that the addresses are listed on the IWMA website,

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www.iwma.com. She also offered to provide the addresses to Board Member Blake. Board Member Blake agreed to have Ms. Toews provide the general locations. Patti stated the following general locations for the CRV local Recycling Centers: San Luis Obispo – On Los Osos Valley Road behind Target, and by Vons on Broad Street; Los Osos – Behind the Grocery Outlet; Cambria - By Cookie Crock grocery store; Paso Robles – Food For Less parking lot; and behind Albertsons on Niblick Road; Nipomo – Behind Vons grocery store on Teft Street; Oceano - On Front Street. Ms. Toews stated that she will put together a full list and provide it to Board Member Blake.

Board Member Arnold provided comments regarding CRV fees.

Board Member Gomez asked if any CRV fee items were associated with the plastic items to be discussed? Ms. Toews answered “No”. Board Member Gomez stated that although the CRV issue is important, it is outside of the scope of what we are tackling today, therefore it would be best to keep the current discussion on the plastics issue only, at this time.

Board Member Heller asked what is the mechanism for assessing the fines for various products that have been banned? What agency regulates that? Is it effective?

Ms. Toews stated it depends on what product. She asked the Board for an example of a product and she would be able to provide the agency whom would be responsible for handling the enforcement.

Board Member Heller stated polystyrene. Ms. Toews stated for county it would be Environmental Health.

Board Member Lee stated that under each individual city ordinance there is a different criteria for each. He stated Grover Beach has a tiered program, where if you have polystyrene you have to use what you have in stock and are not allowed to purchase any additional polystyrene products. You can obtain an extension request approved by the city manager for a certain length of time. There is also a tiered program for violations thereafter.

Board Member Heller asked in general do most merchants comply with these changes?

Board Member Lee stated that in his jurisdiction he has received a pretty good response. Board Members and members of the public have been working with the merchants that have not responded to try to get them to remove the banned product. There is also a roll out period prior to the ordinance going into effect to allow the merchant time to use their stock on hand.

Board Member Gibson stated that the business of today is not as much about administrative fines but to decide whether we want to extend the kind of prohibition that we have extended to single-use plastic bags? He suggested that we have a coordinated effort that is consistent countywide so that all business entities know how to proceed. Board Member Gibson stated that we should take public comments and move directly towards structuring directions to staff to get this done.

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Board Member Storton stated that in the City of Arroyo Grande the enforcement of fines is handled by the local police department.

Board Member Hill thanked Board Member Storton for his comments. He stated that typically/historically it has not been the police departments' responsibility to enforce the administrative fines.

Board Member Gibson stated that we need to craft reasonable regulations to see this change effective in a sensible fashion.

Board Member Gomez stated that Board Member Lynn Compton had to leave the meeting early due to another meeting that she had to attend.

**PUBLIC COMMENT**

The following county residents provided comments of strong support for a polystyrene ban ordinance:

Rita Casaverde, Dylan Stafforini, Mary Ciesinski, Executive Director ECO-SLO, Jill Zamek, Ben Calvert, Sarah Flickinger, June Cochran, Heather Howell, Jane Swanson, Tim Jouet, Rick Mathews, Marty Brown, Luke Dunn, Pamela Hooker, Judith Bernstein, Richard Romero, Sylrie Asselin, Dara Stepanek, Chelsea Eismann Potter, Daniel Canella, Lucille Bosco, Savanna Cooper, Vita Miller, Kathryn Ellen, Barry Rands, Janine Rands, Sharon Sutliff, and others whom did not fill out public comments form.

**COURT RECESS**

3:25 p.m. – 3:33 p.m.

Board Member Gibson thanked the public for their comments. He also recommended that the IWMA Board focus on a polystyrene ban ordinance coordinating with the 5 cities ordinances that have already passed. Board Member Gibson also suggested a second phase ordinance be drafted on single-use plastics, including straws, stirrers, etc. He agreed with the first reading of draft polystyrene ban ordinance to be held at the next IWMA Board Meeting on September 11, 2019.

Board Member Bourbeau agreed with Board Member Gibson's recommendations.

Board Member Hamon supports bringing back language for constituents/Paso Robles to review.

Board Member Blake discussed her concerns regarding the exemptions and hopes that the IWMA Board is able to work through the issues.

Board Member Gomez stated that he wants to move further than the already created bans; consider health and safety.

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Board Member Heller supports Board Member Gibson’s suggestions. He stated that he does not feel there is any reason to prolong this process any longer and supports moving forward.

Board Member Storton stated that in 2016, The City of Arroyo Grande passed a polystyrene ordinance and he does not want the same outcome with no change. He suggested looking at single-use plastics, different language, and exemptions more closely.

Board Member Hill supports going as far as we can with a polystyrene ban ordinance but to also keep in mind the reactions regarding the previous plastic bags ban ordinance.

Board Member Lee addressed the question of how far do we go and how quickly? He suggested using the San Luis Obispo Ordinance as the starting point with consideration of violations, provide directions to staff to bring back 2<sup>nd</sup> phase 6 months thereafter.

Board Member Arnold had to leave meeting early due to a meeting conflict.

Board Member Gibson stated that he agreed with Board Member Lee in regards to using the San Luis Obispo ordinance as a starting point but recommended a more aggressive ordinance including old school and new school options.

Board Member Gomez stated that we cannot rely on using the San Luis Obispo policy due to other layered plastic policies. Board Member Gomez addressed the Board “Do we want to bring back the single-use plastic as a separate ordinance”?

Board Member Gibson suggested providing direction to IWMA staff to prepare an ordinance banning polystyrene, expanded polystyrene, egg cartons, meat trays and marine devices. He suggested bringing the draft ordinance before the board at the earliest IWMA Board Meeting. Additionally, he suggested the IWMA Board direct the IWMA staff to begin working on a draft ordinance banning single-use plastics and bring that back before IWMA Board once we have made further progress with the polystyrene ban ordinance.

**Board Member Gibson made a motion to direct IWMA Staff to prepare a polystyrene ban ordinance using San Luis Obispo County’s as a template, adding in the meat trays, egg cartons and marine devices and to separately begin working on a draft ordinance ban for single-use plastics. Seconded by Board Member Hamon. Motion carried by roll call vote.**

**AYES: Blake, Bourbeau, Hamon, Heller, Hill, Gibson, Lee, Storton, Gomez**  
**NOES: None**  
**ABSTAIN: None**  
**ABSENT: Arnold, Compton, Enns, Peschong**

**FUTURE AGENDA ITEMS**

**21. Member Comments and Future Agenda Items**



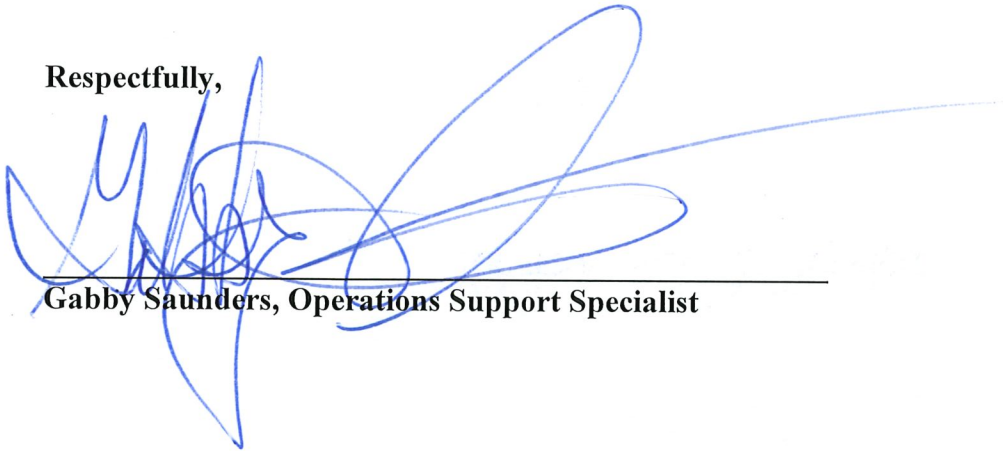
**APPROVED JULY 18, 2019**

Recommendation: Discussion by IWMA Board Members regarding future agenda items.

Draft Ordinance on Single-Use Plastics

**22. Adjournment. The next meeting is scheduled for September 11, 2019, at 1:30 p.m. in the San Luis Obispo County Board of Supervisors' Chambers, County Government Center, 1055 Monterey Street Room D-170, San Luis Obispo, CA 93408.**

**Respectfully,**

A large, stylized handwritten signature in blue ink, consisting of several overlapping loops and a long horizontal stroke extending to the right.

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**Gabby Saunders, Operations Support Specialist**