



R-22

Memorandum

To: Mayor and City Council

From: Robert Garcia, First District *RG*
Suja Lowenthal, Second District *SL*
Gary DeLong, Third District *GD*

Subject: Single Use Carryout Bag Ordinance

December 7, 2010

REQUESTED ACTION:

Request the City Attorney and City Manager draft language for consideration of Los Angeles County's Final Environmental Impact Report entitled, "*Proposed Ordinances to Ban Plastic Carryout Bags in Los Angeles County*".

Request the City Attorney and City Manager draft an ordinance duplicating Los Angeles County's adopted ordinance for unincorporated cities, and closely resembling AB 1998 (Brownley) which includes, but is not limited to, the following elements:

- Bans plastic carryout bags at all supermarkets and other grocery stores, convenience stores, food marts, pharmacies and drug stores, while requiring stores that provide recyclable paper carryout bags to impose a charge of ten (10) cents to a customer to cover reasonable costs associated with the ordinance.
- Paper bags must be made from a minimum of 40% post-consumer, recycled content.
- An exemption for those customers who are participating either in the California Supplemental Food Program for Women, Infants and Children or the Supplemental Food Program.
- A start date for compliance with the ordinance of July 1 2011 for larger stores (as defined in the County's ordinance) and January 1, 2012 for all others, allowing the City of Long Beach and stores an opportunity to provide employee training and outreach.

Request the City Manager develop a public education campaign (website and hotline) for affected businesses to receive information about the ordinance and residents to learn about the benefits of a ban to a coastal city such as Long Beach and report violations.

Request the City Manager develop, and the ordinance include a monitoring and compliance process that uses existing health or environmental related monitoring activities of the affected stores.

BACKGROUND INFORMATION:

LOS ANGELES COUNTY BOARD OF SUPERVISORS

On November 16, 2010, the Los Angeles County Board of Supervisors approved a Final Environmental Impact Report and adopted an ordinance banning plastic carryout bags from supermarkets and other grocery stores, convenience stores, food marts, pharmacies and drug stores, while requiring stores that provide recyclable paper carryout bags to impose a charge of ten (10) cents to a customer to cover reasonable costs associated with the ordinance. The countywide objectives of the Board of Supervisors were to reduce the consumption of plastic carryout bags per household by 50% from 2007 to 2013; reduce the contribution of plastic carryout bags to litter that blights public spaces by 50% by 2013; reduce by \$4 million the County's cities' and Los Angeles Flood Control District's costs for prevention, clean up, and enforcement efforts to reduce litter by \$4 million; reduce disposal of plastic carryout bags in landfills by 50% from 2007 annual amounts. See the attached Executive Summary from the Final EIR, "*Proposed Ordinances to Ban Plastic Carryout Bags in Los Angeles County*".

The Final EIR analyzed 5 proposed ordinances for unincorporated areas and was intended to provide the County's 88 incorporated cities with a legal basis for the adoption of comparable ordinances, since the cost of performing an EIR has been prohibitive for most cities, including Long Beach. As such, the County is the lead agency for the County ordinance pursuant to CEQA, and the individual incorporated cities would be the lead agencies for their respective city ordinances, should they decide to adopt comparable ordinances. According to the report, "The County prepared its EIR to support the fulfillment of the goals of CEQA (Section 15002 of the State CEQA Guidelines)...focus(ing) on the changes in the environment that would be expected to result from implementation of the proposed ordinance within the unincorporated territories of the County, as well as potential changes in the environment that would be expected to result from implementation of similar ordinances in the 88 incorporated cities in the County." □

The County Board of Supervisors voted by a margin of 3-1, to adopt Alternative 2 from the proposed alternatives to an ordinance below:

- No Project Alternative
- Alternative 1, Ban Plastic and Paper Carryout Bags in Los Angeles County
- **Alternative 2, Ban Plastic Carryout Bags and Impose a Fee on Paper Carryout Bags in Los Angeles County**
- Alternative 3, Ban Plastic Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County
- Alternative 4, Ban Plastic and Paper Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County

For some, paper bags are just as harmful as plastic bags to our environment since their production requires a greater amount of energy and they are the byproduct of trees. However, the County reports that "paper bags have the potential to biodegrade if they are sufficiently exposed to oxygen, sunlight, moisture, soil, and microorganisms (such as bacteria); they are denser and less susceptible to becoming airborne..." In addition, the U.S. Environmental Protection Agency (USEPA) reported that the recycling rate for paper bags was triple that of plastic bags (36.8% to 11.9%) in 2007. Therefore, based upon the available evidence, paper carryout bags are less likely to become litter than are plastic carryout bags.

Even so, the proposed 10-cent fee is expected to further reduce consumer use of paper bags. The ordinance also bans biodegradable and compostable bags because there is a lack of commercial composting facilities in the County that would be needed to process compostable or biodegradable plastic carryout bags.

LONG BEACH CITY COUNCIL:

In June, 2010, the City Council voted to support AB 1998 (Brownley – Single Use Carry Out Bags) and requested the City Attorney and City Manager to review LA County's Draft Environmental Impact Report entitled "Ordinances to Ban Plastic Carryout Bags in Los Angeles County" and its applicability to the City of Long Beach. The City Council's Environmental Committee last considered the issue of plastic bags in March 2009. Among other action items, the committee voted to continue to support the reusable bag option while waiting on the results of state legislation and to explore a Regional EIR approach. At its meeting in March and in a follow up memo in May, City staff provided the Environmental Committee and Council members with updates of cities and counties throughout the State looking to ban plastic and/or paper bags (single use carryout). As a result of AB 68 and AB 1998 (Brownley) failing to pass the legislature and LA County's recent passage of an ordinance, counties and cities throughout the State have proposed ordinances of their own.

For the last three years, Council member offices and the City of Long Beach have participated in a "Day without a Bag" with Heal the Bay and a coalition of environmental and government organizations to encourage shoppers and businesses to forego use of single-use bags in favor of reusable bags. The event aims to empower shoppers to take direct action to eliminate this source of blight and damage in their own community. Reusable bags are distributed by Long Beach and coalition members at selected retail centers and one-on-one education informs them of ways to reduce their reliance on harmful products.

LOCAL, COUNTY AND STATEWIDE COSTS OF PLASTIC BAGS

According to City documents, Long Beach spends (approximately) \$2.2 million per year in maintenance costs associated with marine debris such as plastic bags. In addition, the City has spent more than \$18 million on capital projects designed to catch litter and debris before they are discharged to our rivers and beaches. These investments in our infrastructure have proven necessary, not just to reduce marine debris, but to allow Long Beach to lead by example in the campaign to urge upstream cities to be responsible for their own waste pollution.

The Los Angeles County's Department of Public Works and the Flood Control District spends \$18 million each year on street sweeping, catch basin cleanouts, cleanup programs, and litter prevention and education efforts. Each year, approximately 6 billion plastic carryout bags are used in Los Angeles County. (L.A. County Boards of Supervisors Staff Report, 2007). Throughout the state, according to Don't Trash California, state and local governments spend approximately \$375 million every year to clean up and landfill discarded plastic bags. Single use bags cost cities in the county up to 17 cents per bag for disposal. In United States, less than 5 percent of plastic bags are recycled. With over 380 billion bags being thrown away every year, Americans end up wasting millions of barrels of oil or other fossil fuels, which are used in the production of single-use bags.

DISCUSSION:

Long Beach is ground zero for plastic bag pollution in southern California. What starts out as litter on the street 40 miles away from Long Beach becomes marine debris half buried on our beaches, floating in a few feet of water off our shores and catching on our marina docks and boats. The City of Long Beach spends millions of dollars every year and countless staff and volunteer hours, cleaning up marine debris that includes a great deal of plastic bags. Not to mention the lost revenue associated with people's perception of the City's beaches and shoreline, which affects our economic development, recreation and tourism. Funding and hard work that could be put to better use in our community.

There is also an untold environmental cost. Plastic bags are a drain on our fossil fuels and threaten our marine environment in Long Beach's harbor and the Catalina Channel. Our reliance on plastics is changing our natural environment in profound ways, eliminating important creatures in our food chain and polluting a major life-sustaining source for generations to come.

Given the challenges facing statewide legislation, LA County's EIR and model ordinance provide Long Beach with an opportunity to distinguish itself once again, as a leader in the effort to eliminate marine debris, divert trash from our landfills and be a responsible custodian of our own watershed.

FISCAL IMPACT:

The cost to the City for setting up a web link and hotline will be minimal, since there are existing vehicles for both. In addition, we are asking that forms used by Health Department staff include a field for confirming the use of bags during their inspections of the businesses affected by this ordinance already taking place on annual basis. There is a cost associated with the purchase and dispersal of free reusable bags from the City, which we anticipate will increase from its present levels to support outreach and education efforts. There is also an unknown savings from reduced litter and landfill trips, since marine debris does not get diverted to our SERRF plant for energy creation due to its moisture content.

The cost to businesses will be minor, if at all, since they will no longer carry single use carryout plastic bags and will be charging for paper bags. Currently, markets and other retail outlets include the cost of bags in the price of consumer goods, so they would be trading one fee for another that is more explicit on receipts. It is worth noting that the California Grocers Association supported AB 1998 and the recent ban by the LA County Board of Supervisors, which included the same fee mechanisms.

The cost to consumers will be offset by the purchase of reusable bags, reusing already purchased paper bags and receiving free reusable bags from the City while supplies last. Reusable bags end up paying for themselves many times over during their life span.



GAIL FARBER, Director

COUNTY OF LOS ANGELES

DEPARTMENT OF PUBLIC WORKS

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November 16, 2010

The Honorable Board of Supervisors
County of Los Angeles
383 Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Dear Supervisors:

**SINGLE-USE PLASTIC AND PAPER CARRYOUT BAGS
CERTIFY THE FINAL ENVIRONMENTAL IMPACT REPORT
ADOPT ORDINANCE
(ALL SUPERVISORIAL DISTRICTS)
(3 VOTES)**

SUBJECT

This action is to certify the Environmental Impact Report and adopt an Ordinance restricting the use of plastic carryout bags and imposing a ten (10) cent charge on recyclable paper carryout bags at stores, as defined, in the County unincorporated areas.

IT IS RECOMMENDED THAT YOUR BOARD, AFTER THE PUBLIC HEARING:

1. Certify that the Final Environmental Impact Report for the Proposed Ordinances to Ban Plastic Carryout Bags in Los Angeles County has been completed in compliance with the California Environmental Quality Act and reflects the independent judgment and analysis of the County of Los Angeles; find that the Board has reviewed and considered the information contained in the Final Environmental Impact Report prior to approving the project; adopt the Mitigation Monitoring Program, finding that the Mitigation Monitoring Program is adequately

designed to ensure compliance with the mitigation measures during project implementation; and determine that significant adverse effects of the project have either been reduced to an acceptable level or are outweighed by the specific considerations of the project, as outlined in the Environmental Findings of Fact and Statement of Overriding Considerations, which findings and statement are adopted and incorporated by reference.

2. Approve and adopt the Ordinance banning plastic carryout bags at all supermarkets and other grocery stores, convenience stores, food marts, pharmacies, and drug stores located in the County unincorporated areas, while requiring stores that provide recyclable paper carryout bags to impose a charge of ten (10) cents per bag to a customer, effective beginning July 1, 2011, for certain affected stores and January 1, 2012, for all other affected stores.
3. Find that the proposed Ordinance has no effect on fish and wildlife and authorize the Director of the Public Works to complete and file a Certificate of Fee Exemption for the project with the County Clerk.
4. Direct the Department of Public Works to communicate and collaborate with all the cities in Los Angeles County and local Councils of Government to encourage cities to adopt ordinances consistent with the County's Ordinance in order to coordinate local action to reduce the regional environmental impact resulting from single-use plastic bags and litter attributable to their use.
5. Direct the Departments of Agricultural Commissioner/Weights and Measures and Public Health to assist with enforcement of the Ordinance by monitoring compliance during the conduct of their respective routine inspection and regulatory activities and by reporting any apparent violations to the Department of Public Works.
6. Direct the Department of Public Works to monitor Statewide legislative efforts regulating single-use carryout bags, and update the Board as needed regarding these Statewide legislative efforts and how they impact the Ordinance.

PURPOSE/JUSTIFICATION OF RECOMMENDED ACTION

Approval of the recommended actions would regulate the use of plastic and paper carryout bags in the County unincorporated areas and greatly reduce the various environmental impacts caused by such bags.

Recommended Project

The recommended project for adoption, as analyzed in the Final Environmental Impact Report (FEIR, Enclosure I) under Alternative 5, is an Ordinance (Enclosure II) banning plastic carryout bags and imposing a ten (10) cent charge on recyclable paper carryout bags at all supermarkets and other grocery stores, pharmacies, drug stores, convenience stores, and foodmarts. Following consultation with County Counsel and the Chief Executive Office (CEO), the Department of Public Works (Public Works) recommends pursuing Alternative 5, as contained in the enclosed draft Ordinance. Alternative 5 meets all six of the project objectives specified by the County:

- Conduct outreach to all 88 incorporated cities of the County to encourage adoption of comparable ordinances.
- Reduce the Countywide consumption of plastic carryout bags from the current estimate of 1,600 plastic carryout bags per household in 2007 to fewer than 800 plastic bags per household in 2013.
- Reduce by 50 percent by 2013 the Countywide contribution of plastic carryout bags to litter that blights the County's public spaces.
- Reduce by \$4 million the County's, cities', and Los Angeles County Flood Control District's costs for prevention, cleanup, and enforcement efforts to reduce litter in the County.
- Substantially increase awareness of the negative impacts of plastic carryout bags and the benefits of reusable bags, and reach at least 50,000 residents (5 percent of the population) with an environmental awareness message.
- Reduce Countywide disposal of plastic carryout bags in landfills by 50 percent from 2007 annual amounts.

Background

On January 22, 2008, your Board directed the CEO, working with the Director of Public Works and County Counsel to submit a draft Ordinance banning plastic carryout bags and to complete any review required by the California Environmental Quality Act (CEQA) prior to submitting the Ordinance. County staff completed the enclosed FEIR (Enclosure I).

As detailed in Enclosure III, Public Works determined that the voluntary Single-Use Bag Reduction and Recycling Program (Program) was not successful in achieving its goals. Over a two-year period and despite State law requirements under AB 2449 (stores are to maintain and make available to local jurisdictions records for a minimum of three years describing the collection, transport, and recycling of plastic bags), stores in the County unincorporated areas did not provide data that would enable Public Works staff to determine if the voluntary Program benchmark of 30 percent disposal reduction of plastic bags by July 1, 2010, was met. In addition, throughout the course of the voluntary Program, not more than eight (8) stores at any given time had met the minimum participation levels. Although the public education and outreach aspects of the voluntary Program, including the Brag About Your Bag Campaign[®], raised awareness of the impacts of single-use bags and the benefits of reusable bags, it could not be determined if this awareness translated into a shift in consumer behavior that was significant enough to address the major objectives of the County.

Recommended Ordinance Provisions

The recommended Ordinance will ban the issuance of plastic carryout bags and place a ten (10) cent charge on the issuance of recyclable paper carryout bags by an affected store, as defined. The Ordinance requires a store to provide or make available to a customer only recyclable paper carryout bags or reusable bags. The Ordinance also encourages a store to educate its staff to promote reusable bags and to post signs encouraging customers to use reusable bags. The stores that will be affected are located within the County unincorporated areas and are one of the following:

1. A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sell a line of dry grocery, canned goods, or non-food items and some perishable items; or
2. A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 [commencing with Section 7200] of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
3. A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

The operative effect of the recommended Ordinance is phased. Larger grocery stores and pharmacies will have until July 1, 2011, to comply, and all other affected stores will have until January 1, 2012, to comply.

The Ordinance includes compostable and biodegradable plastic carryout bags in the definition of plastic carryout bags, and, as a result, these types of plastic bags will be banned as well. The Ordinance imposes a ten (10) cent charge on the recyclable paper carryout bag and requires that the paper bags be one hundred percent (100%) recyclable overall, contain a minimum of forty percent (40%) post-consumer recycled material, and accepted for recycling in curbside programs in the County, among other criteria. With respect to reusable bags, the Ordinance requires that the reusable bag be designed for a minimum lifetime of 125 uses, be machine washable and not contain lead, cadmium, or any other heavy metal in toxic amounts, among other criteria.

All monies collected by a store will be retained by the store and may be used for costs associated with complying with the requirements of the Ordinance, actual costs of providing recyclable paper carryout bags, or costs associated with a store's educational materials or campaigns encouraging the use of reusable bags, if any. The recommended Ordinance also requires affected stores to report to Public Works on a quarterly basis, the number of recyclable paper carryout bags provided, the total monies collected by that store, and a summary of any efforts the store has undertaken to promote the use of reusable bags by customers during the prior quarter. Public Works will report back to your Board on the effectiveness of the Ordinance using this data on an annual basis.

The Ordinance does exempt the ten (10) cent charge for those customers who are participating either in the California Special Supplemental Food Program for Women, Infants, and Children or the Supplemental Food Program. Stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carryout bags or both, to these customers, at the store's option. Customers may also opt to use their own reusable bags or not use any bag.

Assembly Bill 1998 (AB 1998)

The Ordinance contains provisions which are similar to the most recent version of AB 1998 by author Julia Brownley (D-Santa Monica). AB 1998 would have prohibited supermarkets and large retail stores with a pharmacy from providing a single-use plastic carryout bag to customers. After extensive discussions at the State level among numerous stakeholders, including local governments, environmental organizations, grocers, and industry, an amended version was developed which placed a fee on

single-use paper bags and expanded the ban to a broader section of retail food stores. The Bill, which was defeated in the Senate on August 31, 2010, was supported by the County Integrated Waste Management Task Force, the Board of Supervisors, and 145 other organizations including stores, labor unions, and government officials.

Assessment of Ten (10) Cent Charge

Based on the analysis in the FEIR, comments from stakeholders, research conducted by Public Works, and available resources, it was determined that a ten (10) cent charge on paper carryout bags is sufficient at this time to avoid a wholesale switch by customers from single-use plastic bags to paper carryout bags and to minimize the potential for trading one set of environmental impacts for another. The ten (10) cent charge is large enough to deter a significant transition to paper carryout bags, while allowing an affected store to only recover the reasonable cost of compliance with the Ordinance.

The discussion of Alternative 5 in the FEIR noted the effectiveness of a fee or charge of at least five (5) cents on paper carryout bags. The FEIR noted the success of Washington D.C.'s five (5) cent fee implemented earlier this year for each disposable carryout bag provided. The District of Columbia Office of Tax and Revenue estimated that affected establishments issued about 3.3 million bags in January 2010, which was a significant 86 percent decrease from the estimated 22.5 million bags issued per month in 2009. To further deter a significant transition to paper bags, Public Works staff recommends implementing the higher charge of ten (10) cents.

The ten (10) cent charge is also sufficient to cover the reasonable costs of compliance with the Ordinance by affected stores. The ten (10) cent charge will be retained by the stores to cover their actual costs for providing recyclable paper carryout bags, a store's own educational materials or campaign encouraging the use of reusable bags, if any, and cost of compliance with the Ordinance. Research conducted by Public Works in the staff report "An Overview of Carryout Bags in Los Angeles County," as cited in the FEIR, indicates that the average cost per bag of paper carryout bags is ten (10) cents, with a reasonable range being between five (5) and twenty three (23) cents, depending on whether the bags have handles, the minimum percentage of recycled content, the quality of the bag, and other factors. The Master Environmental Assessment (MEA) on Single-Use and Reusable Bags (March 2010) prepared by Green Cities California, estimates a similar range of costs for paper carryout bags of fifteen (15) to twenty five (25) cents per bag. Subsequent discussions by staff with paper bag manufacturers and review of other references indicates that ten (10) cents is a reasonable average cost.

Aside from the actual cost of the recyclable paper carryout bags, potential costs of compliance by stores could include: free recyclable paper carryout bags or reusable bags provided to exempt customers; administrative costs of complying with the Ordinance, including quarterly reporting; any public education costs taken on by a store; labor costs to train employees about the requirements of the Ordinance; operational costs including programming their registers to reflect the purchase of recycled paper bags on a customer's receipt; and the total number of recyclable paper carryout bags sold. This is consistent with the findings in the City of Santa Monica Nexus Study (October 2009). Prior proposed State law, AB 87 (2009), which would have placed a twenty five (25) cent charge on plastic carryout bags, would have allowed retailers to retain seven (7) cents of the charge to recover their own costs of implementation. In addition, AB 68 (2009) would have allowed stores to keep ten (10) cents for paper bags.

Finally, the ten (10) cent charge for recyclable paper carryout bags is not a tax. Taxes are imposed for general revenue purposes rather than in return for a specific benefit conferred or privilege granted. Taxes raise revenue to finance general government services and functions and are usually placed into a general fund to pay for a variety of public services. In this case, no portion of the ten (10) cent charge is being remitted back to the County. The charge is being retained by the affected stores, as defined, to cover their reasonable costs of compliance with the Ordinance, including actual costs of providing recyclable paper carryout bags, or costs associated with a store's own educational materials or campaign encouraging the use of reusable bags, if any. In addition, the charge only applies if a customer chooses to use a recyclable paper carryout bag, and pays for that benefit or privilege.

Education, Outreach, and Enforcement if Ordinance is Adopted

Upon adoption by your Board of the Ordinance, Public Works will initiate a focused public education and outreach effort in support of the Ordinance. This effort will include, at a minimum, the following aspects:

1. Collaborating with all incorporated cities in Los Angeles County and local Councils of Government, as described above, to encourage cities to adopt ordinances consistent with the County's Ordinance.
2. Coordinating with all affected stores in the County unincorporated areas to make them aware of the provisions of the Ordinance and encouraging them to ensure their customers are informed of the Ordinance in advance of the effective date. Materials will be provided to stores for them to share with customers. This effort will focus on the cost-effectiveness and environmental

benefits of reusable bags. In addition to encouraging the use of reusable bags, this campaign will remind residents to wash their reusable bags and to recycle their paper bags at curbside along with other recyclables.

3. Providing information on the County's www.BragAboutYourBag.com website regarding the Ordinance. Public Works will also establish a dedicated hotline for residents or businesses to call with inquiries or to report violations.
4. Coordinating with manufacturers of reusable bags and recyclable paper carryout bags, and others, to determine appropriate certification and compliance procedures for the various bag standards in the Ordinance. Public Works is currently in discussion with certification agencies to provide third party certifications, which will help reusable bag manufacturers confirm that their products meet the Ordinance requirements. This will assist affected stores in identifying manufacturers who make compliant products.

Regarding enforcement, the Department of Agricultural Commissioner/Weights and Measures staff visits all stores that have a scanner, a scale, and/or sell pre-weighted packages of food (typically large stores and many smaller stores) once every one to two years during the conduct of their routine inspection and regulatory activities. The Department of Public Health visits a number of retail stores, including grocery stores, the main type of stores identified in the Ordinance, once per year for routine inspections. Meat markets and grocery store meat departments are visited up to three times per year by Public Health. These two Departments already visit all of the stores that would be subject to the Ordinance. Public Works will be responsible for follow-up compliance actions, which will comprise of (1) tracking and processing complaints or reports of stores being out of compliance; (2) sending warning letters to stores identified as being out of compliance; (3) conducting follow-up verification visits to determine compliance status; (4) issuing fines; and (5) processing appeals.

Public Works intends to use an existing system, which is currently used to track illegal dumping complaints, to track complaints and reports pertaining to violations of the Ordinance. A form letter will also be developed to issue warnings to stores. Follow-up visits to stores that have received warnings will be conducted by Public Works inspectors already engaged in daily field assignments. All response to complaints from the public or observations by other County Departments will be handled by Public Works in a timely manner.

In lieu of the more extensive voluntary Single-Use Bag Reduction and Recycling Program, existing Public Works resources will be shifted to this more focused public education effort. Public Works will seek out partnerships among stores, cities,

environmental organizations, and other interested stakeholders wherever feasible to leverage additional opportunities to increase awareness of the Ordinance. Following the operative dates in the Ordinance, Public Works will also work to ensure compliance with the Ordinance by stores in the County unincorporated areas.

Implementation of Strategic Plan Goals

The Countywide Strategic Plan directs the provision of Operational Effectiveness (Goal 1), and Community and Municipal Services (Goal 3). The recommendation would reduce single-use bag consumption in the County unincorporated areas and associated litter, while promoting the use of reusable bags. The recommended action will help meet these goals by implementing environmentally responsible practices to reduce the County's impacts, promote environmental stewardship and coordinate departmental resources effectively to implement environmentally beneficial programs in a cost-effective manner. The recommended action would also help to reduce blight, litter, and other negative environmental impacts associated with single-use bags while promoting sustainability and improving the well-being of County unincorporated area residents.

FISCAL IMPACT/FINANCING

Costs of enforcement of the Ordinance by Public Works are to be fully offset by Public Works Solid Waste Management Fund. The adoption of the recommended Ordinance is not anticipated to have any impact on the County's General Fund or any Department budget.

Further, although not required by CEQA, Public Works initiated the development of an independent study (Enclosure IV) to evaluate the potential socio-economic impacts the Ordinance may have. The study found that the average expected per capita cost resulting from a ban on plastic carryout bags and the imposition of a charge of ten (10) cents on paper carryout bags is approximately \$5.72 per year.

FACTS AND PROVISIONS/LEGAL REQUIREMENTS

As described above, the recommended Ordinance would ban single-use plastic carryout bags and impose a ten (10) cent charge at all supermarkets and other grocery stores, pharmacies, drug stores, convenience stores, and foodmarts located in the County unincorporated areas. The Ordinance would become operative for larger stores on July 1, 2011, and for all other affected stores on January 1, 2012.

The Board of Supervisors is holding a public hearing for the Ordinance, and published notice of such public hearing in accordance with California Government Code 6062a in

the *Daily News*, *La Opinion*, *Antelope Valley Press*, *Daily Breeze*, and the *Los Angeles Daily Journal*.

Nothing in the Ordinance is intended to create any requirement, power, or duty in conflict with any Federal or State law.

ENVIRONMENTAL DOCUMENTATION

The FEIR was prepared in accordance with Section 15365 of the CEQA Guidelines. The original proposed project studied in the Draft EIR (DEIR) would have banned the issuance of plastic carryout bags at the larger supermarkets and retail establishments with a pharmacy in the County unincorporated areas, and it further evaluated impacts if all 88 cities adopted similar ordinances.

Notice of Preparation

On December 1, 2009, the County circulated the Notice of Preparation (NOP) for a DEIR for the proposed ordinances to the State Clearinghouse and to various Federal, State, regional, and local government agencies. A public Notice of Availability (NOA) of the NOP was published in the *Los Angeles Times*. The NOP and Initial Study were mailed (or e-mailed) directly to approximately 480 agencies and interested parties. The NOP advertised six public scoping meetings for interested parties to receive information on the proposed ordinances and the CEQA process, as well as providing an opportunity for the submittal of comments. The meetings were held on December 7, 8, 9, 10, 11, and 14, 2009, at designated locations throughout the County. The comment period for the NOP and Initial Study closed on January 4, 2010. A total of 18 individuals attended the scoping meetings and a total of seven (7) comment letters were received in response to the NOP and Initial Study. The Initial Study determined that the proposed ordinances would not be expected to result in significant impacts to 12 environmental issue areas: aesthetics, agricultural and forestry resources, cultural resources, geology and soils, hazards and hazardous materials, land use and planning, mineral resources, noise, population and housing, public services, recreation, and transportation and traffic.

Draft EIR and Public Comment

The DEIR was completed and forwarded to the Governor's Office of Planning and Research (OPR) State Clearinghouse on June 2, 2010, for a 45-day review period that ended on July 16, 2010. An electronic copy of the DEIR was made available at all public libraries in the County, and a hard copy of the DEIR was made available at each of 10 public libraries. An NOA of the DEIR was advertised for public review in the *Los Angeles Times*, delivered to all public libraries in the County, and sent to 27 public agency representatives and approximately 460 stakeholders, including private

organizations and individuals. A total of 11 letters of comment and a petition including over 1,800 signatures were received in response to the DEIR. In addition, the County hosted six (6) public meetings throughout the County to provide the public with key findings of the DEIR and to solicit comments. All comments received and responses to the comments are included in the FEIR and were sent to relevant agencies pursuant to Section 21092.5 of the State CEQA Guidelines.

The FEIR was prepared based on the DEIR and incorporates clarifications and revisions resulting from public review of the DEIR.

Evaluation of Original Proposed Project and Alternatives

As a result of the Initial Study, comments received during the scoping period, and the environmental analysis undertaken in the DEIR, six (6) alternatives, including the "No Project Alternative," were determined to represent a reasonable range of alternatives to the proposed project:

1. No Project Alternative
2. Alternative 1, Ban Plastic and Paper Carryout Bags in Los Angeles County
3. Alternative 2, Ban Plastic Carryout Bags and Impose a Fee on Paper Carryout Bags in Los Angeles County
4. Alternative 3, Ban Plastic Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County
5. Alternative 4, Ban Plastic and Paper Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County
6. Alternative 5, Ban Plastic Carryout Bags and Impose a Fee on Paper Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County

The FEIR evaluates the potential significant impacts from the original proposed project and the Alternatives to air quality, biological resources, greenhouse gas (GHG) emissions, hydrology and water quality, and utilities and service systems. In addition, the ability of each Alternative to assist in achieving the project objectives was evaluated.

With respect to the original proposed project, there were no significant impacts except to GHG emissions, where, under the County's conservative worst-case scenario, the indirect impacts from the life cycle of paper carryout bags including decomposition at the end of life, would have the potential to be cumulatively considerable. While the original proposed project meets all of the project objectives, it is not recommended because it does not regulate the issuance of paper carryout bags and would have impacted only a limited number of stores, compared to Alternatives that applied the Ordinance to a larger number of stores.

The No Project Alternative did not meet most of the project objectives, and was further not recommended because impacts to biological resources, hydrology and water quality, and utilities and service systems, would not be avoided or reduced under this Alternative.

Alternative 1 had no significant impacts because it would have banned all plastic and paper carryout bags at a limited number of affected stores. While Alternative 1 meets all the project objectives, this alternative is infeasible because it does not allow an option for consumers to purchase paper bags when they forget or do not know to bring their reusable bags. This Alternative is not recommended because the Ordinance would have a limited effect compared to other Alternatives that applied the Ordinance to a greater number of stores.

Alternative 2 had no significant impacts except to GHG emissions, where, under the County's conservative worst-case scenario, the indirect impacts from the life cycle of paper carryout bags including decomposition from the end of life, would have the potential to be cumulatively considerable. Alternative 2 also meets all of the project objectives. However, Alternative 2 is not recommended because the Ordinance would have a limited effect compared to other alternatives that applied the Ordinance to a greater number of stores.

With respect to Alternative 3, it was found not to have any significant impacts except to GHG emissions, where, under the County's conservative worst-case scenario, the indirect impacts from the life cycle of paper carryout bags including decomposition at the end of life, would have the potential to be cumulatively considerable. While Alternative 3 meets all of the project objectives, it is not recommended because it does not regulate the issuance of paper carryout bags.

Alternative 4 had no significant impacts because it would have banned all plastic and paper carryout bags at a greater number of stores. It is also the Environmentally Superior Alternative and meets all of the project objectives. However, Alternative 4 is infeasible

because it does not allow an option for consumers to purchase paper bags when they forget or do not know to bring their reusable bags.

With respect to Alternative 5, it was found not to have any significant impacts except to GHG emissions, where, under the County's conservative worst-case scenario, the indirect impacts from the life cycle of paper carryout bags from decomposition at the end of life, would have the potential to be cumulatively considerable. Alternative 5 also meets all of the project objectives. Alternative 5 is feasible because it bans plastic carryout bags at a greater number of stores, while retaining an option for consumers to purchase paper carryout bags.

Overriding Considerations

The economic, environmental and policy benefits of implementing the Ordinance (Alternative 5), outweigh and override the one adverse effect of the recommended Ordinance, as detailed in the Environmental Findings of Fact and Statement of Overriding Considerations (Enclosure I). The overriding considerations for the Ordinance include helping to reduce litter costs associated with plastic carryout bags and reducing the environmental impacts associated with plastic carryout bag use, including those impacts to marine wildlife. It is consistent with the County's commitment to environmental stewardship and to reduce single-use bag consumption and litter while increasing the use of reusable bags and recycling in the County unincorporated areas.

Mitigation Monitoring

To reduce the potential cumulative indirect impacts to GHG emissions from end of life decomposition of paper carryout bags, Mitigation Measure GHG-1 (Enclosure I) would monitor, reduce consumption of, and encourage the further recycling of paper carryout bags to offset GHG emissions due to end of life to the maximum extent feasible.

Upon your Board's certification of the FEIR and finding that the project has no effect on fish and wildlife, Public Works will file a certificate of fee exemption with the County Clerk in accordance with Section 711.4 of the California Fish and Game Code. Public Works will also file a Notice of Determination in accordance with Section 21152(a) of the California Public Resources Code and pay the required filing and processing fees with the County Clerk.

IMPACT ON CURRENT SERVICES (OR PROJECTS)

Restricting the use of single-use plastic carryout bags and promoting environmentally friendly alternatives would raise environmental awareness of residents, assist the

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County in meeting the Federal Clean Water Act requirements, enhance the County's image as a leader in the area of environmental stewardship, and improve the quality of life for residents in the County unincorporated areas.

Following approval of the Ordinance, the Department of Agricultural Commissioner/Weights and Measures and the Department of Public Health will, when conducting their respective Retail Food Inspections Program and routine site visits, monitor those stores which are routinely inspected under their respective programs for compliance with the Ordinance. Public Works will monitor any reports of alleged violations, issue notices of violations to affected stores, and follow-up with stores to assure compliance. This monitoring will encompass all stores addressed under the Ordinance.

CONCLUSION

Please return one adopted copy of this letter to the Chief Executive Office, County Counsel, Agricultural Commissioner/Weights and Measures, Internal Services, Public Health, and Public Works Departments.

Respectfully submitted,



GAIL FARBER
Director of Public Works

GF:td

Enclosures (4)

c: All County Departments
Sanitation Districts of Los Angeles County

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