

**REPORT TO THE
CITY COUNCIL**
City of Salinas, California

DATE: August 19, 2014

FROM: Gary E. Petersen, CAE, Public Works Director
Christopher A. Callihan, City Attorney

SUBJECT: PROPOSED ORDINANCE TO BAN SINGLE USE CARRYOUT PLASTIC BAGS

RECOMMENDATION:

It is recommended that the City Council introduce and subsequently adopt an ordinance prohibiting the use of single-use carryout plastic bags in the City of Salinas.

DISCUSSION:

Council has requested that staff work with the County of Monterey to develop an ordinance that prohibits the use of single-use carryout plastic bags in the City of Salinas. Within the state of California, numerous agencies or local governments have adopted similar ordinances. The counties of Santa Clara and Santa Cruz, and several cities in the Monterey Bay region have as well. On July 29, 2014, the County of Monterey adopted a nearly identical ordinance to cover the unincorporated portions of the Monterey County.

The intent of the proposed ordinance is to reduce the potential environmental and visual impacts related to the use of single-use carry-out plastic bags and to promote the use of reusable bags. The central reason that cities and counties in our region have banned single use carryout bags is to minimize litter and ocean debris generated from plastic bags. State of California data shows that only 3% to 5% of single-use plastic carry-out bags are recycled, this creates an enormous burden on landfills, as well.

PROPOSED ORDINANCE:

The Proposed Ordinance would prohibit certain types of retail establishments within the City of Salinas from providing plastic single-use carryout bags, free recycled paper bags, or free reusable bags to customers. Under the ordinance, retail establishments would be required to charge ten cents (\$0.10) to provide a recycled paper bag or reusable bag to a customer, with exceptions made for customers who participate in certain governmental or non-profit programs. These regulations would apply to retail establishments that sell perishable or nonperishable goods including clothing, food, and personal items, and would not apply to restaurants and take-out food establishments. The Proposed Ordinance would also apply to “farmers’ markets” (as defined). A six month “grace period” is incorporated into the ordinance to allow retail establishments time to make necessary arrangements for compliance and to expend current stocks of plastic single-use carryout bags. The regulations would be enforced under the Salinas Municipal Code. The purpose of the Proposed Ordinance is to reduce litter and protect the natural resources of Salinas.

“Single-use carryout bags” are defined in the Proposed Ordinance as a bag, other than a reusable bag or recycled paper bag, provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the Retail Establishment. Single-use carryout bags do not include bags, a maximum of 11” x 17”, without handles provided to the customer for the following purposes:

(1) to transport produce, bulk food or meat from a product, bulk food or meat department within a store to the point of sale; (2) to transport produce, bulk food, or other items to the point of sale at a farmers' market; (3) to hold prescription medication dispensed from a pharmacy; (4) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a bag; or (5) a Garment Bag regardless of size.

A "reusable bag" is defined as a bag with handles that is specifically designed and manufactured to be reused at least 125 times and that is either (1) made of cloth or other washable natural or synthetic fibers that can be cleaned and disinfected, or (2) made from plastic film that shall be at least four (4.0) mils thick and capable of being cleaned and disinfected.

A "recycled paper bag" is defined as a bag that contains no old growth fiber and a minimum of 40 percent post-consumer recycled content, is 100 percent recyclable, and has printed in a highly visible manner on the outside of the bag the words "Reusable" and "Recyclable", the name and location of the manufacturer, and the percentage of post-consumer recycled content.

The Proposed Ordinance would include a public education and outreach campaign aimed at promoting reusable bags to further reduce impacts from paper bags or single-use carryout bags to both retailers and customers.

SUPPORTING DOCUMENTATION

Included with the ordinance is a report that serves as the technical documentation of environmental analysis performed by Rincon Consultants, Inc., for the proposed City of Salinas Reusable Bag Ordinance. The intent of the analysis is to confirm that the Proposed Ordinance is eligible for a Class 7 and Class 8 Categorical Exemption (CE) under the California Environmental Quality Act (CEQA). The report provides an introduction, project description, and evaluation of the project's consistency with the requirements for Class 7 and 8 exemptions. This includes an analysis of the project's potential impacts in the areas of biological resources, hydrology and water quality, air quality, greenhouse gas emissions, and utilities. The report concludes that the project is eligible for the Class 7 and 8 Categorical Exemption, as it would protect natural resources and protect the environment.

PUBLIC OUTREACH

The issue of Plastic Bag use has been discussed at multiple City Council meetings and County Board of Supervisor meetings with input received from the public. Articles have also been written and published on the subject in The Salinas Californian, the Monterey Herald, and the Monterey County Weekly. Additionally, presentations on this subject have been made to the Salinas United Business Association (SUBA) the Old Town Association (OSA) and the Salinas Chamber of Commerce.

THE ISSUE:

Shall the Council introduce and subsequently adopt an ordinance prohibiting the use of single use carryout plastic bags in the City of Salinas?

FISCAL IMPACT:

The net result of savings generated by the ordinance is not fully understood at this time. However, staff believes that by decreasing the amount of waste generated by single use plastic bags cost savings will eventually be realized. Additionally, implementation of this ordinance will support City of Salinas compliance with the Central Coast Regional Quality Control Board Storm Water Permit minimizing the potential for receiving costly fines.

TIME CONSIDERATION:

Upon receiving direction staff will immediately take appropriate action.

CEQA CONSIDERATIONS:

The County of Monterey contracted with Rincon Consultants Inc. to conduct environmental analysis of the proposed ordinances to be considered by the different cities within Monterey County. The analysis prepared for the City of Salinas by Rincon Consultants Inc. shows that substantial evidence supports a determination that Salinas’s proposed ordinance is categorically exempt under sections 15307 and 15308 of the CEQA Guidelines. The analysis prepared by Rincon Consultants Inc. is attached to this report. The proposed ordinance would have the effect of decreasing the use of single-use carryout plastic bags. As a result, the overall environmental impacts relating to air quality, GHG emissions, and utilities would be less than significant. The reduction in use of single-use carryout plastic bags would also have a beneficial impact to the important biological resources and natural resources in Salinas including to local creeks, intermittent streams, the Monterey Bay National Marine Sanctuary and the Pacific Ocean. The proposed Ordinance would therefore not have a significant impact on the environment but would rather enhance the environment and the natural resources in Salinas. Because the purpose of the proposed Ordinance is to assure the maintenance, restoration, and enhancement of natural resources and protection of the environment, and because of the benefits to biological resources and hydrology/water quality, the proposed Ordinance would be exempt under Class 7 and Class 8.

ALTERNATIVES/IMPLICATIONS:

1. Not introduce or adopt an ordinance prohibiting the use of single use carryout plastic bags in the City of Salinas.
2. Provide alternative direction.

CITY COUNCIL GOALS:

Passage of the ordinance would support the Council Goals of Economic Diversity and Prosperity, Safe Livable Community, Excellent Infrastructure and Quality of Life.

CONCLUSION:

Prohibiting the use of single use plastic carryout bags is would have positive impacts on natural resources while supporting city compliance with regulatory agencies. It would also bring Salinas into conformity with other cities within Monterey County, as well as the County of Monterey.

Distribution:

City Council
City Manager
City Attorney
Department Directors

Back Up Pages:

Draft Ordinance
Categorical Exemption Report