



City of Culver City

Staff Report Details (With Text)

File #: 22-37 **Version:** 1 **Name:** Polystyrene amendment
Type: Minute Order **Status:** Consent Agenda
File created: 6/29/2021 **In control:** City Council Meeting Agenda
On agenda: 7/12/2021 **Final action:**
Title: CC - Adoption of an Ordinance Amending, Title 5, Public Works, of the Culver City Municipal Code (CCMC) to Add a New Chapter 5.07, Waste Reduction Regulations; Repealing Certain Sections of CCMC Chapter 11.18 Polystyrene Regulations Upon the Effective Date of the Ordinance; and Repealing Certain Sections of Chapter 11.18 on December 31, 2022.

Sponsors:

Indexes:

Code sections:

Attachments: 1. Waste Reduction Regulations Ordinance

Date	Ver.	Action By	Action	Result
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CC - Adoption of an Ordinance Amending, Title 5, *Public Works*, of the Culver City Municipal Code (CCMC) to Add a New Chapter 5.07, *Waste Reduction Regulations*; Repealing Certain Sections of CCMC Chapter 11.18 *Polystyrene Regulations* Upon the Effective Date of the Ordinance; and Repealing Certain Sections of Chapter 11.18 on December 31, 2022.

Meeting Date: July 12, 2021

Contact Person/Dept: Chanel Kincaid/ Public Works EPO Division
Phone Number: 310-253-6445

Fiscal Impact: Yes No **General Fund:** Yes No

Public Hearing: **Action Item:** **Attachments:**

Commission Action Required: Yes No **Date:**

Public Notification: (E-Mail) Meetings and Agendas - City Council (07/07/2021);

Department Approval: Charles D. Herbertson, Director of Public Works, City Engineer (06/30/2021)

RECOMMENDATION

Staff recommends the City Council adopt an Ordinance amending, Title 5, *Public Works*, of the Culver City Municipal Code (CCMC) to add a new Chapter 5.07, *Waste Reduction Regulations*;

repealing certain sections of CCMC Chapter 11.18 *Polystyrene Regulations, Sections* upon the effective date of the Ordinance; and repealing certain sections of Chapter 11.18 on December 31, 2022 (Attachment 1).

BACKGROUND/DISCUSSION

At the June 28, 2021 meeting, City Council voted 4-1 to introduce an Ordinance amending Title 5, *Public Works*, of the Culver City Municipal Code (CCMC) to add a new Chapter 5.07, *Waste Reduction Regulations*; repealing certain sections of CCMC Chapter 11.18 *Polystyrene Regulations, Sections* upon the effective date of the Ordinance; and repealing certain sections of Chapter 11.18 on December 31, 2022.

The Ordinance is now being presented for adoption. If adopted, the Ordinance has the following components:

Effective Upon Adoption:

1. No regulated entity shall provide any utensils, stirrers, straws or napkins with take-out or delivery orders unless the customer requests such items.
2. No person or regulated entity shall use or distribute polystyrene food service ware.
3. No person or regulated entity shall sell polystyrene coolers.
4. No person or regulated entity shall use, distribute or sell polystyrene food service ware at City facilities that have been rented, leased or are otherwise being used with permission of the City. This section, Section 5.07.015.C, is limited to use of City facilities for which a person has entered into an agreement with, or obtained a permit from, the City to rent, lease or otherwise occupy a City facility. All facility rental agreements for any City facility shall include a provision requiring contracting parties to assume responsibility for preventing the use, sale and/or distribution of polystyrene food service ware while using City facilities. The facility rental agreement shall indicate that a violating contracting party's security deposit will be forfeited if the City Manager or their designee determines that polystyrene food service ware was used, sold or distributed in violation of the rental agreement.
5. No person or regulated entity shall use, sell or distribute polystyrene food service ware at City-sponsored events, events that are open to the public, City-managed concessions or at City meetings.

Effective September 1, 2021

6. No City officer, official, employee, representative or agent who is acting on behalf of the City shall purchase, use, sell or distribute any plastic utensils, plastic stirrer, plastic straws or polystyrene products while acting on behalf of the City.
7. No contractor who is acting pursuant to any contract or agreement with the City shall purchase, use, sell, distribute or otherwise acquire any plastic utensils, plastic stirrers, plastic straws or polystyrene products while acting pursuant to such contract or agreement.

8. While acting on behalf of the City, any agent of the City may only use, sell, distribute, purchase or otherwise acquire utensils, stirrers or straws made from materials which are accepted by the City's organics collection program. However, such City agent may provide plastic straws as an accommodation to a person with a disability who requests a straw in order to enjoy equal access to the food or beverages being provided by that City agent.
9. No City officer, official, employee, representative, contractor or agent, shall use, sell, distribute or otherwise provide any single-use plastic water bottles while acting on behalf of the City or while acting pursuant to a contract or agreement with the City.

Effective January 1, 2022:

11. Any regulated entity shall only use, sell or distribute utensils, stirring sticks or straws made from materials which are acceptable by the City's organics collection program and only upon a customer's request for any of those items. Anyone, however, may provide a plastic straw as an accommodation to a person with a disability who requests a straw in order to enjoy equal access to the food or beverages being provided by the regulated entity subject to this provision.
12. No regulated entity shall sell, distribute or use polystyrene packing material, including, but not limited to, foam, peanuts, packing peanuts, foam popcorn, packing noodles or shipping boxes; provided, however, that the disposal of any polystyrene packing materials which were part of any shipment originating outside of the City shall not constitute a prohibited use under this provision.
13. Packing materials which are reusable, acceptable to the City's recycling program or acceptable to the City's organics collection program are allowed.
14. Any regulated entity using polystyrene packing material for shipping medical devices is exempt from the requirement of Section 5.07.035.A.
15. No regulated entity may sell, offer for sale or otherwise distribute, within the City, any meat, fish or poultry tray, produce tray or egg carton made, in whole or in part, from polystyrene. This prohibition shall be applicable to the actual selling, offering for sale or distribution of any such polystyrene item, as well as to the distributing of any of such polystyrene item in conjunction with the selling, offering for sale or distribution of meat, fish, poultry, vegetable, fruit or eggs.
16. Disposable food service ware used by any regulated entity for take-out or delivery must be acceptable to the City's organics collection program and be free of fluorinated chemicals, as certified by the Biodegradable Product Institute or other independent, third-party certifying organization or agency recognized by the City. However, paper liners, paper napkins or foil wrappers acceptable to the City's recyclables and/or organics collections program may be used when the food item being served requires paper or foil to contain and/or form the food item being served.

Effective January 1, 2023

17. Food or beverages served for consumption on the premises of any regulated entity shall only be served on or in food service ware that is reusable. However, paper liners, paper napkins or foil wrappers acceptable to the City's recyclables and/or organics collections program may be used when the food item being served requires paper liners, paper napkins or foil wrappers to contain and/or form the food item being served. To be deemed "reusable" under this provision, food service ware must be manufactured of durable materials specifically designed and manufactured to be safely and repeatedly washed, sanitized and reused over an extended period of time.

18. No person or regulated entity shall sell any polystyrene food service ware.

In addition, the following sections were added to address a policy timeline gap ("policy gap") between the repeal of Chapter 11.18 and the effective dates of the provisions of new Chapter 5.07. Language below ensures that there is no policy gap to allow for the selling of polystyrene foam.

CCMC Sections 11.18.015.C, 11.18.015.D, 11.18.015.E, 11.18.015.F, 11.18.015.G and 11.18.015.H will be repealed as of the effective date of the proposed Ordinance. (See Section 3 of the Ordinance)

CCMC Sections 11.18.005, 11.18.010, 11.18.015.A, 11.18.015.B, 11.18.020, 11.18.025 and 11.18.030 will be repealed on December 31, 2022. (See Section 4 of the Ordinance).

Categorical Exemption

With the introduction of the Ordinance on June 28, 2021, the City Council adopted a Class 8 Categorical Exemption (Actions by Regulatory Agencies for Protection of the Environment) pursuant to the California Environmental Quality Act, finding that the proposed Waste Reduction Regulations do not create any potentially significant adverse impacts on the environment. Since the time of the adoption of the Class 8 Categorical Exemption, no new information has become available and no changes to the Ordinance have been made; therefore, no additional environmental analysis is required.

FISCAL ANALYSIS

Approximately \$50,000 will be needed to fund and implement a marketing campaign devoted to providing information about the ban, designing, printing brochures, and conducting educational workshops. The request for \$50,000 has been included in the Refuse Enterprise Fund's FY 2021/2022 Proposed Budget. This expense will be paid from Account # (20260400.517310).

ATTACHMENTS

1. Waste Reduction Regulations Ordinance

MOTION

That the City Council:

Adopt an Ordinance amending, Title 5, *Public Works*, of the Culver City Municipal Code (CCMC) to add a new Chapter 5.07 *Waste Reduction Regulations*; repealing certain sections of CCMC Chapter 11.18 *Polystyrene Regulations*, upon the effective date of the Ordinance; and repealing certain sections of CCMC Chapter 11.18 on December 31, 2022.