



# City of Culver City

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## Staff Report

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**File #:** 16-020, **Version:** 1

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**CC - (1) Discussion of a Proposal from Ballona Creek Renaissance to Ban Single-Use Polystyrene Take-Out Food Containers; and (2) Direction to City Manager as Deemed Appropriate.**

**Meeting Date:** August 8, 2016

**Contact Person/Dept:** Joe Susca/Public Works-Administration  
**Phone Number:** 310-253-5636

**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 (08/02/16); (E-Mail) the Ballona Creek Renaissance (07/15/2016); CR&R (07/15/2016); Samantha Martinez of Kindel Gagan Public Affairs Advocacy (07/15/2016); The California Restaurant Association (07/15/2016); The Downtown Business Association (07/15/2016); The Culver City Chamber of Commerce (07/15/2016); the Following E-Mail Distribution List Subscribers: Sustainability / Environmental Issues and Public Notifications (08/02/2016).

**Department Approval:** Charles D. Herbertson (07/28/16)

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### **RECOMMENDATION**

Staff recommends the City Council (1) discuss a proposal received from Ballona Creek Renaissance to (a) ban single-use polystyrene take-out food containers citywide; and (b) require Culver City restaurants to provide compostable cutlery with their take-out food orders; and (c) require restaurants to ask their customers whether they want cutlery included with their take-out order; and (2) provide direction to the City Manager as deemed appropriate.

### **BACKGROUND**

Plastic products primarily come in seven different formulations that vary in pliability to meet the rigidity needs of a particular application. Formulations one through five are recyclable. Formulation number six is polystyrene, which is not compostable and does not decompose in a landfill.<sup>1</sup>

Formulation number seven plastic is a catch-all designation and denotes all other formulations.

Polystyrene comes in 1) an expanded form (more commonly known by its brand name “Styrofoam”), which is used to manufacture cups, bowls, plates, clamshell take-out food containers, coolers and packaging for shipping containers; and 2) in solid form such as cutlery, compact disc containers and other products. Styrofoam maintains heat and cold very well making it a popular choice when transporting hot food, cold drinks, ice and frozen food and it is less costly than its alternatives.

Currently, the City’s residential refuse collection service primarily includes trash (black bin), mixed recyclables (blue bin) and plant waste (green bin). On January 31, 2015, the City entered into a three-year agreement with CR&R, a Material Recovery Facility (MRF) to process the City’s mixed-recyclables. CR&R places the mixed-recyclables it picks up from the City’s Transfer Station onto a conveyor belt and, aided by computerized equipment, CR&R staff sorts the material into aluminum/metal, glass, paper and No 1-5 plastics. CR&R ships paper to China (including Starbucks coffee cups/sleeves, cardboard and photocopy paper),<sup>2</sup> aluminum and metal is sent to Kentucky (and is primarily reused by Anheuser Busch, Coca Cola Bottling and Pepsi Co.), glass is sent to Strategic Materials Inc. in Los Angeles,<sup>3</sup> and No. 1-5 plastics (including PET-water bottles and HTPPE-milk cartons) are sent to the Talco Company in Downey in addition to China.<sup>4</sup> No. 6 plastics (polystyrene) and No. 7 plastics are disposed of as trash and are hauled to either the Chiquita Canyon Landfill in Castaic, Sunshine Canyon Landfill in Sun Valley or the Simi Valley Landfill. According to a 2015 Waste Characterization Study ordered by the California Department of Resources Recycling and Recovery, plastic comprises 10.4% of the total solid waste collected in California. Polystyrene is 5% of the total plastic collected and amounts to 173,738 tons annually.

At the request of one of their clients, CR&R recently concluded a pilot program to recycle polystyrene however, CR&R discontinued the program predominantly because it slowed down their operation due to the need to hand-pick the material from the conveyor belt (in lieu of computerized sorting), making the process economically unfeasible. Burrtec, with facilities primarily located in the Inland Empire, is the only MRF in Southern California that recycles polystyrene through a mixed-recyclables program (such as the City’s) however, they do not serve the Los Angeles region.

## **DISCUSSION**

On April 6, 2016, the Ballona Creek Renaissance (BCR) presented a proposal to ban single-use polystyrene take-out and dine-in food containers and non-compostable plastic cutlery to the City Council Sustainability Subcommittee (See Attachments No. 1 and 2). In addition, the City of Santa Monica provided a presentation outlining the details of its 2007 Styrofoam ban, along with highlighting its program implementing the ban (See Attachment No. 3). BCR indicated, during Ballona Creek cleanup events they have observed a large quantity of Styrofoam litter floating down Ballona Creek to the ocean and that it has become the biggest pollution problem in the Santa Monica Bay. Styrofoam’s light weight allows it to float on water and travel to the ocean via Ballona Creek, oftentimes crumbling into smaller pieces and eventually imbedding itself into the sand at the beach, where it may be mistaken for food and be ingested by wildlife. After the presentation, the Sustainability Subcommittee discussed the proposal and recommended that additionally restaurants also be required to ask their customers whether they want cutlery with their take-out order and directed staff to place consideration of the proposal on a future City Council agenda.

The intent of the proposed ban is to reduce the amount of polystyrene landfill waste and litter by replacing polystyrene with alternatives that minimize harm to the environment, which are made from materials that can be recycled as part of the City's existing mixed-recyclables program or composted as part of an organics recycling program. BCR recommends that recyclable food containers made from paper/cardboard, aluminum, vegetable-based materials and compostable or recyclable plastics (No. 1-5) be used in lieu of polystyrene. These substitute products are widely available however, at a higher cost than polystyrene. According to BCR, a clamshell container made of polystyrene has an average cost of 7 cents and its alternatives range in cost from 17 to 43 cents per container. According to a cost analysis performed by a stakeholder working group formed by the City of Pasadena comprised of various businesses, non-profit organizations and business improvement districts, it is anticipated that the potential additional cost to each business affected by the ban will range from \$3,000 to \$5,000 annually to purchase alternative containers. Provided a restaurant's staff removes food particles from the alternative containers prior to their disposal, those restaurants that serve their food in take-out containers to dine-in customers may place them in their mixed-recyclables bin. Thus, for these restaurants the increased cost to purchase alternative containers will be partially offset by a reduction in their refuse collection fees. [For example, the City charges \$130 to pick up waste from a three cubic yard bin once per week (\$6,240 annually), compared to only \$30 for mixed-recyclables (\$1,440 annually) a savings of \$100/week (\$4,800 annually).]

BCR's proposed ban only applies to food prepared within the City and would not ban Styrofoam packing materials used in shipping containers, the sale of polystyrene products in City stores, or single-use disposable items such as straws, cup lids and disposable packaging used for the sale of unprepared foods (such as trays used in grocery stores used to sell produce, meat, poultry and fish).

Currently, the Culver City Unified School District and approximately 70 cities and counties in California have banned single-use polystyrene take-out food containers. Locally, the City and County of Los Angeles, Ventura County, Dana Point, Hermosa Beach, Laguna Beach, Santa Monica, Pasadena, Huntington Beach, Calabasas, Malibu, Manhattan Beach, San Clemente and West Hollywood have either adopted facility-only or citywide bans. BCR indicates that Friends of the Ballona Wetlands, Grades of Green, Environment California, the Surfrider Foundation, Heal the Bay, 5 Gyres, LA Waterkeeper, Transition Culver City and other organizations support its proposed ban.

If the City Council directs staff to bring back an Ordinance to ban polystyrene as proposed, staff recommends that its enforcement be delayed for one year to allow restaurants to deplete their existing stock of polystyrene and to seek out and purchase substitute take-out food containers. After the first year however, staff recommends that firms who violate the ban be subject to the penalties and other provisions contained in CCMC Title 1, Chapter §1.01 General Provisions and Chapter §1.02 Administrative Citations.<sup>5</sup>

#### **CEQA:**

The California Environmental Quality Act (CEQA) mandates an environmental assessment of government actions that may have an effect on the environment. There are limited government actions that have been determined not to have a significant effect on the environment, and those actions have been declared to be exempt from the provisions of CEQA. Such exemptions include actions taken by a government agency to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for the protection of

the environment (CEQA Guidelines Section 15308). The proposed Styrofoam ban qualifies for such exemption.

## **FISCAL ANALYSIS**

There is no fiscal impact to the City associated with the discussion of this item. If the City Council were to impose the ban, the impact to Refuse Disposal Enterprise fund would be revenue neutral, because any reduction in revenue from waste disposal fees is offset by an increase in revenue from mixed recyclables.

In addition, adoption of such a ban would apply to up to 337 existing Culver City-based restaurants, food trucks, hotels/motels, catering firms, Farmers' Markets, convenience stores, and grocery store delis that provide prepared take-out food service to their customers. The ban would also apply to all City facilities, City-managed concessions, City-sponsored events and City-permitted private events that are open to the public to attend. At a minimum, it would cost \$250 to mail a letter notifying these businesses of the ban in addition to staff time dedicated to enforcing it. Staff estimates it would cost an additional \$5,000 in Refuse Disposal Enterprise funds to implement a branded marketing campaign comprised of a City webpage devoted to disseminating information about the ban, designing and printing brochures, performing outreach and education activities and providing assistance to prepared food providers in identifying alternative products and locating their suppliers.

## **ATTACHMENTS**

1. March 31, 2016 Ballona Creek Renaissance Proposal
2. April 6, 2016 Ballona Creek Renaissance Presentation to the City Council Sustainability Subcommittee.
3. April 6, 2016 City of Santa Monica Presentation to the City Council Sustainability Subcommittee.

## **MOTIONS**

That the City Council:

1. Discuss a proposed ban of single-use polystyrene take-out food containers and cutlery received by the Ballona Creek Renaissance and consider inclusion of the requirement that prepared food providers ask their customers whether they want cutlery included with their take-out order; and
2. A. Direct staff to return to the City Council with a proposed ordinance to enact the ban; or  
  
B. Provide other direction as deemed appropriate.

## **NOTES:**

<sup>1</sup>Source: Earth Resource Foundation: A non-profit environmental and educational organization located in Santa Ana, CA, whose mission is to preserve, conserve, and restore the Earth to a healthy

and sustainable state. According to Earth Resource Foundation, a 1986 EPA report on solid waste named the polystyrene manufacturing process as the 5th largest creator of hazardous waste.

<sup>2</sup>In California, International Paper in Ontario and West Rock in San Jose are the two largest mills dedicated to recycling paper and cardboard that is collected from various locations statewide. Though some of the recycled material is reused locally, the enormity of the volume collected has resulted in most of the paper being shipped to China for reuse.

<sup>3</sup>Strategic Materials Inc. cleans, decontaminates and crushes the glass into cullet (furnace ready glass). The cullet is then sold in the open market and is primarily reused to create glass containers, fiberglass, highway beads and sand paper.

<sup>4</sup>Talco Company first decontaminates the plastic, then washes it and turns it into small plastic pellets for sale on the open market, who in turn use the pellets to manufacture water containers, plant containers, buckets, hampers, waste bins, food containers, etc.

<sup>5</sup>Enforcement Service's standard case flow is as follows:

- a) Violation observed/reported
- b) Case opened
- c) Data collected, case logged
- d) Notice of Violation issued with deadline to comply (either verbally or in writing)
- e) If noncompliance continues, Final Notice of Violation issued
- f) If noncompliance continues, \$100 citation issued, if continues, \$200 citation, if continues \$500 citation.
- g) Thereafter, if the violation continues, it is typically referred to the City Attorney's Office to enforce pursuant to CCMC Title 1, Chapter §1.01 *General Provisions* and Chapter §1.02 *Administrative Citations*