



## Monterey County

### Board Order

168 West Alisal Street,  
1st Floor  
Salinas, CA 93901  
831.755.5066

Upon motion of Supervisor Potter, seconded by Supervisor Parker and carried by those members present, the Board of Supervisors hereby:

- a. Adopted **Resolution No. 14-255** finding the proposed ordinance adding Chapter 10.43 to the Monterey County Code categorically exempt under the California Environmental Quality Act (CEQA); and
- b. Adopted **Ordinance No. 5244** adding Chapter 10.43 to the Monterey County Code relating to the use of single-use carry-out bags, recycled paper bags and reusable bags by retail establishments.

PASSED AND ADOPTED on this 26th day of August 2014, by the following vote, to wit:

AYES: Supervisors Calcagno, Parker and Potter

NOES: Supervisors Armenta and Salinas

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on August 26, 2014.

Dated: September 2, 2014  
File Number: ORD 14-016

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

**Resolution No. 14-255**

Adopting finding of categorical )  
Exemption under CEQA for )  
Proposed ordinance adding )  
Chapter 10.43 to the Monterey )  
County Code..... )

This resolution is made with reference to the following facts:

1. On July 29, 2014, the Board of Supervisors of the County of Monterey introduced, waived reading, and considered a proposed ordinance to add Chapter 10.43 to the Monterey County Code relating to the use of single-use carryout bags, recycled paper bags, and reusable bags by retail establishments ("proposed ordinance"). The Board also considered finding the ordinance categorically exempt under California Environmental Quality Act (CEQA) pursuant to CEQA Guidelines sections 15307 and 15308.
2. Following staff presentation and public testimony on July 29, 2014, the Board set August 26, 2104 at 10:30 a.m. (consent calendar) as the date and time to consider making the CEQA finding and adopting the proposed ordinance.
3. The proposed ordinance prohibits certain types of retail establishments in the unincorporated area of Monterey County from providing thin-film single-use carryout bags at the point of sale and requires a minimum charge of ten cents for recycled paper bags and reusable bags, with exceptions for customers who participate in certain governmental and charitable non-profit programs. The proposed ordinance applies to retail establishments that sell perishable or nonperishable goods including clothing, food, and personal items and also applies to farmers' markets. The proposed ordinance does not apply to restaurants, take-out food establishments, and wholesale produce packing and shipping businesses.
4. The purposes of the proposed ordinance are to reduce litter, reduce impacts to water bodies and wildlife, decrease impacts to storm water systems, promote a shift to reusable bags and reduction of bag use overall, and thereby protect the natural resources and environment of Monterey County.
5. The CEQA Guidelines (Cal. Code Regs., tit. 14, §§ 15000-15387) contain a list of classes of projects which have been determined not to have a significant effect on the environment and therefore are exempt from CEQA.
6. Class 7 categorically exempts actions taken by regulatory agencies, which includes the County, "to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment." (Section 15307 of the CEQA Guidelines.)

7. Class 8 categorically exempts actions taken by regulatory agencies, which includes the County, “to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment.” (Section 15308 of the CEQA Guidelines.)
8. The proposed ordinance is within the class of projects that are categorically exempt under section 15307 and 15308 of the CEQA Guidelines. A report prepared for the County by Rincon Consultants Inc. evaluated the project’s potential environmental benefits and impacts in the areas of biological resources, hydrology and water quality, air quality, greenhouse gas emissions, and utilities. (*County of Monterey Reusable Bag Ordinance --Categorical Exemption Report*, attached hereto as Exhibit A and *Appendices A, B and C to Categorical Exemption Report*, attached hereto as Exhibit B and incorporated herein by reference.) As described more fully in the report and as summarized below, there is substantial evidence that the procedures the proposed ordinance will put in place will maintain, enhance, and protect natural resources and the environment.
9. Single-use carryout bags contribute to environmental problems, including litter in storm drains, creeks, the Monterey Bay, and the ocean and the environmental impacts caused by such litter.
10. Monterey County is home to unique environmental resources, including the Monterey Bay National Marine Sanctuary and Elkhorn Slough National Estuarine Research Reserve. Bag litter, and in particular thin-film plastic bags, that enter these and other coastal habitats of Monterey County can as a result of ingestion or entanglement adversely affect sensitive species that inhabit these coastal and marine environments, including leatherback sea turtles, seals, fish, sea otters, and bird species.
11. Prohibiting specified types of retail establishments from using thin-film plastic single-use carryout bags and requiring a charge for recycled paper bags and reusable bags will reduce litter by encouraging customers to use reusable bags and reduce overall bag use.
12. Reducing the amount of single-use carry out bags that enter the storm drain system and local waterways as litter will protect and enhance natural resources and the environment within Monterey County and surrounding jurisdictions by improving water quality and reducing hazards to biological resources.
13. A project that would otherwise fall within these categorical exemptions is not exempt if “there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (CEQA Guideline section 15300.2(c).) No evidence has been presented of unusual circumstances that would create a reasonable possibility of the ordinance having a significant effect on the environment.

NOW, THEREFORE, the Board of Supervisors does hereby:

- A. Find that the above recitals and findings are true and correct; and
- B. Find, based on substantial evidence and the record as whole, that the proposed ordinance is categorically exempt under section 15307 and 15308 of the CEQA Guidelines.

**PASSED AND ADOPTED** upon motion of Supervisor Potter, seconded by Supervisor Parker and carried this 26th day of August 2014, by the following vote, to wit:

AYES: Supervisors Calcagno, Parker and Potter

NOES: Supervisors Armenta and Salinas

ABSENT: None

I, Gail T. Borkowski, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof of Minute Book 77 for the meeting on August 26, 2014.

Dated: September 2, 2014  
File Number: ORD 14-016

Gail T. Borkowski, Clerk of the Board of Supervisors  
County of Monterey, State of California

By Denise Hancock  
Deputy

Attachments:

EXHIBIT A: Categorical Exemption Report

EXHIBIT B: Appendices A, B and C to Categorical Exemption Report

**EXHIBIT A to ATTACHMENT 2**

**Categorical Exemption Report**

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**County of Monterey  
Reusable Bag Ordinance**

**Categorical Exemption Report**

*Prepared for:*

**Monterey County Health Department  
Environmental Health Bureau  
1270 Natividad Road  
Salinas CA 93906**

*Prepared by:*

**Rincon Consultants, Inc.  
437 Figueroa Street, Suite 203  
Monterey, CA 93940**

*July 2014*

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## CATEGORICAL EXEMPTION REPORT

This report serves as the technical documentation of environmental analyses performed by Rincon Consultants, Inc., for the proposed County of Monterey Reusable Bag Ordinance (the “proposed ordinance”). The intent of these analyses is to assess whether the proposed ordinance is eligible for Class 7 and Class 8 Categorical Exemptions (CE) under the California Environmental Quality Act (CEQA). The following report provides an introduction, project description, and evaluation of whether the ordinance falls within the class of projects that are categorically exempt under section 15307 (Class 7) and section 15308 (Class 8) of the CEQA Guidelines. (References to the CEQA Guidelines are to the regulations at sections 15000 through 15387 of title 14 of the California Code of Regulations.) This includes an analysis of whether the project would have potential environmental impacts and/or environmental benefits in the areas of biological resources, hydrology and water quality, air quality, greenhouse gas emissions, and utilities. The report concludes that the project would protect natural resources and protect the environment and qualifies for the Class 7 and 8 categorical exemptions.

### 1. INTRODUCTION

Classes of projects which have been determined not to have a significant effect on the environment and therefore are categorically exempt under CEQA include the following classes of projects, under CEQA Guidelines Section 15307 (Class 7) and 15308 (Class 8):

*15307: Actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment. Examples include but are not limited to wildlife preservation activities of the State Department of Fish and Game. Construction activities are not included in this exemption.*

*15308: Actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment. Construction activities and relaxation of standards allowing environmental degradation are not included in this exemption.*

A project that would otherwise fall within these categorical exemptions is not exempt if “there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances.” (CEQA Guideline section 15300.2(c).)

Rincon Consultants, Inc. evaluated the project’s potential environmental benefits and/or impacts in the areas of biological resources, hydrology and water quality, air quality, greenhouse gas emissions, and utilities. This analysis shows that substantial evidence supports the conclusion that the proposed ordinance will maintain, enhance, and protect natural resources and the environment. The analysis also indicates a lack of evidence of unusual circumstances that would create a reasonable possibility of the ordinance having a significant effect on the environment.



## 2. PROJECT DESCRIPTION

### Surrounding Land Uses and Setting

Geographically Monterey County is one of the larger counties in the State of California, covering 3,300 square miles. The County is located along the central coast of California and is bordered by Santa Cruz County to the north; San Benito, Fresno, and King counties to the east; San Luis Obispo County to the south; and the Pacific Ocean to the west (2010 Monterey County General Plan). The County includes a diverse range of natural habitats from the rich farmlands located within the Salinas Valley to the tall peaks of the Santa Lucia Mountains whose steep faces make up the Big Sur coastline along the Pacific Ocean.

Multiple rivers, streams, and creeks including the Salinas River, San Antonio River, Carmel River, and Arroyo Seco can be found within Monterey County and represent an important habitat for native steelhead and rainbow trout (Center for Ecosystem Management and Restoration, 2008). These rivers ultimately flow into the Pacific Ocean and the Monterey Bay National Marine Sanctuary (MBNMS). The MBNMS stretches from Cambria in San Luis Obispo County to Rocky Point in Marin County, seven miles north of the Golden Gate Bridge. The MBNMS is home to 34 marine mammals, 180 bird species, and 525 different kinds of fish (Center for Ecosystem Management and Restoration, 2008).

Monterey County is home to 12 incorporated cities: Carmel-by-the-Sea, Del Rey Oaks, Gonzales, Greenfield, King City, Marina, Monterey, Pacific Grove, Salinas, Sand City, Seaside, and Soledad. These cities represent 75% of the County's population and 15% of its total land area. The population of unincorporated Monterey County is estimated to be 103,697 (California Department of Finance, 2014).

There are no manufacturers of any types of bags within Monterey County or the 12 cities within Monterey County.

### Project Overview

The proposed ordinance would prohibit certain types of retail establishments within the unincorporated area of Monterey County 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 a minimum of 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." A six month "grace period" is incorporated into the ordinance for two reasons. First is to allow for a focused outreach and education component to distribute reusable bags and to maximize the usage rate of reusable bags for both the public and retailers. Second is 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 Monterey County Code. The purposes of the proposed ordinance are to reduce litter, reduce impacts to waterbodies and wildlife, promote a shift to reusable bags and thereby protect the natural resources and environment of Monterey County.





“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” means 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 is at least four (4.0) mils thick and capable of being cleaned and disinfected.

A “recycled paper bag” means “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 does not include any components that involve construction activities or relaxation of current environmental standards.

Staff also proposes to implement a public education and outreach campaign to promote reusable bags to both retailers and customers to further reduce impacts from paper bags and/or single-use carryout bags.

#### Bag Usage

Current statewide data estimates that approximately 13 billion single-use carryout bags are consumed annually in California (CalRecycle, 2013). On a per-capita basis this is approximately 339 bags per person. Assuming this same rate of usage applies to retail customers within the unincorporated areas of Monterey County, about 35 million single-use carryout plastic bags would be used per year (see Table 1) absent adoption of the proposed ordinance.

**Table 1- Estimated Single-Use Carryout Bag Use in Unincorporated Monterey County**

	Population*	Number of single-use carryout bags Used per Person**	Total Bags Used Annually
Unincorporated Monterey County	103,697	339	35,153,283

\* California Department of Finance, E-5, May 2014.

\*\* Based on annual statewide estimates of plastic bag use from the CalRecycle 2013) - 339 bags per person = 13 billion bags used statewide per year (Calrecycle 2013) / 38,340,074 people statewide (California's current population according to the State Department of Finance, 2014).

A discussion of bag use following implementation of the proposed ordinance is discussed further below in “Effect of Charging for Checkout Bags” and in Appendix A (attached).



### 3. EXISTING CONDITIONS

#### Background on Single-use carryout Bags

Single-use carryout bags are typically made of thin-film, lightweight, high density polyethylene (HDPE) (Hyder Consulting, 2007). For consumers, they offer a hygienic, odorless, water resistant and sturdy carrying sack, but are generally intended for one use before disposal. Currently, 13 billion of these single-use carryout bags are consumed annually in California (CalRecycle, 2013). Studies suggest that conventional single-use carryout bags are manufactured by independent manufacturers who purchase virgin resin from petrochemical companies or obtain non-virgin resin from recyclers or other sources and that 69.3% of single-use carryout bags used in the United States are made in the United States (Stephen L. Joseph, May 17, 2013).

According to the 2008 CalRecycle waste characterization report, approximately 0.3% (or 123 tons) of California's waste stream is made up of plastic grocery and other merchandise bags. Typical single-use carryout bags weigh approximately five to nine grams and are made of thin (less than 2.25 mils thick (0.00225 inches) ) HDPE (Hyder Consulting, 2007). Post-use from a retail store, a customer may reuse a single-use carryout bag at home, but eventually the bags are disposed in the landfill or recycling facility or discarded as litter. Although some recycling facilities handle plastic bags, most reject them because they get caught in the machinery and cause malfunctioning, or are contaminated after use. Only about 6% of the plastic bags in California are currently recycled (CalRecycle, 2011). The majority of single-use carryout bags end up as litter or in the landfill. Even those collected by recycling and solid waste trucks and handled at transfer stations and landfills may blow away as litter due to their light weight (Green Cities California MEA, 2010). Single-use carryout bags that become litter can enter storm drains and may clog catch basins or be transported to the rivers, streams, and eventually the Pacific Ocean.

Improperly disposed of plastic waste has become a major problem for marine animals. According to the Center for Biological Diversity, fish in the North Pacific ingest an estimated 12,000 to 24,000 tons of plastic each year, which can cause injury and death as well as concentrate plastic contamination higher up the food chain. Plastic pollution in the oceans also has negative effects on seabirds and marine mammals (Center for Biological Diversity, 2014). In addition to being consumed directly by wildlife, plastic in the marine environment absorbs and releases chemicals. Plastics contain organic contaminants including polychlorinated biphenyls, polycyclic aromatic hydrocarbons, petroleum hydrocarbons and others. Experimental data have demonstrated the transfer of these pollutants from plastics to organisms (Teuten et al, 2009).

#### Existing Single-Use Bag Ordinances

Numerous California cities, towns and counties located throughout California have adopted, proposed or have pending carryout bag ordinances (including the Proposed Reusable Bag Ordinance) (see the table in Appendix B of a list of California cities, towns and counties that have recently adopted a carryout bag ordinance). Approximately 110 jurisdictions in California have adopted a bag ordinance as of July 2014 (Californians Against Waste, July 2014). Locally, the City of Monterey has had a bag ordinance in effect since January 2013. Several cities within Monterey County (Salinas, Gonzalez, Soledad, Greenfield, King City, Salinas and Seaside) are also pursuing ordinances of their own. The cities of Marina, Pacific Grove and Del Rey Oaks are



considering ordinances. Furthermore, the State of California has currently proposed legislation (Senate Bill 270 (SB 270)) which would ban plastic bags throughout the State at specified retailers beginning July 2015. SB 270 is currently progressing through the State legislature.

A comparison of Monterey's county's ordinance shows that it is substantially similar to dozens of ordinances adopted statewide and that there are no unique setting issues within Monterey County that would create special circumstances. Furthermore as described above, several components of the ordinance are specifically intended to increase the use of reusable bags including: a minimum 10-cent charge, specifying that paper and reusable bags be recyclable, and specifying reusability standards. During both the implementation and enforcement phases of the ordinance, the County will also implement an outreach and education campaign with a focus on promoting a shift to reusable bags. Both the public and retailers will be included.

#### Effect of Charging for Checkout Bags

As summarized in Appendix A, multiple studies have documented a decrease in single-use bag usage after a charge for carryout bags was implemented. In Australia, a study was conducted in November 2007 which included bag use observations at 800 retail stores. Customers of stores which charged a fee for single-use carryout bags used approximately one third fewer bags than customers of stores which did not have a fee (Hyder Consulting, 2007).

Washington D.C enacted a \$0.05 single-use plastic and paper bag fee in January 2010. In 2009, the city was using approximately 270 million single-use bags. Early estimates by city officials projected that residents were on pace to use approximately 55 million single-use bags, an approximate 81% decrease (Washington Post, 2011). According to a public outreach questionnaire completed by a non-profit, OpinionWorks, 75% of individuals responding to the survey noted a decrease in their plastic bag usage. 21% said they have not reduced their usage, and the rest did not use bags or were not sure. A majority of the businesses surveyed reported an estimated reduction in single-use bag usage of at least 50% (OpinionWorks, 2011).

Ireland enacted a similar bag ordinance in 2002, levying a 15 Euro cent environmental tax on all shopping plastic bags, which were previously provided free of charge. The result was a reduction in bag use in excess of 90%. Furthermore, the number of "clear" areas, or areas without plastic bag litter increased by 21% within the first year of the program (P. Kavanagh 2008).

A review of similar single-use carryout bag ordinances in comparable California locations was compiled by the Equinox Center (2013). The review covered three California study areas that have enacted similar ordinances including the City of San Jose, City of Santa Monica, and the County of Los Angeles. In these areas, single-use carryout bag use dropped from 75% of total bag use to 0%, reusable bag use increased from 5% to 45%, and recycled paper bag use increased from 3% to 16%. All three single-use carryout bag ordinances eliminated single-use carryout bag use and increased the use of reusable bags. This resulted in an overall decrease in total bag use.



## 4. ANALYSIS

The following provides an evaluation of whether the project falls within the Class 7 and 8 exemptions. The analysis examines the proposed ordinance's potential environmental benefits and/or impacts in the areas of biological resources, hydrology and water quality, air quality, greenhouse gas emissions, and utilities.

### Biological Resources

Habitat. There are six separate watersheds in Monterey County, of which four drain into the Pacific Ocean (US EPA, 2014). Encompassing more than 3,300 square miles, Monterey County ranges from flat farmland in the Salinas Valley to the tall mountain side of the Santa Lucia Mountain which help form the Big Sur coastline. The County is home to an abundance of vegetative types, with a diverse number of plant species. The vegetative types found in the county can be categorized as saltwater marshes, riparian woodland, grassland, coastal scrub, chaparral, broadleaf evergreen, coniferous forest and mixed conifer forest (County of Monterey General Plan, 2010). Fish, wildlife and vegetative habitats, dependent on water resources in the Study Area include:

- Open waters, mud flats, tidelands, and salt ponds
- Coastal water habitats such as reefs, channels and tide pools
- Freshwater streams
- Freshwater lakes, reservoirs and ponds
- Riparian drainages and freshwater habitats
- Vernal pools

Special Status Species. More than 70,000 acres in the County are designated as critical habitat by the U.S. Fish and Wildlife Service. Fish and wildlife resources are numerous and diverse due to the wide variety of habitats contained in Monterey County including drainages, the Pacific Ocean and Monterey Bay. These habitats support a variety of plant and animal species, some of which are threatened or endangered by extinction. Several special status plant and animal species are known to occur within the freshwater, marine, and near-shore environment throughout Monterey County and have the potential to occur if suitable habitat is present as listed below (and as shown in Figures below for CNDDDB Maps):

- longfin smelt (*Spirinchus thaleichthys*)
- bald eagle (*Haliaeetus leucocephalus*)
- beach layia (*Layia carnosa*)
- California clapper rail (*Rallus longirostris obsoletus*)
- coastal dunes milk-vetch (*Astragalus tener* var. *titi*)
- Hickman's cinquefoil (*Potentilla hickmanii*)
- least Bell's vireo (*Vireo bellii pusillus*)
- Menzies' wallflower (*Erysimum menziesii*)
- Santa Cruz long-toed salamander (*Ambystoma macrodactylum croceum*)
- Tidestrom's lupine (*Lupinus tidestromii*)
- arroyo toad (*Anaxyrus californicus*)



- Contra Costa goldfields (*Lasthenia conjugens*)
- robust spineflower (*Chorizanthe robusta* var. *robusta*)
- Smith's blue butterfly (*Euphilotes enoptes smithi*)
- tidewater goby (*Eucyclogobius newberryi*)
- Yadon's rein orchid (*Piperia yadonii*)
- Monterey gilia (*Gilia tenuiflora* ssp. *arenaria*)
- San Joaquin kit fox (*Vulpes macrotis mutica*)
- Townsend's big-eared bat (*Corynorhinus townsendii*)
- Santa Lucia mint (*Pogogyne clareana*)s
- seaside bird's-beak (*Cordylanthus rigidus* ssp. *Littoralis*)
- bank swallow (*Riparia riparia*)
- Santa Cruz tarplant (*Holocarpha macradenia*)
- Bay checkerspot butterfly (*Euphydryas editha bayensis*)
- California red-legged frog (*Rana draytonii*)
- Monterey spineflower (*Chorizanthe pungens* var. *pungens*)
- Santa Lucia purple amole (*Chlorogalum purpureum* var. *purpureum*)
- steelhead (*Oncorhynchus mykiss irideus*)
- vernal pool fairy shrimp (*Branchinecta lynchi*)
- western snowy plover (*Charadrius alexandrinus nivosus*)
- California tiger salamander (*Ambystoma californiense*)

Furthermore, the following sensitive natural communities have been documented within fresh and maritime environments within Monterey County: Central Dune Scrub, Alkali Seep, Central Dune Scrub, Central Maritime Chaparral, Coastal and Valley Freshwater Marsh, Coastal Brackish Marsh, North Central Coast Drainage, North Central Coast Drainage Sacramento Sucker/Roach River, North Central Coast Fall-Run Steelhead Stream, Northern Coastal Salt Marsh, and Valley Sink Scrub. Sensitive species that may inhabit the freshwater, coastal, and marine environment are listed in the table in Appendix C. Further, the locations of special-status species and natural communities documented in the Study Area, as listed on the California Natural Diversity Database (CNDDB), are mapped on Figures 1 (a and b), 2 (a and b) and 3 (a and b) which are also contained in Appendix C.

Impacts to Biological Resources/Natural Resources from Carryout Bags. The proposed ordinance would not include any physical activities that would result in direct biological impacts. The proposed ordinance would regulate the use of carryout bags within unincorporated Monterey County. The intent of the proposed ordinance is to reduce litter and protect the natural resources of Monterey County.

If improperly disposed, all carryout bags, including single-use carryout bags, recycled paper, and reusable bags, have the potential to affect local creeks and coastal habitats, such as the Monterey Bay National Marine Sanctuary and the Pacific Ocean. These bags can become litter that enter the storm drain system in more urbanized areas of Monterey County and ultimately enters creeks/rivers and eventually coastal and marine environments. Litter that enters coastal and wetland habitats or surface waters tributary to Monterey Bay and the Elkhorn Slough



National Estuarine Reserve can adversely affect sensitive species that inhabit coastal and marine environments, including leatherback sea turtles, seals, fish, sea otters, or bird species as a result of ingestion or entanglement. Specific examples found within the Monterey Bay National Marine Sanctuary include the southern sea otter (*Enhydra lutris nereis*) and Leatherback turtles (*Dermochelys coriacea*). The sea otter is listed as Threatened and the Leatherback is Endangered by the U.S. Fish and Wildlife Service. However, each type of carryout bag's potential to become litter varies and is based on the number of bags disposed of as well as the bag's weight and material.

Typical single-use carryout bags are made from thin-film, lightweight HDPE, are less than 2.25 mils (0.00225 inches) thick, and weigh approximately five to nine grams. Post-use from a retail store, a customer may reuse a single-use carryout bag at home, but eventually the bags are disposed of in the landfill, recycled, or discarded as litter. Although some recycling facilities handle single-use carryout bags, most reject them because they can get caught in the machinery and cause malfunctioning, or are contaminated after use. Only about 6% of single-use carryout bags in California are currently recycled (CalRecycle, 2013). Therefore the majority of single-use carryout bags end up in a landfill or as litter. Even those collected by recycling and solid waste trucks and handled at transfer stations and landfills may blow away as litter due to their light weight (Green Cities California MEA, 2010). Single-use carryout bags that become litter can enter storm drains and watersheds from surface water runoff or may be blown directly into the ocean by the wind.

Litter from single-use carryout bags can adversely affect both terrestrial and marine species that ingest the plastic bags (or the residue of plastic bags) or become tangled in the bag (Green Cities California MEA, 2010). International data, collected for the Ocean Conservancy's Report from September 2009 Ocean Conservancy's International Coastal Cleanup Day, shows approximately 11% of total debris items collected were plastic bags (Ocean Conservancy, April 2010). California data shows similar results. According to the results from the years 1989 – 2013, the California Coastal Cleanup Day which is organized annually by the California Coastal Commission along California coastlines and beaches, plastic and paper bags have made up approximately 11% of total trash collected in that time period (California Coastal Commission, 2013). Further, in 2002, the volunteers for the Coastal Cleanup Day at 24 local sites cleared over 8,000 pounds of trash and recyclable materials (NOAA, 2003). The littered plastic bags also reach the ocean floor. Based on 22 years of video surveillance of Monterey Canyon the Monterey Bay Aquarium Research Institute documented that the most common debris found was plastic (33% of all debris), with plastic bags comprising the majority (54%) of these plastic items (MBARI, 2013).

Over 260 species of wildlife, including invertebrates, turtles, fish, seabirds and mammals, have been reported to ingest or become entangled in plastic debris. Ingestion or entanglement may result in impaired movement and feeding, reduced productivity, lacerations, ulcers, and death (Laist, 1997; Derraik and Gregory, 2009). Ingested plastic bags affect wildlife by clogging animal throats and causing choking, filling animal stomachs so that they cannot consume real food, and infecting animals with toxins from the plastic (Green Cities California MEA, 2010). One example is the Leatherback Turtle which is a Federally listed endangered species found in the Monterey Bay. According to NOAA Fisheries, sea turtles living in the pelagic (open ocean) environment commonly ingest or become entangled in marine debris (e.g., tar balls, plastic bags, plastic



pellets, balloons, and ghost fishing gear) as they feed along oceanographic fronts, where debris and their natural food items converge. This is especially problematic for turtles that spend all or significant portions of their life cycle in the pelagic environment (e.g., leatherbacks). A 2009 study by Dalhousie University found that of 371 necropsies since 1968 over one-third had ingested plastic as the leatherback turtles prefer to eat jellyfish and mistake floating bags as food.

In addition to affecting wildlife through physical entanglement and ingestion, plastic debris in the marine environment has been known to absorb and transport polychlorinated biphenyls (PCBs), phthalates, and certain classes of persistent organic pollutants (POPs) (Mato, Y., Isobe, T., Takada, H., et al., 2001; and, Moore, C.J.; Lattin, G.L., A.F. Zellers., 2005).

Recycled paper bags also have the potential to enter the marine environment as litter. Recycled paper bags are typically produced from kraft paper and weigh anywhere from 50 to 100 grams, depending on whether or not the bag includes handles (AEA Technology, 2009). A recycled paper carryout bag weighs approximately 90% more (approximately 45 to 90 grams) than a single-use carryout bag. Because of their weight and recyclability, recycled paper bags are less likely to become litter compared to single-use carryout bags (Green Cities California MEA, 2010). In addition, because recycled paper bags are not as resistant to biodegradation, they create less risk of entanglement if they enter the marine environment compared to single-use carryout bags. Finally, although not a healthy food source if ingested, a recycled paper carryout bag can be chewed effectively and may be digested by many marine animals (Green Cities California MEA, 2010). Thus, although recycled paper carryout bag litter may enter coastal habitats and affect sensitive species in the marine environment, the impacts of recycled paper bags would be less than those of single-use carryout bags.

Reusable bags may also become litter and enter the marine environment; however, these bags differ from single-use bags in their weight and longevity. Reusable bags can be made from plastic or a variety of cloths such as vinyl or cotton. Built to withstand many uses, reusable carryout bags typically weigh at least ten times what an HDPE single-use carryout bag weighs and two times what a recycled paper carryout bag weighs, therefore restricting the movement by wind (ExcelPlas Australia, 2004; City of Pasadena, 2008). Reusable bags are typically reused until worn out through washing or multiple uses, and then disposed either in a landfill or recycling facility (if the material is recyclable). Because of the weight and sturdiness of these bags, reusable bags are less likely to become litter or to be carried from landfills by wind compared to single-use plastic and paper carryout bags (Green Cities California MEA, 2010). In addition, since reusable bags are specifically designed to be used multiple times, they are disposed of less often than single-use plastic and paper carryout bags. As such, reusable bags are less likely to enter the marine environment as litter and would generally be expected to result in fewer impacts to species than single-use plastic or recycled paper carryout bags.

The proposed ordinance would reduce single-use carryout bag usage by an estimated 95 -99% compared to existing conditions (from 35 million to between 350,000 and 1.7 million annually). This overall reduction in single-use carryout bags would be expected to generally reduce litter-related impacts to sensitive species. Therefore, sensitive species such as leatherback sea turtles, mammals (such as sea otters or seals), and bird species (such as the bald eagle, California clapper rail, least Bell's vireo, seaside bird's-beak, bank swallow and western snowy plover) that



may inhabit Monterey Bay National Marine Sanctuary would benefit from the proposed ordinance, which would reduce the amount of litter that could enter the marine and near-shore environments. There would be a benefit to biological resources and to natural resources in unincorporated Monterey County as a result of the proposed ordinance.

### **Hydrology and Water Quality**

*Existing Hydrological Systems.* Multiple rivers, streams, and creeks including the Salinas River, San Antonio River, Carmel River, and Arroyo Seco can be found within Monterey County and represent an important habitat for native steelhead and rainbow trout (Center for Ecosystem Management and Restoration, 2008). These rivers ultimately flow into the Pacific Ocean and the MBNMS. The sanctuary is home to 34 marine mammals, 180 bird species, and 525 different kinds of fish.

Urban runoff within Monterey County consists of stormwater runoff from rainfall as well as non-stormwater runoff from human activities (e.g. over-irrigation of landscapes, vehicle washing, discharges from pools, spas, or water features, etc.). Carryout bags can enter the storm drain system and effect storm water flow in urban areas by clogging drains and redirecting flow, and in other areas they may be washed into rivers, creeks, or the Pacific Ocean.

*Impacts to Hydrology and Natural Resources.* As described above, the majority of single-use carryout bags end up as litter or in the landfill. Even those collected by recycling and solid waste trucks and handled at transfer stations and landfills may blow away as litter due to their light weight (Green Cities California MEA, 2010). Single-use carryout bags that become litter can enter storm drains and may clog catch basins or be transported to the MBNMS. Plastic that enters the marine environment can cause significant damage to the ecosystem (Derraik, 2002).

Recycled paper bags also have the potential to enter the storm drains as litter. However, because of the weight, biodegradability of the materials, and recyclability, recycled paper bags are less likely to become litter compared to single-use carryout bags (Green Cities California MEA, 2010). In addition, because recycled paper bags are not as resistant to breakdown, there is less potential to clog catch basins compared to single-use carryout bags. Thus, although recycled paper bag litter may enter storm drains and affect hydrologic flow of surface water runoff, the potential to enter storm drains and cause hydrologic effects in Monterey County is less than with single-use carryout bags.

Reusable bags may also become litter and enter storm drains; however, these bags differ from the single-use bags in their weight and longevity. Reusable bags can be made from plastic or a variety of cloth such as vinyl or cotton. Built to withstand many uses, reusable bags weigh at least ten times what a single-use carryout bag weighs and two times what a recycled paper bag weighs, thereby restricting the movement by wind. Reusable bags are typically reused until worn out through washing or multiple uses, and then typically disposed either in the landfill or recycling facility. Because of the weight and sturdiness of these bags, reusable bags are less likely to become litter or to be carried from landfills by wind as litter compared to single-use plastic and recycled paper bags (Green Cities California MEA, 2010). Therefore, reusable bags are less likely to enter the storm drain system as litter.





The proposed ordinance would decrease the amount of single-use bags discarded within unincorporated Monterey County and encourage a shift toward reusable bags. Therefore, the proposed ordinance would be expected to reduce the amount of litter that could enter storm drains and local waterways, thus improving water quality, reducing maintenance and cleanup costs, and reducing the potential for storm drain blockage. Water quality, storm drain operation, and associated hydraulic and hydrological conditions would benefit from the proposed ordinance because reducing the amount of single-use carryout bags in unincorporated Monterey County would result in an incremental reduction in the amount of litter that enters the storm drain system and local waterways, thereby improving water quality and natural resources within Monterey County and also to surrounding areas outside of Monterey County's jurisdictional boundaries.

### **Air Quality**

*Existing Conditions in Monterey County.* Monterey County is located within the North Central Coast Air Basin (NCCAB), which includes Monterey County, San Benito County, and Santa Cruz County. The Monterey Bay Unified Air Pollution Control District (MBUAPCD) is responsible for local control and monitoring of criteria air pollutants throughout the NCCAB. Local air districts and CARB monitor ambient air quality to assure that air quality standards are met, and if they are not met, to also develop strategies to meet the standards. Air quality monitoring stations measure pollutant ground-level concentrations (typically, ten feet aboveground level). Air quality in Monterey County is generally good in comparison to more urbanized areas. Table 2 summarizes the state and federal attainment status for criteria pollutants in the NCCAB.

As shown in Table 2, although the NCCAB is in attainment or unclassifiable of all federal ambient air quality standards (AAQS), it is designated as non-attainment with respect to the more stringent state PM<sub>10</sub> standard and the state's eight-hour ozone standard.

**Table 2 - Attainment Status of the North Central Coast Air Basin**

<b>Pollutant</b>	<b>State Standard</b>	<b>Federal Standard</b>
Ozone (O <sub>3</sub> )	<b>Non-attainment</b> <sup>1</sup>	Attainment/Unclassified <sup>2</sup>
Inhalable Particulates (PM <sub>10</sub> )	<b>Non-attainment</b>	Attainment
Fine Particulates (PM <sub>2.5</sub> )	Attainment	Attainment/Unclassified <sup>3</sup>
Carbon Monoxide (CO)	Attainment	Attainment/Unclassified
Nitrogen Dioxide (NO <sub>x</sub> )	Attainment	Attainment/Unclassified <sup>4</sup>
Sulfur Dioxide (SO <sub>x</sub> )	Attainment	Attainment <sup>5</sup>
Lead	Attainment	Attainment/Unclassified <sup>6</sup>

<sup>1</sup> Effective July 26, 2007, the ARB designated the NCCAB a non-attainment area for the state ozone standard, which was revised in 2006 to include an 8-hour standard of 0.070 ppm.

<sup>2</sup> On March 12, 2008, USEPA adopted a new 8-hour ozone standard of 0.075 ppm, while temporarily retaining the existing 8-hour standard of 0.08 ppm.

<sup>3</sup> In 2006, the Federal 24-hour standard for PM<sub>2.5</sub> was revised from 65 to 35 µg/m<sup>3</sup>. Although final designations have yet to be made, it is expected that the NCCAB will remain designated unclassified/attainment.

<sup>4</sup> In 2011, EPA indicated it plans to designate the entire state as attainment/unclassified for the 2010 NO<sub>2</sub> standard. Final designations have yet to be made by EPA.

<sup>5</sup> In June 2011, the ARB recommended to EPA that the entire state be designated as attainment for the 2010 primary SO<sub>2</sub> standard. Final designations have yet to be made by EPA.

<sup>6</sup> On October 15, 2008 EPA substantially strengthened the national ambient air quality standard for lead by lowering the level of the primary standard from 1.5 µg/m<sup>3</sup> to 0.15 µg/m<sup>3</sup>. Final designations were made by EPA in November 2011.

Note: Non-attainment pollutants are highlighted in **Bold**.



*Air Quality Impacts Related to Carryout Bags.* The manufacturing process to make any type of carryout bags requires fuel and energy consumption which generates air pollutant emissions. These may include particulate matter, nitrogen oxides, hydrocarbons, sulfur oxides, carbon monoxide, and odorous sulfur (Green Cities California MEA, 2010). The level of emissions varies depending on the type and quantity of carryout bags produced. These emissions may contribute to air quality impacts related to acid rain (atmospheric acidification) or ground level ozone formation. However, it should be noted that there are no single-use carryout bag manufacturers or manufacturers of recycled paper bags or reusable bags located in Monterey County or within the NCCAB.

Several life cycle analyses have been completed which investigate the air quality impacts of producing single-use carryout bags, including the Boustead (2007) and Ecobilan (2004) studies. The parameters used in each of these studies varied as did the final results. However, the studies both agree that the manufacture, transport, and disposal of single-use carryout bags do result in substantial emissions which negatively impact air quality. The proposed ordinance would decrease the number of single-use carryout bags used in Monterey County, which would reduce air pollution impacts resulting from their manufacture, transport, and disposal.

The proposed project would eliminate single-use carryout bags at covered stores and as a result would increase the use of recycled paper bags and reusable bags. The previously mentioned life-cycle assessments concluded that the emissions resulting from the manufacture, transport, and disposal of both recycled paper bags and reusable bags could be marginally higher than those produced by single-use carryout bags on a per bag basis. However, these earlier conclusions were based on assumed reuse variables and do not take into account the specific characteristics of unincorporated Monterey County and the proposed ordinance. Specifically, there are no manufacturing facilities for either recycled paper bags or reusable bags located in either unincorporated Monterey County or within any of the incorporated cities. Also the proposed ordinance discourages single use of recyclable or reusable bags by requiring a minimum 10 cent charge for a reusable bag.

Delivery trucks that transport all types of carryout bags from manufacturers or distributors to the local retailers in Monterey County currently contribute air emissions locally and regionally. Diesel engines emit a complex mixture of air pollutants, composed of gaseous and solid material (ARB "Diesel & Health Research," 2011). The visible emissions in diesel exhaust are particulate matter, or PM, which are small and readily respirable. The particles have hundreds of chemicals adsorbed onto their surfaces, including many known or suspected mutagens and carcinogens. Diesel PM emissions are estimated to be responsible for about 70% of the total ambient air toxics risk. In addition to these general risks, diesel PM can also be responsible for elevated localized or near-source exposures ("hot-spots"). A switch to reusable bags is expected in the long term, which would decrease transport-related emissions due to less bag manufacturing, delivery, and disposal. Because single-use carryout bags have a lower volume than both recycled paper and reusable bags, an initial increase in truck trips may take place. However, this increase is expected to be insignificant as any additional truck trips would be spread throughout the county and would result in a net increase of less than one truck trip per week. Such an increase in truck trips would result in marginal increases (less than one pound per day) in emissions monitored by the MBUAPCD and would not exceed any thresholds of



significance. Therefore, the evidence does not indicate that the ordinance would have a reasonable possibility of significant impacts to air quality in Monterey County.

### **Greenhouse Gas Emissions**

The proposed ordinance has the possibility of changing the levels of greenhouse gas (GHG) emissions related to the manufacturing, transport, and disposal of single-use plastic, recycled paper, and reusable carryout bags. The manufacturing process to make all types of carryout bags requires fuel and energy consumption. This generates GHG emissions, including CO<sub>2</sub>, CH<sub>4</sub>, N<sub>2</sub>O, fluorinated gases, and ozone. In addition, fertilizers that are used on crops for resources such as cotton, which are then utilized in the manufacture of reusable bags, also have the potential to emit N<sub>2</sub>O. The amount of GHG emissions varies depending on the type and quantity of carryout bags produced. Compared to truck trips and disposal, the manufacturing process is the largest emitter of GHGs due to the high volume of fuel and energy consumption that is used during the process. Delivery trucks that transport carryout bags from manufacturers or distributors to Monterey County retailers also create GHG emissions. GHG emissions from truck trips result primarily from the combustion of fossil fuels and include CO<sub>2</sub>, CH<sub>4</sub>, and N<sub>2</sub>O. The energy use to power washing machines and clothes dryers to wash and sanitize reusable bags creates GHG emissions. The quantity of GHG emissions depends on the method of washing (i.e., hand washing, electric or natural gas-powered washing machine) and on the frequency of washing.

Emission rates per bag have been estimated by several life cycle analysis studies including the Boustead (2007) and Ecobilan (2004) studies mentioned above. Much like the estimation of air quality emissions, the estimation of GHG emissions are based on several estimated variables such as bag reuse, bag volume, and frequency and methodology of washings. Because the life cycle analysis studies do not take into account the specific variables inherent in this particular ordinance and unincorporated Monterey County, the overall findings of these reports have limited utility. Specifically, there are no manufacturing facilities for either recycled paper bags or reusable bags located in Monterey County. Also the proposed ordinance includes a minimum 10-cent charge, specifies that paper and reusable bags be recyclable, and sets reusability standards.

Furthermore, the County is taking active steps to reduce GHG emissions. the County of Monterey General Plan has several policies in place for mitigating GHG emissions within the County. Per Policy OS-10.11, the County is to develop and adopt a GHG reduction plan with a target to reduce emissions by 2020 to a level that is 15% below 2005 emission levels. Pursuant to OS-10.15, the County has quantified the current and projected (2020) GHG emissions associated with County operations and adopted a GHG Reduction Plan for County Operations. The County has also adopted a Green Building ordinance pursuant to Policy OS 10-12.

Regarding emissions related to single-use carryout-bags, the proposed ordinance would be consistent with these policies since it would reduce GHG emissions related to single-use carryout-bags and thus help attain the goal that the GHG Reduction Plan is meant to achieve.

Regarding emissions from the increased use of recycled paper and reusable bags, the proposed ordinance would impose a fee on recycled paper and reusable bags, and studies have shown



that establishing a fee on paper bags results in an increase in reusable bag but no decrease in paper bag use where no fee was required. Staff also intends to conduct 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. There are no manufacturing facilities for either recycled paper bags or reusable bags located in Monterey County. Also the proposed ordinance specifies that paper and reusable bags be recyclable and sets reusability standards which all decrease the lifecycle impacts for bags.

Therefore, the evidence does not indicate that the ordinance would have a reasonable possibility of creating significant additional greenhouse gas impacts.

### **Utilities**

The production and ultimate disposal of all types of bags (single-use carryout, recycled paper, and reusable bags) currently have impacts on water usage and waste disposal. As with air quality and GHG emissions, life cycle analyses have previously been conducted concerning the water use and waste impacts of carryout bags. However, as stated above these studies have utilized varying parameters and thus, results varied from study to study. However, the assessments did conclude that manufacture and use of carryout bags currently results in substantial water use and waste generation in the areas where the bags are manufactured. Single-use carryout bags are currently allowed throughout unincorporated Monterey County. The proposed ordinance would ban single-use carryout bags and instate a fee on recycled paper bags as a way to encourage reusable bag use. Therefore, the proposed ordinance is expected to decrease the use of single-use carryout bags as well as the associated waste and water impacts.

The proposed ordinance would decrease the use of single-use carryout bags within unincorporated Monterey County. The result would be an increase in both recycled paper bags and reusable bags. The aforementioned life cycle analysis studies commonly conclude that the manufacture of recycled paper and reusable carryout bags use more water and produce more waste than single-use carryout bags. However, these findings are based on assumed variables such as bag durability and reuse which do not consider the specific study area and ordinance in question. Specifically, there are no manufacturing facilities for either recycled paper bags or reusable bags located in Monterey County. Also the proposed ordinance includes a minimum 10-cent charge, specifies that paper and reusable bags be recyclable, and sets reusability standards. Therefore, the life cycle analysis may not accurately represent the actual changes in water consumption and waste generation rates resulting from the project.

The impacts of the proposed ordinance on water consumption and waste disposal outside of unincorporated Monterey County would be indirect and difficult to quantify. It is plausible that a significant reduction in single-use carryout bags and an associated increase in recycled paper bags and reusable bags could result in the expansion of recycled paper and reusable bag manufacturing; however there are no bag manufactures within Monterey County or the cities within the County, so any such analysis would be speculative. Therefore, the evidence does not indicate that the ordinance would have a reasonable possibility of creating significant impacts to water and waste service providers.



## 5. SUMMARY

Single-use carryout bag use is known to have environmental impacts on biological resources, hydrology and water quality, air quality, greenhouse gas emissions, and utilities. The proposed ordinance would decrease the use of single-use carryout bags within unincorporated Monterey County by enacting a ban on single-use carryout bags and levying a ten cent (\$0.10) fee on recycled paper bags and reusable bags at covered stores. Although global life cycle studies not specific to Monterey County have suggested that recycled paper bags and reusable bags can have a negative impact on GHG, air quality, and utilities, these studies are not specific to Monterey County, and as shown in the analysis above, there is a lack of evidence of unusual circumstances that would create a reasonable possibility of the ordinance having significant impacts on GHG, air quality, and utilities. The ordinance could be expected to result in a net decrease in the overall number of bags used in Monterey County (including single-use, recycled paper and reusable bags). As described in the above analysis, the proposed ordinance would decrease overall use of single-use carryout bags and incentivize the use of reusable bags. Substantial evidence shows that the reduction of single-use carryout bags would have a beneficial impact to natural resources and the environment, and would enhance and protect the important biological resources and natural resources in Monterey County including local creeks, rivers, the Monterey Bay National Marine Sanctuary and the Pacific Ocean. Therefore, the proposed ordinance would enhance the environment and natural resources in Monterey County and falls within the classes of projects that are categorically exempt under sections 15307 and 15308 of the CEQA Guidelines.

### Exempt Status and Conclusion

The California Environmental Quality Act (CEQA) Guidelines Section 15307 (Class 7), provides exemption for "actions taken by regulatory agencies as authorized by state law or local ordinance to assure the maintenance, restoration, or enhancement of a natural resource where the regulatory process involves procedures for protection of the environment". CEQA Guidelines Section 15308 (Class 8) provides exemption for "actions taken by regulatory agencies, as authorized by state or local ordinance, to assure the maintenance, restoration, enhancement, or protection of the environment where the regulatory process involves procedures for protection of the environment." Because the purpose of the ordinance is to assure the maintenance, restoration, and enhancement of natural resources and protection of the environment and the ordinance puts in place procedures to effectuate this purpose, and because there is substantial evidence of the benefits to biological resources and hydrology/water quality, as shown above, the proposed ordinance would be exempt under Classes 7 and 8.



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**EXHIBIT B to ATTACHMENT 2**

**Appendices A, B and C to Categorical Exemption Report**





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## **Appendix A**

*Efficacy Analysis of Bag Ordinance Fees  
and Sample Bag Use Estimates*

## **Efficacy Relationship between Bag fee and Bag Use Reduction**

Single-use carryout bag ordinances have become common throughout California in recent years. These ordinances often enact a flat out ban on single-use carryout bags made from plastic, and impose a mandatory fee on any other “alternative” bag provided at the register. These alternative bags are often recycled paper, but also include reusable bags. The overall goal of these ordinances is to encourage the use of reusable bags and discourage the use of all single-use bags, including those made of recycled paper. The fee placed on recycled paper bags is meant to act as an economic signal to bring a reusable bag, or forgo a bag altogether. Several studies have been conducted which try and determine the effect that various bag fees have on bag use choices.

In 2010, the City of San José commissioned a fiscal analysis to assess potential costs and cost recovery to be borne by the City and affected retailers as a result of the proposed ordinance (Herrera report). This report was included in San Jose’s EIR for their Bag Ordinance (City of San Jose Final EIR, SCH # 2009102095, October 2010). The analysis included estimates on consumer behavior changes at various store charge levels. These estimates assume a link between the amount of the fee and the level of bag uses. A higher charge on paper bags under the proposed ordinance, it is assumed, would result in a greater reduction in the number of single-use paper carryout bags being used than would a lower fee. Taking into account the information derived from a wide variety of programs implemented around the world to encourage reusable bags and/or to discourage single-use carryout bags, and averaging their success rates with the survey results mentioned above, the Herrera report estimates that 65 percent of retail customers in San José will readily change to reusable bags (or no bag) if single-use plastic carryout bags are banned and a \$.10 fee is charged for exempt single-use paper carryout bags. Once the \$.25 bag charge is implemented in two years, the percentage of customers using reusable bags (or no bag) will increase to 89 percent.

A review compiled by the Equinox Center (2013) compiled the results of three bag ordinances in California including the City of San Jose, City of Santa Monica, and County of Los Angeles. All three of these ordinances have banned single-use carryout bags and imposed a minimum \$.10 fee on recycled paper bags. The City of San Jose’s fee will rise to \$.25 cents after 2014 and Los Angeles County’s fee can be raised to any level above \$.10 at the discretion of the retailer. The results of these bans can be seen in Table 1.

**Table 1. Result of Single-Use Carryout Bag Ordinance**

Location	Fee	Pre-Ban				Post-Ban			
		Single-Use Carryout	Recycled Paper	Reusable	No-Bag	Single-Use Carryout	Recycled Paper	Reusable	No-Bag
San Jose	\$0.10	75%	3%	3%	19%	0%	22%	35%	43%
Santa Monica	\$0.10	69%	5%	10%	15%	0%	23%	41%	36%
LA County	\$0.10	82%	2%	2%	17%	0%	2%	58%	40%

Table 1 outlines the effect of imposing a \$0.10 fee on recycled paper bags. Although an increase in recycled paper bag use can be seen, it is significantly less than the increase in paper bag use seen in places with no bag fee at all. Carmel by the Sea implemented a plastic single-use carryout bag ban without including a recycled paper bag fee. According to an observational study performed by Save Our Shores, 377 people were observed with single-use carryout bags before the ban and 366 after. With plastic bags being banned, almost all of these bags were recycled paper (Monterey Herald, 2014). This suggests that even a minor fee has the ability to significantly decrease the amount of single-use carryout bags consumed.

Although data describing the results of bag ordinances in California is not prevalent, other studies have investigated the price elasticity of demand or “willingness to pay” of single-use carryout bags. One such study utilized a contingent valuation survey to determine customer’s willingness to pay for single-use carryout bags. The study found that the average willingness to pay was \$0.33 (Dunn, 2012). Another study investigating the willingness to pay for single-use carryout bags found that 92% of respondents were unwilling to pay more than \$0.05 per bag. Although some cities including the City of Monterey have levied \$0.25 fees on recycled paper bags, no official data has been made available to quantify the effect this higher fee has had on bag use. In addition, many of the currently active bag ordinances will increase from \$0.10 to \$0.25 at a later date. This may be in reaction to the belief that consumers will become used to the new bag fee and overall single-use carryout bag use will begin to increase as it has in some other areas. (Kavanagh, 2008).

R3 Consulting performed a study for the City of Santa Monica to determine the necessary bag fees based on assumptions including bag reduction factors, City costs, and Retailer costs. Using a range of parameters this study suggests a bag fee between \$0.026 and \$0.215 (avg \$0.199) in order to cover the costs associated with the proposed ordinance. A study completed by Elway Research, Inc. for the City of Kirkland, Washington conducted a survey of 407 Kirkland residents to determine their willingness to pay for a paper or plastic bag at checkout. Approximately 33% of respondents stated that they would not be willing to pay anything for a bag, 31% would be willing to pay <\$0.05 and 10% would be willing to pay \$0.10 per bag. Only 1% of respondents reported they would still purchase a bag if it was greater than \$0.25 (Elway Research Inc. May, 2013).

Although the currently available data is not complete, the overall implications of the available data show that a bag fee between \$0.05 and \$0.25 has been successful in reducing the number of single-use carryout bags (both recycled paper and plastic). No official studies have been presented that ties a higher per bag fee to a decrease in bag use. However, this may change as current bag ordinances mature and more data is collected.

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## **Bag Use in Monterey County Associated with the Proposed Ordinance**

As discussed in the Efficacy Analysis above, various studies have shown that bag ordinances similar to the Proposed Ordinance that ban single-use carryout bags and require a \$0.10 fee to be charged on recycled paper bags shift the existing bag use such that single-use carryout bags are replaced with a combination of recycled paper, reusable or no bag use (depending on the customer's preference). These existing studies and the associated change in bag use rates found in the studies are not specific to Monterey County. However, using these various studies including the Herrera Report (2010) and the Equinox Center report (2013), a reasonable estimated range of bag use related to implementation of the Proposed Ordinance in unincorporated Monterey County was completed. With a \$0.10 fee for recycled paper bags, the Proposed Ordinance could result in the following approximate range of bag use per year for each type of bag to replace the approximately 35 million single-use carryout bags currently used in unincorporated Monterey County:

- 350,000 – 1.7 million single-use carryout bags (bags associated with restaurants)
- 4.4 million – 10.55 million recycled paper bags
- 112,000 – 440,000 reusable bags
- Up to 40% of customers could choose no bag
- Some other types of plastic bags would be purchased by customers in order to replace single-use carryout bags that are currently reused for uses such as waste can liners or dog waste pickup bags

In total, it is estimated that as a result of the Proposed Ordinance, the approximately 35 million single-use carryout bags currently used in unincorporated Monterey County annually would be reduced to between 5 million and 27 million total carryout plastic, paper, and reusable bags depending on which of the various rates are utilized. In either case, the number of single-use carryout bags would be significantly reduced in Monterey County (from 35 million currently used to less than 1.7 million single-use carryout bags).

## **Appendix B**

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*Recently Adopted, Proposed and Pending Carryout Bag  
Ordinances in California*



**Summary Recently Adopted, Proposed and Pending Carryout Bag Ordinances in California (does not include all Jurisdictions)**

<b>Ordinance Location</b>	<b>Proposed Action</b>	<b>Status</b>
City of Calabasas	This ordinance bans the issuance of plastic carry-out bags and imposes a ten (10) cent charge on the issuance of recyclable paper carry-out bags at regulated stores.	Adopted February 2011 Effective July 2011
City of Capitola	This ordinance bans the issuance of plastic carry-out bags at all retail establishments and imposes a 25 cent fee for paper bags at regulated retail establishments.	Adopted January 2013 Effective April 2013
City of Carmel-by-the-Sea	This ordinance is a plastic bag ban in all retail stores.	Adopted July 2012 Effective February 2013
City of Carpinteria	This ordinance is the first double bag ban in the state. Starting in July 2012, large retailers as specified are prohibited from distributing single-use paper and plastic bags. Starting in April 2013, plastic bags are banned in all other retail stores including restaurants.	Adopted March 12, 2012  Carpinteria's 2012 bag ban was challenged by the Save The Plastic Bag Coalition (STPBC) March 20, 2012. They settled out of court with the agreement that the City would exempt restaurant carry-out bags from the ordinance.
City of Culver City	This ordinance bans the issuance of plastic carry-out bags and imposes a ten (10) cent charge on the issuance of recyclable paper carry-out bags at all supermarkets and other grocery stores, pharmacies, drug stores, convenience stores, and foodmarts, in Culver City. The ordinance requires a store to provide or make available to a customer only recyclable paper carry-out bags or reusable bags.	Adopted May 2013
City of Dana Point	This ordinance places a ban on single-use carry-out bags from all retail stores within city limits.	Adopted March 6, 2012 Effective in larger stores April 1, 2013, and all other stores October 1, 2013.
Town of Fairfax	This ordinance allows all stores, shops, eating places, food vendors and retail food vendors, to provide only recyclable paper or reusable bags as carry-out bags to customers.	Adopted August 2007 After legal challenge, adopted by voter initiative November 2008
City of Fort Bragg	This ordinance bans plastic bags and requires a 10 cent paper bag charge in all retail stores.	Adopted May 14, 2012 Effective in large stores December 10, 2012 and all other stores December 2013.
City of Glendale	This ordinance is similar to the County of Los Angeles ordinance in that it bans plastic bags and places a 10 cent charge on paper bags in regulated retail establishments.	Adopted January 2013 Effective in larger stores and farmer's markets starting in July 2013 and expanded to other covered stores January 1, 2014.
City of Huntington Beach	This ordinance would prohibit distribution of plastic carry-out bags in commercial point of sale purchases within Huntington Beach, and establish a ten (10) cent charge on the issuance of recyclable paper carry-out bags at all stores that meet at least one of the criteria listed below.	Adopted March 2013 Effective To be determined
City of Laguna Beach	This ordinance requires a plastic bag ban in all retail stores. Grocery stores, pharmacies, and	Adopted February 2012 Effective January 1, 2013

**Summary Recently Adopted, Proposed and Pending Carry-out Bag Ordinances in California (does not include all Jurisdictions)**

<b>Ordinance Location</b>	<b>Proposed Action</b>	<b>Status</b>
	convenience/liquor stores must include a 10 cent minimum price requirement on paper bags distributed.	
City of Long Beach	This ordinance bans plastic carry-out bags at all supermarkets and other grocery stores, pharmacies, drug stores, convenience stores, food marts, and farmers markets and would place a ten (10) cent charge on the issuance of recyclable paper carry-out bags by an affected store, as defined. The ordinance would also require a store to provide or make available to a customer recyclable paper carry-out bags or reusable bags.	<p>Long Beach passed this ordinance in May 2011. But unlike LAC, Long Beach did not issue a statement of overriding consideration for the likelihood of passing the GHG emission threshold of significance. The suit was settled after Long Beach agreed to adopt the County's Statement of Overriding Consideration in October 2011.</p> <p>Addendum to the County of Los Angeles Final EIR certified May 2011.</p> <p>The ordinance was also effective in larger stores starting August 2011, and will expand to others stores in 2012.</p>
City of Los Angeles	The ordinance would prohibit provision of single-use carry-out bags at supermarkets. Large markets are allowed to phase out plastic bags over 6 months and then provide free paper bags for 6 months. Smaller markets have a year to phase out plastic bags. After a year, paper bags would be allowed for a charge of 10 cents.	Approved May 2013
City of Malibu	This ordinance bans the use of non-compostable and compostable plastic shopping bags for point-of-sale distribution.	Adopted May 2008 Effective November 2009
City of Manhattan Beach	This ordinance bans the distribution of plastic bags at the point-of-sale for all retail establishments in Manhattan Beach.	Adopted July 2008 The California Supreme Court overturned a legal challenge to the ordinance in July 2011, ruling in favor of an appeal by the City of Manhattan Beach affirming the right of small local governments to phase out plastic grocery bags without an EIR.
City of Millbrae	This ordinance bans single-use bags and free paper carry-out bags and would apply to all retailers. Stores can charge a minimum of 10 cents per bag, should a customer need to purchase one. Those paper bags sold must be comprised of at least 40 percent post-consumer recycled materials. Thicker reusable plastic bags are allowed but would also need to be imprinted showing the bag is made of at least 40 percent post-consumer recycled materials.	Adopted February 2012. Certified a Negative Declaration. Effective September 1, 2012.
City of Monterey	This ordinance bans plastic bags and places an initial 10 cent minimum price requirement on paper bags for the first year, and 25 cents after.	Adopted December 6, 2011 Effective January 2013



**Summary Recently Adopted, Proposed and Pending Carry-out Bag Ordinances in California (does not include all Jurisdictions)**

<b>Ordinance Location</b>	<b>Proposed Action</b>	<b>Status</b>
City of Ojai	A proposed ordinance would ban plastic shopping bags and impose a 10-cent fee on paper bags at grocery stores, supermarkets, convenience stores, liquor stores and gasoline mini-marts.	Adopted April 2012. Effective July 1, 2012.
City of Pacific Grove	The proposed ordinance would ban single-use plastic and paper bags and place a fee on recycled content paper bags.	Pending
City of Palo Alto	<p>This ordinance bans large grocery stores in Palo Alto from distributing single-use plastic check out bags. Only reusable bags (preferred) or paper bags can be distributed. Single-use carry-out bags can still be used in produce and meat departments.</p> <p>Pending expansion of the ordinance would apply the ban to all retailers including restaurants in the city. An EIR on the expanded ordinance is currently being prepared.</p>	<p>Adopted March 2009 Palo Alto's 2009 bag ban was challenged by the STPBC. They settled out of court with the agreement that the City would not expand its ban to other stores without an EIR.</p> <p>Effective September 2009</p> <p>An EIR for the expansion of the ordinance to all retailers including restaurants was prepared.</p> <p>The expanded ordinance was adopted by the City Council on May 6, 2013 and will become effective July 2013.</p>
City of Pasadena	This ordinance bans plastic bags, and imposes a 10 cent minimum price on paper bags.	Adopted November 2011 Effective July 1, 2012 for large stores and supermarkets and December 2012 for convenience stores.
City of Sacramento	This ordinance bans plastic bags and imposes a 10 cent minimum price on paper bags.	Final EIR has been completed, awaiting ordinance hearings.
City of San Francisco	<p>Retail stores governed by the ordinance can only provide the following types of bags:</p> <ul style="list-style-type: none"> <li>a. compostable plastic</li> <li>b. recyclable paper</li> <li>c. reusable bag of any material</li> </ul> <p>In February 2012, the ordinance was expanded to all retail and food establishments within the City and requires a minimum 10 cent charge for reusable bags.</p>	<p>Adopted April 2007</p> <p>In February 2012, San Francisco expanded its bag ban and was sued by the STPBC. The two causes of action are related to CEQA compliance and the bag ban for restaurants. A judge upheld the expansion in September 2012.</p>
City of San Jose	This ordinance prohibits the distribution of single-use carry-out paper and plastic bags at the point of sale (i.e., check-out) for all commercial retail businesses in San José except restaurants. An exception is made for "green" paper bags containing at least 40 percent recycled content, accompanied by a charge of 10 cents to the customer, with the charge retained by the retailer. For the first two years, paper bags will be sold under this ordinance at 10 cents each; after two years the minimum price per paper bag is 25 cents each.	Adopted January 2011 Effective January 2012

**Summary Recently Adopted, Proposed and Pending Carry-out Bag Ordinances in California (does not include all Jurisdictions)**

<b>Ordinance Location</b>	<b>Proposed Action</b>	<b>Status</b>
City of Santa Cruz	This ordinance bans plastic bags and places a 10 cent paper bag charge.	Adopted July 2012 Effective April 2013
City of Santa Monica	This ordinance: (1) prohibits retail establishments in Santa Monica from providing "single-use plastic carry-out bags" to customers at the point of sale; (2) prohibits the free distribution of paper carry-out bags by grocery stores, convenience stores, mini-marts, liquor stores and pharmacies; and (3) requires stores that make paper carry-out bags available to sell recycled paper carry-out bags to customers for not less than ten cents per bag.	Adopted January 2011 Effective September 2011
City of Solana Beach	This ordinance prohibits the provision of plastic bags (except at restaurants) and allows purchase of paper bags for 10 cents.	Adopted May 2012, amended July 2012
City of Sunnyvale	This ordinance prohibits specified retail establishments in Sunnyvale from providing single-use plastic carry-out bags to customers at the point of sale, and creates a mandatory 10 cent (\$0.10) charge for each paper bag distributed by these stores.	Adopted December 2011 Effective June 20, 2012 (grocery stores, convenience stores and large retailers) Effective March 2013 (all retailers)
City of Ukiah	This ordinance prohibits retail establishments (except eating establishments) in Ukiah from providing single-use bags. Recycled-content paper bags or reusable bags could be provided at a minimum charge of 10 cents per bag.	Adopted May 2012 Effective in large stores 180 days after adoption and 545 days for all other stores.
City of Watsonville	This ordinance prohibits retail establishments from providing non-recycled paper or plastic bags and allows sale of recycled and recyclable paper bags for a 10 cent charge.	Adopted May 2012
City of West Hollywood	This ordinance prohibits retail establishments from providing non-recycled paper or plastic bags and places a 10 cent recyclable paper bag charge.	Adopted August 2012
County of Alameda (Cities of Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City)	This ordinance prohibits the distribution of single-use carry-out paper and plastic bags at the point of sale (i.e., check-out) for all commercial retail businesses in Alameda County. Exception would be made for recycled paper or reusable bags containing a specified minimum percentage of recycled content, which can only be provided to customers for a nominal charge (ten cents on or before January 1, 2015 and 25 cents on or after January 1, 2015) to cover the cost to the business of providing the bags.	Adopted January 2012 Effective January 1, 2013
County of Los Angeles	This ordinance bans the issuance of plastic carry-out bags and imposes a ten (10) cent charge on the issuance of recyclable paper carry-out bags at all supermarkets and other grocery stores, pharmacies, drug stores, convenience stores, and foodmarts, in unincorporated Los Angeles County. The ordinance requires a store to provide or make available to a customer only recyclable paper carry-out bags or reusable bags. The ordinance would also encourage a store to educate its staff to promote reusable bags and to post signs encouraging customers to use	Adopted November 2010  In October 2011, Hilex and some individuals filed a petition to void the LA County ordinance. They alleged that the 10-cent charge on paper bags is really a local special tax that requires voter approval as amended by Prop 26. In March 2012, the Court denied the petition and ruled that a paper bag charge

**Summary Recently Adopted, Proposed and Pending Carry-out Bag Ordinances in California (does not include all Jurisdictions)**

<b>Ordinance Location</b>	<b>Proposed Action</b>	<b>Status</b>
	reusable bags in the unincorporated areas of the County of Los Angeles.	was not a tax under Prop 26. Helix appealed the decision April 2012 and the case is still pending.
County of Marin <sup>2</sup>	This ordinance prohibits the distribution of plastic carry-out bags and would charge at least \$0.05 for a recycled paper bag.	Adopted January 2011  In September 2011, Marin County Superior Court found the ordinance "a reasonable legislative and regulatory choice" to protect the environment without causing a significant negative impact. The County had correctly determined the project to be exempt based on its actions to protect the environment and natural resources. STPBC filed an appeal of this decision on November 29, 2011. On June 25, 2013 the First District Court of Appeal upheld the lower court ruling in favor of Marin County.
County of Mendocino	This ordinance bans plastic bags with a 10 cent paper bag charge.	Adopted June 12, 2012 Effective in large stores January 2013, and all other retailers January 2014
County of San Luis Obispo (City and County of San Luis Obispo, Atascadero, Grover Beach, Morro Bay, Paso Robles, and Pismo Beach)	The San Luis Obispo County Integrated Waste Management Authority adopted a plastic bag ban with a 10 cent minimum price requirement on paper bags.	Adopted January 2012 It goes into effect on September 1, 2012 in all seven incorporated cities as well as unincorporated areas of the county.  A petition was filed January 30, 2012. The SLO lawsuit had two causes of action, but the second cause was dropped in February. The first cause of action is CEQA compliance.  On October 15, 2012 The San Luis Obispo Superior Court ruled in favor of the IWMA.
County of San Mateo (unincorporated) and 24 participating municipalities in San Mateo and Santa Clara Counties <sup>1</sup>	This ordinance prohibits the provision of single-use plastic bags and places a 10 cent (up to 25 cents in January 2013) charge on recycled paper bags.	Approved by San Mateo County Board of Supervisors November 2012. Effective April 2013.
BEACON (unincorporated Santa Barbara County, Buellton,	The Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) model ordinance for cities and counties in either Santa Barbara or Ventura counties would regulate the distribution of single-use	City of Santa Barbara adopted an ordinance in October 2013. The Santa Barbara County released a Draft EIR in December 2013

**Summary Recently Adopted, Proposed and Pending Carry-out Bag Ordinances in California (does not include all Jurisdictions)**

Ordinance Location	Proposed Action	Status
Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria, Solvang, unincorporated areas of Ventura County, Camarillo, Fillmore, Moorpark, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, and Ventura)	plastic and paper carry-out bags and would impose a 10 cent fee on recycled paper bags. The EIR encompasses the County of Santa Barbara (unincorporated Santa Barbara County, Buellton, Goleta, Guadalupe, Lompoc, Santa Barbara, Santa Maria, Solvang, unincorporated areas of Ventura County, Camarillo, Fillmore, Moorpark, Oxnard, Port Hueneme, Santa Paula, Simi Valley, Thousand Oaks, and Ventura).	specifically for unincorporated areas of Santa Barbara County. All other cities and the County of Ventura are currently pending.
County of Santa Clara	This ordinance allows affected retail establishments to distribute either a 'green' paper bag or a reusable bag. Reusable bags may be given away or sold and are initially defined (until January 2013) as bags made of cloth or other machine washable fabric that has handles; or a durable plastic bag with handles that is at least 2.25 mils thick and is specifically designed and manufactured for multiple use. 'Green' paper bags may be sold to customers for a minimum charge of \$0.15 and are defined as paper bags that are 100% recyclable and are made from 100% recycled material.	Adopted April 2011 Effective January 2012
County of Santa Cruz	The ordinance bans single-use carry-out bags and places a 10 cent minimum price requirement on single-use paper bags throughout unincorporated county areas.	Adopted September 13, 2011 The STPBC filed a lawsuit in October 2011. The case was settled out of court and in February 2012 the City repealed the ban of plastic bags used at restaurants.
County of Sonoma	The Sonoma County Waste Management Agency ordinance would ban single-use carry-out bags and place a 10 cent minimum price requirement, that goes up to 25-cents, on single-use paper bags throughout the County.	Pending
Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA)	The Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) prepared a Draft Model Single-use Carry-out Bag Reduction Ordinance that participating JPA member agencies within Marin County could consider for adoption. The model ordinance would regulate the distribution of single-use plastic and paper carry-out bags and would impose a 5 cent fee on recycled paper bags and reusable bags. The EIR encompasses the following member agencies in Marin County <ul style="list-style-type: none"> <li>• Belvedere</li> <li>• Corte Madera</li> <li>• Larkspur</li> <li>• Mill Valley</li> <li>• Novato</li> <li>• Ross</li> <li>• San Anselmo</li> </ul>	EIR was certified by the JPA in January 2014. Pending adoption of the ordinance by the member agencies. Belvedere, Novato and San Rafael have each already adopted ordinances in their respective jurisdictions.

## Summary Recently Adopted, Proposed and Pending Carry-out Bag Ordinances in California (does not include all Jurisdictions)

Ordinance Location	Proposed Action	Status
	<ul style="list-style-type: none"> <li>• San Rafael</li> <li>• Sausalito</li> <li>• Tiburon</li> </ul>	

Source: Californians Against Waste, [http://www.cawrecycles.org/issues/plastic\\_campaign/plastic\\_bags/local](http://www.cawrecycles.org/issues/plastic_campaign/plastic_bags/local), accessed January 2014; Save the Plastic Bag Coalition, <http://savetheplasticbag.com>, accessed December 2012; San Luis Obispo County, Alameda County, City of Oakland, City of San Jose, City of Calabasas, City of Capitola, City of Carpinteria, City of Dana Point, Town of Fairfax, City of Laguna Beach, City of Palo Alto, City of Los Angeles, County of Los Angeles, City of Malibu, City of Manhattan Beach, City of San Francisco, City of Solana Beach, City of Pasadena, Marin County, City of Santa Monica, Santa Clara County, Santa Cruz County, City of Long Beach, City of Ojai, City of Sunnyvale, City of Millbrae Homepages, January 2014.

<sup>1</sup>The City of Belmont adopted the County's Reusable Bag Ordinance in January 2013 and it became effective in April 2013. The City of Brisbane adopted the San Mateo County's Reusable Bag Ordinance on March 18, 2013 and it also became effective in April 2013. The city of Burlingame adopted the San Mateo County's Reusable Bag Ordinance on March 18, 2013 and it also became effective in April 2013. The City of Colma, Daly City, Menlo Park, Mountain View, Pacifica, Portola Valley, San Bruno, South San Francisco, and Foster City adopted the County's Ordinance January 2013 and both ordinances also became effective in April 2013. The City of Redwood City and San Carlos adopted the County's ordinance in March 2013 and it became effective in October 2013 and July 2013, respectively. The City of Cupertino adopted an amended ordinance, similar to the County's in March 2013 and it became effective in October 2013. The City of East Palo Alto adopted the County's ordinance in April 2013 and it became effective in October 2013. The City of Half Moon Bay adopted the County's ordinance in March 2013 and it became effective April 2013. The City of Los Altos adopted the County's ordinance in March 2013 and it will become effective July 4, 2013.

<sup>2</sup>This ordinance only applies to the unincorporated areas of Marin County, not the incorporated jurisdictions such as those which comprise the Study Area for the Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) EIR.

## Appendix C



*Table of Freshwater/Coastal/Marine Special-Status Species  
Locations of Special-status Species and  
Natural Communities in Monterey County*

### Freshwater/Coastal/Marine Special-Status Species

Scientific Name	Common Name	Current Federal/State Status
<b>Reptiles</b>		
<i>Emys marmorata</i>	western pond turtle	SSC
<i>Thamnophis hammondi</i>	two-striped garter snake	SSC
<i>Anniella pulchra pulchra</i>	silvery legless lizard	SSC
<i>Anniella pulchra nigra</i>	black legless lizard	SSC
<i>Phrynosoma blainvillii</i>	coast horned lizard	SSC
<i>Masticophis flagellum ruddocki</i>	San Joaquin whipsnake	SSC
<b>Amphibians</b>		
<i>Ambystoma macrodactylum croceum</i>	Santa Cruz long-toed salamander	FE/SE
<i>Ambystoma californiense</i>	California tiger salamander	FT/ST
<i>Rana draytonii</i>	California red-legged frog	FT
<i>Spea hammondi</i>	western spadefoot	SSC
<i>Anaxyrus californicus</i>	arroyo toad	FE
<i>Taricha torosa</i>	Coast Range newt	SSC
<i>Rana boylei</i>	foothill yellow-legged frog	SSC
<b>Birds</b>		
<i>Haliaeetus leucocephalus</i>	bald eagle	SE
<i>Rallus longirostris obsoletus</i>	California clapper rail	FE/SE
<i>Gymnogyps californianus</i>	California condor	FE/SE
<i>Vireo bellii pusillus</i>	least Bell's vireo	FE/SE
<i>Falco peregrinus anatum</i>	American peregrine falcon	-
<i>Pelecanus occidentalis californicus</i>	California brown pelican	-
<i>Oceanodroma homochroa</i>	ashy storm-petrel	SSC
<i>Cypseloides niger</i>	black swift	SSC
<i>Athene cunicularia</i>	burrowing owl	SSC
<i>Eremophila alpestris actia</i>	California horned lark	-
<i>Phalacrocorax auritus</i>	double-crested cormorant	-
<i>Buteo regalis</i>	ferruginous hawk	-

## Freshwater/Coastal/Marine Special-Status Species

Scientific Name	Common Name	Current Federal/State Status
<i>Aquila chrysaetos</i>	golden eagle	-
<i>Ardea herodias</i>	great blue heron	-
<i>Circus cyaneus</i>	northern harrier	SSC
<i>Falco mexicanus</i>	prairie falcon	-
<i>Progne subis</i>	purple martin	SSC
<i>Agelaius tricolor</i>	tricolored blackbird	SSC
<i>Fratercula cirrhata</i>	tufted puffin	SSC
<i>Elanus leucurus</i>	white-tailed kite	-
<i>Dendroica petechia brewsteri</i>	yellow warbler	SSC
<i>Riparia riparia</i>	bank swallow	ST
<i>Buteo swainsoni</i>	Swainson's hawk	ST
<i>Charadrius alexandrinus nivosus</i>	western snowy plover	FT
<b>Fish</b>		
<i>Spirinchus thaleichthys</i>	longfin smelt	FC/FT
<i>Eucyclogobius newberryi</i>	tidewater goby	FE
<i>Oncorhynchus mykiss irideus</i>	Steelhead	FT
<b>Mammals</b>		
<i>Corynorhinus townsendii</i>	Townsend's big-eared bat	SCT
<i>Lasiurus cinereus</i>	hoary bat	SSC
<i>Antrozous pallidus</i>	pallid bat	-
<i>Eumops perotis californicus</i>	western mastiff bat	SSC
<i>Lasiurus blossevillii</i>	western red bat	SSC
<i>Reithrodontomys megalotis distichlis</i>	Salinas harvest mouse	-
<b>Invertebrates</b>		
<i>Coelus globosus</i>	globose dune beetle	
<i>Euphilotes enoptes smithi</i>	Smith's blue butterfly	FE
<i>Euphydryas editha bayensis</i>	Bay checkerspot butterfly	FT
<i>Socalchemmis monterey</i>	Monterey socalchemmis spider	



## Freshwater/Coastal/Marine Special-Status Species

Scientific Name	Common Name	Current Federal/State Status
<i>Branchinecta lynchi</i>	vernal pool fairy shrimp	FT
<i>Tryonia imitator</i>	California brackishwater snail	-
<i>Optioservus canus</i>	Pinnacles optioservus riffle beetle	-

*FT = Federally Threatened*

*FE = Federally Endangered*

*FC = Federal Candidate*

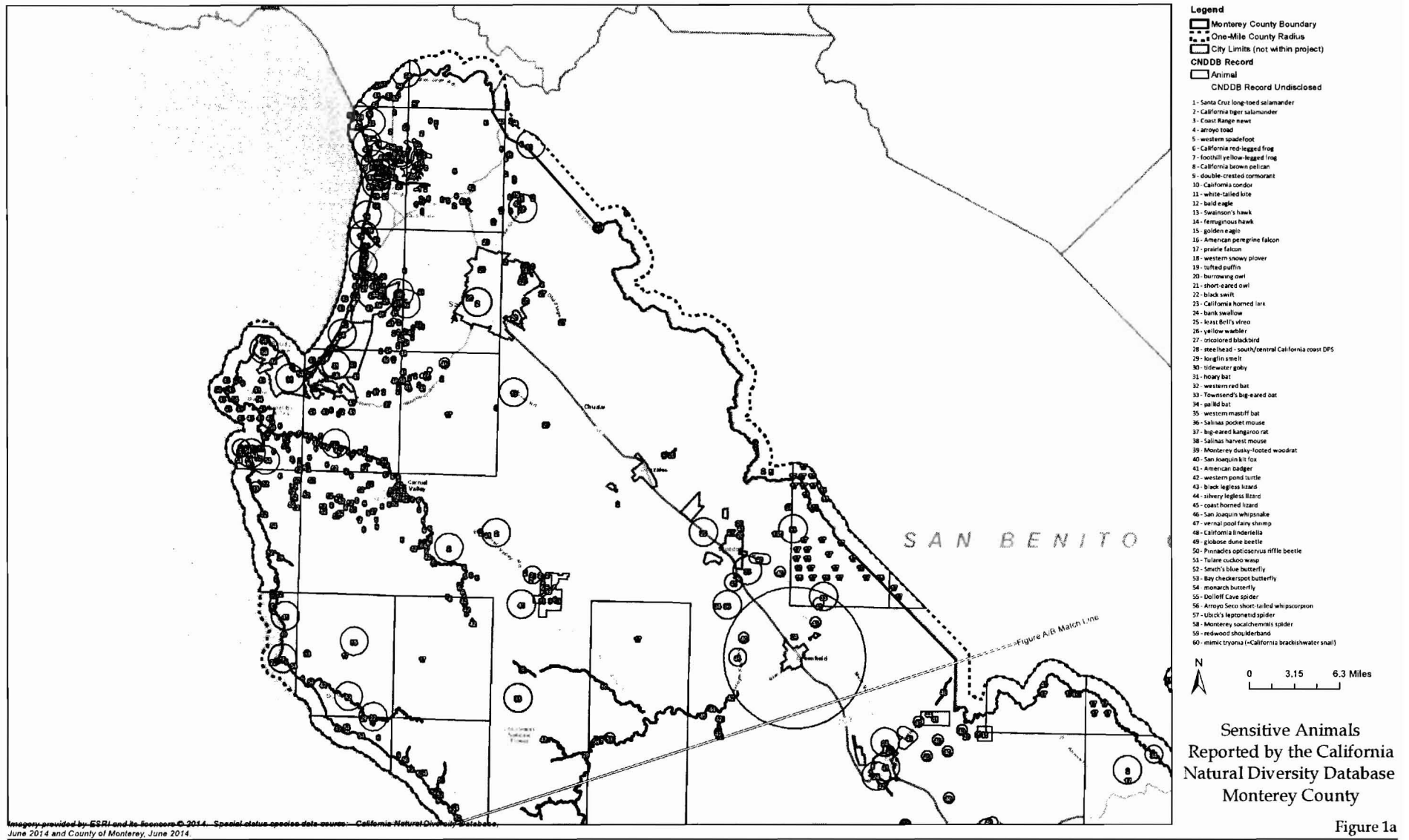
*SSC = California Species of Special Concern*

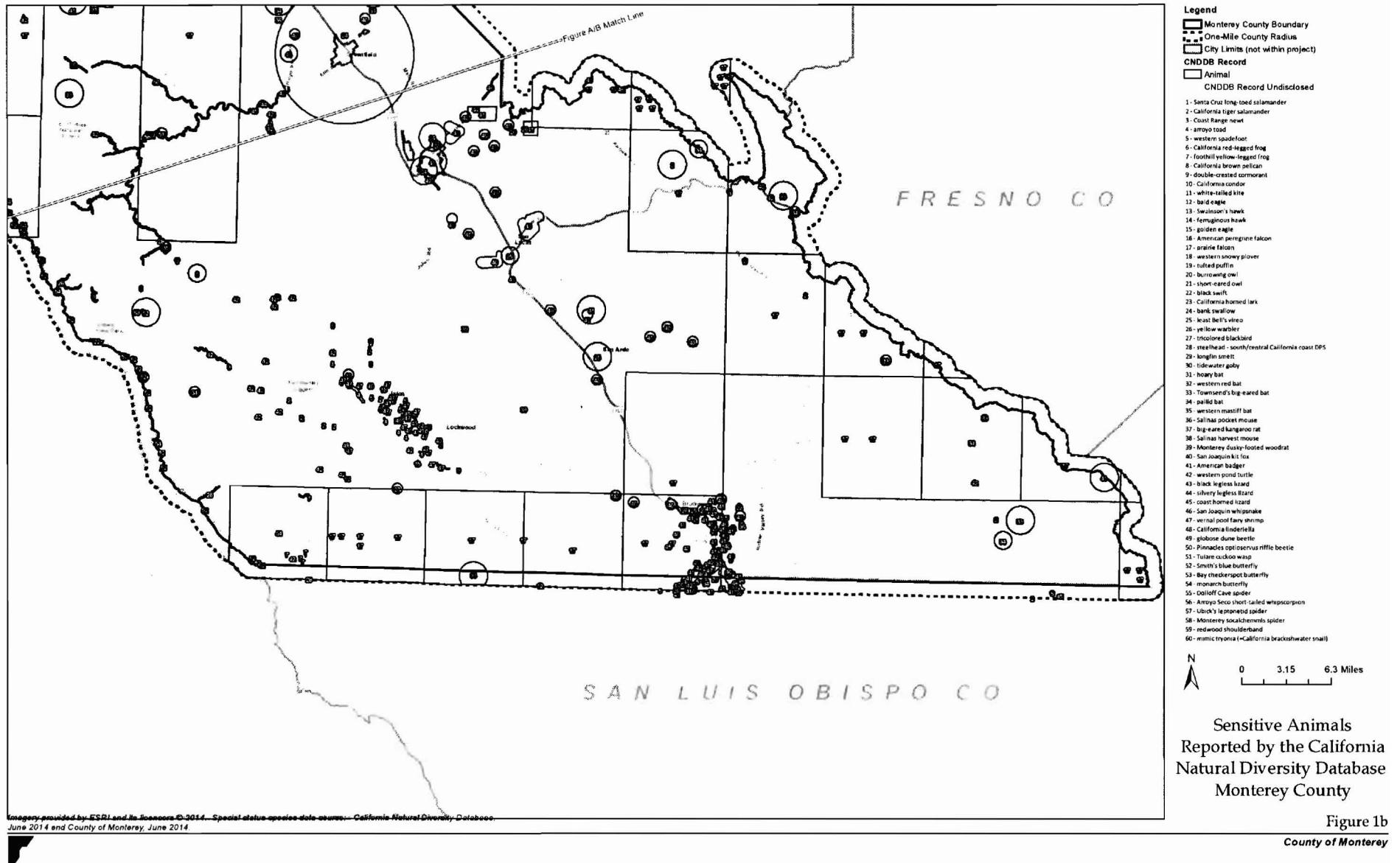
*SE = California Endangered*

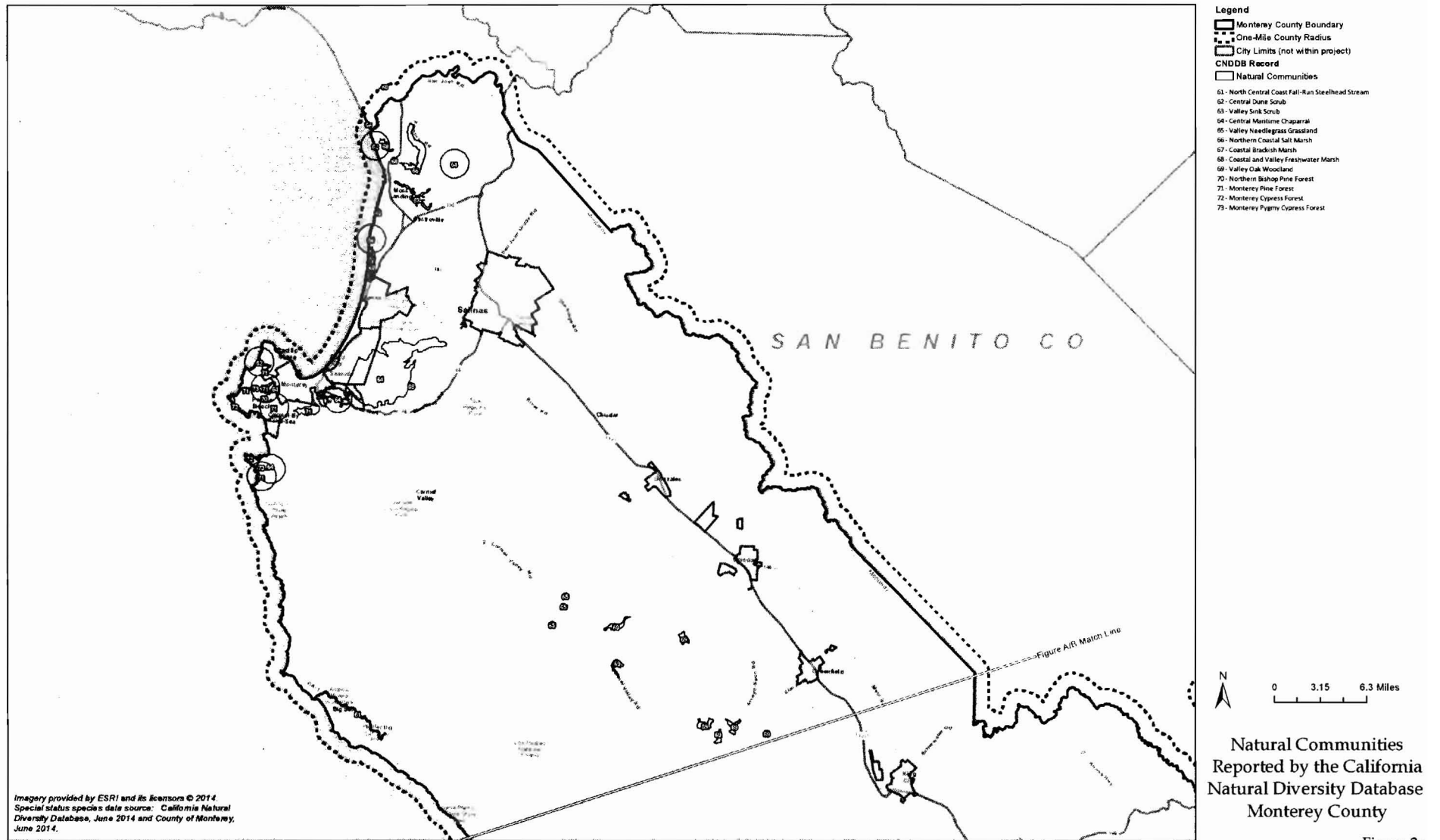
*ST = California Threatened*

*SCT = California Candidate Threatened*

*- = no status but included in Rarefind database as deserving of concern*







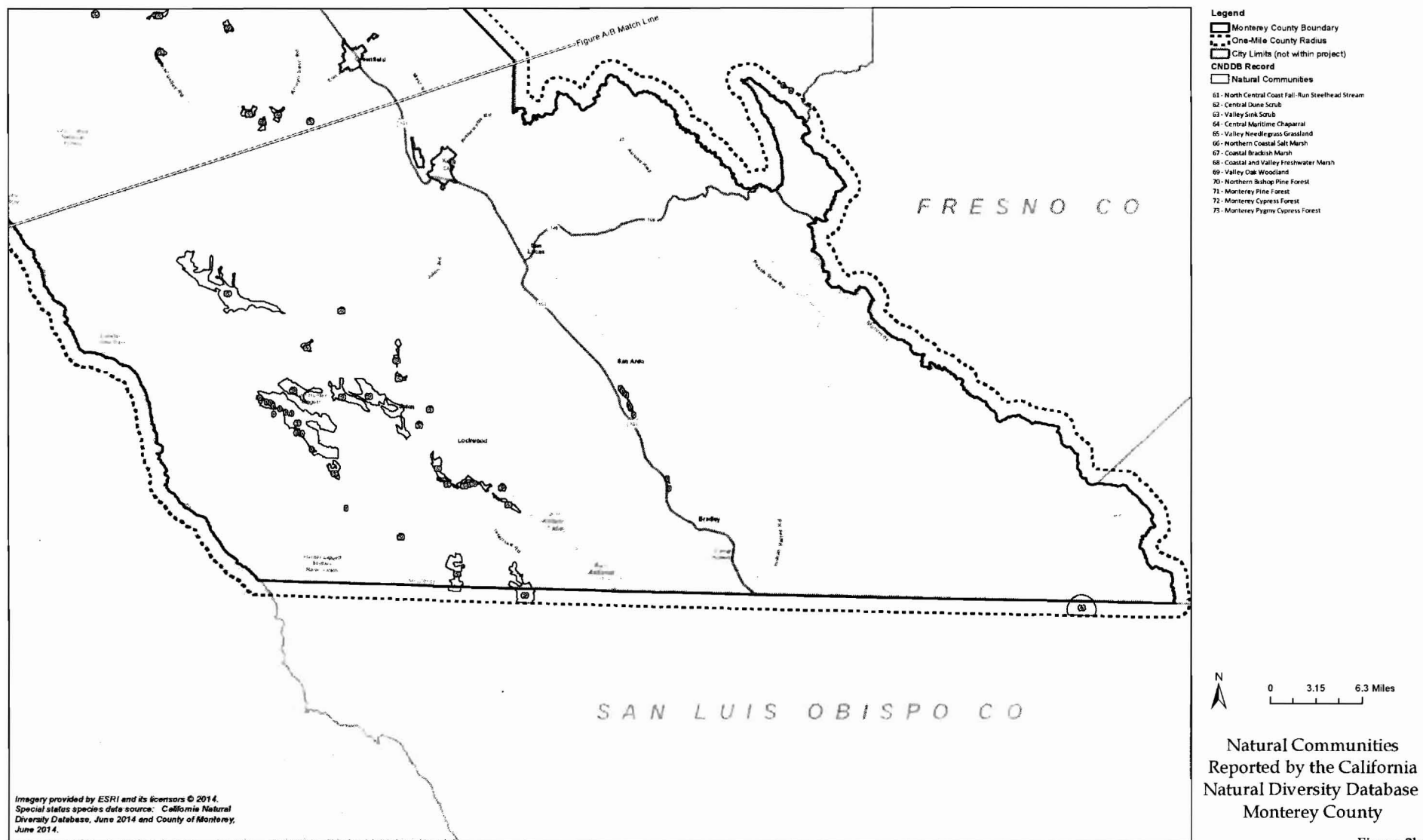
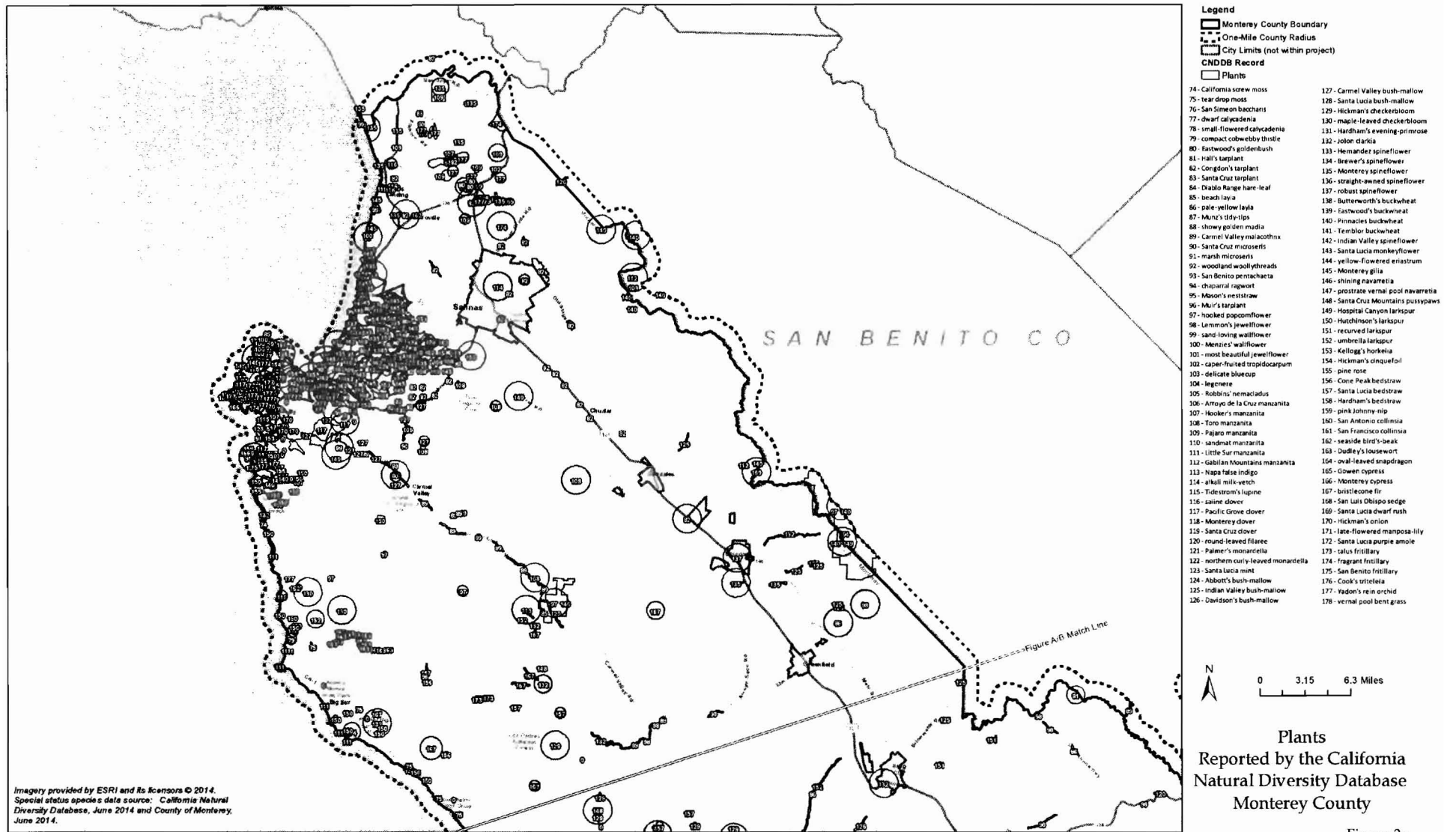
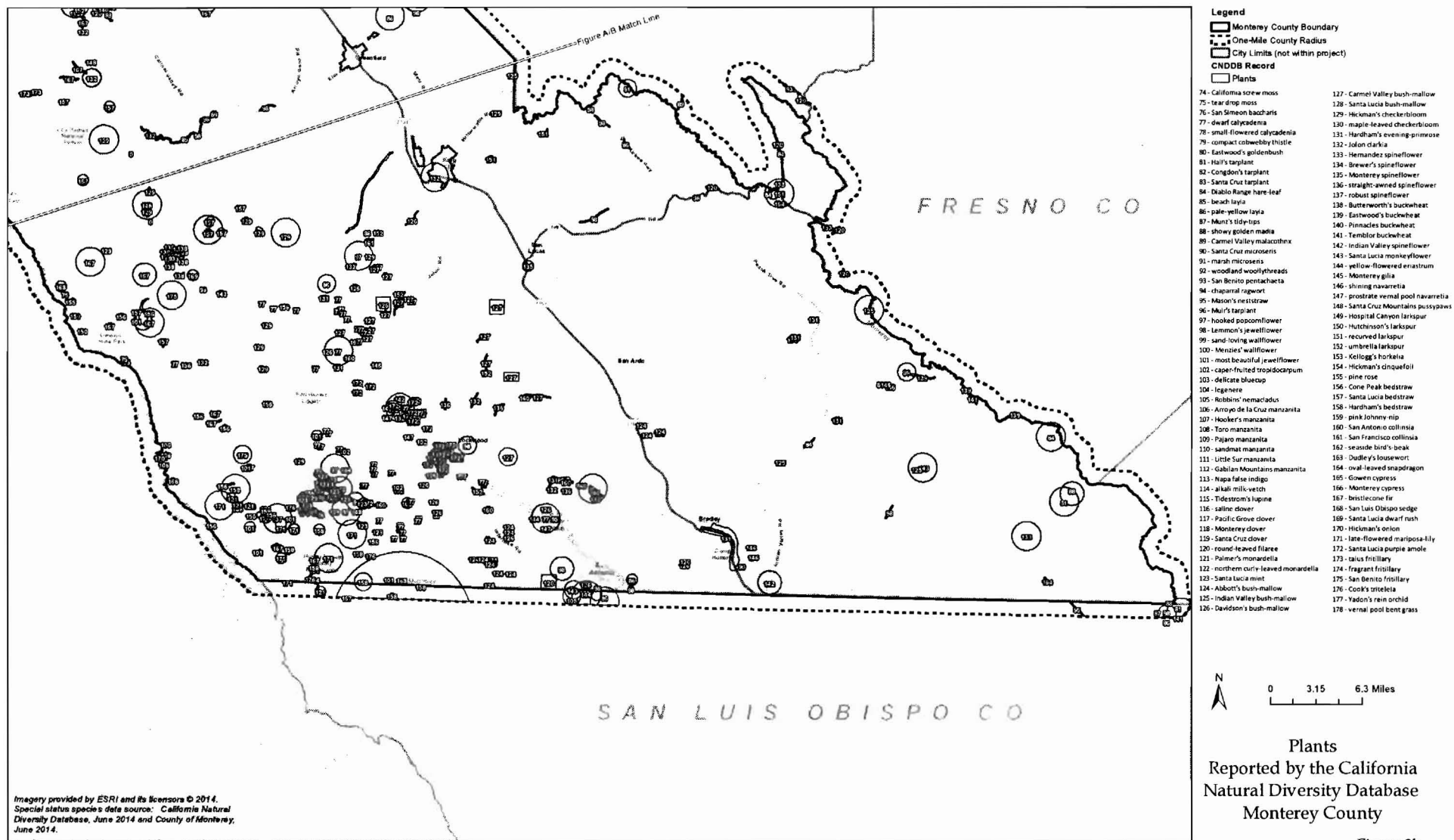


Figure 2b

County of Monterey





## ORDINANCE NO. 5244

### AN ORDINANCE OF THE COUNTY OF MONTEREY, STATE OF CALIFORNIA, ADDING CHAPTER 10.43 TO THE MONTEREY COUNTY CODE RELATING TO SINGLE-USE CARRYOUT BAGS, RECYCLED PAPER BAGS, AND REUSABLE BAGS

#### County Counsel Summary

*This ordinance adds Chapter 10.43 to the Monterey County Code to prohibit certain types of retail establishments within the unincorporated area of Monterey County from providing thin-film plastic single-use carryout bags to customers at the point of sale. This ordinance also requires retail establishments to charge a minimum of ten cents 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 apply to retail establishments that sell perishable or nonperishable goods including clothing, food, and personal items and do not apply to restaurants, take-out food establishments, and wholesale agricultural produce packing and shipping businesses. 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 Monterey County Code.*

The Board of Supervisors of the County of Monterey ordains as follows:

**SECTION 1:** Chapter 10.43 is added to the Monterey County Code to read as follows:

#### **CHAPTER 10.43 USE OF SINGLE-USE CARRYOUT BAGS, RECYCLED PAPER BAGS, AND REUSABLE BAGS BY RETAIL ESTABLISHMENTS**

##### **Sections:**

<b>10.43.010</b>	<b>Purpose and Findings</b>
<b>10.43.020</b>	<b>Applicability</b>
<b>10.43.030</b>	<b>Definitions</b>
<b>10.43.040</b>	<b>Regulations</b>
<b>10.43.050</b>	<b>Recordkeeping and Inspection</b>
<b>10.43.060</b>	<b>Enforcement</b>

##### **10.43.010 PURPOSE AND FINDINGS.**

A. The purpose of this Chapter is to ban thin-film plastic single-use carryout bags and prohibit the free distribution of paper bags or reusable bags by certain types of retail



establishments in the unincorporated area of the County of Monterey in order to reduce litter and protect the natural resources and environment of Monterey County.

B. Pursuant to Article XI, section 7 of the California Constitution, the County of Monterey may adopt and enforce ordinances and regulations not in conflict with general laws to protect and promote the public health, safety and welfare of its citizens.

C. This ordinance protects and promotes the public health, safety and welfare by prohibiting the use of single-use carryout bags by consumers and promoting a shift to reusable bags and overall reduction of bag use at certain types of retail establishments.

D. Single-use carryout bags contribute to environmental problems, including litter in storm drains, creeks, the Monterey Bay, and the ocean and environmental impacts caused by such litter.

E. Monterey County is home to unique environmental resources, including the Monterey Bay National Marine Sanctuary and Elkhorn Slough National Estuarine Research Reserve. Bag litter that enter these and other coastal habitats of Monterey County can as a result of ingestion or entanglement adversely affect sensitive species that inhabit these coastal and marine environments, including leatherback sea turtles, seals, fish, sea otters, and bird species.

F. Reducing the amount of single-use carryout bags in unincorporated Monterey County would result in an incremental reduction in the amount of litter that enters the storm drain system and local waterways, thereby improving water quality and natural resources within Monterey County and surrounding areas outside of Monterey County's jurisdictional boundaries.

G. Prohibiting specified types of retail establishments from using thin-film plastic single-use carryout bags and requiring a charge for recycled paper bags and reusable bags will reduce litter and benefit the environment by encouraging customers to use reusable bags and to reduce overall bag use.

H. This Board does, accordingly, find and declare that it should restrict single-use carryout bags and require a charge for recycled paper bags and reusable bags.

#### **10.43.020 APPLICABILITY**

This Chapter applies in the unincorporated area of the County of Monterey.

#### **10.43.030 DEFINITIONS**

Unless otherwise expressly stated, whenever used in this Chapter, the following terms shall have the meanings set forth below:

A. "Customer" means any person obtaining goods from a retail establishment.  
B. "Chapter" means Chapter 10.43 of the Monterey County Code.  
C. "County" means the County of Monterey.  
D. "Director" or "Director of Health" means the Director of the Monterey County Health Department or his/her designee.

E. "Effective Date" means the effective date of the ordinance enacting Chapter 10.43.

F. "Garment Bag" means a travel bag made of pliable, durable material with or without a handle, designed to hang straight or fold double and used to carry suits, dresses, coats, or the like without crushing or wrinkling the same.

G. "Mils" is the thickness of a material measured in increments of one-thousandth (1/1000<sup>th</sup>) of an inch.

H. "Nonprofit Charitable Reuser" means a charitable organization which is tax-exempt under Section 501(c)(3) of the Internal Revenue Code, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent of its revenues from the handling and sale of those donated goods or materials. Nonprofit Charitable Reusers are not considered Retail Establishments for the purpose of this Ordinance.

I. "Person" means any individual, sole proprietorship, firm, association, organization, partnership (whether limited or general), corporation, limited liability corporation, political subdivision, government agency, municipality, industry, public or private corporation, trust, joint venture, regulatory authority, or any other entity.

J. "Prepared food" means foods or beverages which are prepared on the premises by cooking, chopping, slicing, mixing, freezing, or squeezing, and which require no further preparation to be consumed. "Prepared food" does not include any raw, uncooked meat product or fruits or vegetables which are chopped, squeezed, or mixed.

K. "Public Eating Establishment" means a restaurant, take-out food establishment, or any other business that receives 90 percent or more of its revenue from the sale of prepared food, which is prepared on the premises, to be eaten on or off its premises. Public eating establishments are not considered Retail Establishments for the purpose of this Ordinance.

L. "Recycled Paper Bag" means 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

M. "Retail Establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer and that is located within or doing business within the unincorporated areas of Monterey County. The term "Retail Establishment" includes farmers' markets. The term "Retail Establishment" does not include Public Eating Establishments, Nonprofit Charitable Reusers, and wholesale agricultural produce packing and shipping businesses.

N. "Reusable Bag" means 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 is at least four (4.0) mils thick and capable of being cleaned and disinfected.

O. "Single-use Carryout Bag" means 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.

#### **10.42.040 REGULATIONS**

A. No Retail Establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and personal items directly to the customer, shall provide a Single-use Carryout Bag to a customer 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 establishment, except as provided in this Chapter.

B. To allow Retail Establishments an opportunity to make necessary arrangements for compliance and to use remaining stocks of plastic Single-use Carryout Bags, Retail Establishments shall have six (6) months from the Effective Date to comply with the regulations of this Chapter. During this period, it shall be the policy of the County to encourage voluntary adherence to the requirements of this Chapter.

C. Six (6) months from the Effective Date and thereafter, a Retail Establishment may make Recycled Paper Bags or Reusable Bags available to customers only if the Retail Establishment charges a minimum charge of ten cents (\$0.10) per such bag. Only Recycled Paper Bags and Reusable Bags as defined in this Chapter may be made available for purchase.

D. No earlier than twelve (12) months from the Effective Date, the Board of Supervisors may establish a higher minimum charge for a Recycled Paper Bag and Reusable Bag up to twenty-five cents (\$0.25) by amendment of this Chapter.

E. Notwithstanding this Chapter, when a Recycled Paper Bag or a Reusable Bag is distributed to the customer, the amount of the sale of the Recycled Paper Bag or Reusable Bag shall be separately itemized on the sales receipt.

F. These regulations do not apply to Public Eating Establishments as defined herein.

G. Notwithstanding any other provision of this Chapter, a Retail Establishment may provide one or more Recycled Paper Bags or Reusable Bags at no cost to the following individuals: a customer participating in the California Special Supplemental Nutrition Program for Women, Infants, and Children (WIC Program) pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code; a customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code; and a customer participating in CalFresh pursuant to Chapter 10 (commencing with Section 18900) of Part 6 of Division 9 of the California Welfare and Institutions Code.

#### **10.42.050 RECORDKEEPING AND INSPECTION**

All Retail Establishments shall keep complete and accurate records or documents of the purchase and sale of any Recycled Paper Bag by the Retail Establishment. Such records shall be kept for a minimum period of one year from the date of purchase and sale, and such records shall be available for inspection by the County at no cost to the County during regular business hours. Unless the County and Retail Establishment mutually agree upon an alternative location or method of review, the records or documents shall be available at the Retail Establishment address. The provision of false information, including but not limited to incomplete records or documents to the County, shall be a violation of this Chapter.

#### **10.42.060 ENFORCEMENT**

A. The Director of Health shall be primarily responsible for implementation and enforcement of this Chapter. The Director is authorized to establish guidelines and procedures to

implement this Chapter and to take such action as may be necessary, including inspection of Retail Establishments, to monitor compliance with this Chapter.

B. In the event of a violation of this Chapter or any requirement imposed pursuant to this Chapter, the County may in its discretion, in addition to all other remedies, take such enforcement action as is authorized under the Monterey County Code and any other action authorized by law.

C. If the County elects to utilize the administrative procedures set forth in Chapter 1.22 of the Monterey County Code to enforce this Chapter, the Director of Health shall serve as the Enforcement Official within the meaning of Chapter 1.22.

**SECTION 2: SEVERABILITY.** If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held invalid by a court of competent jurisdiction, such a decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors declares that it would have passed this Ordinance and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases, be declared invalid.

**SECTION 3: EFFECTIVE DATE.** This Ordinance shall become effective on the thirty-first day following its adoption.

**PASSED AND ADOPTED** on this 29<sup>th</sup> day of August, 2014, by the following vote:

AYES: Supervisors Calcagno, Parker and Potter

NOES: Supervisors Armenta and Salinas

ABSENT: None

ABSTAIN: None

/s/ Louis R. Calcagno  
Louis R. Calcagno, Chair  
Monterey County Board of Supervisors

A T T E S T:

GAIL T. BORKOWSKI, Clerk of the Board

By: /s/ Gail T. Borkowski  
~~Deputy~~

APPROVED AS TO FORM:  
/s/ Wendy S. Strimling

WENDY S. STRIMLING  
Senior Deputy County Counsel