MONTEREY COUNTY
HEALTH DEPARTMENT
ENVIRONMENTAL HEALTH DIVISION
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INITIAL STUDY

I. BACKGROUND INFORMATION

Project Title:	Proposed Ordinance Adding Chapter 10.42 to the Monterey County Code to Regulate and Limit the Use of Polystyrene Foam Food Packaging by Food Providers in the unincorporated area of the County of Monterey
File No.:	PLN090146
Project Location:	Countywide- Coastal Zone and Non-Coastal (Inland) Areas
Name of Property Owner:	N/A
Name of Applicant:	County of Monterey
General Plan Designation:	All designations
Zoning District:	All districts
Lead Agency:	County of Monterey
Prepared By:	Eric Mangahis, Senior Environmental Health Specialist
Date Prepared:	October 2009
Contact Person:	Eric Mangahis, Senior Environmental Health Specialist
Contact Information:	(831) 755-4579 or MangahisEJ@co.monterey.ca.us

II. DESCRIPTION OF PROJECT AND ENVIRONMENTAL SETTING

A. Project Description:

Polystyrene is a plastic resin that is used to make up a wide range of consumer goods and packaging. In its "foam" or "expanded" state it is frequently used to produce takeout containers for food. Because it is not biodegradable, polystyrene packaging constitutes a large portion of accumulated litter. Polystyrene foam packaging often litters parks and public places, streets and roads, waterways, storm drains and beaches. It may also break down into smaller, non-biodegradable pieces that may harm or kill marine and other wildlife when ingested.

The project is a proposed ordinance to regulate and limit the use of polystyrene foam food packaging by retail food providers in the unincorporated area of Monterey County. These regulations allow for reasonable measures to protect the environment, reduce solid waste, and decrease litter throughout the unincorporated county. Currently, there are approximately two-thousand two-hundred (2,200) permitted food providers located in Monterey County. Approximately one-hundred and seventy (170) permitted food providers are in the unincorporated areas of Monterey County. Approximately one hundred and sixty (160) food providers may be subject to the requirements of this proposed ordinance.

A three hundred and sixty-five (365) day "grace period" has been incorporated to allow food providers adequate time to expend current stocks of non-compliant food packaging.

B. Environmental Setting and Surrounding Land Uses:

The County of Monterey is located on the Central Coast of California and is approximately 100 miles south of San Francisco and 240 miles north of Los Angeles. It is bordered by Santa Cruz County to the north, San Benito, Fresno and Kings Counties to the east and San Luis Obispo County to the south. The proposed ordinance is applicable to all zoning districts and applies to all unincorporated areas of Monterey County. Monterey County contains a mix of different land uses. Agricultural land uses predominantly define inland areas of the County from King City to the south and northwards past Salinas. Residential land uses are located throughout the County, especially in the heavily residential cities of Monterey, Carmel, Pacific Grove, Marina, Salinas, and Seaside.

III. PROJECT CONSISTENCY WITH OTHER APPLICABLE LOCAL AND STATE PLANS AND MANDATED LAWS

Use the list below to indicate plans applicable to the project and verify their consistency or non-consistency with project implementation.

General Plan/Area Plan	☑	Air Quality Mgmt. Plan	☑
Specific Plan	☐	Airport Land Use Plans	☐
Water Quality Control Plan	☑	Local Coastal Program-LUP	☐

General Plan

This proposed project has been reviewed and is consistent with the Monterey County General Plan specifically, but not limited to, the goals, objectives, and policies outlined in Chapter 1: Natural Resources as discussed in individual factors of Sections IV and VI. (Source: 1, 2)

Air Quality Management Plan

This proposed project has been reviewed and is consistent with the Air Quality Management Plan for the Monterey Bay Region as discussed in Section VI.3- Air Quality. (Source: 1, 3, 4)

Water Quality Control Plan

This proposed project has been reviewed and is consistent with the Water Quality Control Plan for the Central Coast Basin as discussed in Section IV.A- Hydrology and Water Quality. (Source: 1, 5, 6)

IV. ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED AND DETERMINATION

A. FACTORS

The environmental factors checked below would be potentially affected by this project, as discussed within the checklist on the following pages.

☐ Aesthetics	☐ Agriculture Resources	☑ Air Quality
☐ Biological Resources	☐ Cultural Resources	☐ Geology/Soils
☑ Hazards/Hazardous Materials	☐ Hydrology/Water Quality	☐ Land Use/Planning
☐ Mineral Resources	☐ Noise	☐ Population/Housing
☐ Public Services	☐ Recreation	☐ Transportation/Traffic
☑ Utilities/Service Systems		

Some proposed applications that are not exempt from CEQA review may have little or no potential for adverse environmental impact related to most of the topics in the Environmental Checklist; and/or potential impacts may involve only a few limited subject areas. These types of projects are generally minor in scope, located in a non-sensitive environment, and are easily identifiable and without public controversy. For the environmental issue areas where there is no potential for significant environmental impact (and not checked above), the following finding can be made using the project description, environmental setting, or other information as supporting evidence.

☐ Check here if this finding is not applicable

FINDING: For the above referenced topics that are not checked off, there is no potential for significant environmental impact to occur from either construction, operation or maintenance of the proposed project and no further discussion in the Environmental Checklist is necessary.

EVIDENCE:

Polystyrene foam food packaging constitutes a large portion of accumulated litter. It litters parks and public places, streets and roads, waterways, storm drains and beaches. It may also break down into smaller, non-biodegradable pieces that may harm or kill marine and other wildlife when ingested.

This proposed project is aimed at reducing solid waste and decreasing litter throughout the County by regulating and limiting the use of polystyrene foam food packaging by food providers. The project does not propose any directly associated land use activities or actions.

Aesthetics

This proposed project will not impact scenic vistas, damage scenic resources, or degrade the existing visual character of the project sites. No new light sources are proposed. Therefore, the proposed project will have no impact on aesthetics. In many cases, this proposed project will have a beneficial impact since many non-polystyrene foam food packagings are recyclable or will biodegrade over time thereby reducing the effects of litter on aesthetics. (Source: 1, 2)

Agricultural Resources

This proposed project will not cause the loss of prime agricultural soils, effect Williamson Act lands adversely, or cause harm to nearby agricultural operations. The use of non-polystyrene foam over polystyrene foam food packaging does not directly involve agricultural resources in the county; therefore, the proposed project will have no impact on agricultural resources. (Source: 1, 2)

Biological Resources

The County's native vegetation is highly valued for its scenic qualities, recreational opportunities, and its roles in watershed management (stabilizing soil, preventing excess runoff, and maintaining stream banks). Eight major plant communities are found in Monterey County: coastal strand; wetlands, including fresh and saltwater marshes; riparian woodland; grassland; coastal scrub, including coastal sage scrub and north coastal scrub; chaparral, including maritime chaparral; broadleaf evergreen, encompassing evergreen oak forest and woodland; and coniferous forest, including redwood forest, closed cone pine forest, and mixed conifer forest. Four plant communities (coastal strand, wetlands, riparian woodland, and maritime chaparral) are considered severely limited or threatened by man's land use activities.

The Monterey Bay National Marine Sanctuary (MBNMS) indicated that, "In the marine environment, foamed polystyrene is of particular concern because it is light, it floats, and it is highly visible. In addition, it breaks into small pieces, increasing the chance of ingestion by wildlife. Polystyrene foam pieces, which look like food the many species, if frequently ingested by wildlife and results in choking, reduced appetite, reduced nutrient absorption, and starvation." The MBNMS have identified over 100 species of plants and animals that are considered "special status species" occurring in Sanctuary waters. [Letter to the City of Monterey from Paul Michel, Superintendent, Monterey Bay National Marine Sanctuary. August 12, 2008]

This proposed project will help protect biological resources by alleviating the "smaller and smaller" cycle typically associated with polystyrene foam litter. Furthermore, unlike polystyrene foam, many non-polystyrene foam food packaging will degrade more quickly over time, lessening the impacts to plants and animals.

Implementation of the proposed project would not impact any candidate, sensitive or special status species and would not interfere with the movement of any native resident or migratory fish or wildlife species. The proposed project would not affect any protected wetlands, riparian habitat or other sensitive natural community. The County Code includes regulations that identify

areas that need to be protected from development and trigger permits if potential harm to protected resources could occur. State and Federal regulations also protect biological resources where local permit requirements are not triggered. This proposed project will not conflict with any local policies or ordinances protecting biological resources or with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan. Therefore, the proposed project will have no impact on biological resources. (Source: 1, 2, 7, 8)

Cultural Resources

The County contains a wide variety of historical and archeological resources. These resources are both locally and nationally significant. By reducing the amount of polystyrene foam food packaging generated, the County's historical and archeological resource will be cleaner and more easily maintained. The proposed project will not affect known historic resources, archaeological resources, paleontological resources, unique geologic features or human remains. Therefore, the proposed project will have no impact on cultural resources. (Source: 1, 2)

Geology and Soils

This proposed project will not expose people or structures to the effects of earthquake fault rupture, seismic shaking, ground failure, landslides, soil erosion, unstable soil, or expansive soil. The proposed project will not include the use of septic tanks. The use of non-polystyrene foam over polystyrene foam food packaging does not involve any land use activities or actions; therefore, the proposed project will have no impact on geology and/or soils. (Source: 1, 2)

Hydrology and Water Quality

This proposed project will regulate the use of polystyrene foam food packaging, thereby reducing the amount of "small" permanent litter in county waterways, storm drains, and beaches and potentially improving county water quality. This project will provide "reasonable protection of beneficial uses and the prevention of nuisance" in accordance with the State Water Resource Control Board's Ocean Plan, Section II.C.1, "Floating particulates...shall not be visible" in ocean waters. Furthermore, the Central Coast Regional Water Quality Control Board's Basin Plan, Section II.A.2.a states as a general objective for all inland surface waters, enclosed bays, and estuaries, "waters shall not contain floating material, including solids, liquids, foams, and scum, in concentrations that cause nuisance or adversely affect beneficial uses."

This proposed project would not violate any water quality standards, deplete groundwater supplies, alter existing drainage, create runoff water, or degrade water quality. Implementation of the proposed project will not place any structure or people within the 100-year floodplain. Therefore, the proposed project will have no adverse impact on hydrology and/or water quality. By reducing the amount of polystyrene foam litter in local water ways, water quality may be improved. (Source: 1, 2, 5, 6)

Land Use and Planning

The County's General Plan recognizes the unique environmental setting found in Monterey County. The General Plan includes the following goals:

> Goal 1. To retain the character and natural beauty of Monterey County by the preservation, conversation, and maintenance of open space...

Goal 5. To conserve and enhance the water supply in the County and adequately plan for the development and protection of these resources and their related resources for future generations.

Goal 8. To encourage the conservation of forests and wooded areas as essential economic, natural, and aesthetic resources.

Goal 10. To protect and conserve the quality of the ocean and marine environments...

Goal 11. To conserve natural habitats for native plant and animal species and to promote preservation of rare and endangered plant and animal species.

This proposed project will regulate the use of polystyrene foam food packaging, thereby improving the environment and helping the County further achieve its above goals.

This proposed project will not divide an established community. This proposed project is consistent with the County's land use policies and will not conflict with any other applicable land use plan, policy, or regulation. This proposed project will not conflict with any applicable habitat conservation or natural community conservation plans. In some instances, this proposed project may improve habitat/natural community conservation efforts by reducing the amount of litter generated by polystyrene foam food packaging. The use of non-polystyrene foam over polystyrene foam food packaging does not involve land use considerations or affect the planning/zoning process; therefore, the proposed project will have no impact on land use and/or planning. (Source: 1, 2)

Mineral Resources

This proposed project would not result in the loss of availability of a known mineral resource that would be of value to regional/state residents or the loss of a locally important mineral resource recovery site. The use of non-polystyrene foam over polystyrene foam food packaging does not involve any land use activities or actions related to the exploration or extraction of mineral resources; therefore, no mineral resources will be affected by the proposed project. (Source: 1, 2)

Noise

This proposed project will not result in exposure of persons to noise levels in excess of established standards, generation of excessive ground-borne vibration or noise levels. In addition, the proposed project will not result in permanent or temporary increases in ambient noise levels within the project vicinity. The proposed project would not create excessive noise levels in or around airports or airstrips. The use of non-polystyrene foam over polystyrene foam food packaging does not involve any activities or actions that would generate excessive noise levels; therefore, the proposed project will have no impact on noise. (Source: 1, 2)

Population and Housing

This proposed project will not substantially induce growth and will not displace housing or people. The use of non-polystyrene foam over polystyrene foam food packaging does not

involve any land use activities or actions; therefore, the project will have no impact on population and/or housing. (Source: 1, 2)

Public Services

This proposed project will not create a new need for fire or police protection, schools, parks, or other public facilities. The use of non-polystyrene foam over polystyrene foam food packaging does not involve any land use activities or actions or cause changes in population densities; therefore, the project will have no impact on public services. (Source: 1, 2)

Recreation

This proposed project will not increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated. The proposed project does not include recreational facilities, nor require the construction or expansion of recreational facilities that might have an adverse physical effect on the environment. The use of non-polystyrene foam over polystyrene foam food packaging does not involve any land use activities or actions; therefore, the project will have no impact on recreation. (Source: 1, 2)

Transportation/Traffic

This proposed project will not induce traffic. Traffic and circulation will not be impacted with implementation of this project. The use of non-polystyrene foam over polystyrene foam food packaging does not involve any land use activities or actions that would induce or change existing traffic levels or patterns; therefore, the project will have no impact on transportation and/or traffic. (Source: 1, 2)

B. DETERMINATION

On the basis of this initial evaluation:

☑ I find that the proposed project COULD NOT have a significant effect on the environment, and a NEGATIVE DECLARATION will be prepared.

☐ I find that although the proposed project could have a significant effect on the environment there will not be a significant effect in this case because revisions in the project have been made by or agreed to by the project proponent. A MITIGATED NEGATIVE DECLARATION will be prepared.

☐ I find that the proposed project MAY have a significant effect on the environment, and an ENVIRONMENTAL IMPACT REPORT is required.

☐ I find that the proposed project MAY have a "potentially significant impact" or "potentially significant unless mitigated" impact on the environment, but at least one effect 1) has been adequately analyzed in an earlier document pursuant to applicable legal standards, and 2) has been addressed by mitigation measures based on the earlier analysis as described on attached sheets. An ENVIRONMENTAL IMPACT REPORT is required, but it must analyze only the effects that remain to be addressed.

☐ I find that although the proposed project could have a significant effect on the environment, because all potentially significant effects (a) have been analyzed adequately in an earlier EIR or NEGATIVE DECLARATION pursuant to applicable standards, and (b) have been avoided or mitigated pursuant to that earlier EIR or NEGATIVE DECLARATION, including revisions or mitigation measures that are imposed upon the proposed project, nothing further is required.

Signature	Date
Enrico Mangahis, REHS	Senior Environmental Health Specialist
Printed Name	Title

V. EVALUATION OF ENVIRONMENTAL IMPACTS

1) A brief explanation is required for all answers except "No Impact" answers that are adequately supported by the information sources a lead agency cites in the parentheses following each question. A "No Impact" answer is adequately supported if the referenced information sources show that the impact simply will not apply to projects like the one involved (e.g., the project falls outside a fault rupture zone). A "No Impact" answer should be explained where it is based on project-specific factors as well as general standards (e.g., the project will not expose sensitive receptors to pollutants, based on project-specific screening analysis).

2) All answers must take into account the whole action involved, including offsite as well as onsite, cumulative as well as project-level, indirect as well as direct, and construction as well as operational impacts.

3) Once the lead agency has determined that a particular physical impact may occur, then the checklist answers must indicate whether the impact is potentially significant, less than significant with mitigation, or less than significant. "Potentially Significant Impact" is appropriate if there is substantial evidence that an effect may be significant. If there are one or more "Potentially Significant Impact" entries when the determination is made, an EIR is required.

4) "Negative Declaration: Less Than Significant With Mitigation Incorporated" applies where the incorporation of mitigation measures has reduced an effect from "Potentially Significant Impact" to a "Less Than Significant Impact." The lead agency must describe the mitigation measures, and briefly explain how they reduce the effect to a less than significant level mitigation measures from Section XVII, "Earlier Analyses," may be cross-referenced).

5) Earlier analyses may be used where, pursuant to the tiering, program EIR, or other CEQA process, an effect has been adequately analyzed in an earlier EIR or negative declaration. Section 15063(c)(3)(D). In this case, a brief discussion should identify the following:

   a) Earlier Analysis Used. Identify and state where they are available for review.
   b) Impacts Adequately Addressed. Identify which effects from the above checklist were within the scope of and adequately analyzed in an earlier document pursuant to applicable legal standards, and state whether such effects were addressed by mitigation measures based on the earlier analysis.
   c) Mitigation Measures. For effects that are "Less than Significant with Mitigation Measures Incorporated," describe the mitigation measures which were incorporated or refined from the earlier document and the extent to which they address site-specific conditions for the project.

6) Lead agencies are encouraged to incorporate into the checklist references to information sources for potential impacts (e.g., general plans, zoning ordinances). Reference to a previously prepared or outside document should, where appropriate, include a reference to the page or pages where the statement is substantiated.

7) Supporting Information Sources: A source list should be attached, and other sources used or individuals contacted should be cited in the discussion.

8) The explanation of each issue should identify:

   a) The significance criteria or threshold, if any, used to evaluate each question; and
   b) The mitigation measure identified, if any, to reduce the impact to less than significance.

VI. ENVIRONMENTAL CHECKLIST

1. AESTHETICS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect on a scenic vista? (Source:1, 2)	☐	☐	☐	☑
b) Substantially damage scenic resources, including, but not limited to, trees, rock outcroppings, and historic buildings within a state scenic highway? (Source:1, 2)	☐	☐	☐	☑
c) Substantially degrade the existing visual character or quality of the site and its surroundings? (Source:1, 2)	☐	☐	☐	☑
d) Create a new source of substantial light or glare which would adversely affect day or nighttime views in the area? (Source:1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:
See Section IV.

2. AGRICULTURAL RESOURCES

In determining whether impacts to agricultural resources are significant environmental effects, lead agencies may refer to the California Agricultural Land Evaluation and Site Assessment Model (1997) prepared by the California Dept. of Conservation as an optional model to use in assessing impacts on agriculture and farmland.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Convert Prime Farmland, Unique Farmland, or Farmland of Statewide Importance (Farmland), as shown on the maps prepared pursuant to the Farmland Mapping and Monitoring Program of the California Resources Agency, to non-agricultural use? (Source:1, 2)	☐	☐	☐	☑
b) Conflict with existing zoning for agricultural use, or a Williamson Act contract? (Source:1, 2)	☐	☐	☐	☑
c) Involve other changes in the existing environment which, due to their location or nature, could result in conversion of Farmland, to non-agricultural use? (Source:1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:

See Section IV.

3. AIR QUALITY

Where available, the significance criteria established by the applicable air quality management or air pollution control district may be relied upon to make the following determinations.

Would the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Conflict with or obstruct implementation of the applicable air quality plan? (Source: 1, 2, 3, 4)	☐	☐	☐	☑
b) Violate any air quality standard or contribute substantially to an existing or projected air quality violation? (Source: 1, 2, 3, 4)	☐	☐	☐	☑
c) Result in a cumulatively considerable net increase of any criteria pollutant for which the project region is non-attainment under an applicable federal or state ambient air quality standard (including releasing emissions which exceed quantitative thresholds for ozone precursors)? (Source: 1, 2, 3, 4)	☐	☐	☑	☐
d) Result in significant construction-related air quality impacts? (Source: 1, 2, 3, 4)	☐	☐	☐	☑
e) Expose sensitive receptors to substantial pollutant concentrations? (Source: 1, 2, 3, 4)	☐	☐	☐	☑
f) Create objectionable odors affecting a substantial number of people? (Source: 1, 2, 3, 4)	☐	☐	☑	☐

Discussion/Conclusion/Mitigation:

a-b) This proposed project will not conflict or obstruct any air quality plan or violate any air quality standard or contribute to an existing or projected air quality violation.

c) This proposed project will not result in a cumulative net increase for any criteria pollutant for which the project region is non-attainment.

One byproduct of organic decomposition is methane gas, a greenhouse gas. Decomposition of organic non-polystyrene foam food packaging occurs in when these items are disposed of in anaerobic environments such as landfills. According to the Monterey Bay Unified Air Pollution Control District's Air Quality Management Plan, the "primary sources of VOC (which includes methane gas) within the planning area are on- and off-road motor vehicles, cleaning and surface coatings, solvent evaporation, landfills, petroleum production and marketing, and prescribed burning."

The County concludes that the use of organic non-polystyrene foam food packaging will have a less than significant impact on greenhouse gas emissions. The solid waste disposal sites where the County's waste is discarded (Monterey Peninsula Landfill and Johnson Canyon Landfill) are required by state regulations to monitor and control landfill gas emissions (including methane) through the use of active and passive landfill gas collection systems. Moreover, the Monterey Peninsula Landfill, operated by the Monterey Regional Waste Management District, has a cogeneration plant which converts the recovered landfill gas into electricity, thereby offsetting the local demand for other nonrenewable energy sources. In the end, the landfill gases produced due to the use of non-polystyrene foam food packaging are controlled and managed in ways that make emission impacts less than significant.

It is important to note that the County's primary goal in implementing this proposed project is to reduce the amount of litter and the impact to the natural environment due to polystyrene foam food packaging.

d-e) This proposed project will not have any construction-related air quality impacts or expose sensitive receptors to substantial pollutant concentrations since the use of non-polystyrene foam food packaging will have no direct or indirect impacts on these items.

f) As stated in Section 3.c. above, organic decomposition of non-polystyrene foam food packaging may create objectionable odors in the form of methane gas. As discussed previously, disposal sites have active and passive collection systems to capture methane gas. Additionally, solid waste facilities (landfills and composters) are required by state regulations to maintain Odor Impact Minimization Plans (OIMP). Between these two considerations, this project will not create objectionable odors affecting a substantial number of people.

4. **BIOLOGICAL RESOURCES** **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive, or special status species in local or regional plans, policies, or regulations, or by the California Department of Fish and Game or U.S. Fish and Wildlife Service? (Source: 1, 2)	☐	☐	☐	☑
b) Have a substantial adverse effect on any riparian habitat or other sensitive natural community identified in local or regional plans, policies, or regulations or by the California Department of Fish and Game or US Fish and Wildlife Service? (Source: 1, 2)	☐	☐	☐	☑

4. BIOLOGICAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
c) Have a substantial adverse effect on federally protected wetlands as defined by Section 404 of the Clean Water Act (including, but not limited to, marsh, vernal pool, coastal, etc.) through direct removal, filling, hydrological interruption, or other means? (Source: 1, 2, 3, 7)	☐	☐	☐	☑
d) Interfere substantially with the movement of any native resident or migratory fish or wildlife species or with established native resident or migratory wildlife corridors, or impede the use of native wildlife nursery sites? (Source: 1, 2)	☐	☐	☐	☑
e) Conflict with any local policies or ordinances protecting biological resources, such as a tree preservation policy or ordinance? (Source: 1, 2)	☐	☐	☐	☑
f) Conflict with the provisions of an adopted Habitat Conservation Plan, Natural Community Conservation Plan, or other approved local, regional, or state habitat conservation plan? (Source: 1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:
See Section IV.

5. CULTURAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause a substantial adverse change in the significance of a historical resource as defined in 15064.5? (Source: 1, 2)	☐	☐	☐	☑
b) Cause a substantial adverse change in the significance of an archaeological resource pursuant to 15064.5? (Source: 1, 2)	☐	☐	☐	☑
c) Directly or indirectly destroy a unique paleontological resource or site or unique geologic feature? (Source: 1, 2)	☐	☐	☐	☑
d) Disturb any human remains, including those interred outside of formal cemeteries? (Source: 1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:

See Section IV.

6. GEOLOGY AND SOILS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Expose people or structures to potential substantial adverse effects, including the risk of loss, injury, or death involving:				
i) Rupture of a known earthquake fault, as delineated on the most recent Alquist-Priolo Earthquake Fault Zoning Map issued by the State Geologist for the area or based on other substantial evidence of a known fault? Refer to Division of Mines and Geology Special Publication 42. (Source: 1, 2)	☐	☐	☐	☑
ii) Strong seismic ground shaking? (Source: 1, 2)	☐	☐	☐	☑
iii) Seismic-related ground failure, including liquefaction? (Source: 1, 2)	☐	☐	☐	☑
iv) Landslides? (Source: 1, 2)	☐	☐	☐	☑
b) Result in substantial soil erosion or the loss of topsoil? (Source: 1, 2)	☐	☐	☐	☑
c) Be located on a geologic unit or soil that is unstable, or that would become unstable as a result of the project, and potentially result in on- or off-site landslide, lateral spreading, subsidence, liquefaction or collapse? (Source: 1, 2)	☐	☐	☐	☑
d) Be located on expansive soil, as defined in Table 18-1-B of the Uniform Building Code (1994), creating substantial risks to life or property? (Source: 1, 2)	☐	☐	☐	☑
e) Have soils incapable of adequately supporting the use of septic tanks or alternative wastewater disposal systems where sewers are not available for the disposal of wastewater? (Source: 1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:
See Section IV.

7. HAZARDS AND HAZARDOUS MATERIALS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Create a significant hazard to the public or the environment through the routine transport, use, or disposal of hazardous materials? (Source: 1, 2, 11)	☐	☐	☐	☑
b) Create a significant hazard to the public or the environment through reasonably foreseeable upset and accident conditions involving the release of hazardous materials into the environment? (Source: 1, 2, 11)	☐	☐	☐	☑
c) Emit hazardous emissions or handle hazardous or acutely hazardous materials, substances, or waste within one-quarter mile of an existing or proposed school? (Source: 1, 2, 11)	☐	☐	☐	☑
d) Be located on a site which is included on a list of hazardous materials sites compiled pursuant to Government Code Section 65962.5 and, as a result, would it create a significant hazard to the public or the environment? (Source: 1, 2, 11)	☐	☐	☐	☑
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 2)	☐	☐	☐	☑
f) For a project within the vicinity of a private airstrip, would the project result in a safety hazard for people residing or working in the project area? (Source: 1, 2)	☐	☐	☐	☑
g) Impair implementation of or physically interfere with an adopted emergency response plan or emergency evacuation plan? (Source: 1, 2)	☐	☐	☑	☐
h) Expose people or structures to a significant risk of loss, injury or death involving wildland fires, including where wildlands are adjacent to urbanized areas or where residences are intermixed with wildlands? (Source: 1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:

a-d) This proposed project will not create, emit, or otherwise expose the public or the environment to hazardous or acutely hazardous materials since non-polystyrene foam food packaging do not contain significant quantities of hazardous or acutely hazardous materials. Most non-polystyrene foam food packaging are made from materials Generally Recognized As Safe (GRAS) by the U.S. Food and Drug Administration in

accordance with the 21 CFR § 186.1673 or indirect food additives as indicated in 21 CFR § 176.260 and 21 CFR § 177.1010-177.2910.

e-f) This proposed project will not adversely impact or pose a safety hazard to air travel since the use of non-polystyrene foam food packaging has no direct or indirect impact to air travel.

g) The proposed ordinance provides exemptions for food-related disaster relief by authorized persons/organizations. As such, this project will create a less-than-significant impact to emergency response plans.

h) This proposed project will not expose people or structures to wildland fires.

8. HYDROLOGY AND WATER QUALITY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Violate any water quality standards or waste discharge requirements? (Source: 1, 2, 5, 6)	☐	☐	☐	☑
b) Substantially deplete groundwater supplies or interfere substantially with groundwater recharge such that there would be a net deficit in aquifer volume or a lowering of the local groundwater table level (e.g., the production rate of pre-existing nearby wells would drop to a level which would not support existing land uses or planned uses for which permits have been granted)? (Source: 1, 2, 5, 6)	☐	☐	☐	☑
c) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, in a manner which would result in substantial erosion or siltation on- or off-site? (Source: 1, 2, 5, 6)	☐	☐	☐	☑
d) Substantially alter the existing drainage pattern of the site or area, including through the alteration of the course of a stream or river, or substantially increase the rate or amount of surface runoff in a manner which would result in flooding on- or off-site? (Source: 1, 2, 5, 6)	☐	☐	☐	☑
e) Create or contribute runoff water which would exceed the capacity of existing or planned stormwater drainage systems or provide substantial additional sources of polluted runoff? (Source: 1, 2, 5, 6)	☐	☐	☐	☑
f) Otherwise substantially degrade water quality? (Source: 1, 2, 5, 6)	☐	☐	☐	☑

8. HYDROLOGY AND WATER QUALITY **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Place housing within a 100-year flood hazard area as mapped on a federal Flood Hazard Boundary or Flood Insurance Rate Map or other flood hazard delineation map? (Source: 1, 2)	☐	☐	☐	☑
h) Place within a 100-year flood hazard area structures which would impede or redirect flood flows? (Source: 1, 2)	☐	☐	☐	☑
i) Expose people or structures to a significant risk of loss, injury or death involving flooding, including flooding as a result of the failure of a levee or dam? (Source: 1, 2)	☐	☐	☐	☑
j) Inundation by seiche, tsunami, or mudflow? (Source: 1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:
See Section IV.

9. LAND USE AND PLANNING **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Physically divide an established community? (Source: 1, 2)	☐	☐	☐	☑
b) Conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, local coastal program, or zoning ordinance) adopted for the purpose of avoiding or mitigating an environmental effect? (Source: 1, 2)	☐	☐	☐	☑
c) Conflict with any applicable habitat conservation plan or natural community conservation plan? (Source: 1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:
See Section IV.

10. MINERAL RESOURCES **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Result in the loss of availability of a known mineral resource that would be of value to the region and the residents of the state? (Source: 1, 2)	☐	☐	☐	☑
b) Result in the loss of availability of a locally important mineral resource recovery site delineated on a local general plan, specific plan or other land use plan? (Source: 1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:
See Section IV.

11. NOISE **Would the project result in:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exposure of persons to or generation of noise levels in excess of standards established in the local general plan or noise ordinance, or applicable standards of other agencies? (Source: 1, 2)	☐	☐	☐	☑
b) Exposure of persons to or generation of excessive groundborne vibration or groundborne noise levels? (Source: 1, 2)	☐	☐	☐	☑
c) A substantial permanent increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2)	☐	☐	☐	☑
d) A substantial temporary or periodic increase in ambient noise levels in the project vicinity above levels existing without the project? (Source: 1, 2)	☐	☐	☐	☑
e) For a project located within an airport land use plan or, where such a plan has not been adopted, within two miles of a public airport or public use airport, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2)	☐	☐	☐	☑
f) For a project within the vicinity of a private airstrip, would the project expose people residing or working in the project area to excessive noise levels? (Source: 1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:

See Section IV.

12. POPULATION AND HOUSING **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Induce substantial population growth in an area, either directly (for example, by proposing new homes and businesses) or indirectly (for example, through extension of roads or other infrastructure)? (Source: 1, 2)	☐	☐	☐	☑
b) Displace substantial numbers of existing housing, necessitating the construction of replacement housing elsewhere? (Source: 1, 2)	☐	☐	☐	☑
c) Displace substantial numbers of people, necessitating the construction of replacement housing elsewhere? (Source: 1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:
See Section IV.

13. PUBLIC SERVICES **Would the project result in:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
Substantial adverse physical impacts associated with the provision of new or physically altered governmental facilities, need for new or physically altered governmental facilities, the construction of which could cause significant environmental impacts, in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:				
a) Fire protection? (Source: 1, 2)	☐	☐	☐	☑
b) Police protection? (Source: 1, 2)	☐	☐	☐	☑
c) Schools? (Source: 1, 2)	☐	☐	☐	☑
d) Parks? (Source: 1, 2)	☐	☐	☐	☑
e) Other public facilities? (Source: 1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:

See Section IV.

14. RECREATION **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Increase the use of existing neighborhood and regional parks or other recreational facilities such that substantial physical deterioration of the facility would occur or be accelerated? (Source: 1, 2)	☐	☐	☐	☑
b) Does the project include recreational facilities or require the construction or expansion of recreational facilities which might have an adverse physical effect on the environment? (Source: 1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:
See Section IV.

15. TRANSPORTATION/TRAFFIC **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Cause an increase in traffic which is substantial in relation to the existing traffic load and capacity of the street system (i.e., result in a substantial increase in either the number of vehicle trips, the volume to capacity ratio on roads, or congestion at intersections)? (Source: 1, 2)	☐	☐	☐	☑
b) Exceed, either individually or cumulatively, a level of service standard established by the county congestion management agency for designated roads or highways? (Source: 1, 2)	☐	☐	☐	☑
c) Result in a change in air traffic patterns, including either an increase in traffic levels or a change in location that results in substantial safety risks? (Source: 1, 2)	☐	☐	☐	☑
d) Substantially increase hazards due to a design feature (e.g., sharp curves or dangerous intersections) or incompatible uses (e.g., farm equipment)? (Source: 1, 2)	☐	☐	☐	☑
e) Result in inadequate emergency access? (Source: 1, 2)	☐	☐	☐	☑
f) Result in inadequate parking capacity? (Source: 1, 2)	☐	☐	☐	☑

15. TRANSPORTATION/TRAFFIC **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
g) Conflict with adopted policies, plans, or programs supporting alternative transportation (e.g., bus turnouts, bicycle racks)? (Source: 1, 2)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:
See Section IV.

16. UTILITIES AND SERVICE SYSTEMS **Would the project:**	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Exceed wastewater treatment requirements of the applicable Regional Water Quality Control Board? (Source: 1, 2, 5)	☐	☐	☐	☑
b) Require or result in the construction of new water or wastewater treatment facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 2)	☐	☐	☐	☑
c) Require or result in the construction of new storm water drainage facilities or expansion of existing facilities, the construction of which could cause significant environmental effects? (Source: 1, 2)	☐	☐	☐	☑
d) Have sufficient water supplies available to serve the project from existing entitlements and resources, or are new or expanded entitlements needed? (Source: 1, 2)	☐	☐	☐	☑
e) Result in a determination by the wastewater treatment provider which serves or may serve the project that it has adequate capacity to serve the project's projected demand in addition to the provider's existing commitments? (Source: 1, 2)	☐	☐	☐	☑
f) Be served by a landfill with sufficient permitted capacity to accommodate the project's solid waste disposal needs? (Source: 1, 2, 9, 10)	☐	☐	☑	☐
g) Comply with federal, state, and local statutes and regulations related to solid waste? (Source: 1, 2, 9, 10)	☐	☐	☑	☐

Discussion/Conclusion/Mitigation:

a-e) This proposed project will not adversely impact sewer, wastewater, water, or drainage facilities. In some instances, wastewater treatment and storm water drainage facilities may see improvements in current operations by reducing the amount of non-biodegradable polystyrene foam food packaging that are introduced into the systems.

f-g) The total amount of food packaging will not be affected by this ordinance since the number of food facilities (restaurants, markets, cafés, etc.) is not changing. By replacing polystyrene foam food packaging with products that will biodegrade or can be recycled locally, it will likely result in a reduction in the total amount of food packaging that ultimately reaches the landfill. Furthermore many non- polystyrene foam food packaging disposed in landfills will degrade more quickly over time, ultimately using less airspace.

The two landfills that will ultimately serve this ordinance will be the Monterey Peninsula Landfill and the Johnson Canyon Sanitary Landfill. Between these two landfills, there is over 130 years of landfill capacity in Monterey County. This ordinance is not expected to cause an increase in the total amount of food packaging generated; however, both landfills have the capacity to accept additional solid waste. Furthermore, since polystyrene foam is easily wind-borne as refuse vehicles dump their loads at the landfills, a reduction in food packaging reaching the landfill may help reduce wind-borne litter and assist the landfill facility to remain compliant with litter control regulations. The proposed ordinance will have no impact, but will be beneficial in some cases.

VII. MANDATORY FINDINGS OF SIGNIFICANCE

NOTE: If there are significant environmental impacts which cannot be mitigated and no feasible project alternatives are available, then complete the mandatory findings of significance and attach to this initial study as an appendix. This is the first step for starting the environmental impact report (EIR) process.

Does the project:	Potentially Significant Impact	Less Than Significant With Mitigation Incorporated	Less Than Significant Impact	No Impact
a) Have the potential to degrade the quality of the environment, substantially reduce the habitat of a fish or wildlife species, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11)	☐	☐	☐	☑
b) Have impacts that are individually limited, but cumulatively considerable? ("Cumulatively considerable" means that the incremental effects of a project are considerable when viewed in connection with the effects of past projects, the effects of other current projects, and the effects of probable future projects)? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11)	☐	☐	☐	☑
c) Have environmental effects which will cause substantial adverse effects on human beings, either directly or indirectly? (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11)	☐	☐	☐	☑

Discussion/Conclusion/Mitigation:

a-c) This Initial Study finds that the proposed project and associated activities would have only less-than-significant impacts on the environment in the areas of air quality, hazards/hazardous materials, and utilities/service systems ; and no impacts in any other topical areas. The proposed project would have no adverse impact on the quality of the environment, the habitat of a fish or wildlife species or population, plant or animal communities, rare or endangered plant or animal or important examples of the major periods of California history or prehistory. The proposed project would not have significant adverse effects on human beings directly or indirectly. The previous sections document the reasons for this determination.

VIII. FISH AND GAME ENVIRONMENTAL DOCUMENT FEES

Assessment of Fee:

The State Legislature, through the enactment of Senate Bill (SB) 1535, revoked the authority of lead agencies to determine that a project subject to CEQA review had a "de minimis" (minimal) effect on fish and wildlife resources under the jurisdiction of the Department of Fish and Game. Projects that were determined to have a "de minimis" effect were exempt from payment of the filing fees.

SB 1535 has eliminated the provision for a determination of "de minimis" effect by the lead agency; consequently, all land development projects that are subject to environmental review are now subject to the filing fees, unless the Department of Fish and Game determines that the project will have no effect on fish and wildlife resources.

To be considered for determination of "no effect" on fish and wildlife resources, development applicants must submit a form requesting such determination to the Department of Fish and Game. Forms may be obtained by contacting the Department by telephone at (916) 631-0606 or through the Department's website at www.dfg.ca.gov.

Conclusion: This project will not be required to pay the fee (tentative).

Evidence: Based on the record as a whole as embodied in the Monterey County Resource Management Agency Planning Department files pertaining to PLN090146 and the attached Initial Study, the proposed project to introduce regulations to regulate and limit the use of polystyrene foam food packaging by food providers in unincorporated Monterey County would not have a substantial adverse effect, either directly or through habitat modifications, on any species identified as a candidate, sensitive or special status species or have a substantial adverse effect on any riparian habitat or other sensitive natural communities identified in local or regional plans, policies, regulations, or by the California Department of Fish and Game (CDFG) or the U.S. Fish and Wildlife Service (USFWS). The project will not have the potential to degrade the environment (Source: 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11).

IX. REFERENCES

1. Proposed Ordinance Adding Chapter 10.42 to the Monterey County Code to Regulate and Limit the Use of Polystyrene Foam Food Packaging by Food Providers in the unincorporated area of the County of Monterey.
2. County of Monterey, CA. *Monterey County General Plan.* Sep 1982.
3. Monterey Bay Unified Air Pollution Control District. *2008 Air Quality Management Plan for the Monterey Bay Region.* Aug 2008.
4. Monterey Bay Unified Air Pollution Control District. *CEQA Air Quality Guidelines.* Feb 2008.
5. Central Coast Regional Water Quality Control Board. *Water Quality Control Plan for the Central Coastal Basin (Basin Plan).* Sep 1994.
6. State Water Resources Control Board. *Water Quality Control Plan for Ocean Waters of California (Ocean Plan).* Dec 2001.
7. Letter to the City of Monterey from Paul Michel, Superintendent, Monterey Bay National Marine Sanctuary. August 12, 2008.
8. Monterey Bay National Marine Sanctuary. *List of Special Status Species.* May 2008.
9. Monterey County Solid Waste Local Enforcement Agency. *Solid Waste Facility Permit for Johnson Canyon Sanitary Landfill* (SWIS # 27-AA-0005). Feb 2008.
10. Monterey County Solid Waste Local Enforcement Agency. *Solid Waste Facility Permit for Monterey Peninsula Landfill* (SWIS # 27-AA-0010). Aug 2005.
11. Code of Federal Regulations, Title 21, Chapter I

X. ATTACHMENTS

A. Proposed Ordinance Adding Chapter 10.42 to the Monterey County Code to Regulate and Limit the Use of Polystyrene Foam Food Packaging by Food Providers in the Unincorporated area of the County of Monterey.

B. CDFG "No Effect Determination" Request Form