



## Board Report

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**File #:** 14-834, **Version:** 1

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- a. Introduce, waive reading and consider an ordinance 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;
- b. Consider finding the ordinance categorically exempt under California Environmental Quality Act (CEQA) Guidelines Sections 15307 and 15308; and
- c. Set August 26, 2014 at 10:30 a.m. (consent calendar) as the date and time to consider finding the ordinance categorically exempt under CEQA and adopting the ordinance.

### RECOMMENDATION:

It is recommended that the Board of Supervisors:

- a. Introduce, waive reading and consider an ordinance 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;
- b. Consider finding the ordinance categorically exempt under California Environmental Quality Act (CEQA) Guidelines Sections 15307 and 15308; and
- c. Set August 26, 2014 at 10:30 a.m. (consent calendar) as the date and time to consider finding the ordinance categorically exempt under CEQA and adopting the ordinance.

### SUMMARY:

The subject ordinance would add Chapter 10.43 to the Monterey County Code to prohibit certain types of retail establishments within unincorporated Monterey County from providing thin-film plastic single-use carryout bags at the point of sale and requiring a minimum charge of ten cents for recycled paper bags and reusable bags. 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. Key elements of the proposed ordinance are that it:

- Applies to the unincorporated area of Monterey County
- Prohibits retailers from providing thin-film plastic single-use carryout bags, free recycled paper bags, or free reusable bags to customers.
- Requires a minimum charge 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.
- Allows the ten cent charge to be retained by the retailer to recover the cost of the paper or reusable bags.
- Applies to retail establishments that sell perishable or nonperishable goods including clothing, food, personal items and farmers markets.
- Does not apply to restaurants, take-out food establishments, and wholesale agricultural produce packing and shipping businesses.
- “Single-use carry-out bags” are defined as a bag, other than a reusable bag or recycled paper bag, provided by the retailer for the purpose of transporting food or merchandise out of the retail establishment.
- Exempts bags no larger than 11” by 17” without handles provided to the customer: (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) Garment Bags regardless of size.

- Specifies reusability standards for “reusable bag” as a bag with handles that is specifically designed and manufactured to be reused at least 125 times and that is either (1) made of cloth or other washable natural or synthetic fibers that can be cleaned and disinfected, or (2) made from plastic film that is at least four (4.0) mils thick and capable of being cleaned and disinfected.
- Enforcement would be under the Monterey County Environmental Health Bureau.
- Incorporates a six month “grace period” from the effective date of the ordinance in order to allow retail establishments time to make necessary arrangements for compliance and to expend current stocks of plastic single-use carry-out bags. The grace period also gives County staff time to maximize the usage rate of reusable bags by implementing focused outreach and education of both the public and retailers and distributing reusable bags.

#### DISCUSSION:

Detailed discussion is provided in Attachment A. In regards to environmental review under CEQA, the proposed ordinance has been analyzed in light of the local setting, and substantial evidence demonstrates that the proposed ordinance is categorically exempt under CEQA Guidelines sections 15307 and 15308 because the ordinance involves procedures for protection of natural resources and the environment. (See Attachments 3 and 4, Categorical Exemption Report and Appendices.)

#### OTHER AGENCY INVOLVEMENT:

The following agencies have participated in the development of this ordinance: RMA - Planning; County Counsel has approved the ordinance as to form. A similar but earlier version of the draft ordinance was reviewed by the Alternative Energy and Environment Committee on March 24, 2014. The committee recommended forwarding the proposed ordinance to the full Board for formal consideration.

#### FINANCING:

Adoption of the ordinance itself will not have direct financial impacts. Nominal costs for implementation, enforcement, public outreach and education will be covered through existing department budgets.

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Approved by: Ray Bullick, Director of Health, 4526

#### ATTACHMENTS:

Attachment 1 Discussion on file with the Clerk of the Board

Attachment 2 Draft Ordinance adding Chapter 10.43 to the Monterey County Code on file with the Clerk of the Board

Attachment 3 Categorical Exemption Report on file with the Clerk of the Board

Attachment 4 Appendices A, B and C to Categorical Exemption Report on file with the Clerk of the Board