



County of Santa Cruz

0277

DEPARTMENT OF PUBLIC WORKS

THOMAS L. BOLICH
DIRECTOR OF PUBLIC WORKS

AGENDA: DECEMBER 11, 2001

November 20, 2001

SANTA CRUZ COUNTY BOARD OF SUPERVISORS
701 Ocean Street
Santa Cruz, California 95060

SUBJECT: ORDINANCE AMENDING CHAPTER 5.46
REGARDING ENVIRONMENTALLY ACCEPTABLE
PACKAGING MATERIALS

Dear Members of the Board:

On October 2, 2001, your Board adopted in concept an ordinance to amend Chapter 5.46 of the Santa Cruz County Code, referred the ordinance to the Environmental Coordinator, and directed that the ordinance be returned to your Board on December 11, 2001, for final adoption. The Environmental Coordinator has determined that the original Negative Declaration approved in conjunction with the adoption of Chapter 5.46 would apply to this ordinance amendment, and this modification to Chapter 5.46 would not therefore require further environmental review. A copy of the Environmental Coordinator's determination is attached to this letter.

It is therefore recommended that your Board adopt the attached ordinance amending Chapter 5.46 of the Santa Cruz County Code regarding environmentally acceptable packaging materials.

Yours truly, -

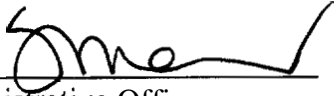
THOMAS L. BOLICH
Director of Public Works

DDG:mg

Attachments

RECOMMENDED FOR APPROVAL:

0278



County Administrative Officer

Copy to:

- Public Works
- California Public Interest Group
- Clerk of the Board
- County Administrative Office
- County Counsel
- County Environmental Health Services
- County Health Officer
- Public Works, Solid Waste Division
- Dominican Hospital
- Each City
- Ecology Action of Santa Cruz
- Elected Representatives to the Integrated Waste Management Local Task Force
- Food and Nutrition Services
- Local Schools Food Services
- Santa Cruz Area Chamber of Commerce
- Santa Cruz Area Restaurant Association
- Unincorporated Areas Chambers of Commerce

ORDINANCE AMENDING CHAPTER 5.46 OF THE
SANTA CRUZ COUNTY CODE REGARDING
ENVIRONMENTALLY ACCEPTABLE PACKAGING MATERIALS

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

Section 5.46.030 of the Santa Cruz County Code is hereby amended to read as follows:

5.46.030 Establishment of Packaging Goals.

- A. Use of Polystyrene Foam in Packaging Materials. It shall be a policy goal of Santa Cruz County that no retail food establishment shall package food or beverages in any food packaging and that no other business establishment shall package any product in any package which utilizes polystyrene foam; or purchase, obtain, keep, distribute, or sell for home or personal use, or give, serve, or otherwise provide to customers any food or other packaging which utilizes polystyrene foam. The County of Santa Cruz shall encourage, on a voluntary basis, the elimination of all food and other packaging which utilizes polystyrene foam, on or before July 1, 2004,
- B. Use of Recyclable and Biodegradable Packaging Materials. It shall be a policy goal of the County of Santa Cruz that the food packaging in which foods or beverages are provided to customers in retail food establishments shall be either biodegradable, recyclable, or returnable. The County of Santa Cruz shall encourage, on a voluntary basis, the reduction of non biodegradable, non recyclable, or non returnable food and beverage packaging used by retail food establishments within Santa Cruz County, to the maximum extent possible, on or before July 1, 2004, and so that, at a minimum, and by that date, no less than 50 percent, by volume, of each retail food establishment's food packaging, in which food or beverages are provided to customers, shall be either biodegradable, recyclable or returnable.

SECTION II

Section 5.46.040 of the Santa Cruz County Code is hereby amended to read as follows:

5.46.040 Review of Attainment of Packaging Goals.

- A. Within ninety (90) days after July 1, 2004, the County Public Works Director shall report to the Board of Supervisors concerning the degree to which the policy goal established by Section 5.46.030 (A) has been attained. Upon a finding by the Board of Supervisors that the goal has not been attained, the prohibitions contained in Section 5.46.045 (A) shall apply. The finding required by this section shall be made by the adoption of an appropriate ordinance, based upon the report called for in Section 5.46.040 (A), after a public hearing.
- B. Within ninety (90) days after July 1, 2004, the County Public Works Director shall report to the Board of Supervisors concerning the degree to which the policy goal established by Section 5.46.030 (B) has been attained. Upon a finding by the Board of Supervisors that the goal has not been attained, the prohibitions contained in Section 5.46.045 (B) shall apply. The finding required by this section shall be made by the adoption of an appropriate ordinance, based upon the report called for in Section 5.46.040 (B), after a public hearing.

SECTION III

Section 5.46.0450 of the Santa Cruz County Code is hereby amended to read as follows:

5.46.045 Food Packaging Prohibitions

- A. Provided that a finding has been made pursuant to Section 5.46.040 (A), and commencing on March 1, 2005, no retail food establishment shall package food or beverages in any food packaging which utilizes polystyrene foam; or purchase, obtain, keep, distribute, or sell for home or personal use, or give, serve, or otherwise provide to customers any food or other packaging which utilizes polystyrene foam, except as provided in Section 5.45.050 of this chapter.
- B. Provided that a finding has been made pursuant to Section 5.46.040 (B), and commencing on March 1, 2005, no less than 50 percent, by volume, of each retail food establishment's food packaging, in which food or beverages are provided to customers shall be either biodegradable, recyclable or returnable.

SECTION IV

This ordinance shall take effect on the 31st day after the date of final passage.

PASSED AND ADOPTED this _____ day of _____, 2001, by the Board of Supervisors of the County of Santa Cruz by the following vote:

AYES: SUPERVISORS

NOES: SUPERVISORS

ABSENT: SUPERVISORS

ABSTAIN: SUPERVISORS

Chair of the Board of Supervisors

Attest: _____
Clerk of the Board

APPROVED AS TO FORM:



Chief Assistant County Counsel

DISTRIBUTION:


California Public Interest Group
Clerk of the Board
County Administrative Office
County Counsel
County Environmental Health Services
Public Works, Solid Waste Division
Dominican Hospital
Each City Manager
Ecology Action of Santa Cruz
Integrated Waste Management Local Task Force
Food and Nutrition Services
Local Schools Food Services
Santa Cruz Area Chamber of Commerce
Santa Cruz Area Restaurant Association
Unincorporated Area Chambers of Commerce

pckm.wpd

COUNTY OF SANTA CRUZ
PLANNING DEPARTMENT

0282

DATE: October 5, 2001
TO: Dan DeGrassi, Department of Public Works
FROM: Paia Levine, Deputy Environmental Coordinator
SUBJECT: CEQA Review of Proposed Amendment to Packaging Ordinance



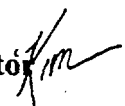
Extension of the dates in the Ordinance does not require a new environmental document. Consistent with the similar amendment made in 1998, the original Negative Declaration continues to apply. See Memo of Kim Tschantz, November 18, 1998 for more detail.

COUNTY OF SANTA CRUZ
INTEROFFICE CORRESPONDENCE

0283

DATE: November 18, 1998

TO: Dan DeGrassi, Public Works

FROM: Kim Tschantz, Deputy Environmental Coordinator 

SUBJECT: AMENDMENT OF COUNTY CODE SECTION 4.56
(ENVIRONMENTALLY ACCEPTABLE PACKAGING MATERIALS)

I have reviewed the proposed ordinance amendment language (Exhibit A) which **show** the change to the target date for voluntary compliance with the elimination of polystyrene foam products. This change to the existing ordinance would not require additional Environmental Review. The Negative Declaration (Exhibit B) issued on June 29, 1989 and its corresponding Initial Study continue to apply to the ordinance even with a revised target date.

The Initial Study concludes that there will be no negative environmental impacts but rather will result in several beneficial environmental effects. The change of the target date will generate the same beneficial effects but these positive effects will occur at a later time period. This "delay" of beneficial effects would not be considered a negative environmental impact because adoption of the new target date will not create any adverse changes as compared with the present situation.

Exhibits:

- A - Proposed Ordinance Amendment
- B - Negative Declaration

ORDINANCE NO. _____

ORDINANCE AMENDING CHAPTER 5.46 OF THE
SANTA CRUZ COUNTY CODE REGARDING
ENVIRONMENTALLY ACCEPTABLE PACKAGING MATERIALS

The Board of Supervisors of the County of Santa Cruz ordains as follows:

SECTION I

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A. Use of Polystyrene Foam in Packaging Materials. It shall be a policy goal of Santa Cruz County that no retail food establishment shall package food or beverages in any food packaging and that no other business establishment shall package any product in any package which utilizes polystyrene foam; or purchase, obtain, keep, distribute, or sell for home or personal use, or give, serve, or otherwise provide to customers any food or other packaging which utilizes polystyrene foam. The County of Santa Cruz shall encourage, on a voluntary basis, the elimination of all food and other packaging which utilizes polystyrene foam, on or before ~~July 1, 1998~~ July 1, 2001.

B. Use of Recyclable and Biodegradable Packaging Materials. It shall be a policy goal of the County of Santa Cruz that the food packaging in which foods or beverages are provided to customers in retail food establishments shall be either biodegradable, recyclable, or returnable. The County of Santa Cruz shall encourage, on a voluntary basis, the reduction of nonbiodegradable, nonrecyclable, or nonreturnable food and beverage packaging used by retail food establishments within Santa Cruz County, to the maximum extent possible, on or before ~~July 1, 1998~~ July 1, 2001, and so that, at a minimum, and by that date, no less than 50%, by volume, of each retail food establishment's food packaging, in which food or beverages are provided to customers, shall be either biodegradable, recyclable or returnable.

SECTION II

Section 5.46.040 of the Santa Cruz County Code is hereby amended to read as follows:

5.46.040 Review of Attainment of Packaging Goals.

A. Within ~~sixty (60)~~ ninetv (90) days after ~~July 1, 1998~~ July 1, 2001, the County Public Works Director shall report to the Board of Supervisors concerning the degree to which the policy goal established by Section 5.46.030 (A) has been attained. Upon a finding by the Board of Supervisors that the goal has not been attained, the prohibitions contained in Section 5.46.045 (A) shall apply. The finding required by this section shall be made by the adoption of an appropriate ordinance, based upon the report called for in Section 5.46.040 (A), after a public hearing.

B. Within ~~sixty (60)~~ ninetv (90) days after ~~July 1, 1998~~ July 1, 2001, the County Public Works Director shall report to the Board of Supervisors concerning the degree to which the policy goal established by Section 5.46.030 (B) has been attained. Upon a finding by the Board of Supervisors that the goal has not been attained, the prohibitions'contained in Section 5.46.045 (B) shall apply. The finding required by this section shall be made by the adoption of an appropriate ordinance, based upon the report called for in Section 5.46.040(B), after a public hearing.

SECTION III

Section 5.46.0450 of the Santa Cruz County Code is hereby amended to read as follows:

5.46.045 Food Packaging Prohibitions

A. Provided that a finding has been made pursuant to Section 5.46.040 (A), and commencing ~~on January 1, 1999,~~ March 1, 2002, no retail food establishment shall package food or beverages in any food packaging which utilizes polystyrene foam; or purchase, obtain, keep, distribute, or sell for home or personal use, or give, serve, or otherwise provide to customers any food or other packaging which utilizes polystyrene foam, except as provided in Section 5.45.050 of this chapter.

B. Provided that a finding has been made pursuant to Section 5.46.040 (B), and commencing on ~~January 1, 1999,~~ March 1, 2002, no less than 50%, by volume, of each retail food establishment's food packaging, in which food or beverages are provided to customers shall be either biodegradable, recyclable or returnable.

SECTION III

This ordinance shall take effect on the 31st day after the date of final passage.

THIS NOTICE HAS BEEN POSTED
IN THE CLERK OF THE BOARD OF SUPERVISORS
OFFICE FOR A PERIOD COMMENCING
JULY 24, 1989.

NEGATIVE DECLARATION AND NOTICE OF DETERMINATION

EXHIBIT B

COUNTY OF SANTA CRUZ

AND ENDING
AUGUST 24,
1989

Adoption of an ordinance to 1) establish goals for the elimination of polystyrene foam (PSF) food packaging and for the use of food packaging that is either recyclable, biodegradable or returnable; 2) to encourage voluntary compliance with said goals within a specified time frame; and 3) to establish a process for ascertaining level of achievement of said goals and for setting a mandatory requirement to achieve the goals.

0286

APN: County-wide

DAN DE GRASSI, Planner
All Zone Districts

Telephone: 425-2853

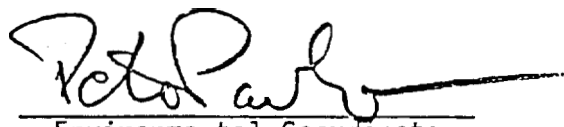
Findings:

This project, if conditioned to comply with required mitigation measures or conditions shown below, will not have a significant effect on the environment. The expected environmental impacts of the project are documented in the Initial Study on this project attached to the original of this notice on file with the Planning Department, County of Santa Cruz, 701 Ocean Street, Santa Cruz, California.

Required Mitigation Measures or Conditions:

No conditions required.

Date Approved By Environmental Coordinator 6/29/89. Appeal Period
Ends 7/10/89.


Environmental Coordinator
PETE PARKINSON

If this project is approved, complete and file this notice with the Clerk of the Board:

NOTICE OF DETERMINATION

The Final Approval of This Project was Granted by Board of Supervisors
on July 18, 1989. No EIR was prepared under CEQA.

THE PROJECT WAS DETERMINED TO NOT HAVE A SIGNIFICANT EFFECT ON THE ENVIRONMENT.

Date completed Notice filed
with Clerk of the Board

By:

(Decision-Making Body)

Title: Chairperson, Board of Supervisors

45

