



## CITY OF GLENDALE, CALIFORNIA REPORT TO THE CITY COUNCIL

### **AGENDA ITEM**

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Report: Ordinance Amending Glendale Municipal Code, 1995, By Replacing Chapter 8.42 In Its Entirety, Pertaining to Plastic Waste Reduction

1. Ordinance for Adoption
2. Fee Resolution Amending the FY 2022-23 Citywide Fee Schedule to add administrative fines and fees in conjunction with enforcement of the Plastic Waste Reduction Regulations.
3. Alternative Fee Resolution Amending the FY 2022-23 Citywide Fee Schedule to add administrative fines and fees in conjunction with enforcement of the Plastic Waste Reduction Regulations.

### **COUNCIL ACTION**

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**Item Type:** Ordinance

**Approved for** January 24, 2023 **calendar**

### **EXECUTIVE SUMMARY**

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The report identifies the amendments City Council directed staff to make to the proposed Plastic Waste Reduction Ordinance at City Council meeting of January 10, 2023, and includes two fee resolutions; one amending the Citywide Fee Schedule to include the fine schedule recommended by staff (first violation \$25; second violation \$25; and \$25 per violation for all subsequent violation and capped at \$300 annually), and an alternative Fee Resolution with an increased fine schedule for violations of the plastic waste reduction regulations (first violation \$100/second violation \$200/third violation \$500 and no annual cap)

## **COUNCIL PRIORITIES**

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Polystyrene products do not biodegrade and instead break down into smaller pieces and remain in the environment for an extended time. Polystyrene products take up space in landfills and cause litter in our cities. Animals often mistake these smaller pieces of polystyrene for food, causing harm or death. Prohibiting the use of polystyrene products reduces the quantities of these products in our city and reduce the negative impacts associated with them.

## **RECOMMENDATION**

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Staff recommends the City Council adopt an ordinance to regulate plastic waste in the City of Glendale and adopt one of the alternative resolutions amending the Citywide Fee Schedule to add administrative fines and fees for violation of the plastic waste regulations.

## **BACKGROUND**

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At the Glendale City Council meeting of January 10, 2023, the Plastic Waste Reduction Ordinance was introduced.

As introduced, the proposed ordinance recommended that the plastic waste reduction regulations be implemented in two phases. Phase 1 would take effect 90 days after the adoption of the ordinance and consist of:

1. **The Prohibition of use, distribution, and sale of Polystyrene Foodware, Polystyrene Coolers, Polystyrene Packing Materials, Polystyrene Egg Cartons, Polystyrene Produce Trays, and Polystyrene Meat and Fish Trays:** Commencing ninety (90) days after the adoption of the Plastic Waste Reduction Ordinance, prohibitions on the use, distribution, and sale of Polystyrene Foodware, Polystyrene Coolers, Polystyrene Packing Materials, Polystyrene Egg Cartons, Polystyrene Produce Trays, and Polystyrene Meat and Fish Trays shall take effect.
2. **Single-use Plastic Straws, Stirrers, and Utensils Prohibition:** Commencing ninety (90) days after the adoption of the Plastic Waste Reduction Ordinance, prohibitions on the use, distribution, and of Single-use Plastic Straws, Stirrers, and Utensils shall take effect.

And phase two would commence **on April 24, 2024**, and consists of, in summary:

3. **Disposable Foodware Recycling Standards:** Where disposable foodware and foodware accessories must be accepted in the City's recycling or compost collection programs and be free of all intentionally added fluorinated chemicals.
4. **Disposable Cup Charge:** A Disposable Cup Charge shall take effect where Food and Beverage Providers shall charge customers twenty-five cents (\$0.25) for every Disposable Cup provided.
5. **Reusable Foodware for Dining on Premises:** Prepared food or raw food or beverages served for consumption on the premises of the food and beverage providers shall only be served using reusable foodware.
6. **Single-Use Beverage Bottles:** Where no City officer, official, employee, representative, contractor, or agent, shall use, sell, distribute, or otherwise provide any single-use plastic beverage bottle or aseptic paper packaging while acting on behalf of the City or while acting pursuant to a contract or agreement with the City.

The ordinance also stated that a ninety (90) day education program is undertaken following the ordinance's adoption and that all enforcement activities are suspended during the education program.

## **ANALYSIS**

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At the Glendale City Council meeting of January 10, 2023, Council directed staff to make the amendments to the proposed ordinance. Council directed that the plastic waste reduction regulations are implemented in two phases, with Phase 1 taking effect one hundred and eighty (180) days after the adoption of the ordinance, and Phase 2 commencing on January 1, 2024.

### **PHASE 1** (Commence 180 days from adoption):

1. The Prohibition of use, distribution, and sale of Polystyrene Foodware, Polystyrene Coolers, Polystyrene Packing Materials, Polystyrene Egg Cartons, Polystyrene Produce Trays, and Polystyrene Meat and Fish Trays:
2. Single-use Plastic Straws, Stirrers, and Utensils Prohibition
3. Disposable Foodware Recycling Standards
4. Disposable Cup Charge
5. Single-Use Beverage Bottles

### **PHASE 2** (Commence January 1, 2024)

1. Reusable Foodware for Dining on Premises

Staff recommends that Phase 2 also include Disposable Foodware Recycling Standards so impacted businesses and organizations have more time to use their existing stocks of disposable foodware and plan for the purchase of compliant products.

## **STAKEHOLDERS/OUTREACH**

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City Council recommended that the education program be undertaken for a period of one hundred and eighty (180) days after the adoption of the ordinance and that staff report back to the City Council ninety (90) days after the adoption of the ordinance on the efficacy of the education campaign. All enforcement activities would be suspended during the one hundred and eighty (180) day education program, which could be extended based on City Council direction.

## **FISCAL IMPACT**

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The fiscal impact on the City from ordinance implementation will depend on the level and duration of outreach, community education, and enforcement. Community outreach and education will be handled by existing City staff; therefore, no new cost will be associated with staffing this aspect of implementation. The education and outreach program will include webinars and electronic media campaigns, in person training where appropriate, and ensure that all impacted sectors are reached by providing materials and education in in multiple languages.

Concerning enforcement, staff will follow up with the LA County Department of Public Health Environmental Health Division (DPH-EH) to determine whether DPH-EH may be able to with enforcing any potential ordinances through their food establishment inspection program. The DPH-EH has identified about 668 sites in the City that are inspected and permitted by DPH-EH based on the definitions provided by their staff. DPH-EH has also determined that it will cost \$30 per site for DPH-EH to conduct the outreach and provide the City with the information if establishments comply with any proposed ordinance.

An essential aspect of these regulations is the impact on private enterprise. The cost to food or beverage facility operators will vary depending on the availability of substitute materials required for compliance with the ordinance. However, based on available data, many organizations are likely to save money in the long run.

## **ENVIRONMENTAL REVIEW (CEQA/NEPA)**

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Staff conducted environmental review under the California Environmental Quality Act (“CEQA”) and determined that this ordinance is exempt from CEQA pursuant to Section 15061(b)(3) of Division 6 of Title 14 of the California Code of Regulations (the CEQA Guidelines) , the commonsense exemption, because CEQA applies only to projects which have the potential for causing a significant effect on the environment and where it

can be seen with certainty that there is no possibility that the activity in question may cause a significant effect of the environment. Where the commonsense exemption applies, the activity is not subject to the requirements of CEQA. Further, the action is exempt pursuant to CEQA Guidelines section 15308 (Actions by Regulatory Agencies for the Protection of the Environment), because these regulations involve the imposition of regulations for the protection of the environment through the reduction of plastic wastes, which include preventing polystyrene, polystyrene packaging materials, single use plastics, from entering the waste stream, and from entering the environment.

## **CAMPAIGN DISCLOSURE**

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This item is exempt from campaign disclosure requirements.

## **ALTERNATIVES**

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Alternative 1: Staff recommends that the City Council adopt the Ordinance for Plastic Waste Reduction in two phases. Phase 1, commencing one hundred and eighty (180) days following adoption of the ordinance prohibits polystyrene products, single use plastic straws, stirrers, and utensils, establishes disposable cups charges, and the prohibition of single-use beverage bottles. Phase 2, commencing January 1, 2024, establishes disposable foodware standards and reusable foodware dining on premises standards. And adopt either the staff recommended amendment to the Citywide Fee Schedule, or the alternative resolution amending the Citywide Fee Schedule with increased fees for violations.

Alternative 2: The City Council may adopt an Ordinance for Plastic Waste Reduction in two phases. Phase one, commencing one hundred and eighty (180) days following adoption of the ordinance prohibits polystyrene products, single use plastic straws, stirrers, and utensils, establishes disposable foodware standards, disposable cups charges, and the prohibition of single-use beverage bottles. Phase 2 commencing January 1, 2024, establishing reusable foodware dining on premises standards. And adopt either the staff recommended amendment to the Citywide Fee Schedule, or the alternative resolution amending the Citywide Fee Schedule with increased fees for violations.

Alternative 3: Do not adopt the Ordinance for Plastic Waste Reductions.

Alternative 4: City Council may consider any other alternative not proposed by staff.

## **ADMINISTRATIVE ACTION**

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**Prepared by:**

David Jones, Sustainability Officer

**Approved by:**

Roubik R. Golanian, P.E., City Manager

**EXHIBITS/ATTACHMENTS**

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1. Ordinance for Plastic Waste Reduction Regulations – Redline
2. Staff Report: Ordinance Amending Glendale Municipal Code, 1995, By Replacing Chapter 8.42 In Its Entirety, Pertaining to Plastic Waste Reduction