List of Attachments for Public Hearing 3

Conduct Public Hearing, Adopt Findings and Introduce Ordinance No. 287 Restricting Single-Use Carry-Out Bags (Staff Contact: Jeff Moneda, 408-586-3345)

<u>Attachments</u>:

A. Reusable bag postcard

B. Reusable bag meeting flyer

C. San Mateo County Ordinance

D. Proposed City of Milpitas Ordinance No. 287

E. Clean Water Action letter of support

The City of Milpitas invites you to a community meeting about a proposed ordinance to ban the use of plastic bags at retail stores.

Please join us at this meeting to learn about the completed Environmental Impact Report and to provide your comments about this important issue.

Monday, October 21 at 6:00 p.m.
Committee Conference Room
First Floor, Milpitas City Hall

A special meeting for business representatives will also be held:

Wednesday, October 23 at 10 a.m.
Committee Conference Room
First Floor, Milpitas City Hall

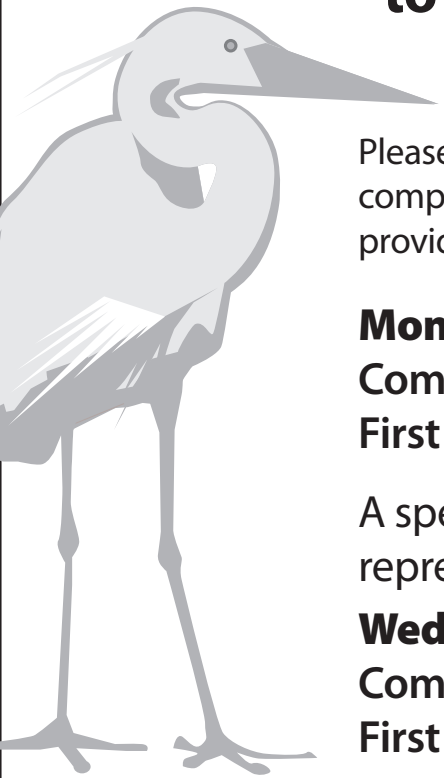
Questions? Call 408-586-3352

3A

City of Milpitas
455 E.Calaveras Blvd.
Milpitas,CA 95035

3B

The City of Milpitas invites you to a community meeting about a proposed ordinance to ban the use of plastic bags at retail stores.



Please join us at this meeting to learn about the completed Environmental Impact Report and to provide your comments about this important issue.

Monday, October 21 at 6:00 p.m.
Committee Conference Room
First Floor, Milpitas City Hall

A special meeting for business representatives will also be held:

Wednesday, October 23 at 10 a.m.
Committee Conference Room
First Floor, Milpitas City Hall

Questions? Call 408-586-3352

3C

County of San Mateo

Reusable Bag Ordinance

(Formerly Single Use Bag Ban Ordinance)

Final

Program Environmental Impact Report

SCH #2012042013

rincon

August 2012

Environmental Scientists Planners Engineers

County of San Mateo
Reusable Bag Ordinance
(Formerly Single Use Bag Ban Ordinance)

Final
Program Environmental Impact Report
SCH #2012042013

Prepared by:

County of San Mateo
Planning and Building Department
455 County Center, Second Floor
Redwood City, CA 94063
Contact: Ms. Camille M. Leung, Planner
cleung@smcgov.org
(650) 363-1826

Prepared with the assistance of:

Rincon Consultants, Inc.
180 North Ashwood Avenue
Ventura, California 93003

August 2012

This report is printed on 50% recycled paper with 30% post-consumer content and chlorine-free virgin pulp.

San Mateo County Reusable Bag Ordinance (formerly Single Use Bag Ban Ordinance) Final Program EIR

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1.0 INTRODUCTION

This document, together with the County of San Mateo Single Use Bag Ban Ordinance Draft Program Environmental Impact Report (Draft Program EIR)

which is incorporated by reference, constitutes the County of San Mateo Reusable Bag Ordinance (formerly Single Use Bag Ban Ordinance) Final Program Environmental Impact Report (Final Program EIR).

A Draft Program EIR for this project was circulated in June 2012 (SCH #2012042013). The Final Program EIR is an informational document prepared by the County of San Mateo that must be considered by decision makers before approving or denying the Reusable Bag Ordinance project (proposed project). Pursuant to Section 15132 of the California Environmental Quality Act (CEQA) Guidelines, this Final Program EIR consists of (a) revisions to the Draft Program EIR, (b) a list of persons and organizations that commented on the Draft Program EIR, (c) comments received on the Draft EIR, (d) the County's responses to significant environmental points raised in the review and consultation process, and (e) any other information added by the County. The Final Program EIR will be used for review and consideration for certification by the County.

This Introduction section provides a description of the organization of this document, a summary of the Program EIR certification and project approval procedure, a summary of public involvement, and an overview of the response to comment process.

The Final Program EIR is available on the County's website at:
http://www.smchealth.org/BagBan.

A copy of the Final Program EIR can also be obtained at the following addresses:

County of San Mateo Planning Department
455 County Center, 2nd Floor
Redwood City, CA 94063

County of San Mateo Health System
Environmental Health Services
2000 Alameda de las Pulgas, Suite 100
San Mateo, CA 94403

San Mateo Main Library
55 West 3rd Avenue
San Mateo, Ca 94402

City of Redwood Downtown Library
1044 Middlefield Road
Redwood City, CA 94063

Half Moon Bay Library
620 Correas Street
Half Moon Bay, CA 94019

City of Mountain View Library
585 Franklin Street
Mountain View, CA 94041

Serramonte Main Library
40 Wembley Drive
Daly City, CA 94015

Los Gatos Public Library
Town Civic Center
100 Villa Avenue
Los Gatos, CA 95030

Milpitas Library
160 North Main Street
Milpitas, California 95035

Millbrae Library
1 Library Avenue
Millbrae, CA 94030

1.1 Organization of this Final EIR

This document is organized into four sections. Following this introduction (Section 1.0), Section 2.0, *Addenda/Errata*, presents minor changes to the Final Program EIR since the publication of the Draft Program EIR and revisions that have been made to the Draft Program EIR as a result of comments on the document received from organizations and individuals. Section 3.0, *Response to Comments*, contains a list of persons and organizations that submitted written comments on the Draft Program EIR, the comments letters, and responses to those comments. Section 4.0, *References and Report Preparers*, lists the references used in the Program EIR and the persons involved in the preparation of this Final Program EIR. Please note that because it was determined in the EIR analysis that the proposed Reusable Bag Ordinance would result in either beneficial impacts (Class IV) or less than significant impacts (Class III) in all issue areas contained on the CEQA checklist, a Mitigation and Monitoring Reporting Program (MMRP) is not warranted.

1.2 EIR Certification - Project Approval Process

The proposed Reusable Bag Ban Ordinance requires the discretionary approval of the County of San Mateo and each of the participating municipalities. The County of San Mateo is the lead agency for the Proposed Ordinance as it holds principal responsibility for approving the Proposed Ordinance. The individual incorporated cities/ participating municipalities would be the lead agencies for their respective city ordinances, should the cities decide to adopt comparable ordinances. The County Board of Supervisors will consider certification of the Final

Program EIR and has the authority to render a decision on the Proposed Ordinance that would affect the County's unincorporated territories.

Prior to approving the Proposed Ordinance, the County must certify that (1) the Final Program EIR has been completed in compliance with CEQA; (2) the County has reviewed and considered the information in the Final EIR; and (3) the Final Program EIR reflects the County's independent judgment and analysis (State CEQA Guidelines, Section 15090).

Once the Final Program EIR is certified, the County can approve the project as proposed, approve one of the alternatives evaluated in the EIR, or choose to take no action on the project. As part of the approval of either the project or an alternative, the County must make written findings for each significant effect identified in the EIR. However, as described above, the EIR analysis determined that the Proposed Ordinance would not result in any significant impacts and mitigation is not required to reduce any impact to a less than significant level.

Once it is certified, the Final Program EIR may also be used by responsible agencies in deciding whether, or under what conditions, to approve a similar ordinance. The 24 participating municipalities would be responsible agencies because each individual municipality would have discretionary approval over the Proposed Ordinance within its respective jurisdiction.

1.3 Public Involvement

The County released the Draft Program EIR for public review and comment on June 22, 2012, for a 45-day public review period. The Notice of Completion and Notice of Availability for the Draft EIR identified the 45-day public review period to end on August 6, 2012. Copies of the Draft EIR were distributed to agencies, local governments, and interested parties. Hard copies of the Draft EIR and appendices were available to the public at the County of San Mateo Planning Department counter (455 County Center, 2nd Floor, Redwood City, CA 94063), the County Health System Environmental Services office (2000 Alameda de las Pulgas, Suite 100, San Mateo, CA 94403) and at the Serramonte, San Mateo, Redwood City, Millbrae, Half Moon Bay, Mountain View, Los Gatos, and Milpitas public libraries. The Draft EIR was also available online at: http://www.smchealth.org/BagBan.

1.4 Response to Comments

Pursuant to CEQA, the lead agency must respond to all substantive environmental issues raised in comments on the Draft Program EIR. Responses to all written and verbal comments received within the comment period are contained in this Final Program EIR. Responses in this Final Program EIR include factual corrections and explanation of the Draft Program EIR analyses. Any changes to the text of the Draft Program EIR that resulted from the comments is presented in Section 2.0 of this Final Program EIR.

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2.0 ADDENDA/ERRATA

2.1 Introduction

This chapter presents minor changes to the Final Program EIR since the publication of the Draft Program EIR and revisions that have been made to the Draft Program EIR as a result of comments received from organizations and individuals on the document. Staff-initiated changes include minor corrections and clarification to the text to correct typographical errors. None of the changes affect the analysis or conclusions of the Draft Program EIR as described for each change which is summarized and shown below.

2.2 Changes to the Final Program EIR and Environmental Analysis

2.2.1

A minor revision to the name of the draft Ordinance occurred during public review period. The name change was suggested by County Staff. The name of the draft Ordinance in the Draft EIR was "County of San Mateo Single Use Bag Ban Ordinance". The name has been changed to "County of San Mateo Reusable Bag Ordinance". Therefore the header/footer of the Final EIR and all references to the draft Ordinance in the Final EIR show the change as follows:

"County of San Mateo Reusable Bag Ordinance (formerly Single Use Bag Ban Ordinance)"

The updated/revised name of the draft Ordinance would not result in new significant impacts or a substantial increase in the severity of environmental impacts, and, therefore, would not require additional mitigation measures or alternatives to the proposed project. In fact, the updated/revised name does not alter any of the analysis in the EIR. Recirculation of an EIR is not required when new information makes insignificant changes to an adequate EIR (CEQA Guidelines Section 15088.5(b)).

2.2.2

Minor revisions to the text of draft Ordinance (included as revised Appendix D of the Final Program EIR) were completed during the public review period. These changes include changing the name of the draft Ordinance (as described in Section 2.2.1 above), clarifying and defining a "garment" bag, adding participants of the "Calfresh" program as those exempt from being charged for recyclable paper bags, and an edit to the chapter number of the code. These changes are shown below with edits displayed in ~~strikeout~~/<u>underline</u>. None of the changes shown below would result in new significant impacts or a substantial increase in the severity of environmental impacts, and, therefore, would not require additional mitigation measures or alternatives to the proposed project.

Revised Appendix D

Proposed Draft Ordinance

~~Single Use~~Reusable Bag Ordinance ~~Ban~~ – Draft Ordinance Language

~~March 05, 2012~~ August 9, 2012

Definitions

A. "Customer" means any person obtaining goods from a retail establishment.

B. "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.

B. "**Nonprofit charitable reuser**" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, 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.

C. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.

D. "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.

E. "**Recycled paper bag**" means a 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 establishment that contains no old growth fiber and a minimum of forty percent post-consumer recycled content; is one hundred 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.

F. "**Public eating establishment**" means a restaurant, take-out food establishment, or any other business that receives ninety percent or more of its revenue from the sale of -prepared food to be eaten on or off its premises.

G. "**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 is located within or doing business within the geographical limits of the County of San Mateo. "Retail establishment" does not include public eating establishments or nonprofit charitable reusers.

H. "**Reusable bag**" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is

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specifically designed and manufactured for multiple reuse. A garment bag that meets the above criteria regardless if it has handles or not.

I. "**Single-use carry-out bag**" means a bag other than a reusable bag provided at the check stand, cash register, point of sale or other point of departure, including departments within a store, for the purpose of transporting food or merchandise out of the establishment. "Single-use carry-out bags" do not include bags without handles provided to the customer: (1) to transport prepared food, produce, bulk food or meat from a department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag

.**Single-use carry-out bag.**

A. No retail establishment shall provide a single-use carry-out 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 section.

B. **On or before December 31, 2014** a retail establishment may make available for sale to a customer a recycled paper bag or a reusable bag for a minimum charge of ten cents.

C. **On or after January 1, 2015** a retail establishment may make available for sale to a customer a recycled paper bag or a reusable bag for a minimum charge of twenty-five cents.

D. Notwithstanding this section, no retail establishment may make available for sale a recycled paper bag or a reusable bag unless the amount of the sale of such bag is separately itemized on the sale receipt.

E. A retail establishment may provide one or more recycled paper bags at no cost to any of the following individuals: a customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; ~~and~~ 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~~, with one or more recycled paper bags at no cost through December 31, 2014~~; 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.

Recordkeeping and Inspection.

Every retail establishment shall keep complete and accurate record or documents of the purchase and sale of any recycled paper bag or reusable bag by the retail establishment, for a minimum period of three years from the date of purchase and sale, which record shall be available for inspection at no cost to the county during regular business hours by any county employee authorized to enforce this part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment

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address. The provision of false information including incomplete records or documents to the county shall be a violation of this section.

Administrative fine.

(a) Grounds for Fine. A fine may be imposed upon findings made by the Director of the Environmental Health Division, or his or her designee, that any retail establishment has provided a single-use carry-out bag to a customer in violation of this Chapter.

(b) Amount of Fine. Upon findings made under subsection (a), the retail establishment shall be subject to an administrative fine as follows:

(1) A fine not exceeding one hundred dollars ($100.00) for a first violation;

(2) A fine not exceeding two hundred dollars ($200.00) for a second violation;

(3) A fine not exceeding five hundred dollars ($500) for the third and subsequent violations;

(4) Each day that a retail establishment has provided single-use carry-out bags to a customer constitutes a separate violation.

(c) Fine Procedures. Notice of the fine shall be served on the retail establishment. The notice shall contain an advisement of the right to request a hearing before the Director of the Environmental Health Division or his or her designee contesting the imposition of the fine. The grounds for the contest shall be that the retail establishment did not provide a single-use carry-out bag to any customer. Said hearing must be requested within ten days of the date appearing on the notice of the fine. The decision of the Director of the Environmental Health Division shall be based upon a finding that the above listed ground for a contest has been met and shall be a final administrative order, with no administrative right of appeal.

(d) Failure to Pay Fine. If said fine is not paid within 30 days from the date appearing on the notice of the fine or of the notice of determination of the Director of the Environmental Health Division or his or her designee after the hearing, the fine shall be referred to a collection agency.

Severability.

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If any provision of this chapter or the application of such provision to any person or in any circumstances shall be held invalid, the remainder of this chapter, or the application of such provision to person or in circumstances other than those as to which it is held invalid, shall not be affected thereby.

Enforcement of this chapter when adopted.

The Environmental Health Division is hereby directed to enforce Chapter 4.114 of Title 4 within an incorporated area of the County of San Mateo if the governing body of that incorporated area does each of the following:

(a) Adopts, and makes part of its municipal code:

(1) Chapter 4.114 of Title 4 in its entirety by reference; or

(2) An ordinance that contains each of the provisions of ~~Chapter4~~Chapter 4.114 of Title 4

(b) Authorizes, by ordinance or resolution, the Environmental Health Division to enforce the municipal code adopted pursuant to subsection (a) of this section, such authorization to include, without limitation, the authority to hold hearings and issue administrative fines within the incorporated area of the public entity.

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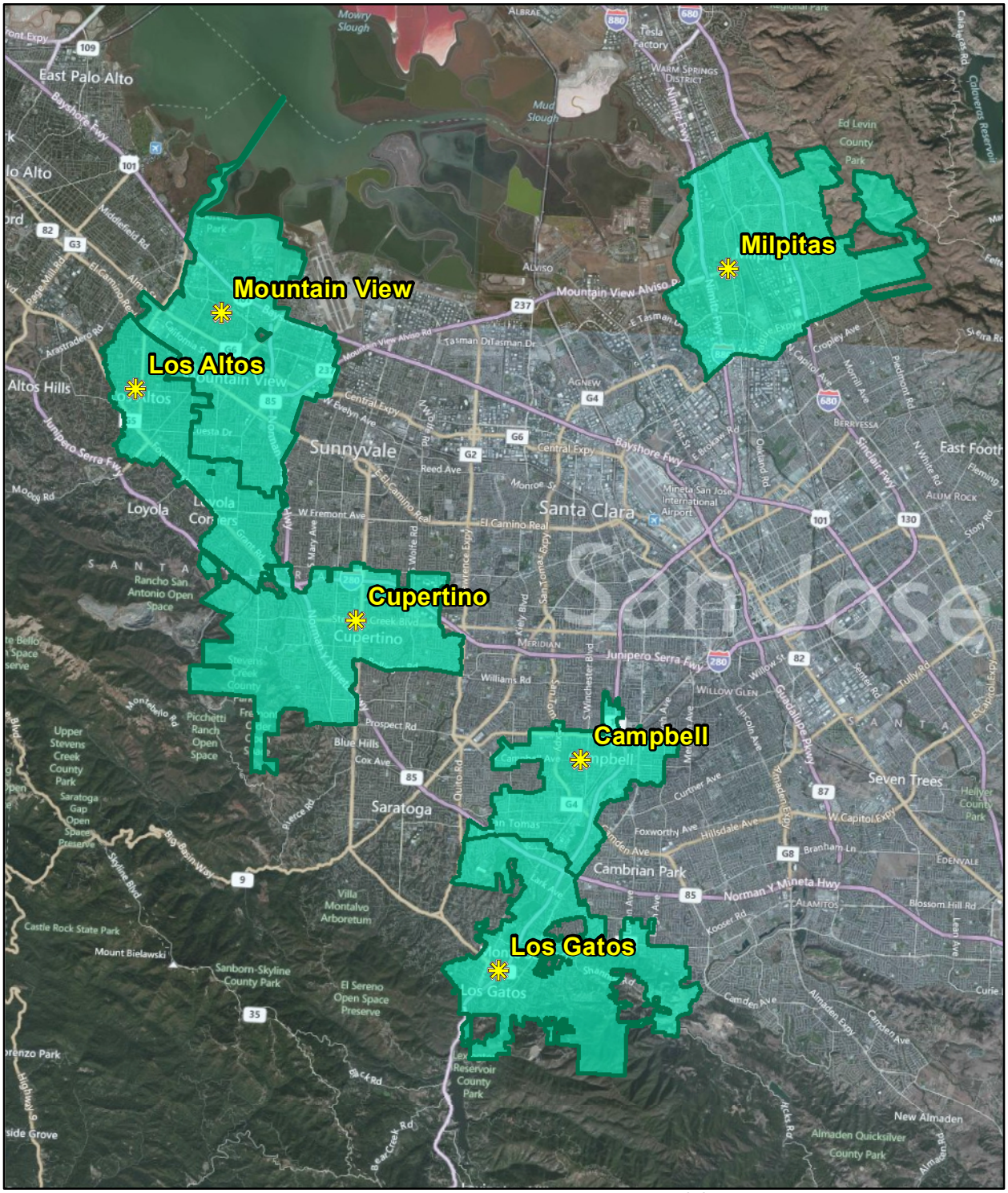
2.2.3

Based on a comment letter received during the Draft Program EIR public review process (see Letter #2 and Response 2.1 in Section 3.0, *Responses to Comments on the Draft EIR*), it was determined that there was a discrepancy on Figure 2-2 in the Draft EIR which depicts the geographic locations of the participating municipalities located in Santa Clara County. The City of Mountain View city limits were incorrectly drawn (although Mountain View was listed on the figure). Therefore, Figure 2-2 has been revised as shown on the following page to include the correct Mountain View city limit boundaries.

The updated Figure 2-2 would not change any of the impact determinations or result in new mitigation measures because the Draft Program EIR environmental impact analysis relies on estimates of bag use for Mountain View and other jurisdictions based on the city's population as shown in Table 2-1 on page 2-7 of the Draft Program EIR. Bag use estimates and impact determination was not based on the city limit boundaries shown in Figure 2-2. Therefore, the changes to the graphic depiction of the participating municipalities on Figure 2-2 does not affect or change any of the analysis or impact statements contained in the Draft Program EIR as the impact analysis associated with bag use relies on population statistics (which have not been changed in the Final Program EIR).



Bing Maps Hybrid: (c) 2010 Microsoft Corporation and its data suppliers. Additional baselayer data from San Mateo County Information Services Department, May 2012.

Project Location
(Participating City Boundary
in Santa Clara County)

0 1.25 2.5 Miles

N

Aerial Map of
Participating Cities in
Santa Clara County

Revised Figure 2-2

3.0 RESPONSES TO COMMENTS ON THE DRAFT PROGRAM EIR

CEQA Guidelines Section 15088 requires that the lead agency evaluate public comments on environmental issues included in a Draft Program EIR and prepare written responses to those comments. Pursuant to *CEQA Guidelines* Section 15088(b), "[t]he written responses shall describe the disposition of significant environmental issues raised (e.g., revisions to the proposed project to mitigate anticipated impacts or objections). In particular, the major environmental issues raised when the lead agency's positions are at variance with recommendations and objections raised in the comments must be addressed in detail giving reasons why specific comments and suggestions were not accepted." The *CEQA Guidelines* call for responses that contain a "good faith, reasoned analysis" with statements supported by factual information. Corrections or additional text discussed in the responses to comments are also shown in Section 2.0, *Addenda/Errata*.

The County of San Mateo and participating municipalities received 29 comment letters and three verbal comments (during a July 11th Planning Commission Public Hearing) on the Draft EIR for the Single Use Bag Ban Ordinance. The comment letters and verbal comments are listed below. The letters and responses follow.

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32.	Lauren Dockendorf, Save Our Shores based in Santa Cruz	3-80

Letter 1

From: Fotu, Rebecca L
To: Camille Leung
Cc: Dean Peterson
Subject: RE: NOTICE OF AVAILABILITY of Program DEIR - COUNTY OF SAN MATEO SINGLE USE BAG BAN ORDINANCE
Date: Friday, June 22, 2012 12:02:17 PM

Hi Camille,

Will each participating city need to schedule a public hearing? What are the legal implications of not scheduling a public hearing if you are a participating city? 1

Thanks,

Rebecca Fotu
(650) 330-6765

Please consider the environment before printing this email

-----Original Message-----
From: Camille Leung [mailto:cleung@smcgov.org]
Sent: Friday, June 22, 2012 9:57 AM
To: davids@acterra.org; barmbaker@aol.com; dottynhugh@aol.com; donald@bahl.com; cdemelo@belmont.gov; gscoles@belmont.gov; jmccluskey@burlingame.org; jnantell@burlingame.org; pstroud@cattaneostroud.com; citymanager@ci.brisbane.ca.us; rbreault@ci.brisbane.ca.us; mraines@ci.millbrae.ca.us; sreider@ci.millbrae.ca.us; ekoo@ci.milpitas.ca.gov; twilliams@ci.milpitas.ca.gov; rhodess@ci.pacifica.ca.us; ritzmaa@ci.pacifica.ca.us; cjackson@ci.sanbruno.ca.us; BILLH@cityofcampbell.com; cmoffice@cityofcampbell.com; mdaher@cityofepa.org; bmoura@cityofsancarlos.org; jmaltbie@cityofsancarlos.org; citymanager@cityofsanmateo.org; SStClair@cityofsanmateo.org; city.manager@colma.ca.gov; Michael.Laughlin@colma.ca.gov; lgroshong@comcast.net; nbarnby@comcast.net; vkojola@comcast.net; cherid@cupertino.org; manager@cupertino.org; jcurran@dalycity.org; pmartel@dalycity.org; alorenz@fostercity.org; jhardy@fostercity.org; bradshaw1729@gmail.com; christinajadelee@gmail.com; donaldbahl@gmail.com; dusink12@gmail.com; katiec@hmbcity.com; LSnideman@hmbcity.com; jason_mansfield@hotmail.com; jrodricneal@hotmail.com; administration@losaltosca.gov; llind@losaltosca.gov; CWolter@losgatosca.gov; manager@losgatosca.gov; tim@lsls.net; lpd@major2nd.com; grojas@menlopark.org; Fotu, Rebecca L; city.mgr@mountainview.gov; Lori.Topley@mountainview.gov; mstechbart@msn.com; sodonnel@msn.com; angela@portolavalley.net; bdegarmeaux@portolavalley.net; citymanager@redwoodcity.org; malcolm.smith@redwoodcity.org; lsanders@sanbruno.ca.gov; bacobitz@sbcglobal.net; capekorn@sbcglobal.net; dougleota@sbcglobal.net; DCraft@SeizeTruth.com; Matt Fabry; Nicholas Calderon; barry.nagel@ssf.net; susan.kennedy@ssf.net; mmurray1@stanford.edu; lhotchki@visa.com; kbryant@woodsidetown.org; PNagengast@woodsidetown.org; acmoffice2415@yahoo.com; ambrozic1@yahoo.com; jenniferpont@yahoo.com; lesliannel@yahoo.com; MarciaKeimer@yahoo.com; sjtaffee@yahoo.com; taraihito@yahoo.com; chris@zig-align.com
Cc: Megan Jones; Matthew Maddox; Adrienne Tissier; Carole Groom; Don Horsley; Dean Peterson; Dave Pine; John Maltbie; Rose Gibson; Tim Fox
Subject: NOTICE OF AVAILABILITY of Program DEIR - COUNTY OF SAN MATEO SINGLE USE BAG BAN ORDINANCE

NOTICE OF AVAILABILITY
OF A DRAFT ENVIRONMENTAL IMPACT REPORT
COUNTY OF SAN MATEO SINGLE USE BAG BAN ORDINANCE

DATE: June 22, 2012
TO: Responsible Agencies, Organizations and Interested Parties
LEAD AGENCY: County of San Mateo

Pursuant to Sections 15086 and 15087, Title 14, California Code of Regulations, this Notice is given to advise interested parties that the County has completed a Program Draft Environmental Impact Report (Program DEIR) for the proposed project described below and that the Program DEIR is available for public review.

DEIR is directly available at the following link:
http://smchealth.org/sites/default/files/docs/EHS/SanMateoCountySingleUseBagBanOrdinance_DEIR%5B1%5D.pdf

PROJECT SPONSOR: County of San Mateo Health System, Environmental Health Services, 2000 Alameda de las Pulgas, Suite 100, San Mateo, CA 94403, Contact: Dean D. Peterson, Director, (650) 372-6200

PROJECT LOCATIONS: For the purposes of this analysis, it is assumed that the Single Use Bag Ban Ordinance (Proposed Ordinance) would be effective within the geographical limits of unincorporated San Mateo County and within the following participating municipalities, referred to as the "Study Area:

SAN MATEO COUNTY
Belmont
Brisbane
Burlingame
Colma
Daly City
East Palo Alto
Foster City
Half Moon Bay
Menlo Park
Millbrae
Pacifica
Portola Valley
Redwood City
San Bruno
San Carlos
San Mateo
South San Francisco
Woodside

SANTA CLARA COUNTY
Milpitas
Cupertino
Los Gatos
Los Altos
Campbell
Mountain View

PROJECT DESCRIPTION: The Proposed Ordinance would regulate the use of paper and plastic single use carryout bags and apply to all retail establishments located within the limits of the Study Area, including those selling clothing, food, and personal items directly to the customer. It would not apply to restaurants nor nonprofit charitable reuse organizations. The Proposed Ordinance would (1) prohibit the free distribution of single-use carryout paper and plastic bags and (2) require retail establishments to charge customers for recycled paper bags and reusable bags at the point of sale. The minimum charge would be ten cents ($0.10) per paper bag until December 31, 2014 and twenty-five cents ($0.25) per paper bag on or after January 1, 2015.
Single-use plastic carryout bags are defined as bags made from petroleum or bio-based plastic that are less than 2.25 mils thick (0.00225 inches). The Proposed Ordinance would prohibit retailers from distributing both petroleum and bio-based single-use carryout plastic bags at the point of sale. The Proposed Ordinance would not prohibit the distribution of plastic "product bags". Retail establishments would be required to keep a complete and accurate record (including documents of the purchase and sale of any recycled paper bag or reusable
bag) for a minimum period of three years from the date of purchase and sale. The record must be available for inspection during regular business hours by any County employee authorized to enforce this part at no cost to the County. The charge would be retained by the affected stores to compensate the stores for increased costs related to compliance with the Proposed Ordinance.

POTENTIAL ENVIRONMENTAL EFFECTS:
- Air Quality
- Hydrology/Water Quality
- Greenhouse Gas Emissions
- Biological Resources
- Utilities and Service Systems

REVIEW PERIOD: As specified by the State CEQA Guidelines, the Program DEIR will be available for public comment for a 45-day review period, beginning on June 22, 2012 and ending on August 6, 2012. Comments may be submitted, in writing, by 5:00 p.m. on August 6, 2012 and addressed to:
Camille M. Leung, Planner, Planning and Building Department, 455 County Center, Second Floor, Redwood City,

CA 94063, cleung@smcgov.org, (650) 363-1826.

DOCUMENT AVAILABILITY: The Program DEIR is available for public review at the County of San Mateo Environmental Healt h Services website (http://www.smchealth.org/BagBan), as well as the following locations during regular business hours:

County of San Mateo
Planning and Building Dept.
455 County Center
Second Floor
Redwood City, CA 94063

San Mateo Main Library
55 West 3rd Avenue
San Mateo, Ca 94402

City of Redwood Downtown Library
1044 Middlefield Road
Redwood City, CA 94063

County of San Mateo Health System
Environmental Health Services
2000 Alameda de las Pulgas, Suite 100
San Mateo, CA 94403

Half Moon Bay Library
620 Correas Street
Half Moon Bay, CA 94019

City of Mountain View Library
585 Franklin Street
Mountain View, CA 94041

Serramonte Main Library
40 Wembley Drive
Daly City, CA 94015

Los Gatos Public Library
Town Civic Center
100 Villa Avenue
Los Gatos, CA 95030

Milpitas Library
160 North Main Street
Milpitas, California 95035

Millbrae Library
1 Library Avenue
Millbrae, CA 94030

SCHEDULED PUBLIC HEARINGS: For unincorporated San Mateo County, the first of 2 Planning Commission meetings is scheduled for July 11, 2012.
The 2nd meeting date and the Board of Supervisors decision date has not yet been set. For each of the 24 participating agencies, decisions by the participating agencies will follow the County's actions described above. Hearing dates at participating municipalities have not yet been set. For more information and updates on upcoming hearings, please
visit: http://www.smchealth.org/BagBan.

Camille M. Leung
Planning and Building Department
455 County Center, Second Floor
Redwood City, CA 94063

Phone: (650) 363-1826
Fax: (650) 363-4849

Please help us to serve you better and take a moment to complete our survey, just click on the link below:
http://www.co.sanmateo.ca.us/planning/survey

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Think before you print.

Letter 1

COMMENTER: Rebecca L. Fotu

DATE: June 22, 2012

Response 1.1

The commenter requests information pertaining to a public hearing, specifically, whether or not each participating County would need to schedule a public hearing and information regarding the legal implications of not scheduling a public hearing if you are a participating agency.

Each participating municipality is not required to schedule a public hearing at this time. As described on page 1-8 of the Draft EIR, the County of San Mateo is the lead agency for the Proposed Ordinance as it holds principal responsibility for approving the Proposed Ordinance. The individual incorporated cities/ participating municipalities would be the lead agencies for their respective city ordinances, should the cities decide to adopt comparable ordinances. If a participating municipality should decide to consider adoption of a comparable ordinance in their respective jurisdiction, a public hearing would be required.

Letter 2

From: Dean Peterson
To: Camille Leung
Subject: Fwd: EIR
Date: Monday, June 25, 2012 12:45:41 PM

Sent from my iPhone

Begin forwarded message:

From: "Larry Lind" <LLind@losaltosca.gov>
Date: June 25, 2012 11:21:56 AM PDT
To: "Dean Peterson (dpeterson@smcgov.org)" <dpeterson@smcgov.org>
Subject: EIR

Dean

I expect this has already been brought to your attention, but the Study Area, Figure 2-2, in the draft EIR does not depict the city limits for Mountain View. The green area shown on the figure is all Los Altos and there is no green area for Mountain View. I hope the study was not limited the area shown on this figure, at least for Mountain View's sake. 1

Larry Lind, PE
Senior Engineer/City Engineer
(650) 947-2624
llind@losaltosca.gov

Letter 2

COMMENTERS: Larry Lind, PE, Senior Engineer/City Engineer, City of Los Altos

DATE: June 25, 2012

Response 2.1

The commenter states that Figure 2-2 of the EIR does not depict the Mountain View city limits and expresses the hope that the EIR was not limited to area shown on the figure.

The EIR impact analysis is not limited to the area shown on Figure 2-2, which is used as a reference to graphically depict those participating municipalities in Santa Clara County. Figure 2-2 in the Draft EIR listed Mountain View but in the wrong location. As such, in the Final EIR (as shown in Section 2.0, *Addenda/Errata)*, Figure 2-2 in the Final EIR has been updated to show the correct city limit boundaries for Mountain View. This updated figure would not change any of the impact determinations or result in new mitigation measures because the EIR environmental impact analysis relies on estimates of bag use for Mountain View and other jurisdictions based on the city's population as shown in Table 2-1 on page 2-7 of the Draft EIR (which have not been changed in the Final EIR).

Letter 3

From: Nancy
To: cleung@smcgov.org
Subject: Bag Ordinance EIR
Date: Wednesday, June 27, 2012 4:26:54 AM

Dear Sir,
I read the proposed EIR for the bag ordinance on Mtn. View's website. I had just returned from a shopping trip in Sunnyvale. The EIR assumes that all persons will be encouraged to use their own reusable bags and does not take into consideration that some people will instead make multiple smaller trips to the store rather than do one large shopping trip. These multiple trips will have impact in terms of increased air pollution (from vehicle emissions) Please take this into consideration. 1
Regards,
Nancy

Sent from my iPhone

Letter 3

COMMENTER: Nancy (last name unlisted)

DATE: June 27, 2012

Response 3.1

The commenter states an opinion that the EIR does not take into account the increased vehicle emissions resulting from people choosing to make multiple trips to the store (with fewer purchases per trip), rather than making one large trip. It is assumed that this behavior could be attributed to an assumption on the commenter's part that people own a limited number of reusable bags. The commenter suggests that the EIR take this concern into consideration.

This comment is speculative and does not provide any evidence to support the proposition that individual customers would prefer to make several trips to the store rather than make one trip to achieve the same number of purchases. As stated in the *CEQA Guidelines* Section 15144 (Forecasting), EIRs are to use the "rule of reason" with respect to content and are limited to disclosing impacts that could be reasonably expected under the circumstances. This comment is noted and the suggestion will be forwarded to County staff and decision-makers for their consideration.

Letter 4

From: Dean Peterson
To: Camille Leung
Subject: Fwd: Plastic Bag Ban
Attachments: IMAGE.gif

>>> "Carol Taggart" <cbtaggart@earthlink.net> 7/2/2012 1:24 PM >>>

Dear Members of the San Mateo Planning Commission,

With our oceans and waterways, our streets and highways littered with plastic bags, in addition to the harm these bags bring to innocent wild creatures mistaking the bags for jellyfish and dying horrific deaths, I encourage you to do everything possible to ban plastic bags in the county, as soon as possible. 1

Please take a few minutes to look at the slideshow of photographs and comments below by well-known and knowledgeable institutions such as the National Geographic:

http://lee.ifas.ufl.edu/FYN/FYNPubs/TheDangersofPlasticBags.pdf

Sincerely,

Carol Taggart, Menlo Park, CA

Letter 4

COMMENTER: Carol Taggart, Menlo Park resident

DATE: July 2, 2012

Response 4.1

The commenter expresses the support for the County to ban plastic bags, citing some of the environmental impacts of plastic bags.

This comment is noted and will be forwarded to County staff and decision-makers for their consideration.

Letter 5

From: Dean Peterson
To: Camille Leung
Subject: Fwd: Plastic Bag Ban
Attachments: IMAGE.gif

>>> "Angelique Presidente" <angelique.presidente@gmail.com> 7/3/2012 1:10 PM >>>
I do believe that we should ban plastic bags BUT I think produce bags and restaurants should be included in that ban! Restaurants can use paper if needed and a lot do now! And produce bags are equally harmful and used almost as much. I also think 25 cents is a lot to penalize someone for forgetting their reusable bags, think of the elderly who may forget their bags, some shop on habit and bringing a bag might not be part of their habit, 25 cents per bag doesn't seem like much but when 5 bags are needed or more it really adds up for someone who is struggling as it is. I look forward to seeing a blanket ban in place (since many cities have moved forward already banning these bags), I hope you can understand my comments however and take them into consideration. 1

Sincerely,

Angelique Presidente, 32

Live laugh love

Letter 5

COMMENTER: Angelique Presidente

DATE: July 3, 2012

Response 5.1

The commenter states the opinion that plastic bags should be banned and suggests that the ban be expanded to include all restaurants, as well as produce bags. The commenter also states that $0.25 cents per paper bag would pose a significant economic impact for citizens such as the elderly who may forget to bring their bags when they shop.

In regard to banning plastic bags and expanding the ban to include restaurants and produce bags, these comments, opinions, and suggestions are noted and will be forwarded to County staff and decision-makers for their consideration. Please note that Alternative 2 in Section 6.0, *Alternatives*, considers an ordinance that would prohibit all retail establishments (including restaurants) from providing single use plastic bags.

In regard to a $0.25 fee for recyclable paper bags, the comment expresses concern about a potential economic impact of the proposed project, which is not CEQA's purview. The purpose of the EIR is to address the project's environmental effects, not its economic effects. CEQA Guidelines Section 15064(e) specifically states that "economic and social changes resulting from a project shall not be treated as significant effects on the environment." However, please note that as part of the Draft Ordinance (see Appendix D of the Program Final EIR), a provision is included that states that "A retail establishment may provide a customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; and 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, with one or more recycled paper bags at no cost through December 31, 2014.". This provision is designed to avoid an economic impact for citizens who qualify under those programs listed.

Letter 6

From: Dean Peterson
To: Camille Leung
Subject: Fwd: plastic bag ban
Attachments: IMAGE.gif

>>> "Nancy Barnby" <nancy.barnby@gmail.com> 7/3/2012 7:11 PM >>>
I am 100% in favor of the plastic bag ban. I need not go into the reasons; we all realize that bags pollute our environment. But many people disbelieve that they can "do without" the free bags which come with store purchases. Nonsense. In the first place, it is easy to get into the habit of taking cloth bags into the store after parking in the supermarket/ shopping center lot. I even carried a cloth bag into Bloomingdale's recently when I was planning to buy a heavy Le Crueset cooking pot. Why get a "Brown Bag"? And do we need those plastic bags for reuse? No. Folks argue, "I use them as liners for my trash bin." Hmmm. Unbidden, we all receive many bags which can be used for such: the plastic wrapper around, say, 12 rolls of toilet paper or paper towels; tough plastic bags which contain fertilizer; I even use large bags from bulk organic kale at Costco. Imagination goes a long way. 1
nancy barnby, menlo park

Letter 6

COMMENTER: Nancy Barnby, Menlo Park resident

DATE: July 3, 2012

Response 6.1

The commenter expresses support for the Proposed Ordinance and states that switching to reusable bags is not as difficult as people perceive it to be. The commenter goes on to state that plastic bags are not necessary for reuse as bin liners because there are other options such as the plastic wrap around toilet paper or paper towels.

The comments and suggestion are noted and will be forwarded to County staff and decision-makers for their consideration.

Letter 7

From: Dean Peterson
To: Camille Leung
Subject: Fwd: plastic bags
Attachments: IMAGE.gif

>>> "Leslie Mills" <lmillsline@aol.com> 7/5/2012 3:51 PM >>>
I don't see an issue with the plastic bags as I always recycle them a Safeway when I shop. I see more of an issue with takeout styrafoam containers and cups that are not recycleable. 1
Leslie Mills

Letter 7

COMMENTER: Leslie Mills

DATE: July 5, 2012

Response 7.1

The commenter states the opinion that Styrofoam containers and cups are a greater concern for her personally than plastic bags , as the containers are not recyclable and that plastic bags are not an issue as the commenter always recycles them.

In regard to Styrofoam, as Section 6.0, *Alternatives,* an alternative to ban Styrofoam in addition to plastic bags was considered, but rejected as Styrofoam materials are outside the scope of the proposed action and thus are not discussed within this Program EIR. Further, this alternative would not achieve the Proposed Ordinance's objectives of reducing the environmental impacts related to single-use plastic bags or reduce any of the Proposed Ordinance's environmental effects. Environmental impacts related to polystyrene use are outside the scope and objectives of the proposed action.

The commenter implies that impacts related to plastic bags are not a concern because she "always recycles" them. However, this comment is speculative as the practices of one member of the public does not prove such practice by the majority within the Study Area. As noted in Section 2.0, *Project Description*, approximately 5% of single-use plastic bags in California are recycled (US EPA, 2005; Green Cities California MEA, 2010; and Boustead, 2007).

Letter 8

From: pegspak@sonic.net
To: envhealth@smcgov.org
Subject: Support Regulating Single Use Bags
Date: Friday, July 06, 2012 11:19:00 PM

Cannot attend the meeting on July 25th will be out of town.

I totally support banning plastic bags and charging for paper ones in Menlo Park.

It is so easy to keep cloth bags in the car and just use them over and over again. 1

Really excited that Menlo Park is taking this step and hope that the ordinance is supported and passes.

Peg Spak

Margaret Spak & Associates
Health Management Consulting Services
381 Santa Margarita
Menlo Park, CA 94025
650 325-1442

Letter 8

COMMENTER: Peg Spak, Margaret Spak & Associates, Health Management Consulting Services, Menlo Park

DATE: July 6, 2012

Response 8.1

The commenter expresses support for the Proposed Ordinance and states that keeping reusable bags in the car for reuse is easy to accomplish.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration.

Letter 9

Matthew Maddox

From: Matthew Maddox
Sent: Wednesday, August 29, 2012 8:11 AM
To: Matthew Maddox
Subject: FW: EIR

From: Dean Peterson [mailto:dpeterson@smcgov.org]
Sent: Wednesday, June 27, 2012 4:14 PM
To: Camille Leung
Cc: Megan Jones; Matthew Maddox
Subject: Re: EIR

I also got a call from East Palo Alto and apparently they're not included in the retail section 1

Sent from my iPhone

Letter 9

COMMENTER: Dean Peterson, Director, County of San Mateo Health System Environmental Health Services

DATE: June 27, 2012

Response 9.1

The commenter states that in Appendix E, the Draft EIR did not include the stores in East Palo Alto.

The stores in East Palo Alto were inadvertently left out of Appendix E in the Draft EIR. Please note that this "List of Potential Retailers in the Study Area" was used in the EIR analysis as a reference only and no impact analysis relies on this list. Therefore by updating the list in the Final EIR with the stores from East Palo Alto, there would be no change to the impact determinations or the environmental analysis contained in the Draft Program EIR. The list of potential stores is simply used for reference and is not an exhaustive list. Further, while East Palo Alto retailers were inadvertently left out of the Draft Program EIR, it became apparent that listing every potentially impacted business in the Study Area in the Program Final EIR is inadvisable due to changing business landscapes and because the sheer size of the resulting appendix did not warrant the listing.

Letter 10

From: Susie Foster
To: envhealth@smcgov.org
Subject: Plastic bags
Date: Friday, July 06, 2012 4:37:28 PM

To Whom it May Concern:

I don't feel that Menlo Park should put an ordinance to charge customers for paper bags and outlaw plastic bags. I think in general people are bringing their own bags (I do), but on occasion I may not have enough bags for what I have bought. To think that I will be charged for additional bags seems ridiculous. We were recently in San Jose where there is a similar ordinance, and everywhere I went they charged me for a bag. Needless to say, I haven't been back. I recycle all the bags I get (paper and plastic), so I feel I am doing my part and should not be charged. 1

Regards,
Susie Foster

Letter 10

COMMENTER: Susie Foster, Menlo Park

DATE: July 6, 2012

Response 10.1

The commenter states the opinion that Menlo Park should not adopt the Proposed Ordinance, stating that people generally bring their own bags to the store, but, in the instance that individuals may not have enough bags for their purchase she states that charging for additional bags is "ridiculous".

The commenter also states that a similar ordinance in San Jose has prevented the commenter from returning to shop in San Jose and states that individuals who recycle their bags (paper and plastic) should not be charged for bags.

The commenter's opinion regarding adoption in Menlo Park will be forwarded to the decision makers.

In regard to customers bringing their own bags to the store but not having enough bags, the intent of a fee on paper bags is intended to encourage the use of reusable bags and provide a disincentive to paper bag use. It is demonstrated in the Draft EIR that impacts related to air quality, greenhouse gas emissions and solid waste on a per bag basis are greater for paper bags than plastic bags.

In regard to the City of San Jose ordinance, the commenter's personal choice to not return to San Jose is not relevant to the environmental impact analysis contained in the Draft EIR.

In regard to the commenter's practice of recycling both paper and plastic bags, the practices of one member of the public does not prove such practices by the majority in the Study Area. As described in Response 7.1, approximately 5% of single-use plastic bags in California are recycled (US EPA, 2005; Green Cities California MEA, 2010; and Boustead, 2007).

Letter 11

From: Don Pettengill
To: envhealth@smcgov.org
Subject: Plastic Bag Ban is a Bad Idea
Date: Saturday, July 07, 2012 10:02:03 AM

Banning (or equivalently, taxing) plastic bags is a very bad idea.

* Plastic bag re-use:

We re-use almost all of our plastic bags as bin liners. When we had a dog, they served well as poop-holders. That is a much more efficient use of resources than it we have to separately buy plastic bags for the same purposes. Everyone we know does the same. I don't believe the "4.3% recycling rate" EPA "study". 1

* Increase in costs:

Consumers will have to pay for the privilege of getting their groceries home. Is there no end to the expense of government mandate after government mandate? This is the worst economy since the great depression. We do NOT need another costly mandate. 2

* Food safety:

Re-usable bags for foodstuffs pose a danger to public health, as the bags become dirty and harbor potentially dangerous bacteria. This is already happening as re-usable bags become more popular:

"Reusable grocery bag carried nasty norovirus, scientists say"
http://vitals.msnbc.msn.com/_news/2012/05/09/11604166-reusable-grocery-bag-carried-nasty-norovirus-scientists-say?lite 3

"Reusable Grocery Bags Contaminated With E. Coli, Other Bacteria"
http://uanews.org/node/32521

* Detrimental effects on our environment:

Excerpt: " the study found that the average supermarket shopper would have to reuse the same cotton tote from 94 up to 1,899 times before it had less environmental impact than the disposable plastic bags needed to carry the same amount of groceries. "

"Bans on Plastic Bags Harm the Environment"
http://online.wsj.com/article/SB10001424052702303822204577468790467880880.html?mod=WSJ_Opinion_LEFTSecondBucket#articleTabs%3Darticle 4

The environmental impacts of making and washing the re-usable bag must also be considered. When they are, the plastic bag is shown to be beneficial. Furthermore, studies of landfills show the persistence of even supposedly "biodegradeable" materials, for decades and even centuries. "Plastic never biodegrades" is an irrelevant sound bite. In a well-managed landfill, many things do not biodegrade - paper can last for millennia.

* Summary:

There is no pressing environmental or public health issue with plastic bags. San Mateo County should stick to fixing potholes and ensuring the safety of our food and water, rather than cater to the uninformed and misguided views of activists. 5

Letter 11

COMMENTER: Don Pettengill

DATE: July 7, 2012

Response 11.1

The commenter states that banning and taxing bags is a bad idea. The commenter states the opinion that plastic bags are reused as bin liners and "poop-holders" for pets, as well as the opinion that reusing plastic bags is a more efficient use of resources than purchasing bags for the same purposes. The commenter also states the opinion that everyone known to the commenter reuses plastic bags for bin liners and "poop-holders." The commenter also states that he does not believe the 4.3% recycling rate for plastic bags (as cited in an EPA study).

Regarding the commenter's opinion that plastic bags are reused, the Draft Program EIR acknowledges that single-use plastic bags can be used more than once. As discussed in Section 2.0, *Project Description*, single-use plastic bags can be re-used by customers and are recyclable. However, this comment is speculative as the practices of one member of the public and those he knows, does not prove such practice by the majority within the Study Area.

In regard to 4.3% recycling rate, it is not certain where the commenter attained this recycling rate. As stated in Section 2.0, *Project Description*, only approximately 5% of single-use plastic bags in California are recycled (US EPA, 2005; Green Cities California MEA, 2010; and Boustead, 2007). The comment is speculative and does not provide any evidence to support the claim that the rate contained in the study is not accurate.

Response 11.2

The commenter states that consumers will have to pay for the privilege of getting their groceries home and questions when the expense of government mandate after government mandate will end. The commenter further states that this is the worst economy since the Great Depression and that consumers do not need another costly mandate.

In regard to government mandates and the potential economic impact of the recycle paper bag fee, potential economic impacts of the proposed project are not in CEQA's purview. The purpose of the EIR is to address the project's environmental effects, not its economic effects. CEQA Guidelines Section 15064(e) specifically states that "economic and social changes resulting from a project shall not be treated as significant effects on the environment."

This opinion is noted and will be considered by County decision makers as they review the project.

Response 11.3

The commenter states that reusable bags pose a danger to public health as the bags become dirty and harbor potentially dangerous bacteria. The commenter provides website links to news articles regarding past incidences of reusable bag contamination resulting in public health impacts.

In regard to hygiene and washing reusable bags, an analysis of this concern is provided in Section 1.0 of the Draft Program EIR, as Topic No. 3 on Page 1-3. As stated in the Draft Program EIR, the Proposed Ordinance would promote a shift toward the use of reusable bags, periodic washing of reusable bags for hygienic purposes would be the responsibility of the individual customers. It is assumed that individuals would generally continue to practice good hygiene. Also, as required by the Proposed Ordinance, reusable bags are required to be machine washable or made from a material that can be cleaned or disinfected. In addition, community outreach efforts by the County would include public education about the proper care and use of reusable bags including proper hygiene and washing instructions to prevent food contamination.

Response 11.4

The commenter states the opinion that the environmental impacts of making and washing reusable bags must also be considered. The commenter further states the opinion that if those impacts are considered, the plastic bag is shown to be beneficial. The commenter further states that studies of landfills show the persistence of even supposedly "biodegradable" materials for decades and even centuries. The commenter also states that the sound bite "plastic never biodegrades" is irrelevant and that even in a well managed landfill many things do not biodegrade, as well as the opinion that paper can last for millennia.

The environmental impacts of washing bags (single-use plastic, paper, and reusable) are discussed in Section 4.5, *Utilities and Service Systems,* of the Draft Program EIR. Moreover, as discussed in Section 4.5, impacts from washing reusable bags are determined to be Class III, *less than significant*. In regard to the biodegradability of plastic and paper bags, impacts related to landfills from plastic, paper and reusable bags is discussed in Section 4.5, *Utilities and Service Systems* of the Draft EIR. As noted on page 4.5-10, impacts related to landfills and solid waste from bag use would be Class III, *less than significant.*

Response 11.5

The commenter states that there is no pressing environmental or public health issue with plastic bags. The commenter further states the opinion that San Mateo County should stick to fixing potholes and ensuring the safety of our food and water, rather than cater to the uninformed and misguided views of activists.

In regard to environmental impacts related to plastic bags, as stated in Section 4.2, *Biological Resources,* of the Draft Program EIR, single-use plastic carryout bags enter the biological environment primarily as litter. This can adversely affect terrestrial animal species, 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). Based on the data collected for the Ocean Conservancy's Report from September 2009 Ocean Conservancy's International Coastal Cleanup Day, approximately 11% of total debris items collected were plastic bags (Ocean Conservancy, April 2010). 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). 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). As stated in Section 4.2, *Biological Resources,* of the Draft Program EIR, the Proposed Ordinance would result in beneficial impacts related to biological resources as the impacts related to plastic bag litter would be reduced.

Further, as discussed in Section 4.1, *Air Quality,* of the Draft Program EIR, the Proposed Ordinance would result in beneficial impacts related to air quality as it would reduce emissions compared to existing conditions (with the use of plastic bags). In addition, as stated in Section 4.4, *Hydrology and Water Quality,* of the Draft Program EIR, the Proposed Ordinance would incrementally increase the number of recycled paper and reusable bags used in the Study Area, but the reduction in the overall number of single-use plastic bags used in the Study Area would reduce the amount of litter and waste entering storm drains. This would improve local surface water quality, a beneficial effect.

Letter 12

From: Amy de Benedictis
To: envhealth@smcgov.org
Subject: Plastic bags
Date: Sunday, July 08, 2012 5:09:10 PM

I support the ban on plastic bags. they are every where. Up in the tops of trees, floating in creeks. If you look along the freeway most of the trash lining our freeways are plastic bags. It takes a small shift in ones routine to use re-usable bags but the pay off is worth it. I hope people come to their senses and support this movement. It is long over due. 1
that and restaurants that use plastic utensils and paper plates when people stay to eat in. The restaurants should be required to supply real knives and forks etc.. but this is another issue.
Thanks you,
Amy
Amy de Benedictis
puppylady@pacbell.net
(650) -255-5969
http://www.puppylady.net

Letter 12

COMMENTER: Amy de Benedictis

DATE: July 8, 2012

Response 12.1

The commenter expresses support for banning plastic bags because of the amount of litter created by plastic bags and states that the shift to reusable bags is worth the effort in the long run. The commenter also states that restaurants should be required to supply eating utensils that are not plastic, but acknowledges that this is a separate issue from banning plastic bags.

The comment and suggestion are noted and will be forwarded to County staff and decision-makers for their consideration.

Letter 13

From: Linda White
To: cleung@smcgov.org
Subject: San Carlos: Plastic Bag Ban
Date: Monday, July 09, 2012 8:40:36 PM

I am AGAINST this ban. Plastic bags are my garbage bags and many people reuse them. If this ban goes into place, I will have to BUY large THICKER bags to use. 1

For people who don't reuse the bags, they can get paper instead.

Linda White

Letter 13

COMMENTER: Linda White

DATE: July 9, 2012

Response 13.1

The commenter states the opinion that many people reuse plastic bags and that banning plastic bags will require the commenter to buy large, thicker bags to serve as trash bags. The commenter goes on to state that people who don't reuse plastic bags can get paper bags instead.

Regarding the comment that many people reuse plastic bags, Section 2.0, *Project Description,* of the Draft Program EIR, acknowledges that single-use plastic bags can be re-used by customers and are recyclable. These uses may include bags for bin liners or collection of dog waste. However, the commenter does not provide evidence of such practices by the majority within the Study Area.

Regarding the commenter's need to buy thicker bags to use, the comment expresses concern about a potential economic impact of the proposed project, which is not CEQA's purview. The purpose of the EIR is to address the project's environmental effects, not its economic effects. CEQA Guidelines Section 15064(e) specifically states that "economic and social changes resulting from a project shall not be treated as significant effects on the environment."

This comment is noted and will be considered by City decision makers as they review the project.

Letter 14

From: Dean Peterson
To: Camille Leung
Subject: Fwd: plastic bags

>>> "Gail Farwell" <go4thenet@comcast.net> 7/9/2012 10:04 AM >>>
Would prefer the government not to decide whether I am allowed to use a plastic bag or not! 1

Letter 14

COMMENTER: Gail Farwell

DATE: July 9, 2012

Response 14.1

The commenter states that the government should not be permitted to decide whether or not the commenter is allowed to use plastic bags.

The Proposed Ordinance does not prohibit individuals from buying and using plastic bags. The Proposed Ordinance would ban the free distribution of plastic bags at retail establishments, excluding restaurants, to customers at the point of sale.

Letter 15

From: Carolyn Chaney
To: Planning-Commission@co.sanmateo.ca.us
Subject: single use bag ban
Date: Tuesday, July 10, 2012 5:18:01 PM

I am thrilled that so many cities have signed on to join with our county in banning single use plastic bags. I feel really proud to be a resident of San Mateo County. Thank you for your good work on this issue. 1

Carolyn Chaney
cchaney@sfsu.edu

"Tell me, what is it you plan to do with your one wild and precious life?" Mary Oliver

Letter 15

COMMENTER: Carolyn Chaney

DATE: July 10, 2012

Response 15.1

The commenter expresses support for banning single-use plastic bags and feels proud to be a resident of San Mateo County. The commenter further states appreciation for the County's work to ban single-use plastic bags.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration.

Letter 16

From: Lisa Conrad
To: Planning-Commission@co.sanmateo.ca.us
Subject: I support the plastic bag ban 1
Date: Tuesday, July 10, 2012 5:57:36 PM

Letter 16

COMMENTER: Lisa Conrad

DATE: July 10, 2012

Response 16.1

The commenter expresses support for banning single-use plastic bags.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration.

Letter 17

From: johnjhoffmann@comcast.net
To: cleung@smcgov.org
Cc: mgrocott@cityofsancarlos.org; bgrassilli@cityofsancarlos.org; kclapper@cityofsancarlos.org; rcollins@cityofsancarlos.org; molbert@cityofsancarlos.org
Subject: Plastic and paper bags law
Date: Tuesday, July 10, 2012 1:12:12 AM

Camille,

This email is followup to our conversation this afternoon.

I agree with the elimination of plastic bags which create unsightly litter and take a very long time to disintegrate. I also realize it is the current political flavor-of -the-month to pass restrictive laws in this regard but I believe there should be a bagging option and that retailers should be able to make a business decision to charge or not rather than have government micromanagement of commercial transactions by legislation. 1

I think it foolish and unnecessary to require retailers to charge customers for bags, provide a receipt for such purchases and then keep records, which in all likelihood no one will ever look at, and God forbid a Department of Bag Transaction Record Checking (DBTRC in government speak) should be established to oversee this program. 2

We can only hope that a modicum of common sense will prevail and that the county as well as all its cities will modify the proposed draft into a sensible law. 3

John Hoffmann

Letter 17

COMMENTER: John Hoffmann

DATE: July 10, 2012

Response 17.1

The commenter states the opinion that plastic bags should be eliminated because they create unsightly litter, take a long time to disintegrate, and it is the current political flavor-of-the-month to pass restrictive laws eliminating plastic bags. The commenter goes on to state the opinion that there should be a bagging option and that retailers should be able to make a business decision whether to charge or not for paper bags, as opposed to having the government micromanage commercial transactions through legislation.

In regard to the commenter's opinion that plastic bags should be eliminated, the comment is noted and will be forwarded to County staff and decision-makers for their consideration.

In regard to charging for paper bags, please see Response 11.2 regarding CEQA documents and economic effects. In regard to bagging options, under the Proposed Ordinance, customers have the option of either paying for a recyclable paper bag, buying a reusable bag, using their own bag (any type).

Response 17.2

The commenter states the opinion that it is foolish and unnecessary to require retailers to charge customers for bags, provide a receipt for such purchases, and keep records of those bag purchases. The commenter goes on to state the opinion that no one will look at the records of bag purchases and that any additional oversight agencies established to oversee this program are not warranted.

The intent of a paper bag fee is to deter the use of paper bags. As it is demonstrated in the Draft Program EIR that paper bags may have greater impacts related to air quality, greenhouse gas emissions, water quality (from manufacturing) than plastic bags if the same quantity is used. Further, this fee is intended to encourage customers to use reusable bags which the EIR analysis demonstrates has the lowest emissions and water quality impacts if reused multiple times. In regard to record keeping, the intent of the record keeping requirement is to establish a system of transparency such that customers will be able to see all charges (thus no hidden fees) and that retailers are able to demonstrate compliance with the Proposed Ordinance by providing written records.

Response 17.3

The commenter expresses the hope that a modicum of common sense will prevail and that the County as well as all its cities will modify the Proposed Ordinance into a sensible law.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, the comment is speculative in that it does not suggest any modifications to achieve the commenter's opinion of "sensible".

Letter 18

From: Mark A. Olbert
To: johnjhoffmann@comcast.net
Cc: jmaltbie@cityofsancarlos.org; cleung@smcgov.org
Subject: RE: Plastic and paper bags law
Date: Tuesday, July 10, 2012 9:23:42 AM

John,

Thanks for copying me on your email. One of the interesting aspects, to me, of the "plastic bag ban" discussion is that it's not really about banning plastic bags. It's about eliminating single-use bags.

Granted, plastic single-use bags are a big part of the reason why municipalities are considering these kinds of bans. But the studies I've seen show that the overall environmental impact of single-use paper bags is pretty high as well. Their one saving grace is that they biodegrade more easily, and are easier to process with existing waste-processing technology. But their footprint is still large. 1

That's the reason behind the fee structure these bans incorporate. Making the cost of a bag explicit is an attempt to encourage consumers to switch to multi-use bags (which are mostly, in an interesting irony, plastic). It's a clever, IMHO, way of working within a market economy to shift choices towards a lower overall cost option, by exposing the "public cost" of handling a significant component of the waste stream.

The receipt and record-keeping obligation exists to ensure retailers don't nullify the price signal by bundling the cost of the single-use bags into the overall transaction, which is what they do today. If you have any thoughts on how to preserve the price signal in a different way I'd be interested in hearing them. 2

Again, thanks for copying me on your email to Camille.

- Mark Olbert
Council Member, San Carlos City Council
h 650/596-3460
c 650/868-3367

Unless noted otherwise, the opinions and perspectives I've offered in this email are my own, and do not represent the official position of the City of San Carlos or its City Council. I ask that any recipient of this email not share these personal opinions and perspectives with other members of the San Carlos City Council so as to avoid the potential development or appearance of a consensus outside a scheduled public meeting, which is prohibited under California's Brown Act.

Interested in my perspective on City issues? Check out http://council.olbert.com, and consider subscribing to my blog.

From: johnjhoffmann@comcast.net [mailto:johnjhoffmann@comcast.net]
Sent: Tuesday, July 10, 2012 1:12 AM
To: cleung@smcgov.org
Cc: mgrocott@cityofsancarlos.org; bgrassilli@cityofsancarlos.org; kclapper@cityofsancarlos.org; rcollins@cityofsancarlos.org; molbert@cityofsancarlos.org
Subject: Plastic and paper bags law

Camille,

This email is followup to our conversation this afternoon.

I agree with the elimination of plastic bags which create unsightly litter and take a very long time to disintegrate. I also realize it is the current political flavor-of -the-month to pass restrictive laws in this regard but I believe there should be a bagging option and that retailers should be able to make a business decision to charge or not rather than have government micromanagement of commercial transactions by legislation.

I think it foolish and unnecessary to require retailers to charge customers for bags, provide a receipt for such purchases and then keep records, which in all likelihood no one will ever look at, and God forbid a Department of Bag Transaction Record Checking (DBTRC in government speak) should be established to oversee this program.

We can only hope that a modicum of common sense will prevail and that the county as well as all its cities will modify the proposed draft into a sensible law.

John Hoffmann

Letter 18

COMMENTER: Mark Olbert, Council Member, San Carlos County Council

DATE: July 10, 2012

Response 18.1

The commenter states the opinion that the Proposed Ordinance is not seeking to ban plastic bags; instead, the Proposed Ordinance seeks to eliminate single-use bags (plastic and paper bags). The commenter goes on to state the opinion that studies show that the overall environmental impact of single-use paper bags is pretty high as well, but that paper bags biodegrade more easily and are easier to process with existing waste-processing technology.

The comment that the Proposed Ordinance does not have a sole purpose to ban plastic bags is correct. As stated in Section 2.0, *Project Description*, of the DEIR, the Proposed Ordinance would (1) prohibit the free distribution of single-use carryout paper and plastic bags and (2) require retail establishments to charge customers for recycled paper bags and reusable bags at the point of sale.

In regard to the comment that the environmental impacts of single-use paper bags are high, but that paper bags biodegrade more easily than plastic bags, this comment is consistent with the discussions in Sections 4.1, *Air Quality*, 4.2, *Biological Resources*, 4.3, *Greenhouse Gas Emissions*, and 4.4, *Hydrology and Water Quality,* of the Draft Program EIR, which discuss the impacts associated with current paper bag use and potential changes in paper bag use as a result of the Proposed Ordinance. However, as noted in the DEIR, the overall environmental impacts of single-use paper bags are less than that of single-use plastic bags. Furthermore, the intent of the Proposed Ordinance is to reduce the environmental impacts related to the use of single-use carryout bags, and to promote a shift toward the use of reusable bags, which one of the reasons why the Proposed Ordinance would require retail establishments to charge for recycled paper bags.

Response 18.2

The commenter states the opinion that the reason behind the fee structure of the Proposed Ordinance is an attempt to encourage consumers to switch from single-use bags to multi-use bags (which are mostly, in an interesting irony, plastic). The commenter goes on to state the opinion that making the cost of a single-use bag explicit is a clever way of working within a market economy to shift choices towards a lower overall cost option, by exposing the "public cost" of handling a significant component of the waste stream. The commenter goes on to state the opinion that the receipt and record-keeping obligation exists to ensure retailers don't nullify the price signal by bundling the cost of the single-use bags into the overall transaction, which is what is done today.

The commenter provides his opinion relating to the economic implication rather than the environmental impacts of the Proposed Ordinance. This comment is somewhat consistent with the discussion in Section 2.0, *Project Description*, which describes the intent of the Proposed

Ordinance to reduce the environmental impacts related to the use of single-use carryout bags, and to promote a shift toward the use of reusable bags. As discussed in Response 17.2, CEQA Guidelines Section 15064(e) specifically states that "economic and social changes resulting from a project shall not be treated as significant effects on the environment."

The comment is noted and will be forwarded to County staff and decision-makers for their consideration.

Letter 19

From: Dean Peterson
To: Camille Leung
Subject: Fwd: Plastic bag ban
Date: Tuesday, July 10, 2012 3:52:54 PM

Sent from my iPhone

Begin forwarded message:

From: EnvHealth <EnvHealth@smcgov.org>
Date: July 10, 2012 2:53:37 PM PDT
To: "Dean Peterson" <DPeterson@smcgov.org>
Subject: Fwd: Plastic bag ban

Dear San Mateo Planning Commissioners,

The single-use bag ban is an ill-advised program that is essentially adding an additional tax onto many necessities people buy on a regular basis. It also represents government micro-managing the lives of the people. People, and hence the economy, flourish when they are free to make their own choices--not when their every move is controlled. 1
And who is to say a bag is "single-use"? Most of us save and reuse both plastic and paper bags.
With our economy teetering and many people out of work, the last thing we need is to be suddenly charged for heretofor free shopping bags. And there are many instances when a plastic bag is the optimum choice.

It's one thing to educate people to encourage them to reuse bags, and to recycle paper bags, it's another for government to mandate that we be charged for these necessary bags. Under a ban, the retailers and manufacturers of reusable bags would profit at the expense of the residents, who'd be hit by this new tax, in addition to the inconvenience which would result from lack of bags at point of sale. Please do not encumber our day-to-day lives this way. 2
I strongly urge you to adopt Alternative 1: No Project.

Sincerely,

Cherie Zaslawsky

Letter 19

COMMENTER: Cherie Zaslawsky

DATE: July 10, 2012

Response 19.1

The commenter states the opinion that the single-use bag ban is an ill-advised program that is essentially adding an additional tax onto many necessities people buy on a regular basis. The commenter goes on to state the opinion that the single-use bag ban represents government micro-management of the people's lives and that people, as well as the economy, flourish when they are free to make their own choices. The commenter also states the opinion that carryout bags are not single-use and that most people reuse both paper and plastic bags. Lastly, the commenter states the opinion that the last things residents need is to be suddenly charged for shopping bags that were once free as the economy is still weak, people are out of work, and there are many instances when a plastic bag is the optimum choice.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, as stated in Response 13.1, the comment expresses concern about a potential economic impact of the proposed project, which is not CEQA's purview. The purpose of the EIR is to address the project's environmental effects, not its economic effects. CEQA Guidelines Section 15064(e) specifically states that "economic and social changes resulting from a project shall not be treated as significant effects on the environment."

In regard to bags not being single-use, the Draft EIR acknowledges that single-use plastic bags can be used more than once. As discussed in Section 2.0, *Project Description*, single-use plastic bags can be re-used by customers and are recyclable. However, the intended purpose of these plastic bags is for a one-time grocery use and then disposal. Based on their size, thickness and material, single-use plastic bags are not intended to be used multiple times for grocery shopping. Also, while the commenter states that "most of us save and reuse both plastic and paper bags", the commenter does not provide evidence in support of such behavior by a majority in the Study Area. Therefore, County staff believes that the description of these bags as "single-use" bags is appropriate.

Response 19.2

The commenter states that it's one thing to educate people to encourage them to reuse bags, and to recycle paper bags, it's another for government to mandate that we be charged for these necessary bags. The commenter also expresses the opinion that retailers and manufacturers of reusable bags would profit at the expense of residents and that the Proposed Ordinance would cause residents to be inconvenienced by the lack of bags at the point of sale. The commenter goes on to state the opinion that County staff should adopt Alternative 1, the "no project" alternative.

In regard to the support for the adoption of Alternative 1, the comment is noted and will be forwarded to County staff and decision-makers for their consideration. In regard to comments

regarding the proper role of government and potential for profit by retailers from bag fees, this comment expresses concern about the potential economic and social impacts of the Proposed Ordinance, which is not CEQA's purview (refer to Response 13.1).

Letter 20

From: Kaia Eakin
To: cleung@smcgov.org
Subject: DEIR on Bag Ban -- Support of Ban
Date: Wednesday, July 11, 2012 8:59:59 AM

Dear Ms. Leung:

My name is Kaia Eakin and I am a resident of Redwood City. I also work in Redwood City. I support the ban on plastic bags in San Mateo County for the following three reasons:

1. San Mateo is bordered by the Bay for its entire length and plastic bags end up in the bay quite often. Since plastic bags are not easily biodegradable, this is an environmental hazard more pronounced in San Mateo County than other places because of our water proximity and the fact that it is often very windy near the bay. 1

2. There are reasonable alternatives to plastic bags. I have made a habit of using cloth bags for approximately 2 years. At first it was hard to remember to bring cloth bags when I shopped, but over time I have trained myself to remember and now it is easy. For San Mateo County residents who do not care to train themselves to use cloth bags, they can still get bags by paying a minor fee. In my opinion as a long term shopper in San Mateo County, this is a practical and workable plan.

3. As a San Mateo County resident, I received a tour of our garbage facility, Recology, in San Carlos. I learned that the machinery of the garbage plant has to be stopped quite often because platic bags get caught in the machinery. This is costly, wastes energy, puts unnecessary wear and tear on expensive machinery, and slows the processing of waste. This is an unnecessary burden on a vital process to county health. If the use of plastic bags in the county is reduced by this reasonable ban, it will help our entire garbage processing become more efficient, less costly, and healthier for all residents of San Mateo County.

Thank you for your consideration.

Sincerely,

Kaia Eakin
Redwood City resident

Letter 20

COMMENTER: Kaia Eakin, Redwood City Resident

DATE: July 11, 2012

Response 20.1

The commenter expresses support for the plastic bag ban for the following three reasons:

1. The proximity of San Mateo County to the San Francisco Bay. The commenter states the opinion that plastic bags do not easily biodegrade and that this is a more pronounced environmental hazard for San Mateo County because of the County's proximity to the San Francisco Bay and the fact that there is more wind near the San Francisco Bay.

2. The existence of reasonable alternatives to plastic bags. The commenter states that it was difficult for the commenter to remember to bring a cloth bag in the beginning, but over time the commenter has become self-trained and has been bringing their own cloth bag for over two years. The commenter states the opinion that residents who do not care to train themselves to use cloth bags would still have the option to purchase bags for a minor fee and that the Proposed Ordinance is a practical and workable plan.

3. Plastic bags lead to inefficient, costly, and unhealthy garbage processing activities as a result of plastic bags getting caught in garbage processing machinery. The commenter states the opinion that the machinery at the local garbage facility has to be stopped quite often because plastic bags get caught in the machinery and that this process of stopping the machinery to free plastic bags is costly, puts unnecessary wear and tear on expensive machinery, and slows the processing of waste. The commenter also states the opinion that the need to stop the machinery to free plastic bags is an unnecessary burden on a process that is vital to the health of the County. The commenter further states the opinion that the plastic bag ban will help garbage processing become more efficient, less costly, and healthier for all of the residents of San Mateo County.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. This comment is consistent with the discussion contained in Section 4.2, *Biological Resources* and Section 4.4, *Hydrology and Water Quality,* of the Draft Program EIR. As discussed in Section 4.4, *Hydrology and Water Quality*, the hydrology and water quality impacts associated with the Proposed Ordinance are not considered significant and are generally considered beneficial. As discussed in Section 4.2, *Biological Resources*, although some recycling facilities handle plastic bags, most reject them because they can get caught in the machinery and cause malfunctioning, or are contaminated after use.

Letter 21

From: donaldbahl@gmail.com on behalf of Donald Bahl
To: Camille Leung
Subject: Re: EIR Scoping Cross-Contamination
Date: Tuesday, July 17, 2012 12:45:42 PM

Hi Camille:
As far as I can see, the DEIR does not address the biological hazard of unwashed or improperly used bags contaminating food that is subsequently placed in the bag. There is also the biological hazard of contaminates being transferred to the next person in line by contaminates on the "bagger's" hands or gloves. 1
Don

On Tue, Jul 17, 2012 at 11:36 AM, Camille Leung <cleung@smcgov.org> wrote:

> Mr. Bahl,
>
> Please see Topic No. 3 on page 1-3 of the DEIR. Impacts of increased use of reusable bags (including air impacts of production, increased waste, increased water use associated with bag washing), is described throughout the DEIR. Thank you.
>
> Camille M. Leung
> Planning and Building Department
> 455 County Center, Second Floor
> Redwood City, CA 94063
> Phone: (650) 363-1826
> Fax: (650) 363-4849
>
> Please help us to serve you better and take a moment to complete our survey, just click on the link below:
> http://www.co.sanmateo.ca.us/planning/survey
> ----------
> Confidentiality Notice: This e-mail message, including any attachments, is for the sole use of intended recipient(s) and may contain confidential and protected information. Any unauthorized review, use, disclosure or distribution is prohibited. If you are not the intended recipient, please contact the sender by reply e-mail and destroy all copies of the original message.
>
> Save Paper.
> Think before you print.>>> "Donald Bahl" <donald@bahl.com> 7/13/2012 4:08 PM >>>
> Good Afternoon Camille
> Would you direct me to the part of the EIR that address this issue and any referenced study?
> Thank you
> Don Bahl

Letter 21

COMMENTER: Donald J. Bahl, Bahl Homes

DATE: July 17, 2012

Response 21.1

The commenter states that the DEIR does not address the biological hazard of unwashed or improperly used reusable bags contaminating food that is subsequently placed in the bag. The commenter also states in a previous letter dated May 4, 2012, that harmful bacteria or organisms that may be present in the bags could infect reusable bag users, sales clerks that handle the bags, infants and children playing with the bags, and pets coming in contact with reusable bags. The commenter also states that there is the potential issue for cross contamination resulting from contaminants being present on grocery "baggers" hands and being passed to subsequent customers in line at the grocery store. The commenter further states, in a previous letter dated May 4, 2012, that a study should be conducted by the County of San Mateo Health System to determine the type and level of harmful organisms, if any, that are present in the reusable bags currently in use.

Regarding public health impacts of reusable bags, while the Proposed Ordinance would promote a shift toward the use of reusable bags, periodic washing of reusable bags for hygienic purposes would be the responsibility of the individual customers (please refer to Response 11.3). It should also be noted that currently in the Study Area, single-use plastic bags also may require washing after use for carrying groceries and prior to being re-used (as described in Section 2.0, *Project Description,* of the Draft EIR). It is assumed that individuals would generally continue to practice good hygiene. In addition, community outreach efforts by the County would include public education about the proper care and use of reusable bags including proper hygiene and washing instructions to prevent food contamination.

Letter 22

From: Dean Peterson
To: Camille Leung
Subject: Fwd: plastic bag and polystyrene
Date: Thursday, July 26, 2012 12:52:27 PM

Sent from my iPhone

Begin forwarded message:

From: EnvHealth <EnvHealth@smcgov.org>
Date: July 26, 2012 11:45:31 AM PDT
To: "Dean Peterson" <DPeterson@smcgov.org>
Subject: Fwd: plastic bag and polystyrene

I am very much in favor of banning single use plastic bags and polystyrene containers. I personally have avoided both for years, and in fact have told restaurant owners in Menlo Park that I won't eat at their restaurant as long as they use polystyrene take out containers. 1

I'd like to see the City work with local grocery stores, Safeway in particular, to encourage them to stop stocking styrofoam disposable dinnerware. I know people who have gone looking there for disposable paper hot cups and found only styrofoam. Better options are available, so it's no longer necessary to provide styrofoam as the default disposable dinnerware option.

I actually find it more convenient to use resusable bags, as they are sturdier and have stronger handles than either plastic or paper bags. We have resusable bags in both of our cars, and I also carry one in my purse. All are washable. Last year at the street fair I bought a very attractive large bag that I now use when going to the mall, so I no longer need bags there either. 2

I won't attend public meetings on the subject- unless it appears that there is significant opposition to the ban and those of us in favor need to declare our position in person.

Carole Grace
100 Garland Drive
Menlo Park

Letter 22

COMMENTER: Carole Grace, Menlo Park resident

DATE: July 26, 2012

Response 22.1

The commenter expresses support for banning single-use plastic bags and polystyrene containers and goes on to state that the commenter has avoided both for years, in addition to informing restaurant owners in Menlo Park that the commenter will not eat at any restaurants as long as they continue to use polystyrene take-out containers. The commenter further expresses the desire to see the County work with local grocery stores to encourage them to stop stocking Styrofoam disposable dinnerware. The commenter further states that better alternatives to Styrofoam are available and it is no longer necessary to provide Styrofoam as the default dinnerware option.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, regarding concerns about the potential environmental impacts of polystyrene and Styrofoam, these comments do not pertain to the project or analysis contained in the Draft EIR (please refer to Response 7.1).

Response 22.2

The commenter states the opinion that it is more convenient to use reusable bags as they are sturdier and have stronger handles than either plastic or paper bags. The commenter also states that all reusable bags are washable and that it is possible to purchase larger reusable bags for trips to the shopping mall.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. Furthermore, the comment regarding all reusable bags being washable is consistent with the Draft Program EIR and reusable bags can either be hand washed or machined washed.

Letter 23

From: Bill
To: cleung@smcgov.org
Cc: ddebolt@mv-voice.com
Subject: Proposed paper bag fee
Date: Sunday, August 05, 2012 3:13:31 PM

To whom it may concern:

I am a Mountain View resident. For years I have used paper bags from grocery stores to assist in keeping my non recyclable garbage properly wrapped. This is efficient, and works well, keeping the garbage container relatively clean and odor free. A 10 cent tax on using a paper bag means I'll have to find some other way to contain my garbage. Over and above my (agreed, relatively minor) personal situation here are a few points that you should consider: 1

#1 Reusable bags have been found to contain large numbers of bacteria not present in paper bags.
This info from a Mercury News article that referenced report on:
http://uanews.org/pdfs/GerbaWilliamsSinclair_BagContamination.pdf
The first flu epidemic (we have one every year) you will have consumers screaming for sanitized bags. You are just asking for chaos in the check-out lanes. Whats a dirty bag? How clean is clean. Think.....this would be a disaster. If the city charges a fee to "encourage the use" of reusable bags, and an epidemic breaks out that is traceable, even in part, to the use of reusable bags, what is the City's liability? 2

#2 This tax, if passed, is very visable, and constantly in the face of the consumer. Their attitude towards taxes cannot help but be adversely affected when the time comes for voting on a really critical tax for community needs in the future. 3

#3 According to Mountain View Voice article, proponents recommended that reusable bags be sanitized routinely. (Reusable bags are required to be machine washable.) Oh, great. How much extra water and electricity are Mountain View residents going to consume needlessly. Don't even bother to tell me that we should just throw the bag in with our other clothes. No way! 4

#4 Comments such as "(the tax)...doesn't appear to be a burden on business" is facile on its face. Of course, it's a burden. It's one more form to prepare, data to accumulate, deadline to meet. We need to work at reducing, not increasing, the regulatory spider web of forms and rules that business must deal with. 5

Bill Nilli, resident

Letter 23

COMMENTER: Bill Nilli, Mountain View resident

DATE: August 5, 2012

Response 23.1

The commenter states the opinion that using paper bags from grocery stores to keep non-recyclable garbage properly wrapped is efficient and works well at keeping the container clean and odor free. The commenter goes on to state the opinion that the proposed $0.10 cent tax on paper bags translates to the commenter having to find some other way to contain their garbage and acknowledges that this is a relatively minor personal situation. The commenter goes on to state several points of consideration that are discussed in responses 23.2, 23.3, 23.4, and 23.5 below.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, the comment expresses concern about personal economic inconveniences resulting from the Proposed Ordinance, which is not CEQA's purview. The purpose of the EIR is to address the project's environmental effects, not its social inconveniences. CEQA Guidelines Section 15064(e) specifically states that "economic and social changes resulting from a project shall not be treated as significant effects on the environment."

Response 23.2

The commenter states the opinion that reusable bag have been found to contain large amounts of bacteria not present in paper bags. The commenter provides a link to information contained in a Mercury News article, which can be accessed from the following link: http://uanews.org/pdfs/GerbaWilliamsSinclair_BagContamination.pdf. The commenter goes on to state the opinion that consumers will be screaming for sanitized bags if there is a flu epidemic, which the commenter asserts happens at least once per year. The commenter goes on to question how a dirty or clean reusable bag is defined and to state that a flu epidemic that is traceable to reusable bags would be a disaster for the County and questions what the County's liability would be if a flu epidemic traceable to reusable bags occurred.

Regarding public health impacts of reusable bags, while the Proposed Ordinance would promote a shift toward the use of reusable bags, periodic washing of reusable bags for hygienic purposes would be the responsibility of the individual customers (please refer to Response 11.3). It should also be noted that currently in the Study Area, single-use plastic bags also may require washing after use for carrying groceries and prior to being re-used (as described in Section 2.0, *Project Description* of the Draft EIR). It is assumed that individuals would generally continue to practice good hygiene. In addition, community outreach efforts by the County would include public education about the proper care and use of reusable bags including proper hygiene and washing instructions to prevent food contamination.

Response 23.3

The commenter states the opinion that the fee per recycled bag required by the Proposed Ordinance is a tax and is visible; constantly in the face of consumers and that a tax mandated by the Proposed Ordinance would adversely impact the decisions of voters when the time comes to vote on a critical tax for community needs in the future.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. The intent a paper bag fee is to deter the use of paper bags. As it is demonstrated in the Draft Program EIR that paper bags may have greater impacts related to air quality, greenhouse gas emissions, water quality (from manufacturing) than plastic bags if the same quantity is used. Further, this fee is intended to encourage customers to use reusable bags which the EIR analysis demonstrates has the lowest emissions and water quality impacts if reused multiple times. However, the comment expresses concern about a potential economic impact of the proposed project, which is not CEQA's purview. The purpose of the EIR is to address the project's environmental effects, not its economic effects. CEQA Guidelines Section 15064(e) specifically states that "economic and social changes resulting from a project shall not be treated as significant effects on the environment."

Response 23.4

The commenter questions the quantity of water and electricity Mountain View residents would have to "needlessly consume" in order to sanitize their reusable bags. The commenter goes on to state that concern about reusable bags being thrown in with residents existing wash loads.

Impacts related to water usage are discussed in Section 4.5, *Utilities and Service Systems*, of the Draft Program EIR and as stated in that section, the Proposed Ordinance would not significantly impact regional water supplies. Additionally, residents would not be required to machine wash their reusable bags if they are concerned about additional energy usage; as discussed in Section 4.5 of the Draft EIR, residents would have the option to hand wash their reusable bags if they do not wish to combine wash loads or machine wash their bags separately because of additional energy usage.

Response 23.5

The commenter states the opinion that comments such as "(the tax)...doesn't appear to be a burden on business" is misleading on its face. The commenter further states the opinion that taxes are a burden on businesses because they involve additional form preparation, data accumulation and additional deadlines to meet. The commenter suggests that regulators work to reduce the "regulatory spider web" of regulations that businesses are subject to, rather than increasing them.

The comment and suggestion are noted and will be forwarded to County staff and decision-makers for their consideration. However, the commenter expresses concern about economic and regulatory burdens, which is not CEQA's purview (refer to Response 17.2).

Letter 24

CLEAN WATER ACTION
CALIFORNIA

August 6, 2012

Camille M. Leung, Planner
Planning and Building Department
455 County Center, Second Floor
Redwood City, CA 94063

Dear Ms. Leung:

I am writing on behalf of Clean Water Action and our more than 15,000 members in the Cities and County of San Mateo express our support for the County to adopt the Draft Environmental Impact Report (DEIR) and to move forward on adopting proposed bag ban ordinance. The Planning Department should certify the DEIR based on its conclusion that the benefits of eliminating single use disposable plastic bags are significant and move the measure forward expeditiously to eliminate their use.

Over 50 local jurisdictions in California have already taken similar action. The time is right for Bay Area cities and counties to do this. Under the Municipal Regional Stormwater Permit (MRP) issued in 2009 by the SF Bay Regional Water Quality Control Board, Bay Area stormwater programs are already under significant pressure to reduce and control trash. Light-weight plastic bags are more than challenging to control and pose significant water quality threats. 1

In addition, the life cycle impacts of single use bags are enormous. From the extraction of petroleum, through manufacturing and disposal, a single use bag is associated with a wide array of types of environmental degradation. We can do better and it's already been done. The proposed ordinance will drive consumers toward more sustainable behaviors, such as bringing their own re-usable bags.

We urge the Planning and Building Department to adopt the DEIR and move the proposed measure forward. Thank you.

Sincerely,

Miriam F. Gordon
California Director
(415) 369-9170
mgordon@cleanwater.org

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Phone 202.895.0432 | Fax 202.895.0438 | cwf@cleanwater.org
www.cleanwaterfund.org

Letter 24

COMMENTER: Miriam Gordon, California Director of Clean Water Action

DATE: August 6, 2012

Response 24.1

The commenter expresses support for the County to adopt the Draft Program EIR, the Proposed Ordinance and urges the County to move forward expeditiously to eliminate the use of single-use plastic bags. The commenter further states that over 50 local jurisdictions in California have taken similar action and that the time is right for Bay Area cities and counties to do the same. The commenter also states that stormwater programs are already under significant pressure to reduce and control trash and those plastic bags are challenging to control and pose significant water quality threats. The commenter further states that the life cycle impacts of single-use bags are enormous and are associated with various types of environmental degradation resulting from the extraction of petroleum for the manufacturing of plastic bags, as well as the disposal of single-use plastic bags. The commenter states the opinion that there are better alternatives to single-use plastic bags and that the Proposed Ordinance will drive customers toward more sustainable behaviors such as bringing their own reusable bags.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. This comment is consistent with the discussion of water quality impacts resulting from the disposal of single-use plastic bags, which is discussed in Section 4.4, *Hydrology and Water Quality*, of the Draft Program EIR.

Letter 25

From: Simon Glass
To: cleung@smcgov.org
Subject: Plastic Bags
Date: Monday, August 06, 2012 6:18:02 AM

Hi,

I write regarding the proposed plastic bag ban in Mountain View.

I very much hope that a ban does not happen. Here are my thoughts on it:

1. Supermarket-style plastic bags are made from polyethylene gas, which is a byproduct of natural gas production. In some gas fields (e.g. Tauranga New Zealand) the gas is simply burnt into the atmosphere at the field since it costs money to collect it and they haven't bothered to install the required collection equipment. Reducing the use of plastic bags reduces the demand for this gas, and encourages more of it to be burnt. More oil is not drilled to create these bags - they are just a byproduct, by which this gas at least gets some use. Given that plastic bags are a byproduct, they are environmentally much better than paper bags can be. They come for free out of something we are already doing. 1

2. Plastic bags are very convenient. I can hold a lot more of them that paper bags, and they each hold more because they are stronger. 2

3. The bags should not be called 'single use' - I reuse them regularly as they are light, incredibly strong and waterproof. They compress down to the size of what they contain so can fit in my bike pannier. By contrast, when I get paper bags from Palo Alto Safeway, the only use I have so far found is for holding animal litter before it goes in the bin. Our paper bags just get thrown out. In our household we reuse plastic bags for all sorts of things (carrying stuff to work, rubbish bin in car, holding books and papers, holding camping and picnic stuff, etc.). 3

4. A plastic bag weights a few grams, a paper bag weighs much more and takes up more space. You will need more truck deliveries to get them into MTV, which is extra cost for no benefit. 4

5. There seems to be no real adverse environment effect that I have heard of. Some say small animals die from plastic bags? Really? It's not like we have them blowing around the countryside here in the valley. Are they clogging up our waterways? I haven't noticed any sort of problem like this in the creeks in MTV. I think this is just misleading. 5

6. So why would anyone want to ban plastic bags? I think it is a trendy, cool thing to do, 'doing you bit' to save the planet. Anything that makes life harder for humans must make things better for the planet...? To me this is mindless, anti-human and anti-science. We should stand up to this sort of eco-bullying and focus on solving actual problems. Implementing ban to fit in with others is a very bad reason also. 6

7. Plastic bags are hygienic and can be thrown out when dirty or torn. They don't need to be machine washed (using lots of water), and since they were so cheap to make they don't need to be used 200 times just to justify themselves. 7

Perhaps instead you could ask supermarkets (which I presume are the main users)

to provide a recycling bin (or perhaps a 1 cent bag reuse credit) instead, as is done in England (Sainsburys provides a credit on their loyalty card and Tescos has a recycle bin).

In the environment impact report, there is no mention of these options, which is a major omission I think. Nor does that report[1] seem to motivate the ban, since the report says on the one hand (Table ES-1) that less plastic bags will be manufactured (AQ-1) but more paper (or in fact canvas) bags will be produced (GHG-1). Given my point 1 above the ban is probably counterproductive and we are much better with things as they are, from an environmental impact point of view. Looking at things from a narrow county perspective ignores where the bags come from and the negligible environmental cost (versus heavier bags) of their manufacture. 8

Regards,
Simon

[1] http://www.mountainview.gov/civica/filebank/blobdload.asp?BlobID=9923

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Please note new cellphone number

Simon Glass
1748 Hamilton Ave, Palo Alto, CA 94303
Mobile +1 650 739 5466
imon.glass@gmail.com

Letter 25

COMMENTER: Simon Glass, Mountain View resident

DATE: August 6, 2012

Response 25.1

The commenter expresses the hope that the proposed plastic bag ban does not happen. The commenter further states that one of the reasons plastic bags should not be banned is that plastic bags are a byproduct of natural gas production; and therefore, better than paper bags because plastic bags are manufactured "for free out of something we are already doing." The commenter asserts that some gas fields, such as ones located in Tauranga New Zealand, simply release the gas into the atmosphere rather than collecting it because it is too expensive to collect or the gas field lacks the equipment required to collect the gas. The commenter states the opinion that a reduction in plastic bag use would lead to a reduction in demand for natural gas, thereby encouraging more of it to be released into the atmosphere.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. A description of the manufacturing process of plastic and paper bags is contained in Section 2.0, *Project Description*, of the Draft EIR and contradicts the claim that plastic bag manufacturing is merely a byproduct of natural gas production and does not require additional activities. As stated in Section 2.0, the life cycle of single-use disposable plastic bags begins with the conversion of crude oil or natural gas into hydrocarbon monomers, which are then further processed into polymers (Herrera et al, 2008; County of Los Angeles, 2009). These polymers are connected with heat to form plastic resins, which are then blown through tubes to create the air pocket of the bag. Once cooled, the plastic film is stretched to the desired size of the bag and cut into individual bags. Furthermore, as stated in Section 2.0 of the Draft EIR, paper bags are typically made from trees (paper) and corn (glue) which are both re-planted and re-grown (International Paper, 2012).

The commenter's claim that the reduction in plastic bag use would lead to a reduction in demand for natural gas, thereby encouraging more of it to be released into the atmosphere is speculative. The commenter does not provide any evidence to support this claim.

Response 25.2

The commenter states that plastic bags are convenient because customers can carry more of them than paper bags and because they can hold more purchases than paper bags as a result of being stronger.

The comment regarding the capacity and sturdiness of plastic bags is speculative and does not provide any evidence to support the claim that plastic bags can hold more purchases and are sturdier/stronger than paper bags.

Response 25.3

The commenter states the opinion that plastic bags should not be referred to as "single-use," as the commenter reuses them regularly because they are light, incredibly strong, waterproof and can be compressed down to the size of what they contain which makes them convenient for motorcycle storage compartments. The commenter further states the opinion that plastic bags can be reused for a variety of uses, such as for carrying items to work, for use a rubbish bins in the car, for holding books and papers, and for holding camping and picnic items. The commenter states the opinion that paper bags are thrown out often because they are not useful for anything more than containing animal litter prior to being thrown away.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. Regarding plastic bags being referred to as "single-use," the Draft Program EIR acknowledges that single-use plastic bags can be used more than once. As discussed in Section 2.0, *Project Description*, single-use plastic bags can be re-used by customers and are recyclable. However, the intended purpose of these plastic bags is for a one-time grocery use and then disposal. Based on their size, thickness and material, single-use plastic bags are not intended to be used multiple times for grocery shopping. Therefore, County staff believes that the description of these bags as "single-use" bags is appropriate. Regarding the comment that paper bags are only useful for containing animal litter, as stated in Section 2.0, it is also claimed that paper bags have many other uses outside of the grocery store including use as recycling, and composting containers, school book covers, gift wrap, and other craft projects, and use for picnics or sporting events (International Paper, 2012).

Response 25.4

The commenter states that a plastic bag weighs a few grams, but a paper bag weighs much more and takes up more space, which would lead to more truck deliveries. The commenter states that the increase in truck delivery trips would be an extra cost for no benefit.

In regard to truck delivery trips, as shown in the Initial Study (see Appendix A), the increase of truck trips associated with the Proposed Ordinance would increase truck trips by approximately 1.57 truck trips per day. This would not result in a significant environmental impacts related to traffic (as discussed in Appendix A) or air quality (as discussed in Section 4.1, *Air Quality*).

Response 25.5

The commenter states the opinion that there are no adverse environmental impacts from plastic bags. The commenter questions the accuracy of statements that suggest that small animals die from plastic bags and that plastic bags clog local waterways. The commenter states the opinion that the aforementioned statements are misleading as the commenter has not noticed plastic bags clogging up waterways in Mountain View and that plastic bags do not blow around the Mountain View countryside.

This comment is speculative and does not provide any evidence to support the claim that plastic bags do not result in adverse environmental impacts. Furthermore, the information contained in the Draft EIR directly contradicts the claim that plastic bags do not result in adverse environmental impacts. As discussed in Section 4.2, *Biological Resources*, single-use

plastic carryout bags enter the biological environment primarily as litter. This can adversely affect terrestrial animal species, 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). Based on the data collected for the Ocean Conservancy's Report from September 2009 Ocean Conservancy's International Coastal Cleanup Day, approximately 11% of total debris items collected were plastic bags (Ocean Conservancy, April 2010). 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). 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).

Moreover, as discussed in Section 4.4, *Hydrology and Water Quality*, litter that enters the storm drain system may clog storm drains and could result in contamination or may be transported into the local watershed or coastal habitat, violating waste discharge requirements. In addition, manufacturing facilities may utilize materials that, if released in an uncontrolled manner, could degrade the water quality in local waterways.

Response 25.6

The commenter states that banning plastic bags is happening merely because it is a “trendy,” “cool” thing to do and that people feel they are “doing their bit to save the planet.” The commenter further states the opinion that anything that makes life harder for humans must make things better for the environment. The commenter states the opinion that this attitude is “mindless,” “anti-human,” and “anti-science.” The commenter states the opinion that Mountain View residents should stand up to this sort of “eco-bullying” and focus on solving actual problems. The commenter concludes with the opinion that implementing a plastic bag ban to fit in with others is another bad reason to implement such an ordinance.

This comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, this comment does not pertain to the analysis contained in the Draft EIR.

Response 25.7

The commenter states the opinion that plastic bags are hygienic and can be thrown out when dirty or torn. The commenter states the opinion that plastic bags do not need to be machine washed and as they are so cheap to make they do not need to be reused 200 times just to justify themselves.

This comment is noted and will be forwarded to County staff and decision-makers for their consideration. Please note that the inexpensive cost of plastic bags is partly the reason why

California uses approximately 20 billion single-use plastic bags per year and why it is estimated that the Study Area utilizes 552.9 million single-use plastic bags per year (as shown in Table 2-1 of the Draft EIR). The intent of the Proposed Ordinance is to reduce the number of single-use bags in San Mateo County and in each of the participating municipalities as single-use bag litter creates secondary issues/impacts.

Response 25.8

The commenter suggests that the County ask supermarkets to provide recycling bins or provide a $0.01 cent bag reuse credit as is done in England. The commenter states that there is no mention of the aforementioned options in the Draft Program EIR and that this is a "major omission." The commenter states the opinion that the Draft Program EIR does not seem to motivate the plastic bag ban as the report states that less plastic bags would be manufactured but more paper bags or canvas bags will be produced. The commenter states that from an environmental perspective, people are much better off leaving things the way they are and that a plastic bag ban would be counterproductive as they are merely a byproduct of natural gas production. The commenter concludes with the statement that looking at the plastic bag ban from a narrow County perspective ignores where the bags come from and the negligible environmental cost of plastic bag manufacturing.

Regarding the suggestion to have supermarkets provide recycling bins, this is already a requirement under California state law. As discussed in Section 2.0, *Project Description*, in 2006, California enacted AB 2449 (Chapter 845, Statutes of 2006), which became effective on July 1, 2007. The statute states that stores providing plastic carryout bags to customers must provide at least one plastic bag collection bin in an accessible location to collect used bags for recycling. As the provision of recycling bins for plastic bags is already an existing regulatory requirement, the Draft Program EIR would not evaluate this option.

In response to the comment that the Draft Program EIR does not seem to motivate the plastic bag ban, the purpose of the Draft Program EIR is not to motivate or dissuade a ban on plastic bags. The purpose of the EIR is to evaluate the potential environmental impacts of the Proposed Ordinance, which have all been found to be either Class IV, *beneficial*, or Class III, *less than significant*, impacts to the environment. The comment that the environmental cost of plastic bag manufacturing is negligible is speculative and the commenter provides no evidence to support the claim.

Letter 26

August 6, 2012

Camille M. Leung, Planner
Planning and Building Department
County of San Mateo
455 County Center, Second Floor
Redwood City, CA 94063

RE: Proposed Single Use Bag Ban Ordinance

Ms. Leung:

I am submitting this letter to offer some insight regarding the elimination of plastic bags at retail stores. As you may be aware, IKEA currently does not provide plastic bags to customers during the check-out process, and this practice has not hurt our sales.

We began this process in March 2007 with all IKEA stores in the United States charging five cents for each plastic bag a customer used and the proceeds going to American Forests, a charitable partner of ours. Also, to encourage sustainable behavior among our customers, we reduced the price of our iconic reusable 'Big Blue Bag' to 59 cents (from 99 cents). One sturdy reusable bag replaces hundreds of single-use bags, so we hoped customers would use it to carry purchases home from IKEA stores and elsewhere. 1

Our goal was to reduce customers' usage by 50% from 70 million bags yearly. Instead, one year after we began charging per bag, usage dropped more than 92%. The result was so successful that we decided to phase out single-use bags entirely by October 2008. This initiative was greeted as part of our commitment to sustainability that customers appreciate and expect from us. (We now also have installed solar panels atop our store.)

As the manager of the only IKEA store in San Mateo (or Santa Clara) County – among 38 stores nationwide – I can attest to the positive experience we have had locally with our own self-imposed ban. While IKEA does not presume to tell other companies what to do or how they should conduct business, we believe our experience offers a positive example of how retail operations can be adapted, and customers can be receptive, to the elimination of single-use plastic bags from the retail check-out process.

Thank you for your consideration of, and leadership on, this issue.

Sincerely,

Jill Matherson
Store Manager

cc: The Honorable San Mateo County Supervisor Rose Jacobs Gibson
The Honorable Mayor & City Council of East Palo Alto
East Palo Alto City Manager Ronald Davis

IKEA East Palo Alto ▪ 1700 E. Bayshore Road ▪ East Palo Alto, CA 94303 ▪ (650) 324-2777

Letter 26

COMMENTER: Jill Matherson, Store Manager of the East Palo Alto IKEA

DATE: August 6, 2012

Response 26.1

The commenter states that she is submitting this letter to provide some insight regarding the elimination of plastic bags at retail stores. The commenter states that IKEA does not currently provide plastic bags to customers during the check-out process and that this practice has not hurt IKEA's sales. The commenter states that this process began in 2007, with all IKEA stores in the US charging $0.05 cents per plastic bag. The commenter states that in an effort to encourage sustainable behavior among their customers, IKEA reduced the price of their iconic reusable "Big Blue Bag" from $0.99 cents to $0.59 cents. The commenter states the IKEA hoped that customers would use the "Big Blue Bag" to carry purchases home from IKEA stores and elsewhere as one sturdy reusable bag replaces hundreds of single-use bags.

The commenter states that IKEA's goal was to reduce their customers' plastic bag usage by 50% from 70 million bags annually. The commenter states that one year after IKEA began charging a per bag fee, usage of plastic bags dropped 92% and that the result was so successful that IKEA decided to phase out single-use bags entirely by October 2008. The commenter concludes with the statement that while IKEA does not presume to tell other companies what to do or how they should conduct business, IKEA believes that their experience offers a positive example of how retail operations can be adapted, and customers can be receptive, to the elimination of single-use plastic bags from the retail check-out process.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, the comment addresses potential economic impacts and social resistance to the proposed project, which is not CEQA's purview. The purpose of the EIR is to address the project's environmental effects, not its economic effects. CEQA Guidelines Section 15064(e) specifically states that "economic and social changes resulting from a project shall not be treated as significant effects on the environment."

Letter 27

From: Palacio, Cynthia
To: "cleung@smcgov.org"
Subject: DEIR Misprint?
Date: Monday, August 06, 2012 1:13:46 PM

At page 2.7 in the table 2-1 – you include Monte Sereno and Los Altos Hills with a footnote that they are included in your table to be conservative. Should you also include City of Santa Clara, Morgan Hill & Gilroy? 1

Cynthia Palacio
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City of Mountain View
Public Works Department
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Letter 27

COMMENTER: Cynthia Palacio, Senior Analyst, County of Mountain View Public Works Department

DATE: August 6, 2012

Response 27.1

The commenter states that Table 2-1 on page 2-7 of the Draft Program EIR includes the cities of Monte Sereno and Los Altos Hills with a footnote indicating that they are included in the table to be conservative. The commenter questions whether or not the Draft Program EIR should also include the cities of Santa Clara, Morgan Hill, and Gilroy.

Monte Sereno and Los Altos Hills as well as two San Mateo County cities (Hillsborough and Atherton) were conservatively included in the Draft Program EIR bag calculations (as shown in Table 2-1) because these communities do not have any retail establishments in their cities. Thus it was assumed that residents in these jurisdictions would most likely do their shopping in one or more of the participating municipalities of the Draft EIR. In regard to the suggestion to include the cities of Santa Clara, Morgan Hill, Gilroy or other communities in the Draft Program EIR bag calculations, these jurisdictions were not included as these cities have retail establishments within their cities so residents are assumed to do their shopping within each city. Also, it should be noted that these cities are not considered participating agencies in this Program EIR.

Letter 28

Camille Leung, Project Planner

San Mateo Co. Planning and Building Division, Environmental Services Agency

Re: Comments Program DEIR Single-Use Bag Ban Ordinance, County File No. PLN201200136

August 6, 2012

Dear Ms. Leung:

The San Mateo Cool Counties Committee, Loma Prieta Chapter Sierra Club supports the need for an ordinance regulating single-use bags and the effort made in the Staff Report: Executive Summary, dated July 11, 2012 to the Planning Commission. 1

Alternative 2 of the DEIR could be justified if supported by further investigation. Contrary to the report, increased use of paper bags might not increase impact in areas of air quality, GHG emissions, utilities and service systems, if offset by reductions resulting from paper recycling and the use of recycled paper products. But the fact remains that the "superior" Alternative 4 exempts restaurants as does the Proposed San Mateo County Ordinance.

Why not modify the Proposed County Ordinance in the DEIR process rather than to face the need to upgrade it at a future date, with the added expense of a new DEIR? Many San Mateo County Cities either have passed compatible ordinances or are in the process of drafting similar ordinances. The City of Millbrae's ordinance is included in the statewide study to which you referred, and bans both plastic and paper bags as does the "ideal" Alternative 4. Cities look to San Mateo County to be a leader or model, therefor present cities with a superior ordinance. 2

Lastly, the monitoring and enforcement of the ordinance would be strengthened as well as easier to enforce if the ordinance were to apply to all retail establishments, with the possible exception of non-profit charitable re-users. The issue whether a "public eating establishment" (restaurant) receives a certain percentage of its revenue from sales to be eaten on or off the premises would not require a hearing as would the proposed ordinance and Alternative 4. We recommend Alternative 2, the ordinance which applies to all retail establishments in banning single-use plastic bags.

Sincerely,

Merrill Bobele, Lead, San Mateo Cool Counties Committee
Cc: San Mateo County Planning Commission

Letter 28

COMMENTER: Merrill Bobele, Lead, San Mateo Cool Counties Committee

DATE: August 6, 2012

Response 28.1

The commenter expresses support for an ordinance regulating single-use bags and the effort made in the Staff Report: Executive Summary, dated July 11, 2012 to the Planning Commission.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, this comment does not pertain to the analysis contained in the Draft Program EIR.

Response 28.2

The commenter recommends adoption of Alternative 2. Under this Alternative, the Proposed Ordinance would apply to all retail establishments (including restaurants). Likewise, the commenter hopes that the Proposed Ordinance or Alternative 4 would be amended to include a ban on single-use plastic bags distributed at restaurants.

The commenter's suggestion that Alternative 2 (which would ban single-use plastic bags at all retailers including restaurants) be adopted will be forwarded to County staff and decision-makers for their consideration. However, as stated in Section 6.0, *Alternatives,* of the Draft Program EIR, it should be noted that the Proposed Ordinance would not have any significant impacts; therefore, adopting Alternative 2 or the environmentally superior alternative - Alternative 4 (Ban on Both Single-use Plastic and Paper Carryout Bags) rather than the Proposed Ordinance would not avoid any significant environmental effects.

Letter 29

From: Sally Clark
To: cleung@smcgov.org
Subject: please don"t exempt non profits from the plastic bag ban
Date: Tuesday, August 07, 2012 12:07:09 PM

Hi,

First of all, I am so glad that the plastic bag issue is being taken seriously. Thank you for all your work.

As you read in my intro., I feel that the non profits need to be included in the ban. Some of there are quite aware and don't use plastic bags; however, the Vietnam Veterans blanket the Bay Area with their flyers for clothes, etc. using two plastic bags
one for the mailer and the other to place the clothes into. I have called them repeatedly suggesting other alternative only to get resistance that they don't work as well, probably true but what about the bay waters and the ocean. The Vets telephone number is 866-241-8387. I'm sure there are others abusing the use of plastic bags that I don't know about but I see that this organization is the worse. 1

Thanks again for your time.

Sally Clark, MFT, Mountain View

Letter 29

COMMENTER: Sally Clark, Mountain View resident

DATE: August 7, 2012

Response 29.1

The commenter states that she is glad the plastic bag issue is being taken so seriously and thanks the County for their work on this matter. The commenter states that non-profits should be included in the ban.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration.

Comment 30

COMMENTER: Gail Slocum, Planning Commissioner Chair, County of San Mateo Planning Commission

DATE: July 11, 2012

Response 30.1

The commenter questions why restaurants have been excluded from the Proposed Ordinance.

As discussed in Response 5.1, Alternative 2 in Section 6.0, *Alternatives* of the Draft Program EIR, considers an ordinance that would prohibit all retail establishments (including restaurants) from providing single use plastic bags.

Response 30.2

The commenter questions whether the elimination of 95% of single-use plastic bags, as opposed to 100%, would be sufficient to reduce the secondary impacts associated with plastic bags.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. The DEIR shows that the Proposed Ordinance would reduce secondary environmental impacts related to sensitive species, sensitive habitats and water quality. Section 4.2, *Biological Resources*, states that the Proposed Ordinance would have Class IV, *beneficial*, impacts to biological resources, such as sensitive species, as a result of a reduction in litter entering aquatic environments. Section 4.4, *Hydrology and Water Quality*, states that the Proposed Ordinance would have Class IV, beneficial, impacts related to water quality as a result of an overall reduction in litter entering storm drains. The Proposed Ordinance has been found to have less than significant impacts with respect to all other environmental issues evaluated in the Draft Program EIR.

Response 30.3

The commenter questions why charitable organizations are exempt from the Proposed Ordinance.

Not all "charitable organizations" are exempt for the Proposed Ordinance as suggested by the commenter. As stated in the Draft Ordinance (see Appendix D of the Final Program EIR), a "Nonprofit charitable reuser" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, 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. Alternative 2 in Section 6.0, *Alternatives* of the Draft Program EIR, considers an ordinance that would prohibit all retail establishments (including restaurants and non-profit, charitable retailers) from providing single use plastic bags.

Response 30.4

The commenter suggests consideration of a reward for members of the public turning in violators of the Proposed Ordinance as part of enforcement procedures.

The suggestion is noted and will be forwarded to County staff and decision-makers for their consideration. However, this suggestion does not pertain to the analysis contained in the Draft Program EIR.

Response 30.5

The commenter questions the findings that the alternative that would ban plastic bags everywhere (including restaurants as well as all retail establishments) would be worse for the environment.

As discussed in Section 6.0, *Alternatives*, Alternative 2 would be environmentally superior to the Proposed Ordinance with respect to the following issue areas: biological resources, hydrology and water quality, and solid waste generation. However, as described in Section 4.1, *Air Quality*, paper bags have a greater per bag impact than single-use plastic bags. Because Alternative 2 would essentially trade 27.6 million single-use plastic bags for the same number of single-use paper bags, air pollutant emissions would incrementally increase as compared to what would occur under the Proposed Ordinance. As noted in Section 4.3, *Greenhouse Gases,* through the manufacturing, transportation, and disposal, each paper bag results in 3.3 times the emissions of a single-use plastic bag. Because this alternative would increase the number of paper bags and reduce the number of single-use plastic bags compared to the Proposed Ordinance, it would result in a net increase of GHG emissions compared to the Proposed Ordinance. Therefore, Alternative 2 would not necessarily be "worse for the environment" than the Proposed Ordinance, it would result in a trade off between increased air quality and greenhouse gas emissions and that of reduced impacts associated with a further reduction in the amount of litter. The comment is noted and will be forwarded to County staff and decision-makers for their consideration.

Response 30.6

The commenter questions what type of enforcement is in place for the Proposed Ordinance.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, this comment does not pertain to the analysis contained in the Draft Program EIR.

Response 30.7

The commenter questions whether or not the bag number assumptions used for the Proposed Ordinance (5% single-use plastic bags, 30% recycled paper bags, and 65% reusable bags) are reasonable and further questions what these assumptions are based on.

As described in Section 4.1, Air Quality, the rates utilized in the Proposed Ordinance were also used in the City of San Jose Final EIR, SCH # 2009102095, October 2010. Similar rates have also been utilized in the City of Sunnyvale Final EIR, SCH #2011062032, December 2011 and the City of Huntington Beach Draft EIR, SCH #2011111053, February 2012, and the City of Santa Monica Final EIR, SCH #2010041004, January 2011.

Response 30.8

The commenter questions why Alternative 4 is not adopted as it is environmentally superior.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, as discussed in Section 6.0, *Alternatives*, the Proposed Ordinance would not have any significant impacts; therefore, adopting Alternative 4 (Ban on Both Single-use Plastic and Paper Carryout Bags) rather than the Proposed Ordinance would not avoid any significant environmental effects.

Comment 31

COMMENTER: Merrill Bobele, Lead, San Mateo Cool Counties Committee

DATE: July 11, 2012

Response 31.1

The commenter expresses support for the Draft Program EIR process and hopes that groups like the Sierra Club will be included in the EIR process.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, this comment does not pertain to the analysis contained in the Draft Program EIR.

Comment 32

COMMENTER: Lauren Dockendorf, Save Our Shores based in Santa Cruz

DATE: July 11, 2012

Response 32.1

The commenter expresses support for the bag ban and thanks the County for its work on the matter.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, this comment does not pertain to the analysis contained in the Draft Program EIR.

Response 32.2

The commenter states that Save Our Shores has found 34,000 plastic bags on beaches and in rivers during their clean-up efforts in the cities of Santa Cruz, Monterey, and San Mateo. The commenter further states that since the adoption of Santa Cruz County's bag ban in March 2012, Save Our Shores has seen a 70% reduction in plastic bags recovered on local beaches and in rivers.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration.

Response 32.3

The commenter states that Santa Cruz County attempted to include restaurants in their bag ban ordinance, but that the County was sued by the Save the Plastic Bag Coalition, which led to the exemption of restaurants in the Santa Cruz County bag ban ordinance.

The comment is noted and will be forwarded to County staff and decision-makers for their consideration. However, this comment does not pertain to the analysis contained in the Draft Program EIR.

4.0 REFERENCES AND REPORT PREPARERS

4.1 REFERENCES

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7.2 REPORT PREPARERS

This EIR was prepared by Rincon Consultants, Inc., under contract to the County of San Mateo. Consultant staff involved in the preparation of the EIR are listed below.

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REGULAR

NUMBER: **287**

TITLE: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MILPITAS ADDING CHAPTER 5 OF TITLE III OF THE MILPITAS MUNICIPAL CODE RELATING TO SINGLE-USE BAGS**

HISTORY: This Ordinance was introduced (first reading) by the City Council at its meeting of _____, upon motion by_____ and was adopted (second reading) by the City Council at its meeting of _____, upon motion by _____. The Ordinance was duly passed and ordered published in accordance with law by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

_____
Mary Lavelle, City Clerk

APPROVED:

_____
Jose S. Esteves, Mayor

APPROVED AS TO FORM:

_____
Michael J. Ogaz, City Attorney

RECITALS AND FINDINGS:

WHEREAS, the use of single-use carryout bags by consumers at retail establishments is detrimental to the environment, public health and welfare; and

WHEREAS, the manufacture and distribution of single-use carryout bags requires utilization of natural resources and results in the generation of greenhouse gas emissions; and

WHEREAS, single-use carryout bags contribute to environmental problems, including litter in stormdrains, creeks, the bay and the ocean; and

WHEREAS, single-use carryout bags provided by retail establishments impose unseen costs on consumers, local governments, the State and taxpayers and constitute a public nuisance.

NOW, THEREFORE, the City Council of the City of Milpitas does ordain as follows:

SECTION 1. RECORD AND BASIS FOR ACTION

The City Council has duly considered the full record before it, which may include but is not limited to such things as the City staff report, testimony by staff and the public, and other materials and evidence submitted or provided to the City Council. Furthermore, the recitals set forth above are found to be true and correct and are incorporated herein by reference.

SECTION 2. AMENDMENT OF MILPITAS MUNICIPAL CODE

Chapter 5 of Title III of the Milpitas Municipal Code is hereby added with the text below to read as follows:

Chapter 5

SINGLE-USE BAGS

Sections:

III-5-1 Findings and Purpose
III-5-2 Definitions
III-5-3 Implementation Date
III-5-4 Single-use Carry-out Bag
III-5-5 Recordkeeping and Inspection
III-5-6 Enforcement

Section 1 Findings and Purpose

III-5-1.00

The City Council finds and determines that the regulation of single-use bags is necessary to protect the public health, safety and welfare based on the following reasons:

(a) The use of single-use carryout bags by consumers at retail establishments is detrimental to the environment, public health and welfare;

(b) The manufacture and distribution of single-use carryout bags requires utilization of natural resources and results in the generation of greenhouse gas emissions;

(c) Single-use carryout bags contribute to environmental problems, including litter in stormdrains, creeks, the bay and the ocean; and

(d) Single-use carryout bags provided by retail establishments impose unseen costs on consumers, local governments, the state and taxpayers and constitute a public nuisance.

This City Council does, accordingly, find and declare that it should restrict the single use carry-out bags.

Section 2 Definitions

III-5-2.00

A. "Customer" means any person obtaining goods from a retail establishment.

B. “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.

C. "Nonprofit charitable reuser" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, 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.

D. "Person" means any natural person, firm, corporation, partnership, or other organization or group however organized.

E. "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.

F. "Public eating establishment" means a restaurant, take-out food establishment, or any other business that receives ninety percent or more of its revenue from the sale of prepared food to be eaten on or off its premises.

G. "Recycled paper bag" means a 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 establishment that contains no old growth fiber and a minimum of forty percent post-consumer recycled content; is one hundred 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.

H. "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 is located within or doing business within the geographical limits of the City of

Milpitas. “Retail establishment” does not include public eating establishments or nonprofit charitable reusers.

I. "Reusable bag" means either a bag made of cloth or other machine washable fabric that has handles, or a durable plastic bag with handles that is at least 2.25 mil thick and is specifically designed and manufactured for multiple reuse. A garment bag may meet the above criteria regardless of whether it has handles or not.

J. "Single-use carry-out bag" means a bag other than a reusable bag provided at the check stand, cash register, point of sale or other point of departure, including departments within a store, for the purpose of transporting food or merchandise out of the establishment. “Single-use carry-out bags” do not include bags without handles provided to the customer: (1) to transport prepared food, produce, bulk food or meat from a department within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a reusable bag or recycled paper bag.

Section 3 Implementation Date

III-5-3.00

This Chapter shall not be implemented until June 1, 2014.

Section 4 Single-use Carry-out Bag

III-5-4.00

A. No retail establishment shall provide a single-use carry-out 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 Section.

B. On or before December 31, 2014 a retail establishment may only make recycled paper bags or reusable bags available to customers if the retailer charges a minimum of ten cents.

C. On or after January 1, 2015 a retail establishment may only make recycled paper bags or reusable bags available to customers if the retailer charges a minimum of twenty-five cents.

D. Notwithstanding this Section, no retail establishment may make available for sale a recycled paper bag or a reusable bag unless the amount of the sale of such bag is separately itemized on the sale receipt.

E. A retail establishment may provide one or more recycled paper bags at no cost to any of the following individuals: a customer participating in the California Special Supplement Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the 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.

Section 5 Recordkeeping and Inspection

III-5-5.00

Every retail establishment shall keep complete and accurate records or documents of the purchase and sale of any recycled paper bag or reusable bag by the retail establishment, for a minimum period of three years from the date of purchase and sale, which record shall be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce this part. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the retail establishment address. The provision of false information including incomplete records or documents to the City shall be a violation of this Chapter.

Section 6 Enforcement

III-5-6.00

In addition to any other remedy available at law, City may enforce any violation of this Chapter pursuant to Section I-1-4.09 of the Milpitas Municipal Code.

SECTION 3. SEVERABILITY

The provisions of this Ordinance are separable, and the invalidity of any phrase, clause, provision or part shall not affect the validity of the remainder.

SECTION 4. EFFECTIVE DATE AND POSTING

In accordance with Section 36937 of the Government Code of the State of California, this Ordinance shall take effect thirty (30) days from and after the date of its passage. The City Clerk of the City of Milpitas shall cause this Ordinance or a summary thereof to be published in accordance with Section 36933 of the Government Code of the State of California.

CLEAN WATER ACTION

3E

November 26, 2013

Mayor Jose Esteves
City of Milpitas
455 East Calaveras Boulevard
Milpitas, California 95035

RE: Support City Action to Ban Plastic Bags and Require Stores Charge for Paper

Dear Mayor Esteves:

On behalf of Clean Water Action, I write to express our support of city actions to ban plastic single-use carry-out bags and require that establishments charge for recyclable paper bags. The free distribution of single-use disposal bags burdens local taxpayers (for litter control costs), unnecessarily consumes scarce natural resources, creates plastic pollution, and adds to the blight on neighborhoods created by litter. In short, it is a practice that must come to an end, especially where there are reusable alternatives.

Plastic bags contribute significantly to local litter problems and cost taxpayers a lot of money. The litter audit performed by the City of San Jose revealed that bags (including retail and non-retail bags) were the third largest component of the street litter problem, after fast food and a large amount of miscellaneous litter. Plastic retail bags comprised 4.9% of the overall litter problem.[1] While Clean Water Action strongly supports reducing the quantity of fast food packaging as it is the most common form of street litter and most significant component of marine debris, [2] bags are a good place to start to try to reduce street litter and marine debris.

Californians use an estimated 19 billion single-use plastic bags every year.[3] Managing those bags when they become waste is costly. The state spends $25 million annually to clean up and landfill these littered bags and this figure does not even include the over $300 million that local governments continually to spend to clean littered streets and waterways.[4] The City of San Francisco estimated that to clean up, recycle, and landfill plastic bags costs the city 17 cents per bag. [5]

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[1] City of San Jose, "Targeted Litter Assessment 2009"
[2] California Coastal Commission (2006). "Eliminating Land-based Discharges of Marine Debris in California: A Plan of Action from The Plastic Debris Project."
[3] California Integrated Waste Management Board, (Available at:www.zerowaste.ca.gov/PlasticBags/default.htm).
[4] *Id.*
[5] City of San Francisco Department of the Environment, "Bag Cost Analysis," November 18, 2004. (www.ci.sf.ca.us/site/sfenvironment_page.asp?id=28374). Retrieved 1/5/09.

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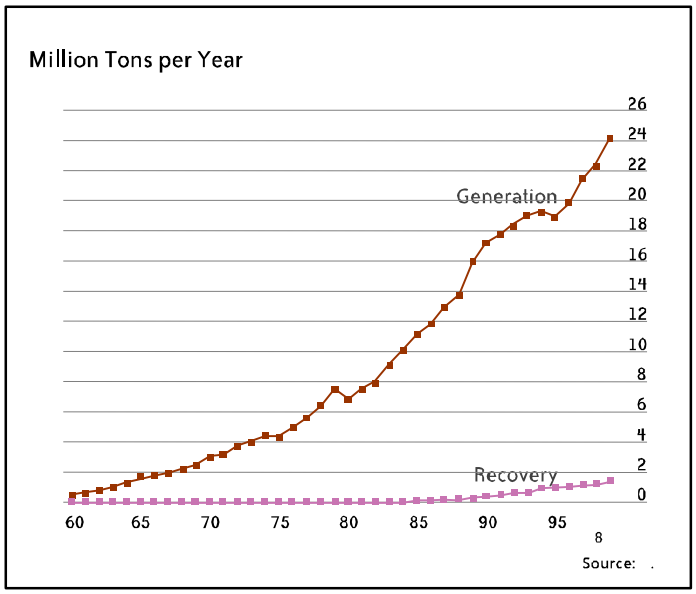
The City of San Francisco delayed passing a bag ban to give the bag industry time to establish recycling programs at grocery stores as an alternative option. After two years, there were no measurable results to report. The City took action in 2006 and banned plastic bags. The lesson is that California cities cannot recycle our way out of this problem.



This chart shows the rate of plastics generation in California between 1960 and 1999, as compared to the rate of recovery and recycling.[6]

Less than 5% of these bags are currently being recycled[7]; the rest end up in landfills or as litter, clogging storm drain systems, and make their way to waterways and the ocean where they have become a persistent threat to wildlife and present multiple threats to the marine ecosystem.

It is estimated that 60–80% of all marine debris, and 90% of floating debris is plastic.[8] Plastics are so durable that no one actually knows how long it will take them to fully break down. Current research shows that they continue to break down become microplastics that are ingested by small marine life- this means that many marine creatures are becoming plasticized- as well humans may. Over 267 species worldwide have been impacted by large plastic litter such as plastic bags.[9]

Bans work to end a litter problem One year after implementation, LA County reported a 95% overall reduction of all single-use bags distributed, including a 30% reduction of paper bags. San Jose's one year report after its bag ordinance implementation showed almost 90% cleaner stormwater systems and 60% cleaner streets and creeks. Charging for a product, rather than giving it out for free can be a successful strategy for encouraging consumers to live without it. Ireland has demonstrated that a fee of 22 euro cents ($0.33 USD) on plastic carryout bags effectively deters consumer use and plastic bag litter, and that such fee rates must be appropriately determined to keep rate of non-use steady. [10] Since placing a fee on plastic bags in 2002, plastic bag usage and litter in Ireland has

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[6] California Integrated Waste Management Board (2003) "Plastics White Paper: Optimizing Plastics Use, Recycling and Disposal in California," http://www.calrecycle.ca.gov/publications/Plastics/43203008.pdf

[7] *Id.*, US EPA 2005 Characterization of Municipal Solid Waste, Table 7.

[8] California Coastal Commission (2006). "Eliminating Land-based Discharges of Marine Debris in California: A Plan of Action from The Plastic Debris Project."

[9] N. Wallace. "Debris entanglement in the marine environment: a review" (985) pp. 259-277 in: R.S. Shomura and H.O. Yoshida (eds.), Proceedings of the Workshop on the Fate and Impact of Marine Debris, U.S. Department of Commerce, NOAA Technical Memorandum. NMFS, NOAA-TM-NMFS-SWFC-5.

[10] As of July 1, 2007 the fee was 22 Eurocents ≈ 33 U.S. cents according to 2007 exchange rates

decreased by over 90%.[11] It is important to provide customers with a recycled content and recyclable paper bag at the checkout counter, in case a customer forgets his reusable bag, but passing the cost of the bag on to the customer is an effective way to change behavior over time.

Changing behavior is what a bag ban is all about. The United States represents 5% of the world's population but consumes 27% of the world's resources. This country is the architect of the throw-away society- the pandemic search for convenience at the expense of the environment. While the European Union is busy strategizing on how to get the EU's consumption of the world's resources from 14% to a sustainable level by 2050,[12] our national leaders are busy trying to protect the American way of life- a model of consumption.

Action in the United States is coming from the ground up. The City of Milpitas should join other California jurisdictions in sending a message that we can do things differently. Already 89 California jurisdictions or over 30% of the state's population - including the city and county of Los Angeles, San Francisco, Oakland, Berkeley, San Jose, Fremont, Union City, Campbell, Los Gatos, Sunnyvale, Cupertino, Mountain View, Los Altos, Palo Alto and the county of Santa Clara - have joined China, parts of India, Ireland and many other places across the world in taking action to ban the bag and support reusables. On behalf of Clean Water Action and our 55,000 members in California, we urge you to do the same.

Sincerely,

Samantha Meyer
Zero Waste Program Coordinator | Clean Water Action
415.369.9174 | smeyer@cleanwater.org

Cc: Vice Mayor Althea Polanski and Councilmembers Debbie Indihar Giordano, Armando Gomez, and Carmen Montano

[11] Ireland Dept of the Environment, Heritage & Local Government: www.environ.ie/en/Environment/Waste/PlasticBags
[12] http://ec.europa.eu/environment/eussd/escp_en.htm