

**ORDINANCE TO BAN PLASTIC CARRYOUT BAGS IN
THE CITY OF WEST HOLLYWOOD**

MITIGATION MONITORING PROGRAM

(Sch # 200911104)

PREPARED FOR:

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SECTION I INTRODUCTION

The California Environmental Quality Act [CEQA; Public Resources Code (PRC), Section 21000 *et seq.*] requires a Lead Agency or Responsible Agency that approves or carries out a project, where an Environmental Impact Report (EIR) has identified significant environmental effects, to adopt a "reporting or monitoring program for the changes made to the project or conditions of project approval, adopted in order to mitigate or avoid significant effects on the environment" [PRC, Section 21081.6 (a) (1)]. The City of West Hollywood (City) is the Lead Agency for the Ordinance to Ban Plastic Carryout Bags in the City of West Hollywood (ordinance). Pursuant to PRC Section 21081.6(b), a public agency shall:

[p]rovide that measures to mitigate or avoid significant impacts to the environment are fully enforceable through permit conditions, agreements, or other measures. Conditions of project approval may be set forth in referenced documents which address required mitigation measures or, in the case of the adoption of a plan, policy, regulation, or other public project, by incorporating the mitigation measures into the plan, policy, regulation, or project design.

The City of West Hollywood has prepared an Addendum to the EIR for the Ordinance to Ban Plastic Bags in the City of West Hollywood. The document is prepared as an addendum to the previously certified EIR that was adopted by the County of Los Angeles (County) Board of Supervisors on November 16, 2010 (SCH State Clearinghouse No. #2009111104).ⁱ As one of the 88 incorporated cities within the County, the City's ordinance to ban plastic carryout bags is consistent with the ordinance analyzed in the County's Final EIR and adopted by the County Board of Supervisors. The Addendum to the EIR addresses the possible environmental effects associated with adoption of such an ordinance within the City. The Addendum to the EIR determined that the City's ordinance would not be expected to result in new or substantially more adverse significant impacts than those disclosed in the certified EIR. Similar to the certified EIR, the Addendum to the EIR determined that the City's ordinance would be expected to only result in a significant, unavoidable impact to cumulative greenhouse gas (GHG) emissions, which may occur if all 88 cities in the County were to adopt similar ordinances. Therefore, the City of West Hollywood has prepared this Mitigation Monitoring Program (MMP) similar to the County's MMP, to contribute towards the reduction of cumulative GHG emissions.

ⁱ County of Los Angeles Department of Public Works. November 2010. *Ordinances to Ban Plastic Carryout Bags in Los Angeles County Environmental Impact Report*. SCH No. 2009111104. Contact: Sapphos Environmental, Inc., Pasadena, CA.

This Mitigation Monitoring Program (MMP) applies to the Ordinance to Ban Plastic Carryout Bags in the City of West Hollywood (ordinance) The ordinance will be implemented for certain stores within the City of West Hollywood (City), California.

The City's ordinance consists of a ban on the issuance of plastic carryout bags. To address the issuance of paper carryout bags, the ordinance would either allow paper carryout bags to be distributed free of charge within the City or place a 10-cent charge on the issuance of paper carryout bags. The County evaluated the fee and no-fee options as Alternative 3 and Alternative 5, respectively, in the certified EIR for the Ordinances to Ban Plastic Carryout Bags in Los Angeles County (certified EIR).¹ The ordinance will principally involve the following elements.

II.1 DEFINITIONS

For the purposes of this MMP, the following terms are defined as follows:

- *Reusable bag(s)*: a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) has a minimum volume of 15 liters; (3) is machine washable; (4) does not contain lead, cadmium, or any other heavy metal in toxic amounts; (5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and (6) if made of plastic, is a minimum of at least 2.25 mils thick.
- *Paper carryout bag(s)*: a carryout bag made of paper that is provided by a store to a customer at the point of sale and can contain some percentage of post-consumer recycled content. Can be interchangeably referred to as a recyclable paper carryout bag.
- *Plastic carryout bag(s)*: any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.
- *Recyclable paper carryout bag(s)*: a paper bag that meets all of the following requirements: (1) contains no old growth fiber, (2) is one hundred percent (100%) recyclable overall and contains a minimum of forty percent (40%) post-consumer recycled material; (3) can be composted, consistent with the timeline and specifications of the American Society for Testing and Materials (ASTM) Standard D6400; (4) is accepted for recycling in curbside programs in the County; (5) has the name of the manufacturer, the location (country) where the bag was manufactured, and

¹ County of Los Angeles Department of Public Works. November 2010. *Ordinances to Ban Plastic Carryout Bags in Los Angeles County Environmental Impact Report*. SCH No. 2009111104. Contact: Sapphos Environmental, Inc., Pasadena, CA.

the percentage of postconsumer recycled material used printed on the bag; and (6) displays the word "recyclable" in a highly visible manner on the outside of the bag.

II.2 EXISTING CONDITIONS

II.2.1 Plastic Carryout Bags

In 1977, supermarkets began offering to customers plastic carryout bags designed for single use, and by 1996, four out of every five grocery stores were using plastic carryout bags.^{2,3,4,5} Since then, plastic carryout bags have been found to contribute substantially to the litter stream and to have adverse effects on marine wildlife.^{6,7,8,9,10,11} The prevalence of litter from plastic bags in the urban environment also compromises the efficiency of systems designed to channel storm water runoff. Furthermore, plastic bag litter leads to increased cleanup costs for the County, the California Department of Transportation (Caltrans), and other public agencies.^{12,13,14} Plastic bag litter also contributes to environmental degradation and degradation of the quality of life for County residents and visitors.¹⁵ In particular, the prevalence of plastic bag litter in the storm water system and coastal waterways hampers the ability of, and exacerbates the cost to, local agencies to comply with the National Pollution

² SPI: The Plastics Industry Trade Association. 2007. Web site. Available at: <http://www.plasticsindustry.org/>

³ County of Los Angeles, Department of Public Works, Environmental Programs Division. August 2007. *An Overview of Carryout Bags in Los Angeles County: A Staff Report to the Los Angeles County Board of Supervisors*. Alhambra, CA. Available at: http://dpw.lacounty.gov/epd/PlasticBags/PDF/PlasticBagReport_08-2007.pdf

⁴ SPI: The Plastics Industry Trade Association. 2007. Web site. Available at: <http://www.plasticsindustry.org/>

⁵ County of Los Angeles, Department of Public Works, Environmental Programs Division. August 2007. *An Overview of Carryout Bags in Los Angeles County: A Staff Report to the Los Angeles County Board of Supervisors*. Alhambra, CA. Available at: http://dpw.lacounty.gov/epd/PlasticBags/PDF/PlasticBagReport_08-2007.pdf

⁶ United Nations Environment Programme. April 2009. *Marine Litter: A Global Challenge*. Nairobi, Kenya. Available at: http://www.unep.org/regionalseas/marinelitter/publications/docs/Marine_Litter_A_Global_Challenge.pdf

⁷ California Integrated Waste Management Board. 12 June 2007. Board Meeting Agenda, Resolution: Agenda Item 14. Sacramento, CA.

⁸ County of Los Angeles, Department of Public Works, Environmental Programs Division. August 2007. *An Overview of Carryout Bags in Los Angeles County: A Staff Report to the Los Angeles County Board of Supervisors*. Alhambra, CA. Available at: http://dpw.lacounty.gov/epd/PlasticBags/PDF/PlasticBagReport_08-2007.pdf

⁹ Bjorndal, K. et. al. 1994. "Ingestion of Marine Debris by Juvenile Sea Turtles in Coastal Florida Habitats." In *Marine Pollution Bulletin*, 28 (3). Available at: http://accstr.ufl.edu/publications/BjorndalEtAl_1994_IngestionOfMarineDebrisByJuvenileSeaTurtlesInCostalFlorida.pdf

¹⁰ Okeanos Ocean Research Foundation. 1989. *Marine Mammal and Sea Turtle Encounters with Marine Debris in the New York Bight and the Northeast Atlantic*. Available at: http://swfsc.noaa.gov/publications/TM/SWFSC/NOAA-TM-NMFS-SWFSC-154_P562.PDF

¹¹ Gomerčić, H. et. al. *European Journal of Wildlife Research*. 2006. "Biological Aspects of Cuvier's Beaked Whale (*Ziphius cavirostris*) Recorded in the Croatia Part of the Adriatic Sea." DOI 10.1007/s10344-006-0032-8

¹² California Integrated Waste Management Board. 12 June 2007. Board Meeting Agenda, Resolution: Agenda Item 14. Sacramento, CA.

¹³ County of Los Angeles, Department of Public Works, Environmental Programs Division. August 2007. *An Overview of Carryout Bags in Los Angeles County: A Staff Report to the Los Angeles County Board of Supervisors*. Alhambra, CA. Available at: http://dpw.lacounty.gov/epd/PlasticBags/PDF/PlasticBagReport_08-2007.pdf

¹⁴ Combs, Suzanne, John Johnston, Gary Lippner, David Marx, and Kimberly Walter. 1998–2000. *Caltrans Litter Management Pilot Study*. Sacramento, CA: California Department of Transportation.

¹⁵ Keep America Beautiful. Accessed 19 October 2010. "Litter Prevention." Available at: http://www.kab.org/site/PageServer?pagename=focus_litter_prevention

Discharge Elimination System and total maximum daily loads limits (TMDLs) for trash, pursuant to the federal Clean Water Act (CWA).^{16,17}

The California Integrated Waste Management Board (CIWMB) estimates that approximately 3.9 percent of plastic waste can be attributed to plastic carryout bags used for grocery and other merchandise, which represents approximately 0.4 percent of the total waste stream in California.^{18,19} Several organizations have studied the effects of plastic litter: Caltrans conducted a study on freeway storm water litter;²⁰ the Friends of Los Angeles River conducted a waste characterization study of the Los Angeles River;²¹ the City of Los Angeles conducted a waste characterization study on 30 storm drain basins;²² and the County of Los Angeles Department of Public Works conducted a trash reduction and a waste characterization study of street sweeping and trash capture systems near and within the Hamilton Bowl, located in Long Beach, California.²³ These studies concluded that plastic film (including plastic bag litter) composed between 7 to 30 percent by mass and between 12 to 34 percent by volume of the total litter collected. Despite the implementation of best management practices, installation of litter control devices, such as cover fences for trucks, catch basins, and facilities to prevent airborne bags from escaping, and despite the use of roving patrols to pick up littered bags, plastic bag litter remains prevalent throughout the County.²⁴ Assembly Bill (AB) 2449 requires all supermarkets (grocery stores with more than \$2 million in annual sales) and retail businesses with at least 10,000 square feet with a licensed pharmacy to establish a plastic carryout bag recycling program at each store. Starting on July 1, 2007, each store must provide a clearly marked bin that is easily available for customers to deposit plastic carryout bags for recycling. The stores' plastic bags must display the words "please return to a participating store for recycling."²⁵ In addition, the affected stores must make reusable bags available to their patrons. These bags can be made of cloth, fabric, or plastic with a thickness of 2.25 mils or greater.²⁶ The stores are allowed to charge their patrons for reusable

¹⁶ *United States Code*, Title 33, Section 1313, "Water Quality Standards and Implementation Plans." Clean Water Act, Section 303(d).

¹⁷ County of Los Angeles, Department of Public Works, Environmental Programs Division. August 2007. *An Overview of Carryout Bags in Los Angeles County: A Staff Report to the Los Angeles County Board of Supervisors*. Alhambra, CA. Available at: http://dpw.lacounty.gov/epd/PlasticBags/PDF/PlasticBagReport_08-2007.pdf

¹⁸ California Environmental Protection Agency, Integrated Waste Management Board. December 2004. "Table ES-3: Composition of California's Overall Disposed Waste Stream by Material Type, 2003." *Contractor's Report to the Board: Statewide Waste Characterization Study*, p. 6. Produced by: Cascadia Consulting Group, Inc. Berkeley, CA. Available at: <http://www.ciwmb.ca.gov/Publications/default.asp?pubid=1097>

¹⁹ Note: Plastics make up approximately 9.5 percent of California's waste stream by weight, including 0.4 percent for plastic carryout bags related to grocery and other merchandise, 0.7 percent for non-bag commercial and industrial packaging film, and 1 percent for plastic trash bags.

²⁰ Combs, Suzanne, John Johnston, Gary Lippner, David Marx, and Kimberly Walter. 1998–2000. *Caltrans Litter Management Pilot Study*. Sacramento, CA: California Department of Transportation.

²¹ Friends of the Los Angeles River and American Rivers. 2004. *Great Los Angeles River*. Los Angeles and Nevada City, CA.

²² City of Los Angeles, Sanitation Department of Public Works. June 2006. *Technical Report: Assessment of Catch Basin Opening Screen Covers*. Los Angeles, CA.

²³ County of Los Angeles, Department of Public Works, Environmental Programs Division. August 2007. *An Overview of Carryout Bags in Los Angeles County: A Staff Report to the Los Angeles County Board of Supervisors*. Alhambra, CA. Available at: http://dpw.lacounty.gov/epd/PlasticBags/PDF/PlasticBagReport_08-2007.pdf

²⁴ County of Los Angeles, Department of Public Works, Environmental Programs Division. August 2007. *An Overview of Carryout Bags in Los Angeles County: A Staff Report to the Los Angeles County Board of Supervisors*. Alhambra, CA. Available at: http://dpw.lacounty.gov/epd/PlasticBags/PDF/PlasticBagReport_08-2007.pdf

²⁵ *Public Resources Code*, Section 42250–42257. 2006. Assembly Bill 2449.

²⁶ *Public Resources Code*, Section 42250–42257. 2006. Assembly Bill 2449.

bags.²⁷ Store operators must maintain program records for a minimum of three years and make the records available to the local jurisdiction.²⁸

II.2.2 Paper Bags

The production, distribution, and disposal of paper carryout bags also have known adverse effects on the environment.^{29,30} There is a considerable amount of energy that is used, trees that are felled, and pollution that is generated in the production of paper carryout bags.^{31,32} The CIWMB determined in the 2004 Statewide Waste Characterization Study that approximately 117,000 tons of paper carryout bags are disposed of each year by consumers throughout the County. This amount accounts for approximately 1 percent of the total 12 million tons of solid waste generated each year.³³ However, paper bags have the potential to biodegrade if they are sufficiently exposed to oxygen, sunlight, moisture, soil, and microorganisms (such as bacteria); they are denser and less susceptible to becoming airborne; and they generally have a higher recycling rate than do plastic bags. The U.S. Environmental Protection Agency (EPA) reported that the recycling rate for high-density polyethylene plastic bags and sacks was 11.9 percent in 2007, compared to a recycling rate of 36.8 percent of paper bags and sacks.³⁴ The County currently has an education outreach program for curbside recycling, which includes paper carryout bags.³⁵ There is nearly universal access to curbside recycling throughout the County, where paper bags can be recycled by homeowners conveniently. The paper used to make standard paper carryout bags is originally derived from wood pulp, which is a naturally biodegradable and compostable material. Therefore, based upon the available evidence, paper carryout bags are less likely to become litter than are plastic carryout bags. The brown paper bags commonly found at supermarkets are made from Kraft paper.³⁶ It also appears that the paper carryout bags currently used by stores in the County are made of at least 40 percent post-consumer recycled content.³⁷

²⁷ *Public Resources Code*, Section 42250–42257. 2006. Assembly Bill 2449.

²⁸ California Integrated Waste Management Board. 12 June 2007. Board Meeting Agenda, Resolution: Agenda Item 14. Sacramento, CA.

²⁹ County of Los Angeles, Department of Public Works, Environmental Programs Division. October 2008. *County of Los Angeles Single Use Bag Reduction and Recycling Program – Program Resource Packet*. Alhambra, CA.

³⁰ Green Cities California. March 2010. *Master Environmental Assessment on Single-Use and Reusable Bags*. Prepared by ICF International. San Francisco, CA.

³¹ County of Los Angeles Board of Supervisors. 22 January 2008. *Single Use Bag Reduction and Recycling Program (Resolution and Alternative 5)*. Los Angeles, CA. Available at: <http://dpw.lacounty.gov/epd/PlasticBags/Resources.cfm>

³² County of Los Angeles, Department of Public Works, Environmental Programs Division. October 2008. *County of Los Angeles Single Use Bag Reduction and Recycling Program – Program Resource Packet*. Alhambra, CA.

³³ California Environmental Protection Agency, Integrated Waste Management Board. December 2004. *Contractor’s Report to the Board: 2004 Statewide Waste Characterization Study*. Produced by: Cascadia Consulting Group, Inc. Berkeley, CA. Available at: <http://www.ciwmb.ca.gov/publications/localasst/34004005.pdf>

³⁴ U.S. Environmental Protection Agency. November 2008. “Table 21: Recovery of Products in Municipal Solid Waste, 1960 to 2007.” *Municipal Solid Waste in the United States: 2007 Facts and Figures*. Washington, DC. Available at: <http://www.epa.gov/waste/nonhaz/municipal/pubs/msw07-rpt.pdf>. The referenced table included the recovery of post-consumer wastes for the purposes of recycling or composting, it did not include conversion/fabrication scrap. The report includes the recovery of plastic bags, sacks, and wraps (excluding packaging) for a total of 9.1 percent of plastic recovered in this category. The County of Los Angeles conservatively estimates that the percentage of plastic bags in this category for the County of Los Angeles is less than 5 percent.

³⁵ County of Los Angeles Department of Public Works. Accessed 12 October 2010. Outreach Programs. Web site available at: <http://dpw.lacounty.gov/epd/recycling/outreach.cfm>

³⁶ American Forest and Paper Association. Accessed 25 October 2010. Web site. Facts about Paper. Available at: <http://www.afandpa.org/FunFacts.aspx>

³⁷ Perez, David. County of Los Angeles, Department of Public Works. 30 October 2008. E-mail Correspondence regarding Paper Bag Distribution – Field Survey Summary. On file at: Sapphos Environmental, Inc. Pasadena, CA.

II.2.3 Reusable Bags

Reusable bags offer an alternative to plastic carryout bags, compostable plastic carryout bags, and paper carryout bags. The utility of a reusable bag has been noted in various reports, such as the 2008 report by Green Seal, which estimates the life of a reusable bag as being between two and five years.³⁸ In 1994, the Green Seal report encouraged an industry standard of a minimum of 300 reusable bag uses; today, Green Seal recommends a more ambitious standard of a minimum of 500 uses under wet conditions (bag testing under wet conditions is more stringent testing).³⁹ Furthermore, life cycle studies for plastic products have documented the adverse impacts related to various types of plastic and paper bags; however, life cycle studies have also indicated that reusable bags are the preferable option to both paper bags and plastic bags.^{40,41,42,43}

Reusable bags are intended to provide a viable alternative to the use of paper or plastic carryout bags.⁴⁴ Currently, some stores within the County, such as certain Whole Foods divisions, do not offer plastic carryout bags at checkout, but instead offer reusable bags for sale and provide rebates if its patrons bring their own reusable bags. Other stores, such as certain Ralphs divisions, offer reusable bags for purchase at registers and offer various incentives, such as store rewards or store credit, to customers who use reusable bags.⁴⁵

II.2.4 Voluntary Single Use Bag Reduction and Recycling Program throughout Los Angeles County

On January 22, 2008, the County Board of Supervisors approved a motion to implement the voluntary Single Use Bag Reduction and Recycling Program in partnership with large supermarkets and retail stores, the plastic bag industry, environmental organizations, recyclers, and other key stakeholders. The program aims to promote the use of reusable bags, increase at-store recycling of plastic bags, reduce consumption of single-use bags, increase the post-consumer recycled material content of paper bags, and promote public awareness of the effects of litter and consumer responsibility in the County. The voluntary program establishes benchmarks for measuring the effectiveness of the program, seeking

³⁸ Green Seal, Inc. is an independent non-profit organization that uses science-based standards and the power of the marketplace to provide recommendations regarding sustainable products, standards, and practices.

³⁹ Green Seal, Inc. 13 October 2008. *Green Seal Proposed Revised Environmental Standard For Reusable Bags (GS-16)*. Washington, DC. Available at: http://www.greenseal.org/certification/gs-16_reusable_bag_proposed_revised_standard_background%20document.pdf

⁴⁰ Reusable bag manufacturers in the United States are expected to enforce industry standards and recommendations, such as using recycled materials, to reduce adverse environmental impacts.

⁴¹ Green Seal, Inc. 13 October 2008. *Green Seal Proposed Revised Environmental Standard For Reusable Bags (GS-16)*. Washington, DC. Available at: http://www.greenseal.org/certification/gs-16_reusable_bag_proposed_revised_standard_background%20document.pdf

⁴² Boustead Consulting & Associates, Ltd. 2007. *Life Cycle Assessment for Three Types of Grocery Bags – Recyclable Plastic; Compostable, Biodegradable Plastic; and Recycled, Recyclable Paper*. Available at: http://www.americanchemistry.com/s_plastics/doc.asp?CID=1106&DID=7212

⁴³ Green Cities California. March 2010. *Master Environmental Assessment on Single-Use and Reusable Bags*. Prepared by: ICF International. San Francisco, CA.

⁴⁴ Green Seal, Inc. 13 October 2008. *Green Seal Proposed Revised Environmental Standard For Reusable Bags (GS-16)*. Washington, DC. Available at: http://www.greenseal.org/certification/gs-16_reusable_bag_proposed_revised_standard_background%20document.pdf

⁴⁵ Ralphs Grocery Company. 2009. "Doing Your Part: Try Reusable Shopping Bags." Web site. Available at: http://www.ralphs.com/healthy_living/green_living/Pages/reusable_bags.aspx

a 30-percent decrease in the disposal rate of carryout plastic bags from the fiscal year 2007–2008 usage levels by July 1, 2010, and a 65-percent decrease by July 1, 2013.⁴⁶

The County identified three tasks to be undertaken by the County, stores, and manufacturers as part of the voluntary program's key components:

1. Large supermarket and retail stores: develop and implement store-specific programs such as employee training, reusable-bag incentives, and efforts related to consumer education
2. Manufacturer and trade associations: encourage members to participate in the program, provide technical assistance and marketing recommendations, and coordinate with large supermarkets and stores
3. County of Los Angeles Working Group: facilitate program meetings, determine specific definitions for target stores, establish a framework describing participant levels and participation expectations, and develop and coordinate program specifics such as educational material, reduction strategies, establishment of disposal rates and measurement methodology, progress reports, and milestones

In March 2008, the County provided each of the 88 incorporated cities in the County with a sample "Resolution to Join" letter that extended to the cities an opportunity to join the County in the abovementioned activities related to the Single Use Plastic Bag Reduction and Recycling Program. There are currently 11 cities within the County that have signed resolutions to join the County in its efforts and in adopting similar ordinances for their respective cities: Agoura Hills, Azusa, Bell, Glendale, Hermosa Beach, Lomita, Pico Rivera, Pomona, Redondo Beach, Santa Fe Springs, and Signal Hill. These cities have implemented a variety of public education and outreach efforts to encourage participation within their cities, including developing public education brochures, running public service announcements on their city's cable television channel, establishing committees focused on community outreach, and distributing recycled-content reusable bags at community events.

These endeavors were undertaken in an effort to increase the participation of grocery stores, to shift consumer behavior to the use of recycled plastic bags, and to encourage a considerable transition to the use of reusable bags.

Since that time, the Working Group found that the program was not successful in achieving its goals. Over a two-year period and despite State law, stores in the unincorporated area did not provide data that would enable County staff to determine if the voluntary program benchmark of 30-percent disposal reduction of plastic bags had been met. Furthermore, although the public education and outreach aspects of the program, including the successful Brag About Your Bag Campaign[®], were effective in raising awareness of the environmental impacts of carryout bags and the benefits of reusable bags, this awareness did not translate into a shift in consumer behavior that was significant enough to address the major objectives of the County.⁴⁷

⁴⁶ County of Los Angeles Board of Supervisors. 22 January 2008. *Single Use Bag Reduction and Recycling Program (Resolution and Alternative 5)*. Los Angeles, CA. Available at: <http://dpw.lacounty.gov/epd/PlasticBags/Resources.cfm>

⁴⁷ County of Los Angeles Chief Executive Office. 5 August 2010. *Single Use Bag Reduction and Recycling Program and Expanded Polystyrene Food Containers – Final Quarterly Progress Report*. Available at: http://dpw.lacounty.gov/epd/PlasticBags/PDF/BoardLetters/bdls_080510_bagrpt10.pdf

II.3 STATEMENT OF OBJECTIVES

II.3.1 Program Goals

The ordinance supports the goals of the City's Climate Action Plan to reduce waste and encourage the use of reusable materials in retail and commercial establishments.⁴⁸

II.3.2 Objectives

The City's objectives for the ordinance would be similar to the County's objectives for the Countywide ordinance. The County's objectives are as follow:⁴⁹

- Conduct outreach to all 88 incorporated cities of the County to encourage adoption of comparable ordinances
- Reduce the Countywide consumption of plastic carryout bags from the estimated 1,600 plastic carryout bags per household in 2007 to fewer than 800 plastic bags per household in 2013
- Reduce Countywide the contribution of plastic carryout bags to litter that blights public spaces by 50 percent by 2013
- Reduce the County's, cities', and Flood Control District's costs for prevention, cleanup, and enforcement efforts to reduce litter in the County by \$4 million
- Substantially increase awareness of the negative impacts of plastic carryout bags and the benefits of reusable bags, and reach at least 50,000 residents (5 percent of the population) with an environmental awareness message

The City's ordinance has five objectives that are consistent with those outlined in the certified EIR:

- Reduce the Citywide use of plastic carryout bags
- Reduce litter
- Assist the County in reducing costs for prevention, clean-up, and enforcement efforts to reduce litter
- Substantially increase awareness of the negative impacts of plastic carryout bags and the benefits of reusable bags
- Reduce Citywide disposal of plastic carryout bags

II.4 DESCRIPTION OF ORDINANCE

The ordinance will ban the issuance of plastic carryout bags at the point of sale in all retail establishments in the City, aside from restaurants, farmers markets, and dry cleaners. The West Hollywood City Council will decide whether the ordinance will also place a fee on the issuance of paper carryout bags or allow paper bags to be distributed free of charge. Six months following adoption of the ordinance by the West Hollywood City Council, the ordinance will apply to large stores within the City, including those that (1) meet the definition of a "supermarket" as found in the California Public Resources Code, Section 14526.5; and (2) are retail spaces that have over 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local

⁴⁸ City of West Hollywood. April 2011. *Updated Public Review Draft Climate Action Plan*. West Hollywood, CA.

⁴⁹ County of Los Angeles Department of Public Works. November 2010. *Ordinances to Ban Plastic Carryout Bags in Los Angeles County Environmental Impact Report*. SCH No. 2009111104. Contact: Sapphos Environmental, Inc., Pasadena, CA.

Sales and Use Tax Law and have a pharmacy licensed pursuant to Chapter 9 of Division 2 of the Business and Professions Code and (3) all other retail spaces that have over 10,000 square feet of retail space that generates sales or use tax pursuant to Chapter 9 of Division 2 of the Business and Professions Code Twelve months following the adoption of the ordinance by the West Hollywood City Council, the ordinance will apply to all other stores less than 10,000 square feet, including drug stores, supermarkets, pharmacies, grocery stores, convenience food stores, food marts, and all other retail stores, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control. Vendors at City-sponsored events, facilities, or City property would also be required to comply with the ordinance within 12 months following adoption of the ordinance.

The ordinance provides an exemption for stores that are required to provide plastic carryout bags as a condition of use or as required to abate a nuisance. The ordinance does not apply to produce bags that are used exclusively to carry produce, meats, or other food items to the point of sale inside a store or that are used to prevent such food items from coming into direct contact with other purchased items. In addition, restaurants and fast food establishments are not included in the scope of the ordinance. The ordinance also allows plastic and paper carryout bags to be distributed free of charge at farmers markets and explicitly provides an exemption to protect low-income consumers.

If the West Hollywood City Council decides to allow paper carryout bags to continue to be distributed free of charge, the ordinance will be comparable to Alternative 3, "Ban Plastic Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County," that was analyzed in the certified EIR. If the ordinance places a fee on the issuance of paper carryout bags, it will be comparable to Alternative 5, "Ban Plastic Carryout Bags and Impose a Fee on Paper Carryout Bags for All Supermarkets and Other Grocery Stores, Convenience Stores, Pharmacies, and Drug Stores in Los Angeles County," that was in the certified EIR.⁵⁰ Alternative 5 was adopted by the County Board of Supervisors. The City's ordinance differs from the ordinances analyzed by the County in three ways:

- The ordinance applies to vendors at City-sponsored events and City-owned facilities and events held on City property.
- The County ordinance requires affected stores to provide to the director of public works quarterly reports summarizing the money collected for recyclable paper carryout bags and the efforts undertaken to promote the use of reusable bags. The City's ordinance encourages, but does not require, affected stores to voluntarily report to the director of finance or a department designated by the city manager on a yearly basis.
- The City's ordinance takes effect 6 months after City Council adoption for stores that meet the definition of a "supermarket" as found in the California Public Resources Code, Section 14526.5 and stores of at least 10,000 square feet and all other retail stores of at least 10,000 square feet rather than the operative date for the County's ordinance. For stores smaller than 10,000 square feet and all other retail stores, the City's ordinance will take effect 12 months after the ordinance is adopted by City Council rather than on the operative date for the County's ordinance.

The differences between the City and County ordinances as listed above are minor changes that would not result in any new or significantly more adverse environmental impacts than those analyzed in the certified EIR. As such, the City's ordinance is consistent with the County's ordinance but, with minor changes, specific to the City of West Hollywood.

⁵⁰ County of Los Angeles Department of Public Works. November 2010. *Ordinances to Ban Plastic Carryout Bags in Los Angeles County Environmental Impact Report*. SCH No. 2009111104. Contact: Sapphos Environmental, Inc., Pasadena, CA.

SECTION III MONITORING PROGRAM

The Mitigation Monitoring Program (MMP) contained herein satisfies the requirements of the California Environmental Quality Act (CEQA) as they relate to the Addendum to the Environmental Impact Report (EIR) for the Ordinance to Ban Plastic Carryout Bags in the City of West Hollywood (ordinance).

The Addendum to the EIR identifies that mitigation measures that have been incorporated into the project to avoid, reduce, and mitigate significant impacts to potential cumulative greenhouse gas (GHG) emissions resulting from the end of life of paper carryout bags. This MMP has been designed to ensure compliance with mitigation measures to be applied during implementation of the project. This MMP would be adopted by the City of West Hollywood. Table III-1, *Mitigation Monitoring Plan: Ordinance to Ban Plastic Carryout Bags in the City of West Hollywood*, lists those mitigation measures required by the City to mitigate or avoid significant impacts anticipated in association with the EIR project description. It shall be the responsibility of the City to carry out the MMP by imposing the requirements of the mitigation measures throughout the implementation of the ordinance.

The monitoring program element of the MMP describes each required mitigation measure organized by impact area, with an accompanying delineation of the following:

- The agency or agencies (or private parties) responsible for implementation
- The period of the project during which implementation of the mitigation measure is to be monitored
- The Enforcement Agency (the agency with the power to enforce the mitigation measure)
- The Monitoring Agency (the agency to whom the reports are made)

As the indicated mitigation measures are completed, the monitoring agency will sign and date the MMP to indicate that the required mitigation measure has been completed for the subject period. The monitoring agency will also note the documentation (title of the monitoring report) that was submitted for each mitigation measure.

**TABLE III-1
MITIGATION MONITORING PLAN:
ORDINANCE TO BAN PLASTIC CARRYOUT BAGS IN THE CITY OF WEST HOLLYWOOD**

| Mitigation Measure | Responsible Implementation Party | Monitoring Period | Enforcement Agency | Monitoring Agency | Documentation of Compliance | |
|--|----------------------------------|-------------------|------------------------|------------------------|---|--|
| | | | | | Source | Signature/Date |
| Greenhouse Gas Emissions | | | | | | |
| <p>Measure GHG-1</p> <ul style="list-style-type: none"> Implement and/or expand public outreach and educational programs to increase the percentage of paper carryout bags that are recycled curbside Implement and create a joint outreach and education program with the Chamber of Commerce and select business associations to provide information to citizens and businesses of the City of West Hollywood regarding the City's ban and the environmental harm created by plastic bags Implement a fee or charge on the issuance of paper carryout bags of at least \$0.10 to further reduce consumption of paper carryout bags Distribute reusable grocery bags, free of charge within the project area to encourage further transitions to reusable bags; consider public/private partnerships to offset costs of distribution Implement an outreach program for affected stores to encourage consumer transition to reusable bags, to reduce double bagging, and to encourage reuse and in-store recycling of paper carryout bags. In implementing the strategies, programs, policies, and projects related to the City of West Hollywood Climate Action Plan (CAP), the City shall include actions that encourage reduction in emissions on the business and consumer level. | City of West Hollywood | Implementation | City of West Hollywood | City of West Hollywood | Quarterly Reports for a period of 5 Years after Implementation of the Ordinance | <p>_____</p> <p>_____</p> <p>(Signature of Agency Representative/Date and Number of Monitoring Report)</p> |