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Recycling and Waste Reduction Commission of Santa Clara County
June 27, 2011 Meeting Packet

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Recycling & Waste Reduction Commission
of Santa Clara County

County of Santa Clara

RECYCLING AND WASTE REDUCTION COMMISSION OF SANTA CLARA COUNTY
Environmental Resources Agency
Department of Agriculture and Resource Management
Integrated Waste Management Division



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RECYCLING AND WASTE REDUCTION COMMISSION MEETING AGENDA

(*Denotes item on which action may be taken)

DATE: Monday, June 27, 2011
TIME: 5:15 P.M.
LOCATION: Isaac Newton Senter Auditorium, First Floor
70 West Hedding Street, San Jose, CA 95110

COMMUTE ALTERNATIVES: The Board of Supervisors encourages the use of commute alternatives including bicycles, carpooling, and hybrid vehicles. Public transit access is available to and from the Berger Drive Facility, 1553 Berger Drive, Building 1, San Jose, California by VTA bus lines 66. For trip planning information, contact the VTA Customer Service Department at 408-321-2300 Monday through Friday between the hours of 6:00 a.m. to 7:00 p.m., and on Saturday from 7:30 a.m. to 4:00 p.m. Schedule information is also available on the web at www.vta.org. Bicycle parking racks are available in the front of Buildings 1 and 2.

1. Call to Order and Introductions

2. Approval of Minutes from April 25, 2011 RWRC Meeting*

3. Public Presentation (3-minute limit)

This item is reserved for persons desiring to address the Commission on any matter not on this agenda. For members of the public who wish to address the Commission on any item not listed on the agenda this would be the appropriate time. The Chair will call individuals in turn. Speakers are limited to three (3) minutes. The Commission is not permitted action or extended discussion of any item not on the agenda except under special circumstances. If Commission action is requested, the Commission may place the matter on a future agenda. All statements that require a response will be referred to staff for reply in writing.

4. Expanded Polystyrene (EPS) Food and Beverage Containers*

45 minutes

Presenter: Cheri Donnelly, Chair, Source Reduction and Recycling Subcommittee

Cheri will provide the final report and recommendation to the RWRC

Due to the expectation that RWRC may be making a policy recommendation on EPS, the following organizations have asked to make a presentation on this issue. Their representatives have been granted five minutes each to provide their perspectives as stakeholders.

- American Chemistry Council (Ryan Kenny)
- Save Our Shores (Laura Kasa)
- Clean Water Action (Andria Ventura)

TAC Recommendation: Accept report and forward recommendation to City Councils and Board of Supervisors

Agenda continued on page 2

Commissioners: Jamie McLeod, Chair; Ronit Bryant, Kansen Chu, Susan Garner, Jim Griffith, Linda J. LeZotte, Evan Low, Cat Tucker, Kris Wang, Mike Wasserman

5. 2012 Meeting Schedule*

10 minutes

Presenter: Jamie McLeod, Chair

Consider moving RWRC meetings back to Wednesday evenings beginning in 2012

No TAC Recommendation

6. TAC Minutes

5 minutes

Presenter: Skip Lacaze, Chair, Technical Advisory Committee

Approved May 2011 TAC meeting minutes are included in packet. The April TAC was a joint TAC meeting with Alameda County followed by a tour of Fremont Transfer Station. No minutes were recorded for that meeting.

No action required – informational item only

7. Announcements/Future Agenda Items*

5 minutes

8. Adjournment

Next Meeting: Monday, August 29, 2011 at 5:15 p.m.

County of Santa Clara

Recycling and Waste Reduction Commission
Integrated Waste Management Division

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AGENDA ITEM #4

DATE: June 27, 2011
TO: Recycling and Waste Reduction Commission of Santa Clara County
FROM: Source Reduction and Recycling Subcommittee of the Technical Advisory Committee
RE: Managing Expanded Polystyrene Foam Food and Beverage Containers in Santa Clara County

Introduction and Drivers

For purposes in this report, all references to polystyrene, polystyrene foam, expanded polystyrene foam or foam food and beverage containers are all considered foam food and beverage containers, except when specifically referenced differently. Expanded polystyrene (EPS) foam (commonly referred to as Styrofoam^{TM1}) is pervasive in today's society; it is a great insulator – keeping beverages hot and ice cream cold. It keeps computers and furniture safe from damage during shipping. It has also become problematic to manage at the end of its life. The more rigid, block foam is an international commerce issue and might be best addressed at the state or national level. Polystyrene foam food and beverage containers are more challenging to manage than block foam, but one that can be addressed at the local level.

In Santa Clara County, there is a lack of *viable*, local recycling markets for post consumer polystyrene foam food and beverage containers. Newby Island Sanitary Landfill in Milpitas (run by Allied Waste Management) is currently collecting clean foam block only from commercial businesses if it is bagged. Since Dart Container Corporation donated a densifier to the site, Allied has put out a drop-off container for residents who may drive to the site and drop off wiped-clean foam food packaging. They are not collecting at curbside at this time. With the exception of the drop off box located at Newby Island, the County of Santa Clara County does not have polystyrene foam recycling programs for food service products. According to a 2004 study by the California Integrated Waste Management Board, of the 377,580 tons of polystyrene produced in the state, only 0.8% (3,020 ton) is recycled. Of that 0.8%, 0.2% (310 tons) is comprised of polystyrene foam food service packaging.² Because it is not currently recycled in Santa Clara County, polystyrene foam food and beverage containers take up landfill space.

Foam comprises 15% of storm drain litter, according to California Department of Transportation.³ It is the second most common type of beach litter, according to a beach debris study conducted in Orange County.⁴

¹ "Styrofoam" is a trademark of The Dow Chemical Company for extruded foam products used as building materials and craft supplies. Although foam cups, bowls, clamshells, and trays made from expanded polystyrene foam beads (EPS) or from extruded polystyrene foam sheets (XPS) are commonly referred to as "Styrofoam" by the public and in the media, Dow's Styrofoam products are not used to make foam cups or any other food service products.

² California Integrated Waste Management Board (December 2004), "Use and Disposal of Polystyrene in California: A Report to the California Legislature," Table 4, Page 14.

³ California Integrated Waste Management Board (December 2004), "Use and Disposal of Polystyrene in California: A Report to the California Legislature Page 3.

⁴ S. Moore *et al.*, (2001) "Composition and Distribution of Beach Debris in Orange County, California," Marine Pollution Bulletin 42.3: 241-245. Plastic pellets used to manufacture plastic products were the most abundant type of debris.

Commissioners: Jamie McLeod, Chair; Ronit Bryant, Kansen Chu, Susan Garner, Jim Griffith, Linda J. LeZotte, Evan Low, Cat Tucker, Kris Wang, Mike Wasserman

Expanded polystyrene foam is a major pollutant in creeks and waterways that flow to the Bay and beyond. Unlike other items that litter the waterways, polystyrene easily breaks into tiny pieces that can be mistaken for food and ingested by aquatic animals.

Because expanded polystyrene breaks down into smaller lightweight pieces, these small pieces contribute to roadside litter. CalTrans spends \$60 million annually on litter clean up costs. One year after implementation of the San Francisco ordinance that prohibits the use of EPS food ware, San Francisco's litter audit showed a 36% decrease in EPS litter.⁵ While the overall amount of polystyrene foam as a percentage of litter is small, the environmental impact of this product is disproportionately deleterious on aquatic life.

This report presents background; key considerations; a snapshot of alternative products; summaries of strategies used in other jurisdictions to reduce expanded polystyrene; current actions; current legislation; tiers for consideration; a suggested timeline; and steps for implementing a ban.

Background

In 2009, the Recycling and Waste Reduction Commission (RWRC) directed staff to report back with policy recommendations for decreasing the amount of expanded polystyrene (EPS) foam food and beverage containers in Santa Clara County. While there was no direction to evaluate the health effects of polystyrene, there are conflicting views on the toxicity of this product. On June 10, 2011, the National Institute of Environmental Health Sciences (NIEHS) identified styrene as one of six new substances that can be "reasonably anticipated" to be human carcinogens, particularly to workers involved in the production of polystyrene and products manufactured with polystyrene. Therefore, recycling polystyrene raises concerns about exposing recycling facility workers to this cancer-causing substance.⁶ Representatives speaking for industry state otherwise.⁷

In addition to being directed by RWRC, reducing or eliminating the use of polystyrene foam food and beverage containers in Santa Clara County supports one of the *guiding principles* of the RWRC Zero Waste Policy which recommends redesign or elimination of products that cannot be reutilized after their intended use.

The Source Reduction and Recycling Subcommittee (SRR) of the Technical Advisory Committee has been meeting monthly to discuss this complex issue. The SRR Subcommittee has returned to the RWRC periodically with status reports and to seek clarification and further direction.

Key Considerations

There is no single solution for the management of expanded polystyrene, and no two jurisdictions in Santa Clara County that have *identical* collection services. Each hauler/collector handles materials differently per the jurisdiction agreements with their haulers. Thus, there are several ways to address this issue; each dependant on what material is collected curbside and the material's disposition post collection. For jurisdictions that offer curbside food waste collection alternative products may be composted in food waste collection systems. For jurisdictions that do not currently have curbside food waste collection, it will be important to review the current recycling options and identify what types of containers their haulers can process for recycling.

Alternatives to Expanded Polystyrene Foam Food and Beverage Containers

There are many different types of food and beverage containers that are more easily managed by commercial MRF's than ever before. Alternative containers are made from such materials as polylactic acid (PLA), bagasse (sugar cane fiber), wheat straw and fiber board. The advantage of using wheat straw and bagasse is that they

⁵ City of San Francisco Streets Litter Re-Audit 2008. Available at: http://sfenvironment.org/downloads/library/2008_litter_audit.pdf.

⁶ <http://www.niehs.nih.gov/news/releases/2011/roc/>

⁷ <http://www.styrene.org/news/pdfs/06-10-11-statement-ntp-listing.pdf>

are both byproducts of other useful products and are rapidly renewable within a year. Each material is managed differently in the waste stream and as such the benefits of one over the other is situational. Alternative products cost more than foam at this time. However, it is anticipated that as demand for these alternative products increases, the prices will decrease. Also, there are several opportunities for cooperative purchasing of these alternative products. For instance, GreenTown Los Altos offers a program for all Santa Clara County businesses to purchase alternative food ware at a 25% discount. Some restaurants in Santa Cruz charge a nominal fee for takeout containers in order to cover the cost of the alternative products and surveys indicate that the public is willing to pay a little extra for these products.

Current Actions

According to Clean Water Action, 50 jurisdictions in California have taken action to ban foam food containers⁸, including the cities of Millbrae, Palo Alto, San Bruno, San Francisco, Hayward, Fremont, Oakland and the County of San Mateo.

Laura Kasa from the environmental non-profit Save Our Shores reports that since implementing its ordinance to ban polystyrene, “the County of Santa Cruz has seen a 61% decrease in polystyrene foam take out containers in their river cleanups since 2007. The number of containers went from 18 items per cleanup to 7 items per cleanup in 2011.”

Reducing polystyrene foam is one of the three priority actions identified by the California Ocean Protection Council’s 2008 strategy to reduce marine litter.⁹

Current Legislation

On June 2, 2011, SB 568 (Lowenthal) passed out of the Senate on a 21-15 vote. On June 15, 2011 the bill was amended in the Assembly and would prohibit a food vendor, on and after January 1, 2016 (school districts 1/1/17), from dispensing prepared food to a customer in a polystyrene foam food container. It would also exempt a school district, city or county that adopts an EPS recycling program/ordinance that has a reasonable likelihood of achieving a 60% recycling rate. RWRC has not taken a position. Both the County of Santa Clara Board of Supervisors and the Santa Clara Valley Water District have sent support letters for this bill. The American Chemistry Council is on record as opposing this bill.

Recycling Expanded Polystyrene Foam at Curbside

Industry has noted that some jurisdictions are recycling polystyrene foam food and beverage containers from curbside collections. Cities that have implemented curbside collection and recycling are primarily located in Southern California. Those materials are sorted at processing facilities and placed in a densifier located at the facility. The densified material is then transported and sold to companies that manufacture picture frames, molding and office supplies. The City of Rancho Cucamonga is currently piloting this process.

Some Santa Clara County jurisdictions have accepted polystyrene foam at the curb for many years. However, all but the Newby Island material recovery facility (MRF) are pulling both block and food and beverage polystyrene and landfilling it. By the time the food ware is taken off the sort line, it is too contaminated to be recycled. Block polystyrene foam takes up a lot of space before being densified, thus many MRFs in Santa Clara County do not have the space to store the collected block foam in addition to the densifier. In Santa Clara County, jurisdictions’ collection programs either do not accept any expanded polystyrene or collect it curbside and then landfill it.

⁸ <http://www.cleanwateraction.org/feature/ban-the-foam#bans>

⁹ http://www.opc.ca.gov/webmaster/ftp/pdf/opc_ocean_litter_final_strategy.pdf

School Lunch Tray Recycling

Another program was instituted at Westwood Elementary School in Lodi three years ago. This program has been ongoing for three years and was initiated by a teacher at that school. Students receive their meals on polystyrene foam trays. When finished, they go to a station where student monitors instruct them on cleaning their trays. Trays are stacked, placed back in the boxes they were received in and the teacher drops them off at the DART Container in Lodi for densifying. The densified blocks of foam are then sent to a facility to be remanufactured into picture frames and base board molding. The Lodi School District has expanded this program to include 47 sites and has added a part time driver (25 hours/week) to collect from all 47 sites every other day and deliver to DART Container.

Tiers

Tiers are progressive steps that local agencies and/or jurisdictions can take to reduce and eventually eliminate EPS food and beverage containers. Each higher tier includes all of the steps from previous tiers as each progressive tier builds upon the others.

Tier One – Education and Outreach

Jurisdiction engages in discussions with the public and stakeholders at some level.

This could include:

- Introducing the concept of alternative food and beverage containers at:
 - community meetings
 - Chambers of Commerce
 - Restaurant Associations
- Information in hauler and city newsletters
- Taking surveys at various events and polling the community about their level of awareness

Tier Two – Jurisdiction adopts a policy requiring that all City/County facilities and City/County-hosted events use only containers that are accepted in their contracted hauler's recycling system.

In addition to education and outreach to residents, the business community, etc., it is important that the City or County demonstrate their leadership by specifying what take-out containers can be used in their cafeterias, facilities and at their events. A policy can be drafted that requires food and beverage vendors in City/County facilities to use only containers that are accepted by their jurisdiction's hauler. This can easily be added to facility use application forms and agreements. It is important that a jurisdiction work with its hauler to determine what they will and will not collect for processing and that any materials collected are not landfilled. For example, a hauler may only accept recyclable plastics numbered 1 and 2 or may collect aseptic containers only to landfill them once sorted.

The County of Santa Clara's hauler (Allied Waste) provides food waste collection at County facilities. This hauler will accept compostable containers and recyclable containers including, but not limited to, paper, glass, aluminum, cardboard and plastic bottles, jars and tubs. Therefore in County cafeterias and at County sponsored events, food and beverage containers made with any of those materials would be acceptable but those made from polystyrene foam would not.

For this to happen, these items should be considered:

- Support from Council/Board
- Existing policies in your City/County Environmental Purchasing Policy
- Procurement Policies and Open Contracts
- Garbage/Recycling Contracts
- Outreach to staff/employees to educate them on new policies and processes

A City/County may wish to follow in the steps of the City of Sunnyvale. They have a policy that prohibits the use of tax payer dollars to purchase expanded polystyrene foam food and beverage containers at their City/County facilities. They have also done this with single-use water bottles.

Tier Three – City/Countywide Ordinance requiring that all restaurants/food preparers/vendors use only containers that are accepted in their contracted hauler’s recycling system

This tier adds to the previous tiers by suggesting that a City or County can adopt an ordinance that includes those products that are readily accepted in their hauler’s recycling infrastructure rather than excluding certain products. This approach manages the waste stream by identifying specifically what products can and are being recycled. For example, a hauler may only accept paper, glass, aluminum, cardboard and recycled plastic containers numbered 1 through 5.

Utilize ordinances (drafted and in many cases implemented) by other jurisdictions in the state to create a local ordinance. The City of Monterey’s approach allows a city or county to be more inclusive rather than exclusive and manages the waste stream by identifying specifically what products can be received for processing in their jurisdiction.

Tier Four – Ban expanded polystyrene foam food and beverage containers at all food service establishments within the jurisdiction

The County of San Mateo passed an ordinance that prohibits any food vendor in unincorporated San Mateo County from using polystyrene-based food service ware. Their ordinance was crafted so that cities within San Mateo County can easily adopt their own ordinances.

Things to Consider Before Drafting an Ordinance

- All implications of enforcement
- Penalties - consider how penalties will be assessed
- CEQA – Several municipalities around the state prepared a Negative Declaration prior to adopting their ordinances. Cost and time required to address CEQA should be taken into account when considering adoption of an ordinance to manage polystyrene foam.
- Future Franchise Agreements - When jurisdictions are extending existing franchise agreements or going out to bid for new services, it will be beneficial to consider what other jurisdictions in the region are doing in terms of waste diversion and food waste composting. Having uniform language in franchise agreements can lead to uniform policy recommendations that can be adopted regionally.

Timeline

The tiers above can be phased in over a period of time. It is recommended that jurisdictions initially begin no lower than Tier Two but certainly have the prerogative to go farther. This level provides education to residents, chambers of commerce, restaurants, employees, and the public. It also allows a municipality to showcase their environmental stewardship by taking action within their city or county.

For those jurisdictions that are prepared to move more aggressively, it may be more appropriate to start at a higher tier. It is dependent on several factors – environmental policies, priorities, political will of the Council or Board, fiscal climate and general acceptance of the community, etc.

January 1, 2012

Tier Two - Begin outreach at public events and in meetings with stakeholders and review current contracts for services with vendors and haulers

July 1, 2012

Phase into Tier Three or Four

January 1, 2013

Phase into Tier Four

January 1, 2014 - 2016

Implement SB 568, if it passes the Assembly and is signed by the Governor.

Key Resources

- American Chemistry Council
www.americanchemistry.com/
916-448-2581
- Californians Against Waste
<http://www.cawrecycles.org/>
www.cawrecycles.org/issues/polystyrene_ordinances_list
(916) 443-5422
- Clean Water Action
<http://cleanwateraction.org/>
415-369-9160
- Save Our Shores
<http://saveourshores.org/>
831-462-5660
- Save the Bay
www.savesfbay.org
510-452-9261

EXHIBIT A

STEPS FOR IMPLEMENTING A BAN ON POLYSTYRENE

The City of Millbrae used the following steps for implementing a ban on polystyrene food and beverage containers in January 2008. Their ordinance applied to all polystyrene products including rigid polystyrene (clamshells, cup lids and utensils) in addition to foam products. Staff had no real challenges because they were very thorough and methodical from the start, informing their City Council at every step in the process. They considered all potential impacts including a review of all businesses that deal with food – restaurants, grocery stores, food trucks, food processors, etc. so all the food businesses in the city are on a level playing field. Millbrae staff worked closely with their City Attorney while drafting the ordinance. Here are the steps they recommend for other jurisdictions:

1. Review different city ordinances and determine which options seem best for the City.
2. Work with your hauler to determine the food ware that is acceptable for recycling. Also discuss option of collecting food ware for composting.
3. Provide City Council with informational report listing options or present recommended option(s).
4. Conduct outreach to businesses early on in the process to gain input and describe elements of an ordinance.

Business outreach consisted of:

- Postcard/letter mailers
 - Meetings
 - Food ware demonstration/display
 - On-site visits
 - After implementation outreach listed below
5. Determine which legislation is best for the City and begin crafting it with the help of the City Attorney. Consider inclusion of CEQA Determination.
 6. Introduce at City Council meeting for first reading/vote.
 7. Conduct outreach to businesses as to when ordinance will go into effect and provide fact sheet, list of acceptable food ware and list of food service ware distributors

Staff Resources needed for implementation – staff felt this was approximately the equivalent of .25 - .50 FTE plus the time for City Attorney’s review/input and Planner’s time to draft the Negative Declaration

- Draft initial ordinance
- Draft staff reports
- Research food ware
- Work with hauler
- Outreach to businesses (before, during and after)
- Develop handouts: fact sheet, acceptable food ware, food service ware vendors list, etc.
- Site visits after implementation
- Before and after survey to business (food ware used before and food ware used after)
- Manage inquiries from other communities and organizations

Millbrae staff surveyed businesses throughout the first year asking how things were going, what products they had switched to and found no real issues from businesses. While no technical or formal evaluations were conducted beyond the surveys, it should be noted that Public Works staff noticed a dramatic drop in polystyrene foam at storm drain outfalls and during clean up events. Almost all polystyrene bans reviewed by staff include a provision for hardship. In the City of Millbrae’s case, only one business applied for an “undue hardship” provision. Millbrae’s ordinance requires that a business must reapply for undue hardship annually.

EXHIBIT B

SAMPLE RESOLUTION FOR TIER TWO

RESOLUTION OF THE CITY/COUNTY OF _____ REQUIRING ALL FOOD VENDORS USE RECYCLABLE OR COMPOSTABLE FOOD SERVICE WARE IN CITY/COUNTY FACILITIES AND AT EVENTS HELD ON PUBLIC PROPERTY

WHEREAS, the (Jurisdiction) has a duty to protect the environment, the economy, and the health of its citizens; and

WHEREAS, effective ways to reduce the negative environmental impacts of food service ware include reusing or recycling food service ware and using “recyclable or compostable” take-out materials made from renewable resources such as paper, wheat straw, and sugarcane; and

WHEREAS, polystyrene is a common environmental pollutant as well as a non-biodegradable, non-compostable, non-recyclable or non-reusable substance used as food service ware by food vendors and contractors operating within the City/County facilities; and

WHEREAS, there continues to be no substantial local recycling of polystyrene food service ware; and

WHEREAS, affordable compostable food service ware products are becoming increasingly available for most food service applications such as cups, plates, and hinged containers and these products can be turned into a compost product; and

WHEREAS, polystyrene foam fragments into smaller pieces that are ingested by aquatic life and other wildlife; and

WHEREAS, There is a prevalence of polystyrene foam packaging littering City/County parks and public places, streets and roads, waterways, storm drains and wetlands. Management of his litter places a financial burden on the City/County.

WHEREAS, local businesses and several national corporations have successfully replaced polystyrene and other non-biodegradable food service ware with affordable products; and

NOW, THEREFORE BE IT RESOLVED THAT

- A. Food vendors and contractors shall provide only recyclable or compostable food ware that is accepted in the City/County’s contracted waste collection system.
- B. No expanded polystyrene foam food service ware shall be used in any City/County Facilities. No City/County department or agency will purchase or acquire foam polystyrene foam food service ware for use at City/County facilities.
- C. All individuals, entities or organizations using City/County facilities for public or private events shall comply with the requirements in this chapter.

EXHIBIT C

SAMPLE RESOLUTION FOR TIER THREE

RESOLUTION OF THE CITY/COUNTY OF _____ REQUIRING ALL FOOD VENDORS USE RECYCLABLE OR COMPOSTABLE FOOD SERVICE WARE THAT IS CONSISTENT WITH FRANCHISED COLLECTION SERVICES

WHEREAS, the (Jurisdiction) has a duty to protect the environment, the economy, and the health of its citizens; and

WHEREAS, effective ways to reduce the negative environmental impacts of food service ware include reusing or recycling food service ware and using “recyclable or compostable” take-out materials made from renewable resources such as paper, wheat straw, and sugarcane; and

WHEREAS, polystyrene is a common environmental pollutant as well as a non-biodegradable, non-compostable, non-recyclable or non-reusable substance used as food service ware by food vendors and contractors operating within the City/County facilities; and

WHEREAS, there continues to be no substantial local recycling of polystyrene food service ware; and

WHEREAS, affordable compostable food service ware products are becoming increasingly available for most food service applications such as cups, plates, and hinged containers and these products can be turned into a compost product; and

WHEREAS, polystyrene foam fragments into smaller pieces that are ingested by aquatic life and other wildlife; and

WHEREAS, There is a prevalence of polystyrene foam packaging littering City/County parks and public places, streets and roads, waterways, storm drains and wetlands. Management of his litter places a financial burden on the City/County.

WHEREAS, local businesses and several national corporations have successfully replaced polystyrene and other non-biodegradable food service ware with affordable products; and

NOW, THEREFORE BE IT RESOLVED THAT

1. All vendor, business, organization, entity, group or individual, including a licensed retail food establishment that provides prepared food at a retail level shall provide only recyclable or compostable food ware that is accepted in the Franchised Hauler’s waste collection system.

EXHIBIT D

SAMPLE RESOLUTION FOR TIER FOUR

**RESOLUTION OF THE CITY/COUNTY OF _____
PROHIBITING FOOD VENDORS FROM USING EXPANDED POLYSTYRENE BASED
FOOD SERVICE WARE**

WHEREAS, the (Jurisdiction) has a duty to protect the environment, the economy, and the health of its citizens; and

WHEREAS, effective ways to reduce the negative environmental impacts of food service ware include reusing or recycling food service ware and using “recyclable or compostable” take-out materials made from renewable resources such as paper, wheat straw, and sugarcane; and

WHEREAS, polystyrene is a common environmental pollutant as well as a non-biodegradable, non-compostable, non-recyclable or non-reusable substance used as food service ware by food vendors and contractors operating within the City/County facilities; and

WHEREAS, there continues to be no substantial local recycling of polystyrene food service ware; and

WHEREAS, affordable compostable food service ware products are becoming increasingly available for most food service applications such as cups, plates, and hinged containers and these products can be turned into a compost product; and

WHEREAS, polystyrene foam fragments into smaller pieces that are ingested by aquatic life and other wildlife; and

WHEREAS, There is a prevalence of polystyrene foam packaging littering City/County parks and public places, streets and roads, waterways, storm drains and wetlands. Management of his litter places a financial burden on the City/County.

WHEREAS, local businesses and several national corporations have successfully replaced polystyrene and other non-biodegradable food service ware with affordable products; and

NOW, THEREFORE BE IT RESOLVED THAT

1. All vendor, business, organization, entity, group or individual, including a licensed retail food establishment that provides prepared food at a retail level are prohibited from using expanded polystyrene foam food and beverage containers.

EXHIBIT E

Source Reduction and Recycling Subcommittee of the Technical Advisory Committee Expanded Polystyrene Matrix by City Within Santa Clara County

City/Town/County	Comments	Position	Franchise Agreement Expires
Campbell	<ul style="list-style-type: none"> ▪ The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed this recently, but are not pursuing anything at the moment. ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See	2/28/14 with the option to extend up to 36 months
Cupertino	<ul style="list-style-type: none"> ▪ Cupertino staff has discussed expanded polystyrene recently, but have not made any decisions on how to implement any actions at the moment. ▪ Cupertino's hauler still accepts plastics #1-7 in curbside program and will continue to do so until the City's new franchise agreement is implemented starting 11/1/10, at which point polystyrene will not be accepted as a recyclable material. Currently residents are told to place PS blocks in a clear plastic bag and set next to recycling bin. No "PEANUTS" are collected curbside. 		
Gilroy	<ul style="list-style-type: none"> ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See	2017
Los Altos	<ul style="list-style-type: none"> ▪ Residents are to place blocks in clear plastic bag and set next to recycling bin. No "PEANUTS" collected curbside. 		
Los Altos Hills	<ul style="list-style-type: none"> ▪ Residents are to place blocks in clear plastic bag and set next to recycling bin. No "PEANUTS" collected curbside. 		
Los Gatos	<ul style="list-style-type: none"> ▪ The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed addressing expanded polystyrene recently, but are not pursuing anything at the moment. ▪ Accepts plastics #1-7 in curbside program. 	Wait and See	2/28/14 with the option to extend up to 36 months
Milpitas	<ul style="list-style-type: none"> ▪ Curbside program accepts: plastic containers #1-7, excluding #6, polystyrene; includes white plastic grocery bags. Polystyrene in foam blocks, food containers and packaging peanuts not accepted curbside, but may be dropped-off at Allied's Recyclery, Newby Island Landfill, for recycling. ▪ Recycling & Source Reduction Advisory Commission evaluating polystyrene issues for a future recommendation to Milpitas City Council (note: single-use bags recommended for a ban). Next meeting is 7/26/11. ▪ Milpitas City Council to receive polystyrene food container study and staff recommendation on August 2 or 16, 2011. 		9/5/2017

EXHIBIT E

**Source Reduction and Recycling Subcommittee of the Technical Advisory Committee
Expanded Polystyrene Matrix by City Within Santa Clara County**

Monte Sereno	<ul style="list-style-type: none"> ▪ The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed this recently, but are not pursuing anything at the moment. ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See	2/28/14 with the option to extend up to 36 months
Morgan Hill	<ul style="list-style-type: none"> ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See	January 31, 2015
Mountain View	<ul style="list-style-type: none"> ▪ The Mountain View City Council adopted an Environmental Sustainability Action Plan in March 2009. One of the items in FY 10-11 is “Participate in Regional Efforts to Ban Polystyrene Take-Out Food Containers”. ▪ Foam blocks, food foam and packing peanuts are not accepted in Mountain View’s curbside program. 		April 2013
Palo Alto	<ul style="list-style-type: none"> ▪ On May 11, 2009, Palo Alto's City Council adopted an ordinance to restrict food vendors from providing prepared food in disposable food service containers made from expanded polystyrene or non-recyclable plastic. The ordinance went into effect Earth Day 2010 (April 22, 2010). The ordinance is primarily intended to reduce the negative environmental impacts of expanded polystyrene food service containers, which are a very persistent and mobile source of litter to local creeks and marine ecosystems when improperly disposed. As of October 2010, Palo Alto has over 90 percent compliance with the ban. ▪ Palo Alto does not accept foam packaging, blocks or peanuts in their curbside program. 	Ban went into effect April 22, 2010	
San Jose	<ul style="list-style-type: none"> ▪ In October 2008, Council approved joining the City’s Keep It Clean! Partnership, which requires the City to develop a strategy for local food establishments to dramatically reduce the use of non-biodegradable/non-compostable take-out food containers through ban or fee programs. ▪ In November 2009, City Council approved a ban on expanded polystyrene (EPS) food containers at all Special Events on City property over 1,000 attendees per day beginning in 2010. ▪ At the May 3, 2010 Transportation and Environment Committee (T&E) meeting, staff presented a status report on reducing polystyrene foam in the waste stream. Regional efforts or recommendations will be discussed at T&E sometime in 2011, especially as part of MRP requirements and regional anti-litter efforts. ▪ Starting November 2010, residents will be instructed to place all polystyrene, such as cups and plates, egg cartons, take-out food containers, meat trays, packing “peanuts,” or other foam packing materials, into their garbage cart. 		

EXHIBIT E

**Source Reduction and Recycling Subcommittee of the Technical Advisory Committee
Expanded Polystyrene Matrix by City Within Santa Clara County**

Santa Clara	<ul style="list-style-type: none"> ▪ City of Santa Clara is not doing anything to address polystyrene food packaging at this time. ▪ EPS is no longer accepted in the City of Santa Clara's curbside recycling program. 	Wait and See	Garbage, green waste and recycling (for commercial and quasi-public only) expires December 30, 2021; Residential recycling program expires January 10, 2020
Saratoga	<ul style="list-style-type: none"> ▪ The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed this recently, but are not pursuing anything at the moment. ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 		2/28/14 with the option to extend up to 36 months
Sunnyvale	<ul style="list-style-type: none"> ▪ The City Council ranked a study of "Banning Use of Expanded Polystyrene Foam Containers" third highest of five Department of Public Works Study Issues for 2011. As of February 2011, the study issue calendar showed that staff was to begin work on this item in October 2011 and it was to be heard by Council in September 2012 at a cost of \$40,000 for consultant assistance with CEQA. However, due to this cost, the proposed FY 2011/12 budget recommends against proceeding with the study issue. ▪ Sunnyvale does not accept polystyrene in its curbside or drop-off program. ▪ Sunnyvale Chamber of Commerce and Downtown Association request voluntary elimination of EPS at large events. Vendors/restaurants purchase compostable containers which are collected with food scraps at the events. 		June 30, 2021
Unincorporated Santa Clara County	<ul style="list-style-type: none"> ▪ County of Santa Clara is not doing anything to address polystyrene food packaging at this time. ▪ Expanded polystyrene is collected curbside in the unincorporated areas (bagged separately) but is not recycled as there is little to no market for it. 		June 30, 2014
West Valley Cities	<ul style="list-style-type: none"> ▪ The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed this recently, but are not pursuing anything at the moment. ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See	2/28/14 with the option to extend up to 36 months

Appendix 1

Ancillary Documents and WebLinks

Californians Against Waste and Clean Water Action not only list those jurisdictions that have passed bans, the link here also links to those Cities and Counties ordinances and other related documents that can be used as templates for others moving forward with similar plans.

Californians Against Waste - http://www.cawrecycles.org/issues/plastic_campaign/polystyrene/local

Clean Water Action - <http://www.cleanwateraction.org/feature/ban-the-foam#bans>

Adverse Health Effects of Polystyrene - <http://www.ecologycenter.org/factsheets/plastichealtheffects.html>

Expanded Polystyrene Health Effects Harvard and FDA Study Letter from American Chemistry Council

San Francisco Department of the Environment – List of Approved Recyclable and Compostable Products
<http://www.cawrecycles.org/files/Approved%20food%20ware%20product%20list%206-11-07.pdf>

Cost Comparison between Expanded Polystyrene Foam and Compostable Recyclable Products
http://www.cleanwateraction.org/files/publications/ca/Cost%20Comparison%20of%20Polystyrene%20and%20other%20Take%20Out%20Containers-%20C_0

County of Santa Clara

Recycling and Waste Reduction Commission
Integrated Waste Management Division

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San Jose, California 95112
(408) 282-3180 FAX (408) 282-3188
www.ReduceWaste.org



AGENDA ITEM #6

TECHNICAL ADVISORY COMMITTEE MEETING MINUTES May 12, 2011

VOTING MEMBERS IN ATTENDANCE

ACTERRA	Maija McDonald
CALIFORNIA RESOURCE RECOVERY ASSN.	Richard Gertman
CITY OF CUPERTINO	Cheri Donnelly
CITY OF GILROY	Tony Eulo
CITY OF MILPITAS	Elizabeth Koo
CITY OF MORGAN HILL	Tony Eulo
CITY OF MOUNTAIN VIEW	Lori Topley
CITY OF PALO ALTO	Clay Reigel
CITY OF SAN JOSE	Walter Lin
CITY OF SANTA CLARA	Dave Staub
CITY OF SUNNYVALE	Mark Bowers
CLARA MATEO	Michael Gross
CLARA MATEO	Julie Muir
COUNTY UNINCORPORATED AREA	Lisa Rose
SANTA CLARA VALLEY WATER DISTRICT	Pat Showalter
SIERRA CLUB	Heidi Melander
WEST VALLEY CITIES	Marva Sheehan

Commissioners: Jamie McLeod, Chair; Ronit Bryant, Kansen Chu, Susan Garner, Jim Griffith, Linda J. LeZotte, Evan Low, Cat Tucker, Kris Wang, Mike Wasserman

VOTING MEMBERS NOT ATTENDING

CITY OF CAMPBELL
CITY OF LOS ALTOS
CITY OF MONTE SERENO
CITY OF SARATOGA
CLARA MATEO
CLARA MATEO
COUNTY ENVIRONMENTAL HEALTH
COUNTY PLANNING DEPARTMENT
LEAGUE OF WOMEN VOTERS
SAN JOSE STATE UNIVERSITY
SILICON VALLEY LEADERSHIP GROUP
TOWN OF LOS ALTOS HILLS
TOWN OF LOS GATOS

OTHERS IN ATTENDANCE

Tracie Bills	Cascadia
Clifton Chew	SCC IWM
Kevin Chiapello	Recology Silicon Valley
Wendy Fong	SCC HHW
Karen Gissibl	City of Sunnyvale
Brock Hill	Premier Recycling Company
Emy Mendoza	City of San Jose

1. Call to Order

Clay Reigel, Vice-Chair, called the meeting to order at 1:34 p.m. A quorum of 13 was present.

Those present introduced themselves.

2. Approval of Minutes

Tony Eulo made a motion to approve the minutes from the March 10, 2011 TAC meeting. The motion was seconded by Lori Topley. All present voted to approve the minutes. Those not present at the March 10, 2011 TAC meeting abstained.

3. Public Presentations

There were no public presentations.

4. Checklist for Addressing Emerging Issues

Lisa Rose said this was an issue that had been discussed some time ago.. A checklist form was distributed with TAC packets. This was a sample checklist to use for vetting things that may come to TAC. There were no comments on the form itself. A suggestion was made to test the form on past subjects to verify the process.

5. RWRC Update

Lisa Rose had three items: 1) Heidi Sanborn gave a presentation on California Product Stewardship Council and Extended Producer Responsibility; 2) the RWRC accepted both the third 5-Year Report and the 12th Amendment to the NDFE; and 3) the RWRC provided some new guidance to the SRR Subcommittee on what they would like to see at the June 27 meeting with regards expanded polystyrene.

6. Division Manager's Report and Updates on Countywide Programs

A. Disposal Reporting System – in the TAC packet.

B. Green Business – in the TAC packet.

C. Home Composting Education Program – Lisa announced that this Sunday is the Bay Friendly Garden Tour. It is too late to register online but people can still purchase a book for \$10 at Guadalupe Gardens (San Jose) or Common Ground (Palo Alto) which has coupons in the back that will give access to the home gardens. Both Clay and Michael have gardens in the tour. Clay noted that if others would like to offer this tour in their city to let him know.

D. Recycling Hotline – no report.

E. Other – no report.

7. Subcommittee Reports and Updates on Countywide Programs

A. Enforcement – no report.

B. Household Hazardous Waste – Walter Lin said a packet was distributed yesterday. It includes discussion about expanding the days of operation at the new site as well as estimating the cost of that operating schedule. Preliminary estimates look like the additional days of operation may be cheaper than single day events due to the set-up and take-down cost of those events. The packet also has information about having a multi-year cycle for AB939 and HHW agreements and for leasing. He hopes to bring back an actionable item for the August TAC meeting.

Walter also said the City of San Jose is currently evaluating construction bids and hopes to

begin in July and estimates a 14 month build time.

It was noted that the budget information in the packet relies on the decreasing cost to the program of managing paint (state law). Battery costs in the future may also decrease (industry take back).

C. Implementation Subcommittee – no report.

D. Legislation – Mark Bowers went over various bills in the packet. Items in gray will be dropped in the next version. He noted that June 3 was the last day to get bills out of the house of origin.

Clay noted that the City of Palo Alto is asking for a bill that would allow conservation pricing for refuse rates.

E. Operations – Dave Staub said he has been very busy lately and hopes to have an Operations Subcommittee sometime after May 24.

F. Public Education – no report.

G. Source Reduction and Recycling (SRR) – Cheri Donnelly reported that the RWRC provided clarification and direction with regard to Expanded Polystyrene (EPS). The subcommittee is trying to target one message with some simple examples.

The main message will shift from directly banning EPS, which will remain an option, to focus more on emphasizing locally recyclable materials, based on a Monterey, California model. It was noted that recyclable does not mean collection and disposal but where there are actual markets for the collected materials. The baseline will not only be public education but also local responsibility for their own facilities. Additionally, a timeline/timeframe for adopting various stages needs to be included in the report.

This shift would change the emphasis from a litter issue to a diversion issue.

The subcommittee will report back with a range of options rather than one specific option because every jurisdiction is different. .

H. Ad Hoc Organizational Study – Mark Bowers said the subcommittee met May 5 to discuss an approach to the MOU/MOA process and decided to start with the SCVURPPP MOU model. The subcommittee talked about some of the available structures such as a JPA. A JPA isolates liability from member agencies, it can take on debt but then it can also take on a life of its own where it takes positions that member agencies would be against and there is some overhead required.

I. Ad Hoc School Recycling – no report.

J. Ad Hoc Zero Waste – no report.

8. Future Agenda Items / Guest Speakers

Tony Eulo had two suggestions: 1) see if Sustainable Silicon Valley would be a good interface with TAC; and 2) asked that the Best Practices for Zero Waste Events be brought forward.

Mark Bowers asked to have Methyl Acetylene-Propadiene propane (MAPP) cylinders be a possible topic. They are small welding canisters that are expensive for the SMaRT station to dispose of due to their hazardous nature.

9. Informational Updates and Announcements

- Dave Staub said the SWANA Symposium begins on May 16 in Monterey.
- Tracie Bills had three items: 1) CRRA conference is in August; 2) the Give Green Initiative for CRRA's live venue and events will be hosting a webinar about best practices for zero waste events on June 1; and 3) Cascadia has openings as an associate and for summer internships.
- Julie Muir announced Stanford came in second in the gorilla prize for RecycleMania
- Lisa Rose said Tuesday was the second reading of the County's bag ordinance so -it's officially adopted.

10. Adjournment

The meeting adjourned at 2:47 p.m.

THE NEXT SCHEDULED TAC MEETING: June 9, 2011

County of Santa Clara

RECYCLING AND WASTE REDUCTION COMMISSION OF SANTA CLARA COUNTY
Environmental Resources Agency
Department of Agriculture and Resource Management
Integrated Waste Management Division



1553 Berger Drive, Bldg. 1
San Jose, California 95112
(408) 282-3180 FAX (408) 282-3188
www.ReduceWaste.org

RECYCLING AND WASTE REDUCTION COMMISSION MEETING AGENDA

(*Denotes item on which action may be taken)

DATE: Monday, June 27, 2011
TIME: 5:15 P.M.
LOCATION: Isaac Newton Senter Auditorium, First Floor
70 West Hedding Street, San Jose, CA 95110

COMMUTE ALTERNATIVES: The Board of Supervisors encourages the use of commute alternatives including bicycles, carpooling, and hybrid vehicles. Public transit access is available to and from the Berger Drive Facility, 1553 Berger Drive, Building 1, San Jose, California by VTA bus lines 66. For trip planning information, contact the VTA Customer Service Department at 408-321-2300 Monday through Friday between the hours of 6:00 a.m. to 7:00 p.m., and on Saturday from 7:30 a.m. to 4:00 p.m. Schedule information is also available on the web at www.vta.org. Bicycle parking racks are available in the front of Buildings 1 and 2.

1. Call to Order and Introductions

2. Approval of Minutes from April 25, 2011 RWRC Meeting*

3. Public Presentation (3-minute limit)

This item is reserved for persons desiring to address the Commission on any matter not on this agenda. For members of the public who wish to address the Commission on any item not listed on the agenda this would be the appropriate time. The Chair will call individuals in turn. Speakers are limited to three (3) minutes. The Commission is not permitted action or extended discussion of any item not on the agenda except under special circumstances. If Commission action is requested, the Commission may place the matter on a future agenda. All statements that require a response will be referred to staff for reply in writing.

4. Expanded Polystyrene (EPS) Food and Beverage Containers*

45 minutes

Presenter: Cheri Donnelly, Chair, Source Reduction and Recycling Subcommittee

Cheri will provide the final report and recommendation to the RWRC

Due to the expectation that RWRC may be making a policy recommendation on EPS, the following organizations have asked to make a presentation on this issue. Their representatives have been granted five minutes each to provide their perspectives as stakeholders.

- American Chemistry Council (Ryan Kenny)
- Save Our Shores (Laura Kasa)
- Clean Water Action (Andria Ventura)

TAC Recommendation: Accept report and forward recommendation to City Councils and Board of Supervisors

Agenda continued on page 2

Commissioners: Jamie McLeod, Chair; Ronit Bryant, Kansen Chu, Susan Garner, Jim Griffith, Linda J. LeZotte, Evan Low, Cat Tucker, Kris Wang, Mike Wasserman

5. 2012 Meeting Schedule*

10 minutes

Presenter: Jamie McLeod, Chair

Consider moving RWRC meetings back to Wednesday evenings beginning in 2012

No TAC Recommendation

6. TAC Minutes

5 minutes

Presenter: Skip Lacaze, Chair, Technical Advisory Committee

Approved May 2011 TAC meeting minutes are included in packet. The April TAC was a joint TAC meeting with Alameda County followed by a tour of Fremont Transfer Station. No minutes were recorded for that meeting.

No action required – informational item only

7. Announcements/Future Agenda Items*

5 minutes

8. Adjournment

Next Meeting: Monday, August 29, 2011 at 5:15 p.m.

County of Santa Clara

Recycling and Waste Reduction Commission
Integrated Waste Management Division

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www.ReduceWaste.org



AGENDA ITEM #4

DATE: June 27, 2011
TO: Recycling and Waste Reduction Commission of Santa Clara County
FROM: Source Reduction and Recycling Subcommittee of the Technical Advisory Committee
RE: Managing Expanded Polystyrene Foam Food and Beverage Containers in Santa Clara County

Introduction and Drivers

For purposes in this report, all references to polystyrene, polystyrene foam, expanded polystyrene foam or foam food and beverage containers are all considered foam food and beverage containers, except when specifically referenced differently. Expanded polystyrene (EPS) foam (commonly referred to as Styrofoam^{TM1}) is pervasive in today's society; it is a great insulator – keeping beverages hot and ice cream cold. It keeps computers and furniture safe from damage during shipping. It has also become problematic to manage at the end of its life. The more rigid, block foam is an international commerce issue and might be best addressed at the state or national level. Polystyrene foam food and beverage containers are more challenging to manage than block foam, but one that can be addressed at the local level.

In Santa Clara County, there is a lack of *viable*, local recycling markets for post consumer polystyrene foam food and beverage containers. Newby Island Sanitary Landfill in Milpitas (run by Allied Waste Management) is currently collecting clean foam block only from commercial businesses if it is bagged. Since Dart Container Corporation donated a densifier to the site, Allied has put out a drop-off container for residents who may drive to the site and drop off wiped-clean foam food packaging. They are not collecting at curbside at this time. With the exception of the drop off box located at Newby Island, the County of Santa Clara County does not have polystyrene foam recycling programs for food service products. According to a 2004 study by the California Integrated Waste Management Board, of the 377,580 tons of polystyrene produced in the state, only 0.8% (3,020 ton) is recycled. Of that 0.8%, 0.2% (310 tons) is comprised of polystyrene foam food service packaging.² Because it is not currently recycled in Santa Clara County, polystyrene foam food and beverage containers take up landfill space.

Foam comprises 15% of storm drain litter, according to California Department of Transportation.³ It is the second most common type of beach litter, according to a beach debris study conducted in Orange County.⁴

¹ "Styrofoam" is a trademark of The Dow Chemical Company for extruded foam products used as building materials and craft supplies. Although foam cups, bowls, clamshells, and trays made from expanded polystyrene foam beads (EPS) or from extruded polystyrene foam sheets (XPS) are commonly referred to as "Styrofoam" by the public and in the media, Dow's Styrofoam products are not used to make foam cups or any other food service products.

² California Integrated Waste Management Board (December 2004), "Use and Disposal of Polystyrene in California: A Report to the California Legislature," Table 4, Page 14.

³ California Integrated Waste Management Board (December 2004), "Use and Disposal of Polystyrene in California: A Report to the California Legislature Page 3.

⁴ S. Moore *et al.*, (2001) "Composition and Distribution of Beach Debris in Orange County, California," Marine Pollution Bulletin 42.3: 241-245. Plastic pellets used to manufacture plastic products were the most abundant type of debris.

Commissioners: Jamie McLeod, Chair; Ronit Bryant, Kansen Chu, Susan Garner, Jim Griffith, Linda J. LeZotte, Evan Low, Cat Tucker, Kris Wang, Mike Wasserman

Expanded polystyrene foam is a major pollutant in creeks and waterways that flow to the Bay and beyond. Unlike other items that litter the waterways, polystyrene easily breaks into tiny pieces that can be mistaken for food and ingested by aquatic animals.

Because expanded polystyrene breaks down into smaller lightweight pieces, these small pieces contribute to roadside litter. CalTrans spends \$60 million annually on litter clean up costs. One year after implementation of the San Francisco ordinance that prohibits the use of EPS food ware, San Francisco's litter audit showed a 36% decrease in EPS litter.⁵ While the overall amount of polystyrene foam as a percentage of litter is small, the environmental impact of this product is disproportionately deleterious on aquatic life.

This report presents background; key considerations; a snapshot of alternative products; summaries of strategies used in other jurisdictions to reduce expanded polystyrene; current actions; current legislation; tiers for consideration; a suggested timeline; and steps for implementing a ban.

Background

In 2009, the Recycling and Waste Reduction Commission (RWRC) directed staff to report back with policy recommendations for decreasing the amount of expanded polystyrene (EPS) foam food and beverage containers in Santa Clara County. While there was no direction to evaluate the health effects of polystyrene, there are conflicting views on the toxicity of this product. On June 10, 2011, the National Institute of Environmental Health Sciences (NIEHS) identified styrene as one of six new substances that can be "reasonably anticipated" to be human carcinogens, particularly to workers involved in the production of polystyrene and products manufactured with polystyrene. Therefore, recycling polystyrene raises concerns about exposing recycling facility workers to this cancer-causing substance.⁶ Representatives speaking for industry state otherwise.⁷

In addition to being directed by RWRC, reducing or eliminating the use of polystyrene foam food and beverage containers in Santa Clara County supports one of the *guiding principles* of the RWRC Zero Waste Policy which recommends redesign or elimination of products that cannot be reutilized after their intended use.

The Source Reduction and Recycling Subcommittee (SRR) of the Technical Advisory Committee has been meeting monthly to discuss this complex issue. The SRR Subcommittee has returned to the RWRC periodically with status reports and to seek clarification and further direction.

Key Considerations

There is no single solution for the management of expanded polystyrene, and no two jurisdictions in Santa Clara County that have *identical* collection services. Each hauler/collector handles materials differently per the jurisdiction agreements with their haulers. Thus, there are several ways to address this issue; each dependant on what material is collected curbside and the material's disposition post collection. For jurisdictions that offer curbside food waste collection alternative products may be composted in food waste collection systems. For jurisdictions that do not currently have curbside food waste collection, it will be important to review the current recycling options and identify what types of containers their haulers can process for recycling.

Alternatives to Expanded Polystyrene Foam Food and Beverage Containers

There are many different types of food and beverage containers that are more easily managed by commercial MRF's than ever before. Alternative containers are made from such materials as polylactic acid (PLA), bagasse (sugar cane fiber), wheat straw and fiber board. The advantage of using wheat straw and bagasse is that they

⁵ City of San Francisco Streets Litter Re-Audit 2008. Available at: http://sfenvironment.org/downloads/library/2008_litter_audit.pdf.

⁶ <http://www.niehs.nih.gov/news/releases/2011/roc/>

⁷ <http://www.styrene.org/news/pdfs/06-10-11-statement-ntp-listing.pdf>

are both byproducts of other useful products and are rapidly renewable within a year. Each material is managed differently in the waste stream and as such the benefits of one over the other is situational. Alternative products cost more than foam at this time. However, it is anticipated that as demand for these alternative products increases, the prices will decrease. Also, there are several opportunities for cooperative purchasing of these alternative products. For instance, GreenTown Los Altos offers a program for all Santa Clara County businesses to purchase alternative food ware at a 25% discount. Some restaurants in Santa Cruz charge a nominal fee for takeout containers in order to cover the cost of the alternative products and surveys indicate that the public is willing to pay a little extra for these products.

Current Actions

According to Clean Water Action, 50 jurisdictions in California have taken action to ban foam food containers⁸, including the cities of Millbrae, Palo Alto, San Bruno, San Francisco, Hayward, Fremont, Oakland and the County of San Mateo.

Laura Kasa from the environmental non-profit Save Our Shores reports that since implementing its ordinance to ban polystyrene, “the County of Santa Cruz has seen a 61% decrease in polystyrene foam take out containers in their river cleanups since 2007. The number of containers went from 18 items per cleanup to 7 items per cleanup in 2011.”

Reducing polystyrene foam is one of the three priority actions identified by the California Ocean Protection Council’s 2008 strategy to reduce marine litter.⁹

Current Legislation

On June 2, 2011, SB 568 (Lowenthal) passed out of the Senate on a 21-15 vote. On June 15, 2011 the bill was amended in the Assembly and would prohibit a food vendor, on and after January 1, 2016 (school districts 1/1/17), from dispensing prepared food to a customer in a polystyrene foam food container. It would also exempt a school district, city or county that adopts an EPS recycling program/ordinance that has a reasonable likelihood of achieving a 60% recycling rate. RWRC has not taken a position. Both the County of Santa Clara Board of Supervisors and the Santa Clara Valley Water District have sent support letters for this bill. The American Chemistry Council is on record as opposing this bill.

Recycling Expanded Polystyrene Foam at Curbside

Industry has noted that some jurisdictions are recycling polystyrene foam food and beverage containers from curbside collections. Cities that have implemented curbside collection and recycling are primarily located in Southern California. Those materials are sorted at processing facilities and placed in a densifier located at the facility. The densified material is then transported and sold to companies that manufacture picture frames, molding and office supplies. The City of Rancho Cucamonga is currently piloting this process.

Some Santa Clara County jurisdictions have accepted polystyrene foam at the curb for many years. However, all but the Newby Island material recovery facility (MRF) are pulling both block and food and beverage polystyrene and landfilling it. By the time the food ware is taken off the sort line, it is too contaminated to be recycled. Block polystyrene foam takes up a lot of space before being densified, thus many MRFs in Santa Clara County do not have the space to store the collected block foam in addition to the densifier. In Santa Clara County, jurisdictions’ collection programs either do not accept any expanded polystyrene or collect it curbside and then landfill it.

⁸ <http://www.cleanwateraction.org/feature/ban-the-foam#bans>

⁹ http://www.opc.ca.gov/webmaster/ftp/pdf/opc_ocean_litter_final_strategy.pdf

School Lunch Tray Recycling

Another program was instituted at Westwood Elementary School in Lodi three years ago. This program has been ongoing for three years and was initiated by a teacher at that school. Students receive their meals on polystyrene foam trays. When finished, they go to a station where student monitors instruct them on cleaning their trays. Trays are stacked, placed back in the boxes they were received in and the teacher drops them off at the DART Container in Lodi for densifying. The densified blocks of foam are then sent to a facility to be remanufactured into picture frames and base board molding. The Lodi School District has expanded this program to include 47 sites and has added a part time driver (25 hours/week) to collect from all 47 sites every other day and deliver to DART Container.

Tiers

Tiers are progressive steps that local agencies and/or jurisdictions can take to reduce and eventually eliminate EPS food and beverage containers. Each higher tier includes all of the steps from previous tiers as each progressive tier builds upon the others.

Tier One – Education and Outreach

Jurisdiction engages in discussions with the public and stakeholders at some level.

This could include:

- Introducing the concept of alternative food and beverage containers at:
 - community meetings
 - Chambers of Commerce
 - Restaurant Associations
- Information in hauler and city newsletters
- Taking surveys at various events and polling the community about their level of awareness

Tier Two – Jurisdiction adopts a policy requiring that all City/County facilities and City/County-hosted events use only containers that are accepted in their contracted hauler's recycling system.

In addition to education and outreach to residents, the business community, etc., it is important that the City or County demonstrate their leadership by specifying what take-out containers can be used in their cafeterias, facilities and at their events. A policy can be drafted that requires food and beverage vendors in City/County facilities to use only containers that are accepted by their jurisdiction's hauler. This can easily be added to facility use application forms and agreements. It is important that a jurisdiction work with its hauler to determine what they will and will not collect for processing and that any materials collected are not landfilled. For example, a hauler may only accept recyclable plastics numbered 1 and 2 or may collect aseptic containers only to landfill them once sorted.

The County of Santa Clara's hauler (Allied Waste) provides food waste collection at County facilities. This hauler will accept compostable containers and recyclable containers including, but not limited to, paper, glass, aluminum, cardboard and plastic bottles, jars and tubs. Therefore in County cafeterias and at County sponsored events, food and beverage containers made with any of those materials would be acceptable but those made from polystyrene foam would not.

For this to happen, these items should be considered:

- Support from Council/Board
- Existing policies in your City/County Environmental Purchasing Policy
- Procurement Policies and Open Contracts
- Garbage/Recycling Contracts
- Outreach to staff/employees to educate them on new policies and processes

A City/County may wish to follow in the steps of the City of Sunnyvale. They have a policy that prohibits the use of tax payer dollars to purchase expanded polystyrene foam food and beverage containers at their City/County facilities. They have also done this with single-use water bottles.

Tier Three – City/Countywide Ordinance requiring that all restaurants/food preparers/vendors use only containers that are accepted in their contracted hauler’s recycling system

This tier adds to the previous tiers by suggesting that a City or County can adopt an ordinance that includes those products that are readily accepted in their hauler’s recycling infrastructure rather than excluding certain products. This approach manages the waste stream by identifying specifically what products can and are being recycled. For example, a hauler may only accept paper, glass, aluminum, cardboard and recycled plastic containers numbered 1 through 5.

Utilize ordinances (drafted and in many cases implemented) by other jurisdictions in the state to create a local ordinance. The City of Monterey’s approach allows a city or county to be more inclusive rather than exclusive and manages the waste stream by identifying specifically what products can be received for processing in their jurisdiction.

Tier Four – Ban expanded polystyrene foam food and beverage containers at all food service establishments within the jurisdiction

The County of San Mateo passed an ordinance that prohibits any food vendor in unincorporated San Mateo County from using polystyrene-based food service ware. Their ordinance was crafted so that cities within San Mateo County can easily adopt their own ordinances.

Things to Consider Before Drafting an Ordinance

- All implications of enforcement
- Penalties - consider how penalties will be assessed
- CEQA – Several municipalities around the state prepared a Negative Declaration prior to adopting their ordinances. Cost and time required to address CEQA should be taken into account when considering adoption of an ordinance to manage polystyrene foam.
- Future Franchise Agreements - When jurisdictions are extending existing franchise agreements or going out to bid for new services, it will be beneficial to consider what other jurisdictions in the region are doing in terms of waste diversion and food waste composting. Having uniform language in franchise agreements can lead to uniform policy recommendations that can be adopted regionally.

Timeline

The tiers above can be phased in over a period of time. It is recommended that jurisdictions initially begin no lower than Tier Two but certainly have the prerogative to go farther. This level provides education to residents, chambers of commerce, restaurants, employees, and the public. It also allows a municipality to showcase their environmental stewardship by taking action within their city or county.

For those jurisdictions that are prepared to move more aggressively, it may be more appropriate to start at a higher tier. It is dependent on several factors – environmental policies, priorities, political will of the Council or Board, fiscal climate and general acceptance of the community, etc.

January 1, 2012

Tier Two - Begin outreach at public events and in meetings with stakeholders and review current contracts for services with vendors and haulers

July 1, 2012

Phase into Tier Three or Four

January 1, 2013

Phase into Tier Four

January 1, 2014 - 2016

Implement SB 568, if it passes the Assembly and is signed by the Governor.

Key Resources

- American Chemistry Council
www.americanchemistry.com/
916-448-2581
- Californians Against Waste
<http://www.cawrecycles.org/>
www.cawrecycles.org/issues/polystyrene_ordinances_list
(916) 443-5422
- Clean Water Action
<http://cleanwateraction.org/>
415-369-9160
- Save Our Shores
<http://saveourshores.org/>
831-462-5660
- Save the Bay
www.savesfbay.org
510-452-9261

EXHIBIT A

STEPS FOR IMPLEMENTING A BAN ON POLYSTYRENE

The City of Millbrae used the following steps for implementing a ban on polystyrene food and beverage containers in January 2008. Their ordinance applied to all polystyrene products including rigid polystyrene (clamshells, cup lids and utensils) in addition to foam products. Staff had no real challenges because they were very thorough and methodical from the start, informing their City Council at every step in the process. They considered all potential impacts including a review of all businesses that deal with food – restaurants, grocery stores, food trucks, food processors, etc. so all the food businesses in the city are on a level playing field. Millbrae staff worked closely with their City Attorney while drafting the ordinance. Here are the steps they recommend for other jurisdictions:

1. Review different city ordinances and determine which options seem best for the City.
2. Work with your hauler to determine the food ware that is acceptable for recycling. Also discuss option of collecting food ware for composting.
3. Provide City Council with informational report listing options or present recommended option(s).
4. Conduct outreach to businesses early on in the process to gain input and describe elements of an ordinance.

Business outreach consisted of:

- Postcard/letter mailers
 - Meetings
 - Food ware demonstration/display
 - On-site visits
 - After implementation outreach listed below
5. Determine which legislation is best for the City and begin crafting it with the help of the City Attorney. Consider inclusion of CEQA Determination.
 6. Introduce at City Council meeting for first reading/vote.
 7. Conduct outreach to businesses as to when ordinance will go into effect and provide fact sheet, list of acceptable food ware and list of food service ware distributors

Staff Resources needed for implementation – staff felt this was approximately the equivalent of .25 - .50 FTE plus the time for City Attorney's review/input and Planner's time to draft the Negative Declaration

- Draft initial ordinance
- Draft staff reports
- Research food ware
- Work with hauler
- Outreach to businesses (before, during and after)
- Develop handouts: fact sheet, acceptable food ware, food service ware vendors list, etc.
- Site visits after implementation
- Before and after survey to business (food ware used before and food ware used after)
- Manage inquiries from other communities and organizations

Millbrae staff surveyed businesses throughout the first year asking how things were going, what products they had switched to and found no real issues from businesses. While no technical or formal evaluations were conducted beyond the surveys, it should be noted that Public Works staff noticed a dramatic drop in polystyrene foam at storm drain outfalls and during clean up events. Almost all polystyrene bans reviewed by staff include a provision for hardship. In the City of Millbrae's case, only one business applied for an "undue hardship" provision. Millbrae's ordinance requires that a business must reapply for undue hardship annually.

EXHIBIT B

SAMPLE RESOLUTION FOR TIER TWO

RESOLUTION OF THE CITY/COUNTY OF _____ REQUIRING ALL FOOD VENDORS USE RECYCLABLE OR COMPOSTABLE FOOD SERVICE WARE IN CITY/COUNTY FACILITIES AND AT EVENTS HELD ON PUBLIC PROPERTY

WHEREAS, the (Jurisdiction) has a duty to protect the environment, the economy, and the health of its citizens; and

WHEREAS, effective ways to reduce the negative environmental impacts of food service ware include reusing or recycling food service ware and using “recyclable or compostable” take-out materials made from renewable resources such as paper, wheat straw, and sugarcane; and

WHEREAS, polystyrene is a common environmental pollutant as well as a non-biodegradable, non-compostable, non-recyclable or non-reusable substance used as food service ware by food vendors and contractors operating within the City/County facilities; and

WHEREAS, there continues to be no substantial local recycling of polystyrene food service ware; and

WHEREAS, affordable compostable food service ware products are becoming increasingly available for most food service applications such as cups, plates, and hinged containers and these products can be turned into a compost product; and

WHEREAS, polystyrene foam fragments into smaller pieces that are ingested by aquatic life and other wildlife; and

WHEREAS, There is a prevalence of polystyrene foam packaging littering City/County parks and public places, streets and roads, waterways, storm drains and wetlands. Management of his litter places a financial burden on the City/County.

WHEREAS, local businesses and several national corporations have successfully replaced polystyrene and other non-biodegradable food service ware with affordable products; and

NOW, THERFORE BE IT RESOLVED THAT

- A. Food vendors and contractors shall provide only recyclable or compostable food ware that is accepted in the City/County’s contracted waste collection system.
- B. No expanded polystyrene foam food service ware shall be used in any City/County Facilities. No City/County department or agency will purchase or acquire foam polystyrene foam food service ware for use at City/County facilities.
- C. All individuals, entities or organizations using City/County facilities for public or private events shall comply with the requirements in this chapter.

EXHIBIT C

SAMPLE RESOLUTION FOR TIER THREE

RESOLUTION OF THE CITY/COUNTY OF _____ REQUIRING ALL FOOD VENDORS USE RECYCLABLE OR COMPOSTABLE FOOD SERVICE WARE THAT IS CONSISTENT WITH FRANCHISED COLLECTION SERVICES

WHEREAS, the (Jurisdiction) has a duty to protect the environment, the economy, and the health of its citizens; and

WHEREAS, effective ways to reduce the negative environmental impacts of food service ware include reusing or recycling food service ware and using “recyclable or compostable” take-out materials made from renewable resources such as paper, wheat straw, and sugarcane; and

WHEREAS, polystyrene is a common environmental pollutant as well as a non-biodegradable, non-compostable, non-recyclable or non-reusable substance used as food service ware by food vendors and contractors operating within the City/County facilities; and

WHEREAS, there continues to be no substantial local recycling of polystyrene food service ware; and

WHEREAS, affordable compostable food service ware products are becoming increasingly available for most food service applications such as cups, plates, and hinged containers and these products can be turned into a compost product; and

WHEREAS, polystyrene foam fragments into smaller pieces that are ingested by aquatic life and other wildlife; and

WHEREAS, There is a prevalence of polystyrene foam packaging littering City/County parks and public places, streets and roads, waterways, storm drains and wetlands. Management of his litter places a financial burden on the City/County.

WHEREAS, local businesses and several national corporations have successfully replaced polystyrene and other non-biodegradable food service ware with affordable products; and

NOW, THEREFORE BE IT RESOLVED THAT

1. All vendor, business, organization, entity, group or individual, including a licensed retail food establishment that provides prepared food at a retail level shall provide only recyclable or compostable food ware that is accepted in the Franchised Hauler’s waste collection system.

EXHIBIT D

SAMPLE RESOLUTION FOR TIER FOUR

**RESOLUTION OF THE CITY/COUNTY OF _____
PROHIBITING FOOD VENDORS FROM USING EXPANDED POLYSTYRENE BASED
FOOD SERVICE WARE**

WHEREAS, the (Jurisdiction) has a duty to protect the environment, the economy, and the health of its citizens; and

WHEREAS, effective ways to reduce the negative environmental impacts of food service ware include reusing or recycling food service ware and using “recyclable or compostable” take-out materials made from renewable resources such as paper, wheat straw, and sugarcane; and

WHEREAS, polystyrene is a common environmental pollutant as well as a non-biodegradable, non-compostable, non-recyclable or non-reusable substance used as food service ware by food vendors and contractors operating within the City/County facilities; and

WHEREAS, there continues to be no substantial local recycling of polystyrene food service ware; and

WHEREAS, affordable compostable food service ware products are becoming increasingly available for most food service applications such as cups, plates, and hinged containers and these products can be turned into a compost product; and

WHEREAS, polystyrene foam fragments into smaller pieces that are ingested by aquatic life and other wildlife; and

WHEREAS, There is a prevalence of polystyrene foam packaging littering City/County parks and public places, streets and roads, waterways, storm drains and wetlands. Management of his litter places a financial burden on the City/County.

WHEREAS, local businesses and several national corporations have successfully replaced polystyrene and other non-biodegradable food service ware with affordable products; and

NOW, THEREFORE BE IT RESOLVED THAT

1. All vendor, business, organization, entity, group or individual, including a licensed retail food establishment that provides prepared food at a retail level are prohibited from using expanded polystyrene foam food and beverage containers.

EXHIBIT E

Source Reduction and Recycling Subcommittee of the Technical Advisory Committee Expanded Polystyrene Matrix by City Within Santa Clara County

City/Town/County	Comments	Position	Franchise Agreement Expires
Campbell	<ul style="list-style-type: none"> ▪ The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed this recently, but are not pursuing anything at the moment. ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See	2/28/14 with the option to extend up to 36 months
Cupertino	<ul style="list-style-type: none"> ▪ Cupertino staff has discussed expanded polystyrene recently, but have not made any decisions on how to implement any actions at the moment. ▪ Cupertino's hauler still accepts plastics #1-7 in curbside program and will continue to do so until the City's new franchise agreement is implemented starting 11/1/10, at which point polystyrene will not be accepted as a recyclable material. Currently residents are told to place PS blocks in a clear plastic bag and set next to recycling bin. No "PEANUTS" are collected curbside. 		
Gilroy	<ul style="list-style-type: none"> ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See	2017
Los Altos	<ul style="list-style-type: none"> ▪ Residents are to place blocks in clear plastic bag and set next to recycling bin. No "PEANUTS" collected curbside. 		
Los Altos Hills	<ul style="list-style-type: none"> ▪ Residents are to place blocks in clear plastic bag and set next to recycling bin. No "PEANUTS" collected curbside. 		
Los Gatos	<ul style="list-style-type: none"> ▪ The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed addressing expanded polystyrene recently, but are not pursuing anything at the moment. ▪ Accepts plastics #1-7 in curbside program. 	Wait and See	2/28/14 with the option to extend up to 36 months
Milpitas	<ul style="list-style-type: none"> ▪ Curbside program accepts: plastic containers #1-7, excluding #6, polystyrene; includes white plastic grocery bags. Polystyrene in foam blocks, food containers and packaging peanuts not accepted curbside, but may be dropped-off at Allied's Recyclery, Newby Island Landfill, for recycling. ▪ Recycling & Source Reduction Advisory Commission evaluating polystyrene issues for a future recommendation to Milpitas City Council (note: single-use bags recommended for a ban). Next meeting is 7/26/11. ▪ Milpitas City Council to receive polystyrene food container study and staff recommendation on August 2 or 16, 2011. 		9/5/2017

EXHIBIT E

**Source Reduction and Recycling Subcommittee of the Technical Advisory Committee
Expanded Polystyrene Matrix by City Within Santa Clara County**

Monte Sereno	<ul style="list-style-type: none"> ▪ The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed this recently, but are not pursuing anything at the moment. ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See	2/28/14 with the option to extend up to 36 months
Morgan Hill	<ul style="list-style-type: none"> ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See	January 31, 2015
Mountain View	<ul style="list-style-type: none"> ▪ The Mountain View City Council adopted an Environmental Sustainability Action Plan in March 2009. One of the items in FY 10-11 is “Participate in Regional Efforts to Ban Polystyrene Take-Out Food Containers”. ▪ Foam blocks, food foam and packing peanuts are not accepted in Mountain View’s curbside program. 		April 2013
Palo Alto	<ul style="list-style-type: none"> ▪ On May 11, 2009, Palo Alto's City Council adopted an ordinance to restrict food vendors from providing prepared food in disposable food service containers made from expanded polystyrene or non-recyclable plastic. The ordinance went into effect Earth Day 2010 (April 22, 2010). The ordinance is primarily intended to reduce the negative environmental impacts of expanded polystyrene food service containers, which are a very persistent and mobile source of litter to local creeks and marine ecosystems when improperly disposed. As of October 2010, Palo Alto has over 90 percent compliance with the ban. ▪ Palo Alto does not accept foam packaging, blocks or peanuts in their curbside program. 	Ban went into effect April 22, 2010	
San Jose	<ul style="list-style-type: none"> ▪ In October 2008, Council approved joining the City’s Keep It Clean! Partnership, which requires the City to develop a strategy for local food establishments to dramatically reduce the use of non-biodegradable/non-compostable take-out food containers through ban or fee programs. ▪ In November 2009, City Council approved a ban on expanded polystyrene (EPS) food containers at all Special Events on City property over 1,000 attendees per day beginning in 2010. ▪ At the May 3, 2010 Transportation and Environment Committee (T&E) meeting, staff presented a status report on reducing polystyrene foam in the waste stream. Regional efforts or recommendations will be discussed at T&E sometime in 2011, especially as part of MRP requirements and regional anti-litter efforts. ▪ Starting November 2010, residents will be instructed to place all polystyrene, such as cups and plates, egg cartons, take-out food containers, meat trays, packing “peanuts,” or other foam packing materials, into their garbage cart. 		

EXHIBIT E

**Source Reduction and Recycling Subcommittee of the Technical Advisory Committee
Expanded Polystyrene Matrix by City Within Santa Clara County**

Santa Clara	<ul style="list-style-type: none"> ▪ City of Santa Clara is not doing anything to address polystyrene food packaging at this time. ▪ EPS is no longer accepted in the City of Santa Clara's curbside recycling program. 	Wait and See	Garbage, green waste and recycling (for commercial and quasi-public only) expires December 30, 2021; Residential recycling program expires January 10, 2020
Saratoga	<ul style="list-style-type: none"> ▪ The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed this recently, but are not pursuing anything at the moment. ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 		2/28/14 with the option to extend up to 36 months
Sunnyvale	<ul style="list-style-type: none"> ▪ The City Council ranked a study of "Banning Use of Expanded Polystyrene Foam Containers" third highest of five Department of Public Works Study Issues for 2011. As of February 2011, the study issue calendar showed that staff was to begin work on this item in October 2011 and it was to be heard by Council in September 2012 at a cost of \$40,000 for consultant assistance with CEQA. However, due to this cost, the proposed FY 2011/12 budget recommends against proceeding with the study issue. ▪ Sunnyvale does not accept polystyrene in its curbside or drop-off program. ▪ Sunnyvale Chamber of Commerce and Downtown Association request voluntary elimination of EPS at large events. Vendors/restaurants purchase compostable containers which are collected with food scraps at the events. 		June 30, 2021
Unincorporated Santa Clara County	<ul style="list-style-type: none"> ▪ County of Santa Clara is not doing anything to address polystyrene food packaging at this time. ▪ Expanded polystyrene is collected curbside in the unincorporated areas (bagged separately) but is not recycled as there is little to no market for it. 		June 30, 2014
West Valley Cities	<ul style="list-style-type: none"> ▪ The West Valley cities of Campbell, Los Gatos, Monte Sereno and Saratoga have discussed this recently, but are not pursuing anything at the moment. ▪ Polystyrene is accepted in curbside program and then thrown away at the processing center. 	Wait and See	2/28/14 with the option to extend up to 36 months

Appendix 1

Ancillary Documents and WebLinks

Californians Against Waste and Clean Water Action not only list those jurisdictions that have passed bans, the link here also links to those Cities and Counties ordinances and other related documents that can be used as templates for others moving forward with similar plans.

Californians Against Waste - http://www.cawrecycles.org/issues/plastic_campaign/polystyrene/local

Clean Water Action - <http://www.cleanwateraction.org/feature/ban-the-foam#bans>

Adverse Health Effects of Polystyrene - <http://www.ecologycenter.org/factsheets/plastichealtheffects.html>

Expanded Polystyrene Health Effects Harvard and FDA Study Letter from American Chemistry Council

San Francisco Department of the Environment – List of Approved Recyclable and Compostable Products
<http://www.cawrecycles.org/files/Approved%20food%20ware%20product%20list%206-11-07.pdf>

Cost Comparison between Expanded Polystyrene Foam and Compostable Recyclable Products
http://www.cleanwateraction.org/files/publications/ca/Cost%20Comparison%20of%20Polystyrene%20and%20other%20Take%20Out%20Containers-%20C_0

County of Santa Clara

Recycling and Waste Reduction Commission
Integrated Waste Management Division

1553 Berger Drive, Building #1
San Jose, California 95112
(408) 282-3180 FAX (408) 282-3188
www.ReduceWaste.org



AGENDA ITEM #6

TECHNICAL ADVISORY COMMITTEE MEETING MINUTES May 12, 2011

VOTING MEMBERS IN ATTENDANCE

ACTERRA	Maija McDonald
CALIFORNIA RESOURCE RECOVERY ASSN.	Richard Gertman
CITY OF CUPERTINO	Cheri Donnelly
CITY OF GILROY	Tony Eulo
CITY OF MILPITAS	Elizabeth Koo
CITY OF MORGAN HILL	Tony Eulo
CITY OF MOUNTAIN VIEW	Lori Topley
CITY OF PALO ALTO	Clay Reigel
CITY OF SAN JOSE	Walter Lin
CITY OF SANTA CLARA	Dave Staub
CITY OF SUNNYVALE	Mark Bowers
CLARA MATEO	Michael Gross
CLARA MATEO	Julie Muir
COUNTY UNINCORPORATED AREA	Lisa Rose
SANTA CLARA VALLEY WATER DISTRICT	Pat Showalter
SIERRA CLUB	Heidi Melander
WEST VALLEY CITIES	Marva Sheehan

Commissioners: Jamie McLeod, Chair; Ronit Bryant, Kansen Chu, Susan Garner, Jim Griffith, Linda J. LeZotte, Evan Low, Cat Tucker, Kris Wang, Mike Wasserman

VOTING MEMBERS NOT ATTENDING

CITY OF CAMPBELL
CITY OF LOS ALTOS
CITY OF MONTE SERENO
CITY OF SARATOGA
CLARA MATEO
CLARA MATEO
COUNTY ENVIRONMENTAL HEALTH
COUNTY PLANNING DEPARTMENT
LEAGUE OF WOMEN VOTERS
SAN JOSE STATE UNIVERSITY
SILICON VALLEY LEADERSHIP GROUP
TOWN OF LOS ALTOS HILLS
TOWN OF LOS GATOS

OTHERS IN ATTENDANCE

Tracie Bills	Cascadia
Clifton Chew	SCC IWM
Kevin Chiapello	Recology Silicon Valley
Wendy Fong	SCC HHW
Karen Gissibl	City of Sunnyvale
Brock Hill	Premier Recycling Company
Emy Mendoza	City of San Jose

1. Call to Order

Clay Reigel, Vice-Chair, called the meeting to order at 1:34 p.m. A quorum of 13 was present.

Those present introduced themselves.

2. Approval of Minutes

Tony Eulo made a motion to approve the minutes from the March 10, 2011 TAC meeting. The motion was seconded by Lori Topley. All present voted to approve the minutes. Those not present at the March 10, 2011 TAC meeting abstained.

3. Public Presentations

There were no public presentations.

4. Checklist for Addressing Emerging Issues

Lisa Rose said this was an issue that had been discussed some time ago.. A checklist form was distributed with TAC packets. This was a sample checklist to use for vetting things that may come to TAC. There were no comments on the form itself. A suggestion was made to test the form on past subjects to verify the process.

5. RWRC Update

Lisa Rose had three items: 1) Heidi Sanborn gave a presentation on California Product Stewardship Council and Extended Producer Responsibility; 2) the RWRC accepted both the third 5-Year Report and the 12th Amendment to the NDFE; and 3) the RWRC provided some new guidance to the SRR Subcommittee on what they would like to see at the June 27 meeting with regards expanded polystyrene.

6. Division Manager's Report and Updates on Countywide Programs

A. Disposal Reporting System – in the TAC packet.

B. Green Business – in the TAC packet.

C. Home Composting Education Program – Lisa announced that this Sunday is the Bay Friendly Garden Tour. It is too late to register online but people can still purchase a book for \$10 at Guadalupe Gardens (San Jose) or Common Ground (Palo Alto) which has coupons in the back that will give access to the home gardens. Both Clay and Michael have gardens in the tour. Clay noted that if others would like to offer this tour in their city to let him know.

D. Recycling Hotline – no report.

E. Other – no report.

7. Subcommittee Reports and Updates on Countywide Programs

A. Enforcement – no report.

B. Household Hazardous Waste – Walter Lin said a packet was distributed yesterday. It includes discussion about expanding the days of operation at the new site as well as estimating the cost of that operating schedule. Preliminary estimates look like the additional days of operation may be cheaper than single day events due to the set-up and take-down cost of those events. The packet also has information about having a multi-year cycle for AB939 and HHW agreements and for leasing. He hopes to bring back an actionable item for the August TAC meeting.

Walter also said the City of San Jose is currently evaluating construction bids and hopes to

begin in July and estimates a 14 month build time.

It was noted that the budget information in the packet relies on the decreasing cost to the program of managing paint (state law). Battery costs in the future may also decrease (industry take back).

C. Implementation Subcommittee – no report.

D. Legislation – Mark Bowers went over various bills in the packet. Items in gray will be dropped in the next version. He noted that June 3 was the last day to get bills out of the house of origin.

Clay noted that the City of Palo Alto is asking for a bill that would allow conservation pricing for refuse rates.

E. Operations – Dave Staub said he has been very busy lately and hopes to have an Operations Subcommittee sometime after May 24.

F. Public Education – no report.

G. Source Reduction and Recycling (SRR) – Cheri Donnelly reported that the RWRC provided clarification and direction with regard to Expanded Polystyrene (EPS). The subcommittee is trying to target one message with some simple examples.

The main message will shift from directly banning EPS, which will remain an option, to focus more on emphasizing locally recyclable materials, based on a Monterey, California model. It was noted that recyclable does not mean collection and disposal but where there are actual markets for the collected materials. The baseline will not only be public education but also local responsibility for their own facilities. Additionally, a timeline/timeframe for adopting various stages needs to be included in the report.

This shift would change the emphasis from a litter issue to a diversion issue.

The subcommittee will report back with a range of options rather than one specific option because every jurisdiction is different. .

H. Ad Hoc Organizational Study – Mark Bowers said the subcommittee met May 5 to discuss an approach to the MOU/MOA process and decided to start with the SCVURPPP MOU model. The subcommittee talked about some of the available structures such as a JPA. A JPA isolates liability from member agencies, it can take on debt but then it can also take on a life of its own where it takes positions that member agencies would be against and there is some overhead required.

I. Ad Hoc School Recycling – no report.

J. Ad Hoc Zero Waste – no report.

8. Future Agenda Items / Guest Speakers

Tony Eulo had two suggestions: 1) see if Sustainable Silicon Valley would be a good interface with TAC; and 2) asked that the Best Practices for Zero Waste Events be brought forward.

Mark Bowers asked to have Methyl Acetylene-Propadiene propane (MAPP) cylinders be a possible topic. They are small welding canisters that are expensive for the SMaRT station to dispose of due to their hazardous nature.

9. Informational Updates and Announcements

- Dave Staub said the SWANA Symposium begins on May 16 in Monterey.
- Tracie Bills had three items: 1) CRRA conference is in August; 2) the Give Green Initiative for CRRA's live venue and events will be hosting a webinar about best practices for zero waste events on June 1; and 3) Cascadia has openings as an associate and for summer internships.
- Julie Muir announced Stanford came in second in the gorilla prize for RecycleMania
- Lisa Rose said Tuesday was the second reading of the County's bag ordinance so -it's officially adopted.

10. Adjournment

The meeting adjourned at 2:47 p.m.

THE NEXT SCHEDULED TAC MEETING: June 9, 2011