

**Natural Resources Commission
Community Chambers
23 Russell Boulevard**

**Monday, March 26, 2012
6:30 p.m.
Agenda**

Commissioners: Dean Newberry (Chair), Eugene Wilson (Vice Chair), William Shapiro, Jill Baty, Clifton McFarland, Alan Pryor, (one vacancy), and Steven Westhoff (Alternate), Vacant (Planning Commission Liaison)

Staff: Jacques DeBra, Utilities Manager

Council Liaison: Stephen Souza

- 6:30 PM**
- 1. Roll Call**
 - 2. Approval of Agenda**
 - 3. Approval of Minutes – February 27, 2012**
 - 4. Commission and Staff Announcements**
 - 5. Council Liaison Comments**
 - 6. Public Communications:** At this time, any member of the public may address the Natural Resources Commission on items within the commission's jurisdiction which are not listed on this agenda. Public comments will be accepted for items listed on the agenda when that matter is considered by the commission. No formal action may be taken on issues not listed on this agenda. Presentations may be limited depending on time available.

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Consent Calendar

7. **A. Long Range Calendar**
- Recommendation:** Informational
- B. NRC Subcommittee Rosters and Priorities**
- Recommendation:** Informational
- C. Draft Memo – Integration of City IPM Policies**
- Recommendation:** Support Recommendation
- D. July 4th Event Waste Reduction Planning**
- Recommendation:** Informational

Regular Calendar

- 6:40 PM 8. Receive Yolo County Climate Action Plan Update**
John Mott Smith will present an overview of the County’s Climate Action Plan, its current status, and discuss the County’s Plan implementation approach.
- Recommendation:** Receive update from Yolo County.
- 7:20 PM 9. Approve Draft Carryout Bag Ordinance and CEQA Schedule**
Richard Tsai will present the draft ordinance to be used in the environmental analysis for a carryout bag policy and present the CEQA implementation schedule.
- Recommendation:** Motion to support Draft Ordinance and CEQA Schedule.
- 7:40 PM 10. WWTP Improvement Project Update**
Michael Lindquist, Project Manager, will present information about the project and discuss next steps required to implement the project by 2017.
- Recommendation:** Receive WWTP project update.

- 8:00 PM** **11. Zero Waste Subcommittee Food Composting Forum**
Ximena Jackson from Cesar Chavez School will present information on the School's pilot composting programs.

Recommendation: Receive information.

- 8:20 PM** **12. NRC Subcommittee Reports**
Receive updates from the Energy, Water Management, Zero Waste and Wood Smoke subcommittees.

Recommendation: Receive updates.

Natural Resources Commission
****DRAFT****
Minutes
February 27, 2012

Commissioners:

Present: Eugene Wilson (Vice Chair), William Shapiro, Jill Baty, Clifton McFarland, Alan Pryor, and Steven Westhoff (Alternate)

Absent: Dean Newberry (excused); Mark Lubell (resigned), Vacant (Planning Commission Liaison)

Staff: Jacques DeBra, NRC Liaison

Council Liaison: Stephen Souza

1. Roll Call

2. Approval of Agenda

Motion to approve passed unanimously.

3. Approval of Minutes

Motion to approve January 23, 2012 Minutes passed unanimously.

4. Commission and Staff Announcements:

Announced resignation of Mark Lubell from the NRC; reminder of upcoming recycling event in San Francisco.

5. Council Liaison Comments:

None

6. Public Communications:

Mention of support for IPM program and pesticide spray incident on bike pathway in West Davis by city-hired contractor.

Consent Calendar

7. A. Long Range Calendar

Action: Unanimous motion to discuss long range calendar end of regular meeting
AYES: 6-0.

B. NRC Subcommittee Rosters and Priorities

Regular Calendar

8. **Select Environmental Recognition Award Winners**

The NRC Awards sub-committee presented their review process and recommended winners as follows: Business Category = Caffé Italia; Individual/Group = Gene Trapp and Jo Ellen Ryan; and Non-Profit Category = Community Alliance with Family Farmers. The NRC discussed the sub-committee recommendations and passed the following motions:

Motion 1: Select Caffé Italia as the Business Category winner.

AYES: The motion carried unanimously 6 to 0.

Motion 2: Select Individual/Group and Non-Profit Category winners by secret ballot.

AYES: The motion carried unanimously 6-0.

The NRC conducted a secret ballot process and the staff liaison counted the ballots and announced the winners for the two remaining categories as follows:

Individual/Group Category:	Gene Trapp/Jo Ellen Ryan
Non-Profit Category:	The Davis Cemetery Group

9. **Receive Annual IPM Report**

Martin Guarena, City IPM Specialist, presented a PowerPoint presentation on the City's IPM program and discussed findings and recommendations from the annual report. The NRC asked questions about following spray/application zones at various park sites, the relative risk of exposure for Category I-IV pesticide applications, pesticide use by City contractors, use of conventional IPM methods, community outreach and Applicator training efforts. The NRC discussed the importance of maintaining progress on reducing overall city-wide pesticide use and passed the following motion:

Motion: Submit NRC memo to the Parks Commission with NRC recommendations

AYES: The motion carried unanimously 6-0

10. **Receive Annual Water Use Report**

The NRC received the 2011 annual water use report as a means to track the City's per capita water use over time to ensure compliance with SBx7 and to assess additional water conservation recommendations for the community. The 2011 per capita water use was 152 gpcd, less than the 158 gpcd observed in 2010. The City's SBx7 2020 per capita water use target is 167 gpcd. The NRC requested that water use information for other water agencies to be included in future reports.

AYES: The motion carried unanimously 6 to 0.

11. **Carryout Bag Ordinance Process Recommendations**

Staff presented information on similar policies either already adopted or being considered in other communities throughout California. Over 40 agencies have already adopted such policies and others are actively considering at this time. The recommended CEQA process and schedule was presented that would be required to move forward with the policy development work. Staff recommended outreach with the business community in developing and implementing the policy.

Public Comments

Tim James, California Grocers Association:

Handed out comments for the NRC to consider in the policy and cited that some communities like San Jose have pursued out-right bans for all retailers, while others like Alameda County have pursued a more balanced approach and might be a good model for the City to consider.

Mark Murry, Californians against Waste:

Agrees with City recommended schedule and CEQA process and looks forward to supporting the City in the coming months to get their policy in place.

The NRC discussed the recommendations, and ultimately passed the following motion:

Motion: Concur with staff recommendation for CEQA process and schedule

AYES: The motion passed unanimously 6-0.

12. NRC Subcommittee Reports

Energy: Coordinating with Valley Climate Action Center, working on Net Zero Davis Plan (in coordination with UC Davis) and possibly grant funding applications to the CEC, discussions on-going regarding CCA project in Yolo County (Councilmember Souza is City representative), San Francisco is an energy leader with a 51% renewable goal by 2017.

Water Management: No report

Zero Waste: Mentioned future goal of having guest speakers on the commercial organics recycling program. The sub-committee will further discuss and bring recommendations back to the NRC for consideration.

Wood Smoke: Looking to meet with Council rep(s) on future policy considerations.

Adjourn: 10:00 p.m.

Natural Resources Commission
 2012 Long Range Agenda

2012 Meetings	Topics	Other
March 26	Yolo County Climate Action Plan Update Carry-out Bag Draft Ordinance (Env. Review) Zero Waste Sub-Comm. – Composting Forum WWTP Improvement Project NRC Subcommittee Updates	Status/Update Approve Informational CIP Update Informational
April 23	Draft Solid Waste Resource Plan City Climate Action & Adaptation Plan City Storm Water Ordinance NRC Subcommittee Updates	Review/comment Update Review/comment Informational
May 21	2011-12 YSAQMD Monitoring Program Davis Waste Removal Contract/Fleet Upgrade Net Zero Davis Sanitation Rates NRC Subcommittee Updates	Informational Approve Update Review Informational
June 25	WWTP Improvement Project Update Additional 20% conservation by 2020 Carry-out Bag Ordinance – public review NRC Subcommittee Updates	Review/comment Review/discuss Public Meeting Informational
July 23	2011-12 Wood Burning Program Results Integrated Water Management Plan NRC Subcommittee Updates	Review/discuss Update Informational
August	No Meeting	
September 24	2012-13 Wood Burning Program Wastewater/Storm Water Update NRC Subcommittee Update	Review/discuss Informational Informational
October 22	City Climate Action & Adaptation Plan NRC Subcommittee Update	Update Informational
November 26	Annual Solid Waste Report WWTP Improvement Project Update NRC Subcommittee Updates	Receive/comment CIP Update Informational
December	No Meeting	

2012 NRC Subcommittees:

1. Energy: Eugene Wilson, Jill Baty, Steven Westhoff
2. Water Management: William Shapiro, Clifton McFarland
3. Zero Waste: Clifton McFarland, Jill Baty, Alan Pryor
4. Wood Smoke: Alan Pryor, Dean Newberry

NRC Chair: Dean Newberry
 Staff Liaison: Jacques DeBra, Public Works
 Admin. Support: Dani Hester, Public Works

Natural Resources Commission

2012 Subcommittee Roster and Priorities

Subcommittee	Roster	Priorities
Energy	Eugene Wilson Jill Baty Steven Westhoff	Community Choice Energy; Net Zero Davis; Transportation Energy Efficiency.
Water Management	William Shapiro Clifton McFarland	Develop cost/benefit strategies to achieve 20% additional conservation reduction by 2020; Participate in development of Integrated Water Management Plan.
Zero Waste	Clifton McFarland Jill Baty Alan Pryor	<ol style="list-style-type: none"> 1. Plastic bags; 2. Commercial food composting; 3. Zero waste for City Facilities; 4. Polystyrene for food and packaging; and 5. Green waste containerization.
Wood Smoke	Dean Newberry Alan Pryor	Continue looking at ordinances (e.g. Chico); Annual assessment consistent w/Council direction

2012 NRC Subcommittees:

The subcommittee rosters and priorities were established at the November 28, 2011 NRC meeting. A 2012 work session was conducted, taking into account NRC function and purpose, current NRC priorities, and updated City Council goals.

NRC Chair: Dean Newberry
Staff Liaison: Jacques DeBra, Public Works
Admin. Support: Dani Hester, Public Works

DRAFT SUBMITTED TO NRC FOR CONSIDERATION

NRC Agenda Date: Mar 26, 2012 Item: 7C
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From: Alan Pryor, Natural Resources Commissioner

To: NRC Commissioners

Topic: Need for Review/Integration of City IPM Policies

Target: Parks and Recreation Commission
Open Space Commission
Tree Commission
Department of Public Works

Date: March 20, 2012

Action: NRC Approval for Distribution

Dear Commissioners,

The City of Davis Natural Resources Commission is broadly responsible for review of “environmental matters relating to global warming, and *toxic and hazardous substances*.” We understand, however, that there is broad overlap in terms of the responsibilities of each of your Commissions to review and recommend pesticide usage and application procedures and protocols in the areas under your specific purview.

Recently, the NRC received and considered the 2010-2011 Integrated Pest Management (IPM) Report from Martin Guerena, the City’s IPM specialist. In this report we noted that usage of some toxic pesticides, most notably the herbicide Round-Up, has increased in recent years. Because new evidence has surfaced in recent years strongly raising the possibility of chronic human harm due to exposure to the supposed inert materials in the Round-up formulation, we were concerned with this increased usage.

In response to direct questions to Mr. Guerena, it became apparent that there are no standard operating procedures or protocols for when and how Round-Up and other pesticides are used by the City’s various departments and outside contractors. Indeed, it seems that policies can actually vary within a single department, depending on which supervisors or contractors are actually involved in the decision-making process. Further, it was determined that it has been many years since the City’s IPM Policy and Pesticide Use Policy has been reviewed and updated.

As a result of these disclosures and recent citizen complaints received by the NRC, the NRC believes a broad and concerted review of the City's pesticide usage is warranted with an emphasis on establishing more specific, consistent, and integrated policies within and between departments. Toward that end, we invite a member or two from each commission and affected City departments to join a temporary subcommittee tasked with investigating and advising such pesticide use policies across the City and across departmental lines.

We would very much appreciate your commission considering such a recommendation and advising the NRC if there is such an interest on your commission's part in participation in such an undertaking. Upon hearing from your commission regarding your deliberations and interest, we can take steps to establish and schedule a planning meeting for such a subcommittee.

Please feel free to contact Dean Newberry, NRC Chair, if you have any questions or wish for any additional information.

Respectfully submitted,

Alan Pryor

Ozone21@att.net

916-996-4811 (cell)

Staff to NRC Communications

NRC Agenda
Date: Mar 26, 2012
Item: 7D

March 19, 2012

TO: Natural Resources Commission
FROM: Jacques DeBra, Utilities Manager
SUBJECT: **Waste Reduction - 2012 4th of July Celebration at Community Park**

Recommendations

Receive update on planning for waste reduction at 4th of July event at Community Park.

Background and Analysis

California State AB 2176 was signed into law in 2004 to make recycling available and convenient at large events and venues while also promoting planning for recycling during their design and operation. Since August 2006, AB 2176 has also required that cities and counties report on waste reduction and recycling efforts of large venues and special events in their annual AB 939 reporting to the State of California. The data summary below indicates increases in event diversion rate for 2011, with the goal of achieving a higher diversion rate in 2012.

	Trash Disposed (tons)	Recycling and Compost Collected (tons)	Diversion
2011	1.04	0.24	18.75%
2010	2.31	0.07	2.94%
2009	1.95	0.07	3.46%
2008	2.34	0.13	5.26%

At the beginning of March, staff distributed a request for quotes to four (4) different firms to provide waste reduction services for the 4th of July event. The vendors were requested to submit quotes on managing the waste for the entire event area, which is delineated with Covell Boulevard to the north, F Street to the east, E 14th Street to the south and Oak Avenue to the west. The event area also includes part of the greenbelt north of Covell Boulevard and the sidewalks along both sides of Covell Boulevard between Oak Avenue and F Street.

A formal request for quotes was distributed to waste service firms to assess all options and potential costs. All proposals are due to the City by March 23, 2012. Staff will review all proposals received and select a service provider for the event.

The City plans to continue using a multiple bin system at the 4th of July Celebration for recycling, compost and waste. Clear and concise posters would be placed on each waste and recycling container used for the event. Signs would be placed near the main entrance to the event announcing the waste diversion goals. Staff has already begun outreach efforts with concessionaries to minimize waste and increase recycling at the event.

March 22, 2012

TO: Jacques DeBra

FROM: John Mott-Smith

RE: **Update on Yolo County Climate Action Plan**

Attached please find a chart prepared by David Morrison, Senior Planner in the Yolo County Planning Department, summarizing the status of key action items in the Yolo County Climate Action Plan (CAP). The Yolo County CAP includes more than 350 goals, policies, and actions that deal with climate change, and the plan has received numerous awards (see listing below). In addition, David Morrison, in part due to his work on the CAP and the General Plan, was awarded the 2011 Planner of the Year Award from the California County Planning Commissioners Association.

The CAP includes action items in each of five strategic categories: Agriculture, Transportation and Land Use, Building Energy, Solid Waste and Wastewater, and Adaptation. In general, the plan reflects the demographic characteristics of the County. Yolo County has a strong history of agricultural land preservation, direction growth and development to already existing urban areas. As a consequence, only approximately 25,000 persons live in the unincorporated area, and agricultural activities predominate. Because there are so few homes and businesses in the unincorporated areas, there are relatively few opportunities in these sectors, traditionally among the most salient in urban CAP documents, for realizing greenhouse gas reductions.

One exception is the potential for a planned community in the Dunnigan area offers significant opportunities for planning energy efficient new development, with a particular emphasis on reducing "vehicle miles travelled."

RECOGNITION FOR THE YOLO COUNTY GENERAL PLAN AND CLIMATE ACTION PLAN

- The 2030 General Plan won the 2010 SACOG Blueprint Excellence Award
- The 2030 General Plan won the 2010 Sacramento Valley APA Award for Comprehensive General Plan
- The 2030 General Plan was presented at the 2010 California American Planning Association State Conference.

- The Climate Action Plan won the 2011 Sacramento Valley APA Award for Green Plan
- David Morrison presented the Climate Action Plan as a part of two panels at the 2011 California Association of Environmental Professionals State Conference
- David Morrison will be part of a panel presenting the Climate Action Plan at the 2012 California American Planning Association State Conference.
- The Climate Action Plan was presented at the 2011 Association of Environmental Professional National Conference.

David Morrison won the 2011 Planner of the Year Award from the California County Planning Commissioners Association

Yolo/capnarrative-0312

1	Measure A-1, Action A: Outreach with farmers to reduce nitrogen.
	The Ag Commissioner is working on this.
2	Measure A-2, Action A: Encourage participation in the Carl Moyer program
	The Carl Moyer program is administered and promoted by the Yolo Solano Air Quality Management District. The Ag Commissioner is also promoting this program.
3	Measure A-3, Action A: Waive County fees that convert ag pumps to solar
	We currently waive up to 50% of the building permit fee for solar panel installation.
4	Measure A-3, Action B: Outreach to farmers to improve pump efficiency.
	The Agricultural Commissioner is working on this.
5	Measure A-4, Action A: Identify funding for methane biogas control systems for livestock operators.
	The Ag Commissioner is working to identify funding for the one dairy that qualifies for this measure.
6	Measure A-5, Action A: Phase-out methyl bromide by 2020.
	This is a State decision, not the County's.
7	Measure A-6, Action A: Create program to allow developers to restore riparian forest to offset emissions.
	Waiting for release of the HCP/NCCP to see how this program could be coordinated with Maria Wong's efforts.
8	Measure A-6, Action B: Create a program to allow developers to pay fees to RCD to implement hedgerow program to offset emissions.
	Waiting for release of the HCP/NCCP to see how this program could be coordinated with Maria Wong's efforts.
9	Measure A-6, Action C: Track new orchards using GIS data.
	The Ag Commissioner regularly tracks all crops (through the issuance of spray permits) and maps them into a GIS layer.
10	Measure T-1, Action A: Achieve VMT standards in the 2030 General Plan.
	The Dunnigan Specific Plan is being developed to achieve a VMT standard of 44. It should be considered by the Board in the summer of 2013. As applications for other Specific Plans are received, the same standards will be applied.
11	Measure T-1, Action B: Implement the TIS Guidelines.
	The TIS Guidelines are already in place and are currently being implemented.
12	Measure E-1: Action A: Prepare a feasibility study regarding the potential CCA program.
	John Mott Smith and the CAO's office is working on this.
13	Measure E-1: Action B: Identify partners to participate in the CCA program.
	John Mott Smith and the CAO's office is working on this.
14	Measure E-1: Action C: Develop a plan for implementation of the CCA.
	John Mott Smith and the CAO's office is working on this.
15	Measure E-1, Action D: Submit the implementation plan to the PUC.
	John Mott Smith and the CAO's office is working on this.
16	Measure E-2, Action A: Promote Energy Upgrade and Yolo Energy Watch.
	Both Energy Upgrade and Yolo Energy Watch are promoted on the YEW website and through local organizations.
17	Measure E-2, Action B: Implement the PACE program.
	Cindy Tuttle of the CAO's office is working on this.
18	Measure E-2, Action C: Amend the Code to require that remodels/additions require improving energy efficiency by 15%.
	The draft Code will be considered by the Board of Supervisors by this summer.
19	Measure E-2, Action D: Increase participation in the WAP and LiHEAP programs.
	LiHEAP is promoted by the Yolo County Children's Alliance.
20	Measure E-3, Action A: Amend the Code to require new residences to improve energy efficiency by 15%

	The draft Code will be considered by the Board of Supervisors by this summer.
21	Measure E-3, Action B: Amend the Code to require that new residences over 3,500 square feet improve energy efficiency by 30%.
	The draft Code will be considered by the Board of Supervisors by this summer.
22	Measure E-3, Action C: Amend the Code to require that non-residential construction improve energy efficiency by 15%
	The draft Code will be considered by the Board of Supervisors by this summer.
23	Measure E-3, Action D: Create a program to allow commercial builders who exceed energy efficiency standards by 30% to sell credits to other developers.
	The draft Code will be considered by the Board of Supervisors by this summer.
24	Measure E-4, Action A: Promote the Energy Upgrade California program to home owners.
	A series of public workshops was held in 2012 throughout the County to promote Energy Upgrade California.
25	Measure E-4, Action B: Implement the PACE program.
	Cindy Tuttle of the CAO's office is working on this.
26	Measure E-4, Action C: Promote financial incentives through CSI for solar hot water systems.
	The new Code will require that all new homes and businesses install hot water systems.
27	Measure E-4, Action D: Amend the Code to require that all new homes and businesses install solar hot water systems.
	The draft Code will be considered by the Board of Supervisors by this summer.
28	Measure E-4, Action E: Amend the Code to require that all new residential development of four homes or more and non-residential development install photovoltaic systems to provide at least 10% of the project's projected electricity consumption.
	The draft Code will be considered by the Board of Supervisors by this summer.
29	Measure E-5, Action A: Develop a farmer-to-farmer program to promote on-farm renewable energy generation facilities.
	I think John Young is working on this. I don't know the status of his efforts.
30	Measure E-5, Action B: Identify funding to finance investments in renewable energy for agriculture.
	The Ag Commissioner is working on this.
31	Measure E-6, Action A: Amend the Code to require that homes built before 1994 be retrofitted with water efficient fixtures prior to resale.
	The draft Code will be considered by the Board of Supervisors by this summer.
32	Measure E-6, Action B: Coordinate with local water districts to promote voluntary water efficiency retrofits for existing buildings.
	The draft Code will require that all homes built before 1994 retrofit to water efficient fixtures concurrent with any significant remodel and/or expansion.
33	Measure E-7, Action A: Require that all automatic irrigation systems controllers be weather based.
	This is already required under the 2010 Cal Green Building Code adopted by the State.
34	Measure E-7, Action B: Amend the Code to limit turf to no more than 25% of the front yard in new residential development.
	The draft Code will be considered by the Board of Supervisors by this summer.
35	Measure WR-1, Action A: Achieve 90% control efficiency for gas collection and destruction systems at the Central landfill.
	The landfill currently collects and destroys 75% of the gas generated and is working to increase the percentage.
36	Measure AD-1, Action A: Work with UCD, YCRC, and other ag organizations to develop outreach programs to assist farmers to change cropping patterns and practices to adapt to climate change by 2015.
	Planning will develop this program following adoption of the adaptation priorities in 2013.
37	Measure AD-1, Action B: Develop a program to monitor and summarize relevant studies on the effects of climate change on agriculture, as well as potential adaptation strategies by 2015.

	This will happen as part of the biennial report to the Board of Supervisors. The next one is scheduled for 2013.
38	Measure AD-2, Action A: Work with the WRA to update the IRWRMP to monitor and respond to climate change impacts on water resources by 2015.
	Cindy Tuttle, with the CAO's office, is the WRA liaison.
39	Measure AD-3, Action A: Coordinate with FEMA and DWR to ensure that flood mapping is regularly updated to reflect changes in sea level rise by 2015.
	No FEMA mapping changes reflecting sea level rise have yet been adopted.
40	Measure AD-3, Action B: Expand outreach to inform residents of the need to plan for sea level rise in potentially affected areas by 2015.
	Planning will conduct a public outreach effort in 2013 to land owners and residents in areas affected by sea level rise.
41	Measure AD-3, Action C: Work with UCD and the cities to identify areas that will be affected by sea-rise and institute protection and adaptation measures by 2015.
	The only city projected to be affected by sea-level rise at this time is West Sacramento.
42	Measure AD-3, Action D: Revise capital improvement plans for roads, levees, and other critical infrastructure in potentially affected areas to address the effect of sea level rise by 2015.
	Public Works will review its Development Standards
43	Measure AD-4, Action A: Update and revise the Operational Area Multi-Hazard Mitigation Plan the OES Standardized Emergency Management System to address public health risks associated with climate change.
	Bill Martin, in the CAO's office, is working on the OAMHMP update.
44	Measure AD-5, Action A: Provide a biennial update to the Board of Supervisors regarding climate change adaptation science, policy and legislation to guide future revisions of the CAP by 2013.
	The next CAP update will occur in 2013.
45	Measure AD-5, Action B: Update the Operational Area Multi-Hazard Mitigation Plan to emphasize climate change related effects and risks, and to develop adaptation measures and processes by 2014.
	Bill Martin, in the CAO's office, is working on the OAMHMP update.
46	Measure AD-5, Action C: Coordinate with the Natural Resources Agency, OES, DFG, DOC, and Department of Food and Agriculture regarding the development of climate adaptation priorities by 2013..
	This will take place as a part of the CAP update in 2013.
47	Measure AD-5, Action D: Collaborate with UCD regarding regional climate data monitoring and risk modeling by 2013.
	This will take place as a part of the CAP update in 2013.

STAFF REPORT

NRC Agenda
Date: Mar 26, 2012
Item: 9

DATE: March 26, 2012

TO: Natural Resources Commission

FROM: Jacques DeBra, Utilities Manager
Richard Tsai, Senior Utility Resource Specialist

SUBJECT: Approve Carryout Bag Draft Ordinance/Environmental Process Schedule

Recommendation

Consider a motion to approve the attached draft carryout bag ordinance (to be used as part of the environmental documentation process) and environmental review schedule for this project.

NRC Function/Purpose

- Advises the City Council on the preservation, management and enhancement of the city's natural resources.
- Advises on environmental matters relating to global warming, and toxic and hazardous substances.
- Reports to the City Council recommendations for legislation and other actions that would limit actual or potential threats to the natural resources of the city

Fiscal Impact

Staff time for policy development and outreach, and \$13,450 for professional services to complete the CEQA process from the FY11-12 Solid Waste Utility budget.

Background

Plastic bags make up 50-60% of the litter at the Yolo County Central Landfill (YCCL) and can cause major problems on windy days. The YCCL receives regular citations from County LEA for litter (usually plastic bags) observed during regular inspections. In 2010, YCCL staff estimated that 1,815 hours were spent picking up litter at the YCCL. This equates to roughly \$34,000 a year spent for plastic bag litter clean-up costs.

As recommended by the NRC in November 2011, staff has been researching and developing an ordinance to restrict the use of single-use carryout bags. Currently, forty-two (42) different jurisdictions in California have passed similar ordinances.

Key points from the draft ordinance:

- Applies to all grocery, convenient stores, liquor stores, and large drugstores
- Limits the distribution of single-use carryout bags
- Places a 10 cent paper bag-pass-through fee on all paper bags (fee is kept by the retailer)
- Reusable bags may be sold for no less than 10 cents, and cannot be given out for free (except during a time-limited promotion)
- Low income exemptions

The draft ordinance would also restrict the distribution of single-use plastic carryout bags at City facilities and parks unless exempted by the Public Works Director. One such exemption would be the distribution of bags distributed at dog parks for waste pick-up.

One of the most time consuming elements of developing a carryout bag ordinance is compliance with California Environmental Quality Act (CEQA) in order to reduce future legal liabilities. Upon NRC approval of the environmental process at the February 2012 meeting, staff engaged the professional services of ESA to assist in preparing the environmental documentation following all notification, filing, and outreach requirements. Some staff time will be allocated to manage this process.

The CEQA process has been highly contentious for this issue, with ten (10) different jurisdictions being sued to date by the Save the Plastic Bag Coalition. Most of the lawsuits have been based on allegations that the jurisdictions did not follow the proper CEQA process. Some of the lawsuits are based on the interpretation of Proposition 26 as it applies to placing fees on paper bags. Staff also met with Californians Against Waste on February 17 to discuss potential ordinance language, CEQA documentation requirements, and the potential threat of litigation.

Staff will conduct the following outreach elements:

- Meeting with the Chamber of Commerce and Davis Downtown Business Association (DDBA) to discuss the proposed carryout bag ordinance throughout the process
- Conduct local business roundtables/workshops to share information and gather direct feedback from the business community
- Host community meetings to gather direct feedback from consumers

City of Davis: Carryout Bag Ordinance Environmental Review Schedule

Date	Activity
Mar 26 – April 23	CEQA Initial Study
April 23 – May 7	City Review
May 28	Screen check Draft Negative Declaration
May 28 – June 4	City's Final Review
June 4 – June 11	Draft Negative Declaration Released
June 11 – July 11	Public Review of Negative Declaration
July 11 – July 18	Draft Response to Comments/Findings
July 18 – July 25	City Review
July 25 – August 1	Final Response to Comments
August 21	City Council Adopts/Certifies CEQA Documentation
August - September	First and Second Reading of Ordinance

Attachments

- Draft carryout bag ordinance
- List of potentially affected stores in Davis
- Print-screen of the City's outreach webpage
- Table of cities/counties with a bag ordinance
- Letter of support from Californians Against Waste

ORDINANCE NO. XXX
AN ORDINANCE OF THE CITY OF DAVIS AMENDING
CHAPTER 32 OF THE DAVIS MUNICIPAL CODE TO
REDUCE THE DISTRIBUTION OF CARRYOUT BAGS AND
PROMOTE THE USE OF REUSABLE BAGS

WHEREAS, on December 6, 2011, the City of Davis adopted a Zero Waste Resolution in which the City strives to implement zero waste strategies, and

WHEREAS, it is the desire of the City of Davis to conserve resources, reduce GHG emissions, waste, litter and pollution; and

WHEREAS, an important goal of the City of Davis is to procure and use sustainable products and services within the City; and

WHEREAS, the use of single-use carryout bags (plastic, paper, and biodegradable) have negative environmental impacts, including greenhouse gas (GHG) emissions, litter, water consumption, solid waste generation and effects on wildlife; and

WHEREAS, from an overall environmental and economic perspective, a shift to reusable bags is a better alternative to single-use plastic and paper carryout bags; and

WHEREAS, studies and impacts from similar policies adopted in other jurisdictions have shown a dramatic reduction in the use of single-use carryout bags.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF DAVIS HERBY ORDAIN AS FOLLOWS:

CHAPTER 32.05 REDUCE THE DISTRIBUTION OF CARRYOUT BAGS AND PROMOTE THE USE OF REUSABLE BAGS

32.05.01 Definitions

For purposes of this chapter, the following definitions shall apply:

- (a) **“Applicable Store”** A retail establishment, not including food vendors and restaurants, that provides Single-Use Carryout Bags to its customers as a result of the sale of a product and that meets any of the following requirements:
- (1) Is a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more which sells a line of canned goods, dry grocery, and Perishable Food.
 - (2) Is a convenience food store, foodmart, or other entity which sells canned goods, dry grocery, and Perishable Food.
 - (3) Is over 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law and has a pharmacy

licensed pursuant to Chapter 9 of Division 2 of the Business and Professions Code.

- (4) Has a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.
- (b) **“City Facility”** A park, building or other facility located on City of Davis property and operated by the City of Davis.
- (c) **“Paper Bag Cost Pass-Through”** The cost which must be collected by an Applicable Store from their customers when providing a Recycled Paper Bag.
- (d) **“Perishable Food”** Frozen foods, refrigerated eggs, cheese and meat, breads, fresh produce or other unpreserved grocery items. Does not include items found in vending machines.
- (e) **“Postconsumer Material”** A material that would otherwise be destined for solid waste disposal, having completed its intended end use and product lifecycle. Postconsumer Material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- (f) **“Recycled Paper Bag”** A paper carryout bag provided by an Applicable Store to a customer at the point of sale that meets all of the following requirements:
- (1) Except as otherwise provided in 32.05.01, the paper carryout bag contains a minimum of 40 percent Postconsumer Materials.
 - (2) An eight pound-rated or smaller Recycled Paper Bag shall contain a minimum of 20 percent Postconsumer Material.
 - (3) It is accepted for curbside recycling in Davis.
 - (4) It is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400, as published in September 2004.
 - (5) Printed on the Recycled Paper Bag is the percentage of Postconsumer Material content.
- (g) **“Reusable Bag”** A Reusable Bag is defined as a bag, with handles that is specifically designed and manufactured for multiple reuses and meets all of the following requirements:
- (1) Machine washable or easily cleaned or disinfected.
 - (2) It shall not contain lead, cadmium, or any other heavy metal in toxic amounts, as defined by applicable State and Federal standards and regulations for packaging or reusable bags.
 - (3) If made of plastic, is a minimum of at least two and one-quarter mils thick.
 - (4) Has a minimum lifetime of 125 uses, which for purposes of this subdivision, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet.
- (h) **“Single-Use Carryout Bag”** A bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other location for the purpose of transporting food or merchandise out of an Applicable Store. This includes Single-Use Plastic Carryout Bags and Recycled Paper Bags. Single-Use Carryout Bags do not include bags that are integral to the packaging of the product, or bags without handles provided to the customer that meet any of these specifications:
- (1) Used to transport produce, bulk food or meat from produce, bulk food or meat department within an Applicable Store to the point of sale,

- (2) Used to hold prescription medication dispensed from a pharmacy, or
- (3) Used to protect a purchased item from damage or contaminating other purchased items at check-out (example: small Recycled Paper bags for greeting cards, etc.).
- (i) **"Single-Use Plastic Carryout Bag"** Any bag that is less than two and one-quarter mils thick and is made predominately of plastic derived from petroleum or from bio-based sources, such as corn or other plant sources, that is provided by an Applicable Store or at a City Facility to a customer at the point of sale and that is not a Reusable Bag.

32.05.02 Carryout Bag Regulation

- (a) On and after January 1, 2013 an Applicable Store shall not provide a Single-Use Carryout Bag to a customer at the point of sale, except as provided in 32.05.03 and 32.05.04.
- (b) A Store may make Reusable Bags available for purchase by a customer and shall charge no less than 10 cents for Reusable Bags.
- (c) On and after January 1, 2013, an Applicable Store may provide Reusable Bags to customers at no cost only when combined with a time-limited store promotional program.
- (d) No person shall distribute a Single-Use Plastic Carryout Bag at a City sponsored, organized or permitted event at any City Facility unless otherwise permitted pursuant to 32.05.01 or 32.05.04 or approved by the Public Works Director or designee.
- (e) All other retail stores not required to reduce the use of Single-Use Carryout Bags under City Municipal Code 32.05.01 are encouraged to voluntarily reduce the use of Single-Use Carryout Bags.

32.05.03 Recycled Paper Bag Cost Pass-Through.

On and after January 1, 2013, except as provided in 32.05.04 an Applicable Store may only provide a Recycled Paper Bag to a customer if it collects a Paper Bag Cost Pass-Through from the customer for each Recycled Paper Bag provided.

- (a) The Paper Bag Cost Pass-Through shall be the actual average cost for a retailer to provide a Recycled Paper Bag, which has been determined to be not less than 10 cents.
- (b) No Applicable Store collecting a Paper Bag Cost Pass-Through pursuant to this Section shall rebate or otherwise reimburse a customer for any portion of this pass-through.
- (c) All Applicable Stores shall indicate on the customer transaction receipts the number of Recycled Paper Bags provided and the total amount of the Paper Bag Cost Pass-Through.
- (d) When requested by the Public Works Director or designee, Applicable Stores required to collect a Paper Bag Cost Pass-Through shall report to the City, on a form prescribed by the Public Works Department, a summary of all payments of Paper Bag Cost Pass-Throughs received. The form shall be signed by a responsible officer or agent of the Store who shall swear or affirm that the information provided on the form is true and complete.
- (e) Applicable Stores shall keep complete and accurate record or documents of the purchase of any Recycled Paper Bag by the Applicable Store for a minimum period of three years from the date of purchase, which records shall be available for inspection at no cost to the City during regular business hours by a City employee authorized to enforce this Chapter. These records may be kept at the corporate level.

32.05.04 Exemptions

Notwithstanding the requirements contained in 32.05.02 and 32.05.03, an Applicable Store may provide a customer participating in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code and a customer participating in the Supplemental Food Program pursuant to Chapter 10 of Part 3 of Division 9 of the California Welfare and Institutions Code, with a Reusable Bag or a Recycled Paper Bag at no cost at the point of sale.

32.05.05 Enforcement

The City of Davis may impose civil liability in the amount of two hundred fifty dollars (\$250) for the first violation of this chapter, five hundred dollars (\$500) for the second violation, and one thousand dollars (\$1,000) for the third and subsequent violations.

32.05.06 Severability

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision will not affect the validity of the remaining portions of the ordinance.

32.05.07 City Collaboration with Businesses

The City shall periodically contact businesses to which this ordinance applies to assess ordinance effectiveness and to provide assistance for ordinance implementation efforts. This would include periodic surveys, outreach meetings and/or written communications with participating businesses.

Applicable Stores

List of "Applicable Stores" that may fall under the proposed Carryout Bag Ordinance

BUSINESS NAME	BUSINESS ADDRESS
7 ELEVEN STORE 2235 14116D	525 L ST
AGGIES LIQUORS	507 & 509 L ST
AGRO INSURANCE AGENCY OF CALIFORNIA INC	502 MACE BLVD, STE 11
ANDERSON GAS & MINI MART	1935 ANDERSON RD
ARCO AM PM	333 MACE BLVD
ARCO AM PM	705 RUSSELL BLVD
BASSI SHELL	400 MACE BLVD
CHEVRON	4475 CHILES RD
CIRCLE K STORE 1914	1930 LAKE BLVD
COST PLUS WORLD MARKET	871 RUSSELL BLVD
CVS PHARMACY STORE 9142	1550 E COVELL BLVD
CVS PHARMACY STORE 9282	1471 W COVELL BLVD
DAVIS 1 STOP	2002 LYNDELL TER
DAVIS FOOD COOPERATIVE INC	620 G ST A
DAVIS WINE COMPANY	606 PENA DR, STE 700
DOLLAR TREE	1800 E 8TH ST. SUITE A
FARMERS MARKET	CENTRAL PARK
FAST & EASY 33	1601 RESEARCH PARK DR
FAST & EASY MART	140 B ST, STE 1
GROCERY OUTLET	1800 E 8TH ST. SUITE B
INCONVIENENT STORE	140 B STREET, SUITE 4
INTERNATIONAL MARKET	1760 EAST 8TH STREET
KIMS MART	616 4TH STREET
MACE MARKET	2939 SPAFFORD ST, STE 100
NATURAL FOOD WORKS	624 4TH STREET
NUGGET MARKET	1414 E COVELL BLVD A
NUGGET MARKET	409 MACE BLVD
NUGGET MARKET EAST DAVIS	1414 EAST COVELL BLVD.
NUGGET MARKET SOUTH DAVIS	409 MACE BLVD.
OLIVE DRIVE MARKET	1060 OLIVE DR
RITE AID/ PAYLESS DRUG STORE 6197	2135 COWELL BLVD
QUICK SHOP MARKET	1964 E 8TH ST
RITE AID 6048	655 RUSSELL BLVD
ROMINGER WEST WINERY	4602 2ND ST, STE 4
SAFEWAY INC 1205	1451 W COVELL BLVD
SAFEWAY INC 1561	2121 COWELL BLVD
SAVE MART SUPERMARKETS 604	1900 ANDERSON RD
SOUTH DAVIS VALERO	4810 CHILES RD
STOP & SHOP FOOD MART	1944 ANDERSON RD
SUDWERK RESTAURANT AND BREWERY	2001 2ND ST, STE B
TARGET	4601 2ND ST
THE DAVIS BEER SHOPPE	211 G ST
TRADER JOES NO 182	885 RUSSELL BLVD
UNIVERSITY SHELL	1010 OLIVE DR
VALLEY WINE CO	417 G ST
WESTLAKE MARKET	1260 LAKE BLVD, STE 101

Public Works Department

[Public Works Home](#) | [CIPs](#) | [Garbage](#) | [Recycling](#) | [Water](#)

Single Use Carryout Bags

Links:

- [Stakeholder Workshop, March 22](#)
- [Draft Ordinance Reducing the distribution of carryout bags and promoting the use of reusable bags](#)
- [Natural Resource Commission Staff Report February 27, 2012](#)
- [Downloadable Shopping List](#)
- [FAQ](#)
- [Davis Recycling](#)

On December 6, 2011, the City adopted a Zero Waste Resolution in which the City strives to implement zero waste strategies. It is the desire of the City of Davis to conserve resources, reduce GHG emissions, waste, litter and pollution. The use of single-use shopping bags (plastic, paper, and biodegradable) have negative environmental impacts, including greenhouse gas (GHG) emissions, litter, water consumption, solid waste generation and effects on wildlife. From an overall environmental and economic perspective, the best alternative to single-use plastic and paper carry-out bags is a shift to reusable bags. Studies and impacts from similar policies adopted in other jurisdictions document that restricting plastic bags and placing fees on paper bags will dramatically reduce the use of both types of bags.

Despite their lightweight and compact characteristics, plastic bags disproportionately impact the solid waste and recycling stream and persist in the environment even after they have broken down. Even when plastic bags are disposed of properly, they often become litter due to their aerodynamic nature. The bags can be blown out of the landfill by the wind. Plastic litter not only causes visual blight, but can potentially harm wildlife.



Litter at the landfill caused by windblown plastic.

BYOB- Bring Your Own Bag

We can all help reduce the amount of carryout bags in landfills by using reusable shopping bags. If you're having trouble remembering to bring reusable bags, it's ok. Here are some helpful tips to help you remember to bring reusable shopping bags:

-



By bringing your own bag when you shop, you can help eliminate the amount of plastic that ends up in the environment.

Include a bag in your shopping list as Item #1 - [Download a shopping list here.](#)

- Clip a bag to your shopping list.
- Keep reusable bags in the trunk of your car and put a small note on the dashboard to remind you.
- Keep a few compact reusable bags in your purse, jacket pocket, or backpack.
- Decorate your own bag—it's easier to remember to bring something you like.
- Ask the kids to remind you to bring your bags as part of earning their allowance.
- Attach bags to your dog leash or bicycle.

- Put your bags back in your car or bike basket after emptying them.
- Leave your bags in the driver's side pocket of the car.
- Hang bags on the front door knob, or on a hook near the front door.
- Leave them in a desk drawer at work.
- Put your coupons in the bag.

Caring for Your Reusable Bags

Recycling Plastic Bags

No, you can't put them in your recycling cart, but you CAN take them back to the store for recycling! Some grocery stores will take back any plastic bag as long as it's clean and dry—bread bags, produce bags, zip-close bags, and more!

Reusable bags are good for the environment, but it is important to take good care of them. Caring for your reusable shopping bags is like caring for your dishes; you wash them before using them again. Here are some tips to help care for your reusable bags:

- Wash polypropylene, cloth or canvas bags after each use, or bleach bags weekly (follow tag instructions, most cloth bags can be washed in the washing machine and plastic bags should be wiped down).
- Label the bags (meat, produce, boxed items, etc.).
- Only use the bags to carry groceries.
- Double wrap meats in plastic bags before putting them in a reusable bag.
- Keep meat and produce separate.
- Don't store perishables in the trunk of your car.
- Group similar foods together and use the same bags for the same food groups to eliminate cross contamination.
- Allow the bags to dry completely after washing before storing.

What to do if you find a plastic bag

Recycling Paper Bags

Yes, you CAN place paper bags in your recycling cart!

Since plastic bags are lightweight, it is easy for them to escape the garbage can or landfill. What should you do if you encounter a fly away bag?

- Reuse the bag.
- Take it back to the store to be recycled.
- Encourage stores to stop giving out bags for free.
- If it's dirty or wet and can't be reused or recycled, tie it into knots and place in the trash so it won't blow away as easily.

Fun Ways to Reuse Plastic Bags

- [Make a Makeup Bag](#)
- [Crochet Plastic Bags](#)
- [Make a Reusable Shopping Bag](#)
- [Make a Bib](#)
- Donate leftover bags to the dog park, library, or thrift store
- Use them as a trashcan liner
- Use them to clean up after your dog
- Take them back to the store and reuse them
- Take them back to the store for recycling
- Protect surfaces at arts-and-crafts time
- Store in the glove compartment to use as trash bags on road trips.
- Store shoes in them in your suitcase
- Protect small outdoor plants in the winter
- Use as packing material when moving or mailing a package
- Carry bags with you to yard sales to carry your purchases home
- Ball up the bags and stuff them in a purse or pair of shoes to keep their shape when out of season
- Use bags for storage and keeping items dust free
- Wrap around paint brushes if you stop mid project-the paint brush will stay moist
- Wrap around a cast when showering or going to the beach
- Hang a bag in your garage to hold manuals for yard equipment
- [Make a Kite](#)
- Wrap shampoo, conditioner, body wash, etc. in a plastic bag when traveling to protect other items
- Keep one in your purse to store a wet umbrella and protect other items
- Use them to carry lunches in place of a brown paper bag
- Use as stuffing for throw pillows

- [Make faux flowers](#)
- [Make jewelry](#)
- [Make coasters](#)
- [Make a bow for presents](#)

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City of Davis, California
23 Russell Blvd.
Davis, Ca. 95616

Elements of a Successful Single-Use Bag Ordinance

- Prohibition on the distribution of:
 - single-use plastic carryout bags
 - single-use paper bags with less than 50 percent recycled content (at least 40 percent postconsumer content)
- End the wasteful and costly practice of hiding the price of carryout bags, by requiring retailers to charge not less than the actual average cost of providing recycled paper bags
- Stores retain revenue, but required to report the amount charged and number of bags sold.
- Store definition:
 - gross annual sales of \$2 million or more selling food and nonfood goods
 - at least 10,000 square feet of retail space with a licensed pharmacy
 - pharmacy, convenience store, or other retail store selling a limited line of food goods
- Ordinance can be customized to phase in stores, restaurants, clothing retailers, nonprofits, farmers markets, etc., with different implementation dates based on store size/category
- Exemptions for protective/produce type bags, WIC/lower income
- Defines reusable bags as: Handled bag specifically designed and manufactured for multiple reuse and
 - made of cloth or other machine washable fabric, and/or made of durable plastic at least 2.25 mils thick
 - meets lead and other heavy metal safety requirements as specified for packaging under state Toxics in Packaging law (Health & Safety Code Sections 25214.11-25214.26)

Several California companies are leading the globe in the manufacture of durable, reusable bags made from recycled materials. As this market becomes more fully developed, jurisdictions may want to consider policies and incentives to promote the use of California manufactured reusable bags with the highest level of post-consumer recycled material.

Single-Use Bag Ordinances in CA (updated March 14, 2012)

Local Jurisdiction (click for ordinance)	Brief Description	Effective Year	CEQA/Strategy	Key Elements and Notes
Fairfax	plastic ban	2008	Voter Initiative	Ban includes all retail
Malibu	plastic ban	2008/2009	Exemption	Ban includes all retail and restaurants
Manhattan Beach	plastic ban	2012	Neg Dec	Ban includes all retail and restaurants
Palo Alto	plastic ban	2009	Neg Dec	Ban includes large supermarkets only
LA County	plastic ban, 10 c for paper	2011/2012	EIR	
San Jose	plastic ban, 10/25 c for paper	2012	EIR	Ban includes all retail except nonprofit, Limited exemption for WIC/low income
Marin County	plastic ban, 5 c for paper	2012	Exemption	Limited free giveaway of reusable bags
Santa Monica	plastic ban, 10 c for paper	2011/2011	EIR	Ban includes retail and famers markets
Calabasas	plastic ban, 10 c for paper	2011/2012	used LAC EIR	
Santa Clara County	plastic ban, 15 c for paper	2012	Neg Dec	Ban includes all retail except nonprofit, Limited exemption for WIC/low income
Long Beach	plastic ban, 10 c for paper	2011/2012	used LAC EIR	Ban includes farmers markets
Santa Cruz Co (amended)	plastic ban, 10/25 c for paper	2012	Mit Neg Dec	Ban includes all retail
Pasadena	plastic ban, 10 c for paper	2012/2012	used LAC EIR	Ban allows free paper bags for farmers markets and city events
Monterey	plastic ban, 10/25 c for paper	2012	Neg Dec	Ban includes all retail except nonprofit
Sunnyvale	plastic ban, 10/25 c for paper	2012/2013	EIR	Ban includes all retail except nonprofit
San Luis Obispo County and 7 Cities	plastic ban, 10 c for paper	2012	Exemption	Ban includes all SLO County jurisdictions: Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach, SLO City & County
Alameda County and 14 Cities	plastic ban, 10/25 c for paper/reusable	2013	EIR	Ban includes all Alameda County jurisdictions: Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, Alameda City & County
San Francisco	plastic ban, 10 c for paper /reusable	2012 (expansion of 2007 ban)	Exemption	Allows compostable bags, ban includes all retail and restaurants, no price requirement on bags for restaurant leftovers
Millbrae	plastic ban, 10 c for paper	2012	Neg Dec	Ban includes all retail except nonprofit/drycleaner
Laguna Beach	plastic ban, 10 c for paper	2013	Neg Dec	Ban includes all retail and farmer's market except restaurants, Paper charge for grocery stores only
Dana Point	plastic ban, voluntary charge on paper	2013/2013	Neg Dec	Ban includes all retail and nonprofit stores except restaurants
Carpinteria	plastic ban, paper ban for large stores	2012/2013	Exemption	Plastic ban includes all retail and restaurants, paper ban in stores with \$5 million annual gross income or higher





Californians Against Waste

Conserving Resources. Preventing Pollution. Protecting the Environment.

March 21, 2012

Dean Newberry, Chair
City of Davis, Natural Resources Commission
23 Russell Boulevard
Davis, CA 95616

Re: Reduction of Single-Use Plastic Grocery Bags – Support

Dear Chairman Newberry:

As both a Davis resident and the executive director of Californians Against Waste (CAW), I urge the Natural Resources Committee (NRC) to move forward with the current version of the proposed ordinance to phase-out single-use plastic bags.

This draft represents the culmination of work that began with this commission and has been fully informed by the experience of other communities and reflects input from grocers, community members and staff.

The NRC has demonstrated a firm understanding of the environmental impacts and costs of single-use plastic bags. And we need not look to the North Pacific Gyre to see and understand that impact. Sadly, the threat to wildlife and the environment from plastic bags have been shown right here in our local community--in local wetlands and farmland. Light and aerodynamic, plastic bags are uniquely litter-prone even after they've been put in the trash or recycling bin.

In addition to the environmental benefits of a bag ban, there are considerable direct economic benefits, including reduced litter and clean up costs in and around the Yolo County Landfill and 2nd Street Transfer Station; reduced maintenance and sorting costs for the curbside recycling program; reduced clogging and cleanup of the stormwater system; and of course up to \$400,000 in lower grocery costs.

And while prohibiting the distribution of single-use plastic bags may initially result in some return to the use of recycled paper bags, any environmental and economic cost associated with the use of recycled paper bags will be more than offset by the elimination of single-use plastic. Even the plastic industry funded Life Cycle analysis acknowledges that the manufacture and use of paper bags generates lower greenhouse gas emissions than the manufacture and use of plastic bags.

CAW has worked with retailers, bag manufacturers, and local governments in an effort to try to manage single-use plastic bags through recycling. We sponsored AB 2449 (Levine) which provides in-store recycling for plastic bags. Despite establishing the state's largest collection infrastructure for any single material, efforts to manage single-use plastic bags through recycling have failed. In 2009, less than 3% of plastic bags were returned for recycling. Recent efforts to enact a statewide ban of plastic bags with AB 1998 (Brownley) failed to pass Senate on the last day of session. Davis and other municipalities, who are primarily responsible for the clean-up and cost of plastic litter, cannot wait for state action.

Plastic marine pollution is a global problem with local solutions. The phase out of single-use plastic bags is a proven and responsible solution for combating waste and the environmental and financial costs of plastic bag litter. CAW thanks you for your environmental leadership and urges you to continue your tradition of leadership by advancing this ordinance to eliminate single-use plastic grocery bags.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark Murray". The signature is fluid and cursive, with a long, sweeping underline that extends to the right.

Mark Murray
Executive Director

cc: Natural Resources Commissioners

STAFF REPORT

NRC Agenda Date: Mar 26, 2012 Item: 10
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DATE: March 26, 2012

TO: Natural Resources Commission

FROM: Michael Lindquist, Project Manager
Stan Gryczko, Wastewater Superintendent

SUBJECT: Wastewater Improvements Project Update and NPDES Permit Compliance

Recommendation

Receive March 2012 update on City's Wastewater Treatment Plant Improvement Project and the staff report delivered to the Water Advisory Committee on January 16, 2012

NRC Function/Purpose

Advises the City Council on the preservation, management and enhancement of the city's natural resources.

Fiscal Impact

This is an informational item, there is no fiscal impact

Background

Staff conducted a workshop for the Water Advisory Committee on January 26th, 2012 to present the proposed path to comply with water quality objectives, current compliance schedules, and the potential for additional time to achieve compliance.

To ensure that all entities that influence decisions regarding wastewater compliance have access to consistent information, staff will present the same material to the Natural Resources Commission.

Attachment:

Staff Report, Water Advisory Committee, January 26, 2012

Staff Report

January 26, 2012

TO: Water Advisory Committee

FROM: Stan Gryczko, Wastewater Superintendent
Michael Lindquist, Senior Civil Engineer

SUBJECT: Wastewater Improvements Project

Recommendations

Informational only - no action is required.

Background

The goal of this workshop is to provide information to the Committee about the City's proposed wastewater improvements project and compliance with water quality objectives, current compliance schedules and orders, and potential for additional time to achieve compliance with permit limitations.

The City's 2007 National Pollution Discharge Elimination System (NPDES) wastewater discharge permit contained a number of limitations or permit provisions, based on water quality objectives, which the existing treatment plant cannot meet. The 2007 permit included limitations for:

- Biological Oxygen Demand (BOD)
- Ammonia
- Total Suspended Solids (TSS)
- Turbidity
- Coliform
- Aluminum
- Iron
- Filtration (tertiary treatment)
- Selenium
- Copper (added as an amendment to the 2007 permit in 2010 at discharge 002 only [the City has two discharge locations, 001 is into Willow Slough Bypass, 002 is into the Conaway Toe Drain. There are subtle differences in some discharge limits for the two locations])

In 2009, a planning charrette led by Profs. George Tchobanoglous and Edward Schroeder developed a conceptual plan for an economically efficient solution to solve the City's NPDES challenges. The "Charrette Plan" was adopted by the City Council in April 2011 as the preferred baseline project.

The proposed secondary and tertiary capital improvements outlined in the Charrette Plan will allow the City to meet limitations contained within our NPDES permit for all of the items listed above with the exception of Selenium. Selenium will be discussed with Electrical Conductivity (EC) and Boron.

Compliance Schedules, Variances and Timelines

There are three methods the Regional Board has the authority to use to grant time to comply with new limitations in NPDES permits: in-permit compliance schedules, time schedule orders (TSOs), and Cease and Desist Orders (CDO). TSOs and CDOs are not compliance schedules in the permit that actually delay application of final effluent limitations. Instead, TSOs and CDOs may provide the City with protection from mandatory minimum penalties (MMPs) for not meeting the final limitations in the permit. MMP protection is designed to protect the City while it plans and implements necessary changes to comply with certain final limitations adopted in the NPDES permit. For constituents addressed in a TSO or CDO, the City is still considered to be in violation of such permit limitations if they are exceeded. TSOs and CDOs do not protect the City from liability being brought under third party lawsuits. However, to date, we are aware of no third party lawsuits attempting to claim liability where MMPs have been not been assessed because of an adopted TSO or CDO.

Currently the Regional Board does not have authority to grant variances to water quality objectives. A variance policy is being drafted specifically for salinity but may potentially include other constituents. This policy must go through many levels of review and approval, including the Regional Board, State Water Board, Office of Administrative Law and USEPA prior to the Regional Board having the authority to grant any type of variance for any constituent. The earliest this variance policy may be implemented is sometime in 2013 if no challenges to the policy are presented.

Current adopted timelines

The City has asked for and received the following in-permit compliance schedules and TSO protections:

- **In-permit compliance schedule:** The City has been given 10 years (2007-2017) to comply with final effluent limitations for BOD, TSS, Turbidity, Coliform, Aluminum, Ammonia and Iron. Ten years is the maximum amount of time the Regional Board can grant to an agency to comply with adopted final effluent limitations. The ten year limitation is established in a statewide policy, adopted by the State Water Board and approved by USEPA. The Regional Board does not have the discretion to grant any more time beyond what is already in the permit for these constituents. To change the Regional Board's discretion, the State Water Board would need to amend its policy, and the change would need to be approved by USEPA. The Charrette Plan will provide the City with treatment processes that comply with the final effluent limitations for all of these constituents.
- **Time Schedule Order (TSO):** The City has one TSO which provides protection from MMP's for selenium, cyanide and copper. The TSO protection for copper expires in September 2014 and selenium and cyanide expire February 2015.

Attachment A provides details for each constituent listed above, the proposed method of compliance and the potential for additional compliance time.

Selenium is discussed in further detail with EC and Boron.

Wastewater Constituents of Concern not treated by the Charrette Plan

- **Selenium:** The 2007 permit includes a final limitation for selenium. As noted above the City currently has TSO protection for selenium through February 2015. The existing facility typically meets the final limitation for selenium now as the existing overland flow treatment process removes selenium. The overland flow process will be abandoned in the new plant design because it adds aluminum, copper, turbidity, and suspended solids at levels greater than the permit limitations for these constituents. Keeping the overland flow process to remove selenium would require significant capital investments in additional processes to address the constituents the overland flow process adds. The proposed Charrette treatment process will not remove selenium.
- **EC and Boron:** Regional Board staff has indicated their intention, as identified in language in the 2007 permit, to provide final limitations for EC and Boron in the upcoming 2012 renewal of the City's NPDES permit. The City has no final limitations for these constituents in the current permit. It is likely that the City will provide justification to the Regional Board to include an in-permit compliance schedule for these constituents provided findings can be made that the City is working towards a viable solution to meet these limitations – such as moving to a water source lower in these constituents. Under the State Water Board's compliance schedule policy, the maximum in-permit compliance schedule that the Regional Board has the discretion to adopt for these constituents is ten-years.

These dissolved constituents (Selenium, EC and Boron) are very difficult and costly to remove from the waste stream; the most challenging issue with removing the dissolved constituents is disposal of the waste brine. The most likely solution to achieving compliance with permit limitations for these constituents is a change in water supply.

Potential for additional time to comply with permit limitations

As outlined in Attachment A there are some limited options for additional time extensions or protection from MMP's.

- **2017 permitted constituents (BOD, TSS, Turbidity, etc.):** The only protection potentially available for these constituents is a TSO. The City will technically be in violation of its permit for these constituents if a TSO is granted. Based on conversations with Regional Board staff, because the Regional Board has already approved ten (10) years for the City to comply with these limitations, it is unlikely that Regional Board staff would support findings to grant TSO protection for these constituents unless construction of the new treatment plant was taking place. An initial TSO can only protect the City from the imposition of mandatory minimum penalties for a period of five years.

- **Selenium:** The current TSO expires February 2015. Based on new law that became effective in 2011 the City can ask for an additional five (5) years of protection from MMP's as long as it can be demonstrated that the City is making diligent progress towards compliance with the permit limitation.
- **EC and Boron:** There is no current final limitation for these constituents in the 2007 permit. The Regional Board staff has informed the City that they intend to adopt final limitations in the 2012 permit renewal (which in fact may not be adopted until 2013). The City can request, with justification, an in-permit compliance schedule to meet these final limitations. The schedule for meeting these limits must be as short as possible and cannot exceed ten (10) years.

Attachments

- Appendix A, Compliance Matrix

City of Davis – Constituent Compliance Matrix (1/10/12)

Constituent/process	Current compliance deadline	Compliance Schedule History and Status	Schedule Type	Potential Extension(s)	Can adopted limits be met with Charrette Plan?	Notes about compliance
Biological Oxygen Demand (BOD), Total Suspended Solids (TSS), Turbidity, Coliform, Aluminum, Ammonia, Iron, and filtration ⁹	Oct-2017	Permit issued in 2001, City protested, remanded to State Board for revisions, final adopted in 2007. 8 year compliance schedule provided, in 2009 an additional 2 year extension granted to provide time to study re-use options (total compliance schedule of 10 years)	In-Permit ^{1,2}	Received 10 year maximum in-permit compliance schedule length. Protection from mandatory minimum penalties through adoption of an enforcement order (e.g., time schedule order (TSO)) may be available after the 10 year compliance schedule lapses. However, adoption of a TSO is a discretionary action of the Regional Board. Due to the lengthy compliance schedule, the Board would likely be unwilling to provide for additional protection through a TSO. ¹¹ .	Yes	All proposed water source changes (surface or well water) have little to no impact on these constituents or treatment methods
Copper	Sep-2014	2007 permit amended in 2010 to include copper limit at discharge point 002. Currently protected from minimum mandatory penalties (MMP) due to adoption of a TSO.	TSO ^{3,4}	Extension not likely to be needed. If needed, additional protection from mandatory minimum penalties may be available for up to five years if City can demonstrate that the City is making diligent progress towards compliance with the permit limit.	Partially	Implementation of the Charrette Plan, reoperation of facilities, a translator study to prove discharge is meeting water quality objectives, and continued source control are likely to ensure compliance. Source water changes may increase copper concentration in plant influent, but changes are unlikely to cause the plant to violate water quality objectives.
Cyanide	Feb-2015	Permit adopted in 2007 ⁸ , revised in 2010. Currently protected from minimum mandatory penalties (MMP) due to adoption of a TSO.	TSO ⁴	Extension not likely to be needed. If needed, additional protection from MMPs may be available for up to five years if City can demonstrate that the City is making diligent progress towards compliance with the permit limit.	Not applicable	Planning to conduct study to show that current sampling and testing method produces false positives. Propose different analytical testing method and gain approval from EPA and RWQCB. Water source has little to no impact on this constituent. If modified testing is not approved/possible, new disinfection method may need to be considered during the design of the Charrette Plan.
Selenium	Feb-2015	Permit adopted in 2007 ¹⁰ , revised in 2010. Currently protected from minimum mandatory penalties (MMP) due to adoption of a TSO.	TSO ⁴	If needed, additional protection from MMPs may be available for up to five years if City can demonstrate that the City is making diligent progress towards compliance with the permit limit, such as making changes in its water source.	No	Proposed Charrette Plan wastewater treatment process does not remove selenium. Selenium limits must be met by source water changes or additional investment in wastewater treatment processes.
Electrical Conductivity ⁵ (Salinity) and Boron ⁶	No current timeline	2007 permit indicates that a final limit will be included in 2012 permit ⁷ . Compliance schedule can be provided when limit is adopted. Schedule will be for minimum practicable time needed to comply with adopted limit, but cannot exceed 10 years.	N/A	Additional protection from MMPs may be available upon the Regional Board making appropriate findings, and adopting a TSO. TSOs may only provide protection from MMPs for up to five years, with one possible additional five year period if the City is making diligent progress for compliance.	No (for expected limits)	Both existing and proposed Charrette Plan wastewater treatment processes do not remove salinity or boron. Future limits are likely to require source water changes or additional investment in wastewater treatment processes.

Footnotes:

Definition: Time Schedule Order (TSO) provides protection from mandatory minimum penalties, and is an order recognizing that a permit holder will be unable to comply with the final limits in the permit, but it is technically not a compliance schedule. TSOs are issued pursuant to Water Code section 13385(j)(3). A second TSO to provide for an up to an additional five years is issued pursuant to Water Code section 13385(j)(3)C(iii).

- 1 – In-permit compliance schedule – typically an interim limit will be adopted with a compliance schedule and plan included.
- 2 – City of Davis NPDES Permit No. CA0079049, Waste Discharge Requirements Order No. R5-2007-0132-02, Amended 2010.
- 3 – Time Schedule Order (TSO) –Section 13300 California Water Code
- 4 – City of Davis TSO – R5-2010-0029-01 (as amended by Order No. R-5-2010-0098), dated 23 September 2010.
- 5 – Electrical conductivity is an effective method of measuring the salinity of water (conductance is proportional to the amount of dissolved ions). EC is used synonymously with Total Dissolved Solids (TDS) because of their proportional relationship (the approximate relationship between EC and TDS is a factor of 1.6). Order No R-5-2007-0132-02, Attachment F, Section IV.C.2.v (Page F-46) reads: “Since TDS is directly related to the EC, this Order contains interim effluent limitation for EC instead of TDS. Using EC instead of TDS to measure salinity is more cost effective and allows continuous monitoring”.
- 6 – Order No R-5-2007-0132-02, Attachment F, Section IV.C.2.s.i (Page F-46)
- 7 – Order No R-5-2007-0132-02, Section II.Q, Page 7. Attachment F (page F-44) advises that the agricultural water quality goal, that would fully protect agricultural use, is 700 micro-ohms/cm as a long term average. If justified, the limit in the 2012 permit may be higher.
- 8 – Order No R-5-2007-0132-02, Attachment F, Section IV.C.2.j (Page F-34)
- 9 – Order No R-5-2007-0132-02, Attachment F, Section IV.C.2.q (Page F-38)
- 10 – Order No R-5-2007-0132-02, Attachment F, Section IV.C.2.t (Page F-47)
- 11 – City staff opinion based on verbal discussions with RWQCB staff on 12/6/12

Available documents on the RWQCB’s website:

- City of Davis, Wastewater Treatment Plant
[Complaint No. R5-2010-0550](#), Administrative Civil Liability Complaint/Mandatory Minimum Penalty, Issued by the Assistant Executive Officer on 4 November 2010, 68 KB, PDF [PDF info](#)
- Settled by Payment**
[Order No. R5-2010-0029-01](#), Time Schedule Order (as amended by [Order No. R5-2010-0098](#)), Adopted on 18 March 2010 and amended on 23 September 2010, 69 KB, PDF ([PDF info](#))
[Order No. R5-2010-0098](#), Amending Time Schedule [Order R5-2010-0029](#) (NPDES Permit No. CA0079049), Adopted on 23 September 2010, 84 KB, PDF ([PDF info](#))
[Order No. R5-2007-0132-02](#), Amended Waste Discharge Requirements/Monitoring & Reporting Program/NPDES Permit CA0079049 (as amended by [Order No. R5-2010-0097](#)), Adopted on 25 October 2007 and amended on 23 September 2010, **1.37 MB***, PDF ([PDF info](#))
[Order No. R5-2010-0097](#), Amending Waste Discharge Requirements [Order No. R5-2007-0132-01](#) (NPDES Permit CA0079049), Adopted on 23 September 2010, **1.41 MB***, PDF ([PDF info](#))
[Order No. R5-2010-0029](#), Time Schedule Order, Adopted on 18 March 2010, 55 KB, PDF ([PDF info](#))
[Order No. R5-2007-0132-01](#), Amended Waste Discharge Requirements/Monitoring & Reporting Program/NPDES Permit CA0079049, Amended on 5 February 2009, **Amended on 23 September 2010**, **1.3 MB***, PDF ([PDF info](#))
- September 2010**, **1.3 MB***, PDF ([PDF info](#))
[Complaint No. R5-2008-0601](#), Administrative Civil Liability Complaint/Mandatory Minimum Penalty, Issued by the Assistant Executive Officer on 10 November 2008, 86 KB, PDF ([PDF info](#))
[Order No. R5-2007-0132](#), Waste Discharge Requirements/Monitoring & Reporting Program/NPDES Permit CA0079049, Adopted on 25 October 2007, **Amended on 5 February 2009**, **1.3 MB***, PDF ([PDF info](#))
State Water Board Order No. WQO2003-0018, Adopted on 19 November 2003, **Rescinded by Order No. R5-2007-0132**
Stipulation for Order Resolving Petition for Review, Signed on 7 May 2003, **Rescinded by Order No. R5-2007-0132**
Order No. 5-01-067, Waste Discharge Requirements/Monitoring & Reporting Program/NPDES Permit No. CA0079049, Adopted on 16 March 2001, **Rescinded by Order No. R5-2007-0132**