



Date: November 8, 2022

Honorable Mayor and Council Members:

Author and title: Melanie Conti, Administrative Analyst I

Title: Second Reading of the Single-Use Foodware Reduction Ordinance (2022-09)

Approved By: _____ Jen Callaway, Town Manager

Recommended Action:

- (1) Waive the second reading of Ordinance 2022-09 adopting Chapter 6.04 of the Town of Truckee Municipal Code regarding Foodware and Food Packaging.
- (2) Find the adoption of the ordinance exempt from CEQA pursuant to CEQA guidelines sections 15061(b)(3), 15307 and 15308.

Discussion:

I. Background

In 2018, Town Council directed staff to explore solutions for litter and waste in our community, after students and environmental advocates showed strong support for waste reduction policies, such as a straw ban and an expanded polystyrene ban. At that time, staff began conducting outreach and research on strategies to effectively reduce waste in Truckee. Two community workshops were held in August and October of 2019, and staff presented policy recommendations to Town Council in February 2020, where Council directed staff to develop a working group to evaluate the policies. Due to the Covid pandemic and local stakeholders' inability to engage, development of the working group was paused until January 2022. From January through June 2022, stakeholders including business representatives, environmental advocates, students, members of the public, and two Town Council representatives, met six times to determine the details of the single-use foodware ordinance, including exemptions, grant programs, and implementation strategies to suit our community. The working group developed policy recommendations and staff did outreach to the community in July 2022 to get feedback on the recommendations. Community surveys were conducted, with over 400 responses from members of the public and 65 from businesses. Staff brought these results and recommendations to Town Council in August 2022, where Council approved the policy recommendations. (See **Attachment 1**: August 9, 2022 staff report). A first reading of the ordinance occurred on October 25, 2022. (See **Attachment 2**: October 25, 2022 staff report).

According to the 2014 CalRecycle waste characterization study, food and beverage packaging makes up 25% of all waste produced in California and an estimated 67% of street litter according to Clean Water Fund. A local analysis of litter collected from Truckee Litter Corps estimated that 68% of roadside litter in Truckee is foodware packaging. These products end up in our local waterways and natural environments, harming wildlife and creating clean-up and end-of-life management costs. Even when properly disposed, these products take up space in our landfills and can emit greenhouse gases when they decompose. In addition, disposable foodware has embedded carbon emissions from the resource extraction, production, and transportation required to produce each product that is only used one time.

The objective of this ordinance is to reduce the use of all single-use foodware products and foster a cultural shift towards reusables. When considering waste reduction strategies, staff and the working group focused on reducing lifecycle impacts, which considers production, transportation, and disposal of foodware products. When considering cradle to grave impacts of a product, no one disposable foodware product material type (bioplastic, fiber-based, plastic, aluminum, etc.) has a significantly lower GHG impact. Meanwhile, reusable foodware products have a significantly lower GHG impact than all disposables due to their lower upstream impacts per use. Although recyclable and compostable products may seem like viable alternatives, these products are still single-use and have significant lifecycle GHG impacts and often still end up in a landfill. The policies in this ordinance push our community towards self-reliance and source reduction, the most preferred practice of waste treatment methods.

Expanded polystyrene products are also of particular concern because they are lightweight and can easily be blown by the wind, polluting the environment and waterways. These products can also easily break down into smaller pieces, making them very difficult to recover as litter.

The working group also drove to ensure that the policies are applied equitably. Each proposed policy includes business assistance to provide funding and technical assistance for businesses to help achieve compliance. A grant program will support businesses to transition away from expanded polystyrene products and purchase reusable foodware and dishwashing equipment. Impacts on low-income customers were also taken into account when considering a fee for disposable takeout cups and drinks, given that limited-service restaurants tend to provide more single-use products and offer less expensive meal options. For this reason, exemptions from the fee are included for customers with low-income.

Ordinance requirements include: (1) a ban on expanded polystyrene, effective April 1, 2023; (2) a requirement for restaurants to provide reusable foodware for in-house dining; and (3) a \$0.25 customer fee on disposable takeout containers and cups provided.

Truckee is the first jurisdiction to implement a fee on disposable takeout containers. Eight other jurisdictions across the US have imposed a fee for disposable takeout cups, and the City of Arcata has imposed a fee on takeout orders that include disposable foodware, including disposable cups and takeout containers. **Truckee is the first city to require a \$0.25 fee on each disposable takeout cups and disposable takeout containers.** This is a groundbreaking feat, consistent with Town Council's goals to be leaders in environmental sustainability. The goal of the customer fee is to incentivize customers to bring their own reusable to avoid the \$0.25 charge, consistent with research that indicates a fee is more impactful to change customer behavior than a discount.

II. Environmental Clearance

Pursuant to California Environmental Quality Act (CEQA) Guidelines Section 15061(b)(3), the adoption of this ordinance does not have potential for causing a significant effect on the environment and is therefore not subject to the CEQA Guidelines. The ordinance serves to establish requirements to reduce the production and disposal of disposable foodware products and will not result in any construction or any other physical change to the environment. The adoption of this ordinance rather protects natural resources and the environment. Therefore, this ordinance is further exempt from CEQA Guidelines Sections 15307 and 15308, which exempt actions taken by regulatory agencies to assure the maintenance, restoration, or enhancement of a natural resource.

III. Next Steps and Implementation

Implementation will require a large amount of outreach and education to the business community and members of the public. Staff will present the second reading of the ordinance to Town Council in November 2022. If adopted by Town Council in November, staff anticipate the following next steps:

- November 8, 2022 Second reading and adoption of the ordinance
- November 2022 Release RFP for consultant to support outreach and

implementation for foodware restrictions effective
January 1, 2024

- November-December Complete public outreach and education campaign plan for expanded polystyrene restrictions and develop Town assistance grant programs (completed by Town staff)
- December 13, 2022 Bring grant program guidelines to Town Council for approval
- January – March Conduct outreach and education related to expanded polystyrene to restaurants & retail stores (conducted by Town staff)
- April 1, 2023 Expanded polystyrene restrictions take effect
- April-December 2023 Conduct outreach and education related to reusables for in-house dining, charge for disposable takeout container and cups, and single-use accessories (conducted by Town staff with consultant support)
- January 1, 2024 Reusables for in-house dining, charge for disposable takeout containers and cups, and single-use accessories take effect
- 2024 and beyond Continue to provide technical assistance and monitor compliance

Staff plans to segment outreach for restrictions effective in April 2023 and January 2024. Given the tight turnaround and limited outreach required prior to expanded polystyrene restrictions taking effect in April, staff plans to conduct outreach related to expanded polystyrene restrictions with in-house staffing capacity and assistance from contracted graphic and design consultants. Town staff are aware of which retail stores and restaurants are using expanded polystyrene and staff have the capacity to educate those 28 businesses. Staff will contact each retail store and restaurant in the Town, and will utilize targeted outreach, including in-person contact with those using EPS products. Staff will also make businesses that will also be affected by the January 2024 restrictions aware of upcoming communication.

Town staff plans to seek consultant support for outreach and education for restrictions effective January 2024. These restrictions will impact 85 businesses and require technical assistance, including potential grant funding for businesses, and one-on-one support with each business owner. Staff will release an RFP for a consultant to support this effort.

Outreach and education will include communication with local partners, including the Truckee Chamber, Truckee Downtown Merchants Association, and Visit Truckee-Tahoe. Approaches to contact affected businesses will include door-to-door communication, phone calls, and e-blasts. Public outreach methods will include business counter-top and window signs, e-blasts, social media, traditional media (radio, newspapers, CCTV), public events tabling, disseminating information at community events, and through the school district.

Priority:

<input type="checkbox"/> Enhanced Communication	<input checked="" type="checkbox"/> Climate and Greenhouse Gas Reduction	<input type="checkbox"/> Housing
<input type="checkbox"/> Infrastructure Investment	<input type="checkbox"/> Emergency and Wildfire Preparedness	<input type="checkbox"/> Core Service

Fiscal Impact: Implementation of new a new single-use foodware ordinance will require significant staff time for business technical support and community outreach, as well as funding for business assistance

grants and outreach materials. The Adopted FY22/23 CIP budget C2309 includes \$50,000 to support implementation of these policies, comprised of \$40,000 for business grants and \$10,000 for outreach and education. Staff anticipate that this approved budget is sufficient for program implementation.

Public Communication:

- Community & business workshops
- Working group agenda postings and six public meetings
- Social media survey outreach, including video
- Talk from the Town Newsletter
- Eblasts for business surveys (from Keep Truckee Green, Truckee Chamber, and TDMA)
- Business surveys conducted by phone
- Agenda Posting

Attachments:

1. October 25, 2022 Staff Report available at:
<https://portal.laserfiche.com/Portal/DocView.aspx?id=59629735&repo=r-6a91ddbc>
2. August 9, 2022 Staff Report available at:
<https://portal.laserfiche.com/Portal/DocView.aspx?id=59587168&repo=r-6a91ddbc>
3. Ordinance 2022-09