



# Memorandum

## MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

Reviewed by WJM Date 5/8/08  
General Manager

DATE: May 8, 2008  
TO: General Manager  
FROM: Public Education and Recycling Manager  
SUBJECT: Report on Public Education, Recycling and Litter

### Third Annual Monterey County Clean-up Day

Monterey County hosted the 2008 clean-up event on Saturday, April 19<sup>th</sup> from 8:00 a.m. to noon. The disposal voucher program, a partnership between SVSWA, MRWMD and Monterey County, permitted refuse collected during local clean-ups to be disposed of free of charge. The District received 11 vouchers, issued by the County, to allow 4.6 tons of free disposal for litter and debris collected during 2008 Clean-up Day activities in the Peninsula area. We thank the County staff for organizing a successful event, Waste Management Incorporated for their support, and the many volunteers that participated. The Clean-up day continues to expand in participation and tonnage of litter removed each year.

For Clean-up Day, the District provided a one-day household battery and fluorescent bulb drop-off collection event in the Seaside Home Depot parking lot. A total of 45 vehicles coming from as far away as Carmel Valley and Marina stopped by to drop off batteries and bulbs during the four-hour event. Approximately 328 pounds of household batteries and 158 fluorescent bulbs were dropped off and managed into the District's Household Hazardous Waste (HHW) program, at no cost to those dropping off the material. Our thanks to City of Seaside staff for their assistance in expediting the permit for use of the parking lot fronting Canyon Del Rey Boulevard.

### Home Composting Workshops Take to the Road

The second District composting workshop to be offered off-site this spring was held the evening of May 6<sup>th</sup> in Pacific Grove. A total of 16 residents attended this workshop held at the Natural History Museum which featured master composter Paul McCollum speaking about the art and science of home composting.

The prior off-site workshop we held was conducted on March 22<sup>nd</sup> at the Hilton Bialek Habitat at the Carmel Valley Middle School. That event attracted 43 attendees. We continue to see a great deal of interest in the local community for information on diverting organics such as landscape trimmings and food scraps through home composting.

### Litter

The District was named 2007 Adopt-A-Highway "Sponsor of the Year" for coastal Monterey County by CalTrans in recognition of the District's long involvement in litter clean-up on Highway 1. Board Chair Leo Laska accepted the award at a CalTrans ceremony on April 23. The next meeting of the District's Litter Abatement Task Force, Chaired by Vice-Chair McCloud, will be held at 2 p.m. May 14, 2008 at Supervisor Potter's office. The Task Force is one of the ways the District continues to work in a coordinated and cooperative effort on the "behavioral problem" of litter. One effective mechanism for changing behavior has been the District policy to assess incoming vehicles to the landfill site, up to double the disposal rate for loads that are not properly tarped or covered. Since June of 2006, the number of vehicles cited at District scales for a tarping violation totaled 2,337 and the total value of surcharges collected through the end of April, 2008 totaled \$16,914. The number of tarping surcharges issued has decreased significantly year over year which, when combined with our visual observations of incoming tarped loads, is evidence that District customers are doing a much better job abiding by District policy requiring loads to be properly covered and/or secured.

### **Correspondence from the American Chemistry Council**

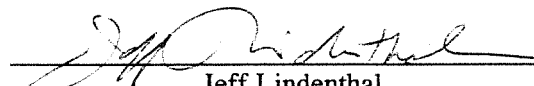
The attached letter was received from the American Chemistry Council (ACC) on April 28<sup>th</sup>. Staff had several meetings with the ACC during the development of the Environmentally Acceptable Food Packaging model ordinance. In their letter of April 28, the ACC uses the “opinion” of an ocean explorer that packaging bans “do not work” to call on the MRWMD for “scientific evidence” to disprove the “opinion” they cite. In their page 3 cost comparison of polystyrene cups vs. paper cups, the ACC’s math is incorrect and they overstate by a factor of 100 the difference in price of 4,000 non-polystyrene cups (“\$11,200”). The actual cost differential using the numbers provided by the ACC is \$112. MRWMD Vice Chair, and Chair of the District Litter Abatement Task Force, Sue McCloud, sent the attached reply to the ACC on May 2<sup>nd</sup>.

The Pacific Grove city council unanimously approved the model ordinance in second reading at their meeting of May 7<sup>th</sup>. Several residents testified at the meeting in favor of the ordinance along with the ACC and Dart Container who testified against. One local restaurant owner also testified and called on the City to eliminate all polystyrene packaging including meat trays and prepared foods sold at grocery stores rather than placing a packaging ban only on restaurants. The city plans to send out a letter notifying local businesses of the new policy in the next 30 days. A copy of the Monterey County Herald article covering the Pacific Grove city council meeting is attached. The model ordinance has now been transmitted to all cities in Monterey County and the Salinas Valley Solid Waste Authority for consideration County-wide.

The City of Monterey held their first Town Hall Forum to discuss the model ordinance on April 23<sup>rd</sup>, and the second Forum will be held on May 8<sup>th</sup>. Several local restaurant owners attended along with members of the community. There was no testimony in opposition to the ordinance. The discussion included a suggestion by restaurant owners that more assistance be provided to help educate their employees on “how” to recycle along with answering the question “why” recycle. Restaurant owners identified the need for a short video to help educate employees as well as laminated signs that can be displayed in food prep and trash and recycling enclosure areas. District staff anticipates that these resources will be developed in cooperation with the hospitality industry under the umbrella of the Hospitality Recycling grant now getting underway on the Peninsula.

### **Strategic Planning Impact**

A6a: Program focus on public awareness, increased diversion of organics and commercial wastes, proper management of hazardous and prohibited materials, litter abatement, and sustainability.

  
Jeff Lindenthal

Attachment



April 28, 2008

Mr. Jeff Lindenthal  
Monterey Regional Waste Management District  
P.O. Box 1670  
Marina, CA 93933-1670

Dear Mr. Lindenthal:

In the spirit of an open and public discussion, we are appreciative that the City of Marina provided our organization the opportunity at the April 15, 2008 city council meeting to address the proposed ban on polystyrene foam foodservice products.

In a December 2005 opinion-editorial to the Ventura County Star, Jean-Michel Cousteau, founder of the California-based Oceans Future Society and son of the famed ocean explorer, Jacques Cousteau, wrote:

*"California's beaches are a natural treasure and we need the public's help to protect them. But history teaches an important lesson: bans don't work. If a community bans Styrofoam and plastic carry-out containers, coffee cups, picnic ware and similar items, we know what will happen: individuals and businesses will switch to other disposable products, such as glass, aluminum, and wax-covered cardboard. The amount of litter will not change, only its composition. That's why bans are overly simplistic and don't get to the real cause of the problem...I have spent my entire life protecting our oceans and beaches, and trusting education will ultimately produce the best safeguards for our environment."*

In the continued spirit of this discussion, the Plastics Food Packaging Group (PFPG) of the American Chemistry Council (ACC) would like to convey our concerns that many fundamental questions have not yet been answered, the process to push for a ban has been fatally flawed, and that a plan to accommodate the increase in alternative product waste has been sacrificed in an attempt to hastily pass the Monterey Regional Waste Management District's model ordinance in as many cities as possible within Monterey County.

We believe that any public policy should include full disclosure and complete information so that the city council can make an accurate, scientifically based public policy decision. We have serious concerns that rather than having the opportunity to evaluate the merit of this policy, the City of Marina has been forwarded a model ordinance that originated from a subjective and unscientific process based on assumptions and unverified opinions. While the District board approved the model ordinance, Marina has the ability to use its own discretion to decide what is best for its residents.

In an attempt to redirect the debate toward true waste-reduction solutions, we are forwarding this list of key questions pertaining to the ordinance and ask that you provide a response to the Marina City Council by Friday, May 2<sup>nd</sup>, with a courtesy copy forwarded to ACC.

1. The District recommended at the April 15th city council meeting that a benefit of the model ordinance is that it offers compostable foodservice products as an alternative to polystyrene. However, ***there is not a current composting infrastructure within the county, nor money allocated, nor a date set for construction of a commercial composting facility.*** The only benefit of compostable products is that they can be commercially composted, which cannot happen without this needed infrastructure. Otherwise, the products remain as expensive litter.



If commercial composting facilities are not available to service the inevitable substantial increase in materials this policy would mandate, those more expensive alternative products deemed "biodegradable" would simply be land-filled, resulting in no environmental benefit. Instead, the residents and businesses in Marina would have nothing more than expensive trash and higher costs of doing business in the city.

- A. What is the environmental benefit of the model ordinance without a commercial composting facility?
  - B. Why have cost estimates to build such a facility not been provided?
  - C. How much in funds have been allocated to build such a facility?
  - D. What is the scheduled date of construction?
  - E. As building a composting infrastructure will incur increased costs to taxpayers, what are the results of the District's study on collection costs, transportation costs, and the costs of additional composting bins? When will this be made public?
  - F. What are the public policy implications of promoting corn-based PLA compostable products at the expense of more cost efficient and environmentally acceptable plastics foodservice alternatives at a time when there is tremendous criticism of non-food uses of corn, which along with ethanol/biofuels has created high corn prices and food shortages on a global basis?
2. The District has not made public any scientific studies they have conducted, used, or commissioned that demonstrate a ban is more beneficial for the community and environment than the cost. In fact, the only "study" mentioned by the District at the city council meeting was of the staff collecting debris from a local beach. Clearly, such an informal project cannot be considered scientifically valid, nor would it stand up to any peer-reviewed analysis within the scientific community, and would never be published in any credible scientific publication. Therefore:
- A. What scientifically valid studies were conducted to conclude that a ban policy would benefit the City of Marina?
  - B. What scientifically valid studies were conducted and used to conclude that polystyrene foodservice products are worse for the environment than other foodservice materials?
  - C. What scientifically valid studies were used that substantiate benefits of a ban outweigh the environmental impact(s) of alternative products?
3. The District has only focused on the end-use of polystyrene foodservice products: its environmental impact after being used as foodservice. However, there are many studies that have reviewed the entire life cycle of the product, from raw material, manufacture, transport, and recyclability, and concluded that alternative products have more of a negative environmental impact, therefore negating any benefits of a ban you are promoting.
- A. Why hasn't the District publically addressed and studied the life cycle analysis of alternative products?
  - B. If so, why haven't these been provided to the Marina City Council so that they can make an informed decision utilizing all available scientific data?
  - C. What will be the objective, scientifically-derived net environmental impact on Marina?
  - D. How did the District conclude that alternative products are better for the environment without a scientific study looking at alternative products?
  - E. Why does it make environmental sense to enact a policy forcing consumers to use products that require MORE energy to produce or require the use of MORE water resources during the manufacturing process?
  - F. What studies and data did the District use to consider what third-party reports and the scientific literature have determined of alternative products being worse for the environment on greenhouse

gas emissions, water pollution, and energy for alternative products, i.e. paperboard and compostables/biodegradables.

G. Why was this important information omitted and not presented to the Marina City Council?

4. In any valid public policy formulation process, it is imperative that scientifically-valid research is done to look at all options, and in this case, other options to a ban. Without a detailed look at other options, one can make the case that a policy was first chosen and then the data collected to support this decision, not the other way around.

A. What scientific data and research was used to make the decision that a ban is the best public policy choice?

B. With polystyrene being 100% recyclable, composting in Marina not available for any foreseeable future, and other products like plastic-coated cups not recyclable at all, what information was used to determine that other policy options were an inferior public policy choice?

C. What studies were conducted that determined a ban is preferable to other policy options?

D. What scientifically-valid data did you use to conclude that a ban is preferable to the following?

1. Evaluation of recycling options
2. Evaluation of how to better enforce existing litter laws
3. Increase of recycling education to the public and school children
4. Infrastructure assessments and determination of adjustments as needed
5. Volunteer clean-up programs
6. Alternatives to punishing local businesses for the carelessness of litterers

5. You mentioned during your presentation that the ordinance process included input of the Monterey Peninsula Litter Abatement Task Force (MPLATF) and community groups. However, we can verify that many stakeholders who would be directly affected and opposed to a polystyrene ban have had very limited and unsatisfying access to the group meetings and decision-making process.

A. If the process was truly inclusive and that all input was being genuinely considered before a determination was made to pursue a ban as the public policy option, then why was District staff only accompanied by non-representative, non-member ban advocates of the ad hoc MPLATF during outreach to the Monterey County Mayors' Association?

B. And while there was business participation in the MPLATF ad hoc committee, why were voting members unidentified and the process non-transparent? Why weren't steps taken to insure a truly open process where ban opponents wouldn't face a purposely stacked stakeholder board?

C. What was the outreach process to the business community? The Marina Chamber of Commerce wrote a letter to the District, dated April 4, 2008, stating, "We believe your draft model ordinance needs more public review and comment from the business community." If the District's effort was inclusive of all views, even opponents of a ban, why do you think they continued to feel the process was non-inclusive? What steps have been taken, as part of the push to have the ban pass in Marina, to alleviate this concern of the Marina Chamber of Commerce?

D. The City of Marina has many minority, family-owned businesses which would be significantly impacted by a ban. What steps and outreach were done to effectively capture their views knowing that many of them will face significant cost increases which threaten their livelihood? What objective data do you have to show the economic impact a ban would have on them? If no objective data was compiled, please clarify why not.

E. What materials in different languages were produced and what bi-lingual individuals visited their places of businesses to communicate with them?

F. Schools, hospitals, nursing homes, nonprofit food programs, delicatessens, and small family-owned restaurants would be most impacted by a ban.

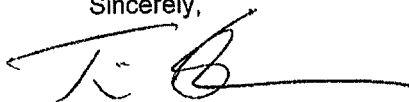
1. How did the District proactively contact these stakeholders to determine the impact a ban would have on their business?

2. What data did the District compile to determine how much their costs would increase?
  3. What economic study was done to determine the impact to businesses?
  4. What were the objective results of a study done to determine how each business could participate and contribute to a recycling program? If these studies were not conducted, why not?
7. You mentioned to the city council that compostable products decompose in the environment within 90-120 days. However, without a composting system, this is incorrect, as many of the products will not just decompose by themselves in the environment. This is especially true for compostable products in a landfill environment, as the Biodegradable Products Institute's "Biodegradable Update Sheet" states that they have "never seen any scientific data which shows that 'biodegradable' plastics will fulfill consumers' expectations under landfill conditions (i.e. breaks down completely into nothing in 12 months or less.)"
- A. If these products don't break down in the environment, just like polystyrene, why was it decided that polystyrene had to be banned and not other products? What scientific evidence was used to support this position?
8. The upper price range of a polystyrene foam cup is 1.7 cents, versus the average cost of a plastic-coated cup of 4.5 cents. If a local business replaces just 4000 cups under this model ordinance, this would be the equivalent of a \$11,200 tax on a specific business without any objective environmental benefits ( $4.5 - 1.7 \times 4000$ ).
- A. What scientifically-valid studies were conducted to determine the cost-benefit analysis of the costs to local businesses with a ban enacted versus objective and scientifically-concluded benefits to the environment?
  - B. What studies were used to find these environmental benefits?
9. In your presentation, you mentioned that you would like to address litter on the local beaches and that you believe a ban would be the first step. We mentioned in our letter to the Marina City Council, dated April 2, 2008 and included in the agenda packet, that ACC has partnered with the California Parks and Recreation Department and the non-profit Keep California Beautiful to place many recycling bins on Central Coast beaches within the next few months to help clean up and recycle polystyrene foodservice products and other plastics.
- A. With much of the polystyrene foodservice products being brought in from other areas by millions of beach visitors each year, what evidence do you have that determines this recycling effort is not as effective as a ban?
  - B. If you don't have any evidence, why was this recycling option not implemented before a complete ban?
  - C. Having known about this partnership because our letter was made public, why wasn't this mentioned to the council during your presentation so that they have complete information when making an informed decision?
10. The most respected and leading professional association in the solid waste management field, the Solid Waste Association of North America (SWANA), advises in its 2008 Work Plan that they will:
- "Advocate for legislation that would prohibit any State agency from promulgating regulations or policies that would ban materials from landfill disposal" without first reviewing scientific studies on the impact to public health or the environment, and that a replacement plan needs to be in place before a ban is implemented.
- A. In accordance to what your colleagues recommended, what scientific studies were completed on the impact to public health or the environment? If a study was not completed, why did the District disregard the recommendations of these professionals?
  - B. Without a composting infrastructure, why did the District disregard the recommendations of your colleagues and not have a replacement plan in place for what will certainly be an increase in alternate materials?

- C. If one or both of these recommendations were ignored, why are you recommending that the City of Marina also not adhere to the recommendations of professionals in your same field? How can they justify not complying with these recommendations?
11. The California Integrated Waste Management Board official policy is that decision-makers should consider that improvement in one area of a waste system can sometimes adversely affect another part of the waste management system.
- A. What scientific evidence does the District have that demonstrates compliance with this state recommendation when the ordinance was formulated and studied?
  - B. If a study was not done, why did the District choose to not comply with the determination of the State of California?
  - C. Why should the City of Marina be an exception to this policy?
12. The SWANA's 2008 Work Plan also states that it is their policy to, "monitor / take necessary action to promote lifestyle analyses," which this ordinance also has not considered. For instance, a 2006 Franklin Associates report<sup>1</sup> showed that for the average plastics-coated paperboard cup versus the average polystyrene foam cup, a plastic-coated paperboard cup with a sleeve results in 50% more energy to produce, nearly twice as much solid waste volume, nearly five times as much solid waste by weight, and nearly 50% more greenhouse gas emissions during production. These are significant impacts to the environment this ordinance fails to consider.
- A. What evidence does the District have to demonstrate that they complied with this recommendation by their colleagues?
  - B. If no compliance was done, why not?
  - C. Why is the District tacitly recommending that the City of Marina be an exception to this policy?
  - D. What scientifically-valid data and studies did the District use to determine that the City shouldn't comply?
13. With respect to the statements made by Dr. Cousteau that "bans don't work:"
- A. What scientifically-valid studies has the District used that can counter the experience, education, and statement of this life-long professional?
  - B. What scientific evidence did the District use to determine that Dr. Cousteau is incorrect? Please list your evidence and study citations.
  - C. If you do not have any evidence, then why are you pushing for an immediate ban without first allowing for the opportunity to let other options work?

Thank you for your prompt attention to these fundamental questions which need to be answered so that a sound, scientifically valid vote by the Marina City Council can take place.

Sincerely,



Tim Shestek  
Director, Western Region  
State Affairs and Grassroots  
American Chemistry Council

<sup>1</sup> Full copy of peer reviewed report, executive summary, and highlights can be found at <http://www.plasticsfoodservicepackaging.org> website

cc: Mayor Gerold J. "Gary" Wilmot  
Mayor Pro Tem Dave McCall  
Council member Jim Ford  
Council member Ken Gray  
Council member Nancy Amadeo  
Mr. Anthony Altfeld, Marina City Manager  
Mayor Chuck Della Sala  
Vice Mayor Libby Downey  
Council member Jeff Haferman  
Council member Nancy Selfridge  
Council member Frank Sollecito  
Mayor Daniel E. Cort  
Scott Miller, Mayor Pro Tempore  
Lisa Bennett, Council Member  
Alan Cohen, Council Member  
Daniel Davis, Council Member  
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Vicki Stilwell, Council Member  
Chair Leo Laska, Monterey Regional Waste Management District  
William Merry, General Manager, Monterey Regional Waste Management District

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# MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT

*Home of the Last Chance Mercantile*

May 2, 2008

Mr. Tim Shestak  
Director, Western Region  
State Affairs and Grassroots  
American Chemistry Council  
1121 L Street, Suite 609  
Sacramento, CA 95814

Dear Mr. Shestak:

I have been given your letter of April 28, 2008 for response as Chair of the Litter Abatement Task Force, which is an ad hoc committee of the Monterey Regional Waste Management District (MRWMD).

To set the stage, the member cities of the MRWMD all border either the Monterey Bay Marine Sanctuary and/or the entrance to the salad bowl of the nation: the Salinas Valley. In the former capacity, we are charged with finding solutions to storm water run-off to the Bay and the protection of Areas of Special Biological Significance (ASBS).

Solutions are not simple, but multi-faceted. We have worked for the past couple of years to decrease litter in general along the Bay and in South County. It is not a perfect world and we will probably never reach a goal of not one piece of litter. Thus, we wish to ensure that the litter we still confront is biodegradable so that it will break down on its own if overlooked in our regular cleanups of beach and highways/byways.

In undertaking the above actions, we will also be preserving both the flora and fauna of our corner of paradise. There are many who are setting their own course to reach these same goals. In Monterey County, "Green" is in. We have in Chartwell School, the first Platinum LEED School in the United States. Thus, it is against this backdrop that a variety of steps are being taken, the polystyrene ban being just one of them.

I note that Carmel was the second city in the state (after Berkeley) to enact such a ban in 1988. The City of Monterey soon followed. So for 20 years we have had a ban in place without a word from the American Chemistry Council (ACC). Whole Foods Corporation is way ahead of most of us with what they are doing in their business, and many other smaller local businesses have already done the same.

Mr. Tim Shestak  
May 2, 2008  
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We urge the ACC to join in or even lead this effort to protect our environment. We feel that there is widespread support for a green environment locally and that those who lead by example will reap positive publicity for their business and products. We look forward to working with you to this end.

Sincerely yours,



Mayor, Carmel-by-the-Sea  
Chair, Litter Abatement Task Force

P.S. I would note that the City Council of Pacific Grove has voted unanimously for the Ordinance.

cc: City of Marina:  
Gary Wilmot, Mayor  
Dave McCall, Mayor Pro Tem  
Jim Ford, Councilmember  
Ken Gray, Councilmember  
Nancy Amadeo, Councilmember  
Anthony Altfeld, City Manager  
City of Monterey:  
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## Monterey Regional Waste Management District

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Director, California Department of Transportation



Terri Bebo

Statewide Adopt-A-Highway Coordinator

