

MARIN COUNTY HAZARDOUS & SOLID WASTE MANAGEMENT
JOINT POWERS AUTHORITY

Note Special,
Time, Date &
Location

Board of Directors Meeting
Thursday, February 28, 2013
San Rafael City Council Chambers
1400 5th Ave, San Rafael, CA 94901
8:30 - 9:30 AM

AGENDA

Call to Order.

Regular Agenda

1. JPA Board Meeting Minutes from January 24, 2013. (Action)
2. Presentation from County Counsel on Recent Developments in Litigation Regarding the Redwood Landfill in Novato (Presentation)
3. Contract with O'Rourke, Inc. for Zero Waste Outreach Services (Action)
4. Zero Waste Outreach Stakeholder Interview Appointments (Action)
5. Development of a Model Single Use Bag Ordinance and Associated CEQA Analysis (Action)

Consent Calendar

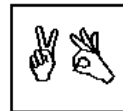
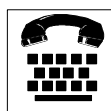
6. Appoint Dee Johnson to Vacant Special District Local Task Force Seat (Action)
7. CalRecycles Grant Authorization Resolution (Action)

End Consent Calendar

8. Staff Report on Recent and Ongoing Activities. (Oral Report)
9. Open Time.
10. The next scheduled JPA Board Meetings are: Executive Committee: April 18, 2013 and Full JPA Board May 16, 2013.

Agendas and staff reports can be viewed at:
<http://zerowastemarin.org/who-we-are/2012-jpa-agendas-and-minutes-2/>

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All public meetings and events sponsored or conducted by the County of Marin are held in accessible sites. Requests for accommodations may be requested by calling (415) 473-4381 (voice) (415) 473-3232 (TTY) at least **four work days** in advance of the event. Copies of documents are available in alternative formats, upon written request.

Contact the County's Waste Management Division, at (415) 473-6647 for more information

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MARIN COUNTY HAZARDOUS & SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Board of Directors Meeting
Thursday January 24, 2013
Marin Municipal Water District.
220 Nellen Avenue, Corte Madera

MINUTES

MEMBERS PRESENT

Nancy Mackle, San Rafael
Michael Frank, Novato
Matthew Hymel, County of Marin
Dan Schwarz, Larkspur
Adam Politzer, Sausalito
Jim McCann, Mill Valley
David Bracken, Corte Madera
Debra Stutsman, San Anselmo
Margaret Curran, Tiburon

Members Absent

Rob Braulik, Ross

STAFF PRESENT

Michael Frost, JPA Staff
Steve Devine, JPA Staff
Alex Soulard, JPA Staff
Kiel Gillis, JPA Staff

OTHERS PRESENT

Andy Campbell, Renew Computers
Renee Goddard, JPA LTF
Krysty Emery, CalRecycle
Felicia Wheaton, City of Belvedere
Garret Toy, Fairfax
John Lippitt, San Rafael Fire Dept.
Courtney Bell, San Rafael Fire Dept.
Dee Johnson, Novato Sanitary Dist.
Kaoru Cruz, CalRecycle
Krysty Emery, CalRecycle
Sam Ferrero, CalRecycle
Daniel North, Redwood Landfill
David Green, LTF
Neil Roscoe, Marin Sanitary Svc.
Kim Scheibly, Marin Sanitary Svc.
Patty Garbarino, Marin Sanitary Svc.
James Iavarone, Mill Valley Refuse
Judy Anderson, Fairfax

Call to Order: The JPA Board meeting came to order at 9:04 AM.

Regular Agenda

1. JPA Board Meeting Minutes from August 23, 2012

M/s Frank, Bracken to approve the minutes from the August 23, 2012 JPA Board meeting. The motion passed unanimously.

2. Executive Committee Appointment and Budget Subcommittee Appointments and Schedule

Staff provided a historical review of the Budget Subcommittee and noted that during the August 23, 2012 JPA Board meeting it was stated that Mr. Politzer would assume the seat currently held by Mr. McCann on the Executive Committee following Mr. Politzer's completion as the Marin Managers Association Chair. M/s McCann, Hymel selecting Mackle and Hymel as the Budget Subcommittee Members, approving the budget process, and appointing Mr. Politzer to the Executive Committee. The motion passed unanimously. No public comment was received.

3. Carryover FY 12-13 Zero Waste Grant Funds into Proposed Combined FY 13-14 Offering

Staff reported that the past three years of the Zero Waste Grant Program, although successful and well received, could benefit from some administrative modifications. Staff recommended, that should the grant program continue, the JPA Board carry over the FY12/13 grant funds to combine

with FY13/14 for “Cycle 3” as a “double offering”. Staff noted this would allow recipients to potentially implement larger and more effective programs, would reduce administrative burden, and bring the timing of the grant cycle in line with the JPA fiscal year. Staff fielded questions from the Board and clarified the recommendation. No public comment was received. M/s Frank, Hymel to authorize the carryover of \$250,000 in the Zero Waste Fund from FY 12/13 to FY 13/14 by directing the County of Marin Department of Finance to transfer \$250,000 in appropriations from fund 70073, fund center 6180012000, account 5211500 Miscellaneous Services, to fund 70073, fund center 6180990003, account 5211500 Miscellaneous Services for \$250,000. The motion passed unanimously.

4. Update on Household Hazardous Waste (HHW) Program from City of San Rafael Fire and Authorize use of Contingency Funds for FY 12/13 HHW Operations

Staff provided an overview of the HHW program, followed by an update from City of San Rafael Deputy Fire Marshall Lippitt. Mr. Lippitt reported that budget estimates were based on the assumption of the PaintCare Program coming online to offer an annual HHW facility savings of \$85,000. However, due to negotiation issues a contract with PaintCare will likely be delayed further. Mr. Lippitt commented on HHW disposal tonnages, insurance premium increases, outreach expenses, and that the program is presently \$50,000 over budget. Mr. Lippitt estimates that by end of fiscal year the facility will be up to \$150,000 over budget. San Rafael Fire Department requests JPA Board release up to \$175,000 from the HHW Contingency Fund to cover costs. Mr. Lippitt noted that PaintCare is online at retailers but only 3 municipalities in California have contracts in place for HHW facility collection. JPA and San Rafael Fire Staff fielded questions from the JPA Board. No public comment was received. M/s Politzer, Frank to authorize release of up to \$175,000 from the HHW contingency account into the HHW contract services account: 70071-5210100. The motion passed unanimously.

5. Authorize use of Contingency Funds for Increased Sharps and Pharmaceuticals Outreach

Staff outlined the existing Sharps and Pharmaceutical Programs, formation of the LTF Extended Producer Responsibility (EPR) Subcommittee and the process in which the LTF determined the need for expanded outreach for the roughly 25 collection locations. Staff reported that during the November 7, 2012 LTF meeting, a recommendation was unanimously passed advising the JPA to provide \$5,330 in outreach funding for the Community Development Agency to develop and implement increased outreach strategies for the sharps and pharmaceutical take-back programs. Staff fielded questions from the JPA Board and that funds would be allocated from the HHW Contingency fund, a 6.2 program. No public comment was received. M/s Hymel, Curran to Authorize the County of Marin Department of Finance to process a transfer of appropriations for \$5,330 from fund 70071, fund center 6180011000, account 9000010 Contingency General, to the same fund and fund center, account 5211500 Miscellaneous Services for \$5,330. The motion passed unanimously.

6. CalRecycle Presentation on AB 341 Mandatory Commercial Recycling

JPA Staff provided an overview of the mandatory commercial recycling elements of AB341 and efforts made to contact the haulers, encourage compliance with the law, post AB341 requirements on the JPA website ZeroWasteMarin.Org and coordinate with CalRecycle to conduct a presentation to the LTF. CalRecycle staff made a presentation outlining AB341 implementation and noted the tremendous progress already made by the JPA member cities to reduce waste and increase recycling. CalRecycle staff also identified the ability to support the JPA by reaching out to individual cities and asking member agencies to post CalRecycle AB341 information on city websites and deliver compliance information to the community. CalRecycle Staff fielded questions from the Board, which clarified the needs for all applicable businesses to comply with the law immediately, and that demolition projects would fall under the requirement to comply if they go beyond thresholds. No public comment was received. No action was necessary.

Consent Calendar

7. Update on Single Use Bag/CEQA RFP.
8. Update on Zero Waste Outreach RFQ.
9. Updated JPA Staffing Contract with County.
10. Novato Household Hazardous Waste Grant.
11. Contract with R3 Consulting for C&D Facility Recertification's
12. Update on Redwood Landfill EIR and Related Expansion Permit
13. Appointment of Dan North to Local Task Force.
14. Recruitment for Special District Representative
15. Notice of Funds Available: City/County Payment Program via CalRecycle.

End Consent Calendar

M/s Frank, Hymel to approve all items on the Consent Calendar. The motion passed unanimously.

16. Staff Report on Recent and Ongoing Activities.

Staff provided an update on ongoing activities including shifting from paper JPA agenda meeting packets to digital versions, Staff attending CalRecycle Green Roads workshop which will encourage the use of Rubberized Asphalt Concrete and Tire Derived Aggregate, tracking and support of Assemblyman Levine's AB158 proposal to ban Single Use Plastic Bags which is consistent with the JPA legislative platform, and encouraged JPA Members to look into the CAPRS program as outlined in Agenda Item 15. No public comment was heard. No Action was necessary.

17. Open Time.

No comments were received.

18. The next scheduled JPA Board Meeting is To Be Determined.

19. Adjourn. The meeting will be adjourned in memory of Elissa Giambastiani an active participant in the JPA's Local Task Force who passed away on December 16th.

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Mary Neilan

Date: February 28, 2013

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Re: Presentation from County Counsel on Recent Litigation Developments
Regarding the Redwood Landfill in Novato

Fairfax:
Garrett Toy

As reported in the local news, the Marin County Superior Court recently issued a ruling setting aside the Final Environmental Impact Report related to a revised solid waste facilities permit for the Redwood Landfill in Novato.

Larkspur:
Dan Schwarz

Mill Valley:
Jim McCann

As issues related to this matter are unfolding, the JPA will continue to closely monitor the situation. As the only landfill in Marin County – and also a facility which both conducts and has plans to conduct increased resource recovery operations – the facility is important part of the Marin County resource management infrastructure.

Novato:
Michael Frank

Ross:
Rob Braulik

Thomas F. Lyon of Deputy County Counsel for Marin County will brief the JPA Board on this matter.

San Anselmo:
Debbie Stutsman

Recommendation

Receive presentation from Marin County Counsel.

San Rafael:
Nancy Mackle

Attachments.

Sausalito:
Adam Politzer

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Tiburon:
Margaret Curran



About Us

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Serving Marin County Since 1958

- Size:** 420-acre site of which 222.5 acres are dedicated to waste disposal and the balance supports Composting, Recycling, and Operations facilities as well as open space and a fresh water lagoon.
- Permits:** Class III disposal facility for non-hazardous materials. Redwood Landfill meets or exceeds all federal, state, and local requirements for landfill management and is regulated by the California Regional Water Quality Control Board, Bay Area Air Quality Management District, CalRecycle and the Marin County Environmental Health Services Division.
- Services:** WM EarthCare Landscape Center
Metals & Appliances Recycling
Construction & Demolition Debris Recycling, Reuse & Disposal
Yard Waste Recycling
Municipal Solid Waste Disposal
- Capacity:** Permitted to accept 2,130 tons of material daily.

Did You Know?

180 acres of the original 600-acres were restored to wetland status in partnership with the Marin Audubon Society in 2003.



Site History

[Home](#) > [About Us](#) > [Site History](#)

Serving Marin County Since 1958

- 1958** Jordan Smith, whose family is the namesake for Smith Ranch Road, established the 600-acre Redwood Landfill.
- 1978** California created the Integrated Waste Management Board, issuing Redwood its first Solid Waste Facility Permit to accept sludge and solid waste.
- 1989** New state and federal regulations governing landfill management went into effect, requiring significant investments by operators to meet the new standards
- 1989** Waste Management merged with USA Waste and became the owner and operator of the Redwood Landfill. Working closely with Assembly Member Byron Sher, Waste Management supported the passage of AB 939, the nation's first mandatory recycling law.
- 1991** Smith sold Redwood Landfill to Sanifill. Shortly thereafter, USA Waste of California purchased Sanifill.
- 1994** Temporary permit to Redwood Landfill received begin recycling fill materials. It was a leader in helping Marin comply with the new state recycling mandates.
- 1996** Redwood instituted additional diversion activities, including composting of yard waste, grinding of concrete and asphalt for base rock and gravel and setting aside metals and appliances delivered by self-haulers for recycling.
- 2003** Redwood Landfill transferred ownership of 180 acres of land to the Marin Audubon Society to be restored to tidal wetlands.
- 2006** Redwood Landfill designed, managed construction and paid for a \$10 million overcrossing of Highway 101 at the entrance to the landfill.
- 2008** Received updated Solid Waste Facilities Permit from CalRecycles.
- 2009** Received updated Waste Discharge Requirements Permit from San Francisco Regional Water Quality Control Board.
- 2010** Received Title 5 Air Permit from Bay Area Air Quality Management District.



Operations

[Home](#) > [About Us](#) > [Operations](#)

Leader in Recycling

Materials Accepted

Redwood Landfill and Recycling Center accepts municipal solid waste (MSW) from commercial haulers and the public for recycling and disposal. Each load of material is measured or weighed and specific information about its origin is documented. Redwood's permits strictly regulate the type and amount of materials that can be received. Redwood reports daily tonnage totals and material types to the Local Enforcement Agency (Marin County LEA).

Load Checks

All public loads are inspected and documented at the Scale House to ensure unacceptable materials are not delivered to the landfill. If unacceptable items are identified, the load will be rejected. Staff can provide list of proper disposal facilities for any unacceptable waste.

Recycling

Redwood accepts and recycles the following materials:

- Concrete and asphalt
- Yard trimmings and food scraps
- Clean soil
- Construction & Demolition Debris
- Commingled recyclable bottles, cans & paper
- Scrap metals & appliances



Composting

Redwood Landfill is the largest composting facility in Marin County. Its *Homegrown Compost* is listed by the Organic Materials Review Institute (OMRI) and complies with the US Composting Council Seal of Testing Assurance. Residential yard trimmings and food scraps collected by Mill Valley Refuse and Novato Disposal are combined with private hauler yard trimmings to make compost. For more information, visit www.wmearthcare.com.

Landfilling

Materials that cannot be diverted for recycling or composting are disposed at the working face of the landfill. Throughout the day, heavy equipment operators crush and compact the waste into the disposal cell. This process forms a tightly packed layer of waste, reduces settlement and conserves landfill space.

At the end of each day, bulldozers spread a layer of compacted soil or alternative cover (such as sludge mixed with wood waste) over the exposed garbage.

This daily cover, required by law, keeps the waste in place, deters scavenging by animals, helps repel rainwater and minimizes odors.



Did You Know?

Redwood Landfill has the largest composting facility in Marin County and its Homegrown Compost is OMRI-listed.



Plans for the Future

[Home](#) > Plans for the Future

[Redwood Landfill's future plans\(pdf\)](#) are closely aligned with Marin County's Climate Protection Plan, adopted by the Marin County Board of Supervisors in 2002.

In 2010, Redwood completed its new scale house whose roof supports solar panels that generate enough energy to power the site's administration offices. Redwood's additional energy and recycling initiatives will result in significant greenhouse gas reduction and will help the County achieve its goal of 15% reduction in 2000 emissions levels by 2020.

Redwood has pending applications before state and county regulators to permit the following:

Landfill Gas to Energy Plant – Capturing the energy of landfill gas, rather than flaring it, will allow Redwood to produce an estimated 6-8 megawatts of power. This green energy will create enough electricity to power the equivalent of 6,000 homes or more.



Expanded Composting Facility – The decay of organic materials in landfills generates landfill gas, a potent greenhouse gas. Composting of food scraps and yard trimmings reduces the associated GHG emissions of landfills and produces compost to renew local soil. By expanding its composting facility, Redwood will be able to accommodate commercial food waste along with residential food waste.

C&D Materials Recovery Facility – Diverting construction and demolition materials from the landfill has the potential to eliminate nearly 30,000 tons of CO₂ according to the County Climate Protection Plan. Redwood plans to build a 400-ton-per-day facility to process C&D along with dry waste materials like cardboard and pallets.

Reuse – The County estimates nearly 33,000 tons of CO₂ can be eliminated annually through reuse rather than the consumption of new products. Redwood has design a public drop-off site for recyclables and reusable materials. Working with local non-profits, reusable materials will be donated for resale or reuse.

Did You Know?

Redwood has a landfill gas capture rate in excess of 90% -- far exceeding the industry regulatory requirement of 75%.

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Mary Neilan

Date: February 28, 2013

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Fairfax:
Garrett Toy

Re: Contract with O'Rorke, Inc. for Zero Waste Outreach Services

Larkspur:
Dan Schwarz

Attached is a proposed contract with O'Rorke Inc in the amount of \$200,000 to develop and implement a public outreach campaign to encourage community engagement in the zero waste goal. Funding for this contract is included in the JPA's current zero waste budget.

Mill Valley:
Jim McCann

On November 13, 2012, staff released a Request for Qualifications (RFQ) with responses due by November 21, 2012. The RFQ was sent to 70 prospective companies. The following eleven (11) qualified responses were received:

Ross:
Rob Braulik

1. Descom Studios
2. Kendall Concepts
3. Citizen Group
4. Gigantic Idea
5. Green Ideals
6. Sköna
7. Hive Advertising
8. O'Rorke, Inc.
9. Picture Words
10. Racepoint
11. Singer

San Anselmo:
Debbie Stutsman

San Rafael:
Nancy Mackle

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

A subcommittee consisting of Local Task Force (LTF) members Patty Garbarino (Marin Sanitary Service) and Renee Goddard (Fairfax), along with Alex Soulard and Steve Devine from staff reviewed the written responses and selected the following three firms for interview:

1. Skona
2. Gigantic Idea Studio
3. O'Rorke Inc.

An interview panel consisting of JPA Chair Nancy Mackle, Local Task Force Chair, David Green, Nicole Forte from West Contra Costa Integrated Waste Management Authority, and JPA staff Michael Frost

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

and Steve Devine interviewed the three firms and selected O'Rorke Inc. as their preferred firm to pursue a contract with.

Although O'Rorke Inc. is a new vendor to this JPA, they have listed several public agency clients who gave excellent reviews of the service and outcome of the media campaign produced by the firm. This is the third public outreach contract the JPA has issued. Work products developed in previous campaigns will be leveraged for reuse where appropriate. However, feedback received from Marin's LTF was a recommendation that this new campaign focus more on public outreach and less on pure media advertisement. Therefore, along with media advertising, a significant portion of this contract is committed to working with community groups for grassroots organizing to disseminate the zero waste message.

Founded in 1984 by Corte Madera resident, Maureen O'Rorke, the agency offers a broad range of services to help Zero Waste Marin conduct outreach campaigns. On a regional level, O'Rorke manages all aspects of the Bay Area Air Quality Management District's Spare the Air campaign where they employ traditional advertising methods, as well as community-based and grassroots outreach work, public relations, social media and employer engagement. They have also coordinated extensively with other Bay Area transportation and environmental agencies on the Spare the Air campaigns.

The agency has been working on recycling and waste reduction projects for over 20 years, predominantly in San Francisco. Their Zero Waste Marin project team is knowledgeable about trends and practices.

The O'Rorke team demonstrated a clear understanding about Marin County and our sensibilities. They have worked with Marin County's Department of Public Works on the Transportation Vision Plan, with MMWD on the desalination pilot program, and for over ten consecutive years with Marin Health and Human Services Department on tobacco and alcohol control, specifically as it relates to young adults and binge drinking. Through that work, as well as their regional work with the Air District and other regional agencies, they displayed an in-depth grasp of Marin's outreach opportunities, as well as the media and contacts. Tracy Keough, Managing Principal with O'Rorke Inc., will attend your meeting to answer any questions.

Recommendation:

Adoption of a Motion to approve the attached contract with O'Rorke Inc. and authorize your Executive Officer to sign the agreement.

Attachment.

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

PROFESSIONAL SERVICES CONTRACT 2011 - Edition 1

THIS CONTRACT is made and entered into this _____ day of _____, 20____, by and between the MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY, hereinafter referred to as "JPA" and O'RORKE, INC., hereinafter referred to as "Contractor."

RECITALS:

WHEREAS, JPA desires to retain a person or firm to provide the following service: Zero Waste outreach services; and

WHEREAS, Contractor warrants that it is qualified and competent to render the aforesaid services;

NOW, THEREFORE, for and in consideration of the Contract made, and the payments to be made by JPA, the parties agree to the following:

1. SCOPE OF SERVICES:

Contractor agrees to provide all of the services described in **Exhibit A** attached hereto and by this reference made a part hereof.

2. FURNISHED SERVICES:

The JPA agrees to:

- A. Guarantee access to and make provisions for the Contractor to enter upon public and private lands as required to perform their work.
- B. Make available all pertinent data and records for review.
- C. Provide general bid and Contract forms and special provisions format when needed.

3. FEES AND PAYMENT SCHEDULE:

The fees and payment schedule for furnishing services under this Contract shall be based on the rate schedule which is attached hereto as **Exhibit B** and by this reference incorporated herein. Said fees shall remain in effect for the entire term of the Contract. Contractor shall provide JPA with his/her/its Federal Tax I.D. number prior to submitting the first invoice.

4. MAXIMUM COST TO JPA:

In no event will the cost to JPA for the services to be provided herein exceed the maximum sum of **\$200,000.00** including direct non-salary expenses. As set forth in section 14 of this Contract, should the funding source for this Contract be reduced, Contractor agrees that this maximum cost to JPA may be amended by written notice from JPA to reflect that reduction.

5. TIME OF CONTRACT:

This Contract shall commence on the date this agreement is made and entered into, and shall terminate on January 30, 2014. Certificate(s) of Insurance must be current on day Contract commences and if scheduled to lapse prior to termination date, must be automatically updated before final payment may be made to Contractor. The final invoice must be submitted within 30 days of completion of the stated scope of services.

6. INSURANCE:

Commercial General Liability:

The Contractor shall maintain a commercial general liability insurance policy in the amount of \$1,000,000 (\$2,000,000 aggregate). The JPA shall be named as an additional insured on the commercial general liability policy.

Commercial Automobile Liability:

Where the services to be provided under this Contract involve or require the use of any type of vehicle by Contractor, Contractor shall provide comprehensive business or commercial automobile liability coverage, including non-owned and hired automobile liability, in the amount of \$1,000,000.00.

Workers' Compensation:

The Contractor acknowledges the State of California requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Labor Code. If Contractor has employees, a copy of the certificate evidencing such insurance, a letter of self-insurance, or a copy of the Certificate of Consent to Self-Insure shall be provided to JPA prior to commencement of work.

Errors and Omissions, Professional Liability or Malpractice Insurance.

Contractor may be required to carry errors and omissions, professional liability or malpractice insurance.

All policies shall remain in force through the life of this Contract and shall be payable on a "per occurrence" basis unless JPA specifically consents to a "claims made" basis. The insurer shall supply JPA adequate proof of insurance and/or a certificate of insurance evidencing coverages and limits prior to commencement of work. Should any of the required insurance policies in this Contract be cancelled or non-renewed, it is the Contractor's duty to notify the JPA immediately upon receipt of the notice of cancellation or non-renewal.

If Contractor does not carry a required insurance coverage and/or does not meet the required limits, the coverage limits and deductibles shall be set forth on a waiver, **Exhibit C**, attached hereto.

Failure to provide and maintain the insurance required by this Contract will constitute a material breach of this Contract. In addition to any other available remedies, JPA may suspend payment to the Contractor for any services provided during any time that insurance was not in effect and until such time as the Contractor provides adequate evidence that Contractor has obtained the required coverage.

7. ANTI DISCRIMINATION AND ANTI HARASSMENT:

Contractor and/or any subcontractor shall not unlawfully discriminate against or harass any individual including, but not limited to, any employee or volunteer of the JPA based on race, color, religion, nationality, sex, sexual orientation, age or condition of disability. Contractor and/or any subcontractor understands and agrees that Contractor and/or any subcontractor is bound by and will comply with the anti discrimination and anti harassment mandates of all Federal, State and local statutes, regulations and ordinances including, but not limited to, County of Marin Personnel Management Regulation (PMR) 21.

8. SUBCONTRACTING:

The Contractor shall not subcontract nor assign any portion of the work required by this Contract without prior written approval of the JPA except for any subcontract work identified herein. If Contractor hires a subcontractor under this Contract, Contractor shall require subcontractor to provide and maintain insurance coverage(s) identical to what is required of Contractor under this Contract and shall require subcontractor to name Contractor and JPA as an additional insured under this Contract for general liability. It shall be Contractor's responsibility to collect and maintain current evidence of insurance provided by its subcontractors and shall forward to the JPA evidence of same.

9. ASSIGNMENT:

The rights, responsibilities and duties under this Contract are personal to the Contractor and may not be transferred or assigned without the express prior written consent of the JPA.

10. LICENSING AND PERMITS:

The Contractor shall maintain the appropriate licenses throughout the life of this Contract. Contractor shall also obtain any and all permits which might be required by the work to be performed herein.

11. BOOKS OF RECORD AND AUDIT PROVISION:

Contractor shall maintain on a current basis complete books and records relating to this Contract. Such records shall include, but not be limited to, documents supporting all bids, all income and all expenditures. The books and records shall be original entry books with a general ledger itemizing all debits and credits for the work on this Contract. In addition, Contractor shall maintain detailed payroll records including all subsistence, travel and field expenses, and canceled checks, receipts and invoices for all items. These documents and records shall be retained for at least five years from the completion of this Contract. Contractor will permit JPA to audit all books, accounts or records relating to this Contract or all

books, accounts or records of any business entities controlled by Contractor who participated in this Contract in any way. Any audit may be conducted on Contractor's premises or, at JPA's option, Contractor shall provide all books and records within a maximum of fifteen (15) days upon receipt of written notice from JPA. Contractor shall refund any monies erroneously charged.

12. WORK PRODUCT/PRE-EXISTING WORK PRODUCT OF CONTRACTOR:

Any and all work product resulting from this Contract is commissioned by the JPA as a work for hire. The JPA shall be considered, for all purposes, the author of the work product and shall have all rights of authorship to the work, including, but not limited to, the exclusive right to use, publish, reproduce, copy and make derivative use of, the work product or otherwise grant others limited rights to use the work product.

To the extent Contractor incorporates into the work product any pre-existing work product owned by Contractor, Contractor hereby acknowledges and agrees that ownership of such work product shall be transferred to the JPA.

13. TERMINATION:

- A. If the Contractor fails to provide in any manner the services required under this Contract or otherwise fails to comply with the terms of this Contract or violates any ordinance, regulation or other law which applies to its performance herein, the JPA may terminate this Contract by giving five (5) calendar days written notice to the party involved.
- B. The Contractor shall be excused for failure to perform services herein if such services are prevented by acts of God, strikes, labor disputes or other forces over which the Contractor has no control.
- C. Either party hereto may terminate this Contract for any reason by giving thirty (30) calendar days written notice to the other parties. Notice of termination shall be by written notice to the other parties and be sent by registered mail.
- D. In the event of termination not the fault of the Contractor, the Contractor shall be paid for services performed to the date of termination in accordance with the terms of this Contract so long as proof of required insurance is provided for the periods covered in the Contract or Amendment(s).

14. APPROPRIATIONS:

The JPA's performance and obligation to pay under this Contract is contingent upon an annual appropriation by the JPA Board, the State of California or other third party. Should the funds not be appropriated JPA may terminate this Contract with respect to those payments for which such funds are not appropriated. JPA will give Contractor thirty (30) days' written notice of such termination. All obligations of JPA to make payments after the termination date will cease.

Where the funding source for this Contract is contingent upon an annual appropriation or grant from the JPA Board, the State of California or other third party, JPA's performance and obligation to pay under this Contract is limited by the availability of those funds. Should the funding source for this Contract be eliminated or reduced, upon written notice to Contractor, JPA may reduce the Maximum Cost to JPA identified in section 4 to reflect that elimination or reduction.

15. RELATIONSHIP BETWEEN THE PARTIES:

It is expressly understood that in the performance of the services herein, the Contractor, and the agents and employees thereof, shall act in an independent capacity and as an independent Contractor and not as officers, employees or agents of the JPA. Contractor shall be solely responsible to pay all required taxes, including but not limited to, all withholding social security, and workers' compensation.

16. AMENDMENT:

This Contract may be amended or modified only by written Contract of all parties.

17. ASSIGNMENT OF PERSONNEL:

The Contractor shall not substitute any personnel for those specifically named in its proposal unless personnel with substantially equal or better qualifications and experience are provided, acceptable to JPA, as is evidenced in writing.

18. JURISDICTION AND VENUE:

This Contract shall be construed in accordance with the laws of the State of California and the parties hereto agree that venue shall be in Marin County, California.

19. INDEMNIFICATION:

Contractor agrees to indemnify, defend, and hold JPA, its employees, officers, and agents, harmless from any and all liabilities including, but not limited to, litigation costs and attorney's fees arising from any and all claims and losses to anyone who may be injured or damaged by reason of Contractor's negligence, recklessness or willful misconduct in the performance of this Contract.

20. COMPLIANCE WITH APPLICABLE LAWS:

The Contractor shall comply with any and all Federal, State and local laws and resolutions: including, but not limited to the County of Marin Nuclear Free Zone, Living Wage Ordinance, and Board of Supervisors Resolution #2005-97 prohibiting the off-shoring of professional services involving employee/retiree medical and financial data affecting services covered by this Contract. Copies of any of the above-referenced local laws and resolutions may be secured from the Contract Manager referenced in section 21. In addition, the following NOTICES may apply:

1. Pursuant to California Franchise Tax Board regulations, JPA will automatically withhold 7% from all payments made to vendors who are non-residents of California.
2. Contractor agrees to meet all applicable program access and physical accessibility requirements under State and Federal laws as may apply to services, programs or activities for the benefit of the public.
3. For Contracts involving any State or Federal grant funds, Exhibit D must be attached. Exhibit D shall consist of the printout results obtained by search of the System for Award Management at www.sam.gov.

Exhibit D - Debarment Certification

By signing and submitting this Contract, the Contractor is agreeing to abide by the debarment requirements as set out below.

- The certification in this clause is a material representation of fact relied upon by JPA.
- The Contractor shall provide immediate written notice to JPA if at any time the Contractor learns that its certification was erroneous or has become erroneous by reason of changed circumstances.
- Contractor certifies that none of its principals, affiliates, agents, representatives or contractors are excluded, disqualified or ineligible for the award of contracts by any Federal agency and Contractor further certifies to the best of its knowledge and belief, that it and its principals:
 - Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal Department or Agency;
 - Have not been convicted within the preceding three-years of any of the offenses listed in 2 CFR 180.800(a) or had a civil judgment rendered against it for one of those offenses within that time period;
 - Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with commission of any of the offenses listed in 2 CFR 180.800(a);
 - Have not had one or more public transactions (Federal, State, or Local) terminated within the preceding three-years for cause or default.
- The Contractor agrees by signing this Contract that it will not knowingly enter into any subcontract or covered transaction with a person who is proposed for debarment, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
- Any subcontractor will provide a debarment certification that includes the debarment clause as noted in preceding bullets above, without modification.

21. NOTICES:

This Contract shall be managed and administered on JPA's behalf by the Department Contract Manager named below. All invoices shall be submitted and approved by this Department and all notices shall be given to JPA at the following location:

Contract Manager: Steve Devine
Department of Public Works
Dept./Location: P. O. Box 4186
San Rafael, CA 94913-4186
Telephone No.: 415 473-2711

Notices shall be given to Contractor at the following address:

Contractor: O' Rorke, Inc.
55 Hawthorne Street, Suite 550
Address: San Francisco, CA 94105
Telephone No.: 415 543-1426

22. ACKNOWLEDGEMENT OF EXHIBITS

☒ Check applicable Exhibits

**CONTRACTOR'S
INITIALS**

EXHIBIT A.

☒ Scope of Services

EXHIBIT B.

☒ Fees and Payment

EXHIBIT C.

☐ Insurance Reduction/Waiver

EXHIBIT D.

☒ Contractor's Debarment Certification

EXHIBIT E.

☐ Subcontractor's Debarment Certification

IN WITNESS WHEREOF, the parties have executed this Contract on the date first above written.

CONTRACTOR:

By: _____

Name: _____

Title: _____

APPROVED BY JPA:

By: _____

Executive Officer

JPA COUNSEL REVIEW AND APPROVAL (required if template content has been modified)

JPA Counsel: _____ Date: _____

EXHIBIT "A"
SCOPE OF SERVICES (required)

The scope of work is to develop a Zero Waste Marin outreach plan, while simultaneously proceeding with grassroots outreach to keep the Zero Waste Marin message in the public consciousness. Contractor shall obtain written approval from JPA prior to beginning each task or sub-task.

Task 1: Research and Collaboration with Stakeholders and Haulers

Contractor shall review existing Zero Waste Marin materials and meet first with Marin JPA staff and then with selected stakeholders from the JPA Board members (4-6 meetings), Local Task Force (5-6 meetings), and franchised haulers (4 meetings) to determine next steps for conducting targeted campaign outreach. After the initial meetings with the selected stakeholders, as well as review of existing Zero Waste Marin marketing materials, contractor shall provide a detailed written report that comprises all facets of the market research, informs the strategy for the outreach plan, and provides baseline data from which to measure the project's progress going forward.

Deliverables: Detailed interview report; strategy for the outreach plan; and baseline data for measurement shall be completed by April 30, 2013.

Task 2: Develop Outreach Plan

Employing the findings from interviews, as well as results from secondary research, contractor shall draft a multi-phased outreach plan which will likely include but not be limited to public relations, grassroots outreach, civic and municipal engagement, public events and paid media. The plan will also assess local assets available to promote Zero Waste Marin, such as library signage, downtown kiosks, exhibits at recreational sports events and school district engagement.

The Outreach Plan will include recommendations for tailored messaging at the local and neighborhood level, as well as tiered opportunities available for each.

Deliverables: Detailed social marketing and outreach plan, inclusive of targeted and tailored messaging recommendations shall be completed by June 30, 2013.

Task 3 Social Outreach

3a Green Teas

As contractor develops the outreach plan, contractor shall perform a parallel track conducting outreach via local residents and/or businesses. These events will be called "Green Teas."

The Green Teas concept builds on the "trusted peer group" model to provide a series of hosted events where friends and neighbors from a small geographic area get together and ask questions/get information from Zero Waste Marin experts. Green Teas will be hosted in the volunteer's home and contractor will assist the host with invitations, refreshments and organization. Each Green Tea will be highly structured to last no more than two hours, and will include a short written questionnaire at the end.

Deliverables: Report detailing the outcome of the ten hosted Green Teas and a recommendation for moving forward; compiled questionnaire results.

3b: Homeowners Association (HOA) Outreach

Contractor will compile and finalize an HOA list and will reach out to all with information about Zero Waste for inclusion in newsletters and other materials. Additionally, contractor will develop materials, schedule and conduct presentations at ten meetings.

Deliverables: Outreach to all HOAs and meetings scheduled with written report.

3c: Community Outreach

As the outreach plan is being developed, contractor will provide a continuing presence at public events, such as farmer's markets and city and town festivals. This may occur via tabling or signage and material distribution through other, less traditional methods. One such method is through signage on a moving recumbent bicycle. This method gets the message out and historically carries with it a spirit of goodwill.

Deliverables: Staffing and signage at 15 events.

Task 4: Public Relations

Contractor shall develop press releases and pitch the local outlets (such as one of the *Marin Scope* papers or the *Ark*) as well as the *Marin IJ* and *Pacific Sun*.

Contractor shall work as directed by JPA on Zero Waste public relations opportunities, such as kick off of plastic bag ban or Zero Waste youth-related projects.

Contractor shall identify and prepare the appropriate spokesperson(s) and develop necessary talking points.

Contractor shall work as directed by JPA to send letters to the editor and Op-Eds to relevant publications.

Deliverables: Develop appropriate media release or advisory and manage media interviews. Support efforts to send letters and Op-Eds.

Task 5: Collaborate with Haulers and Member Agencies on Material Dissemination

Contractor shall provide as-needed support – up to 40 hours – to coordinate with haulers and member agencies to review their material and provide recommendations on opportunities to refine content and support mutual outreach efforts.

Deliverables: Written recommendations on content.

Task 6: Support AB 341 and Commercial Outreach

Contractor shall provide as-needed support on mandatory commercial recycling – up to 40 hours – to coordinate with Cal Recycles on commercial recycling outreach to bring the message to local chamber of commerce's, apartment complexes, and other businesses.

Deliverables: Report on outreach activities.

Task 7: Website Maintenance and Update

Contractor shall update and maintain the JPA's website to be consistent with projects, plans and messages developed in the course of this contract.

Task 8: Outreach Plan Implementation

The remainder of the budget is to be expended in the outreach plan outlined by the products developed from Task 1 and Task 2. While stakeholder outreach and research will ultimately help guide this plan, it is anticipated it will include a variety of marketing methods to reach all targeted demographics. Once the plan is in place it will include but will not be limited to the following tasks:

Material Development – Build on/tailor existing creative based on research and stakeholder input. Develop necessary presentations and leave-behinds, as well as other collateral, such as posters and event signage.

Message development – Refine messaging and drill down to a local, grassroots level.

Paid media placement – Negotiate and place media as needed, including a mix of traditional, local and progressive media.

Deliverables: Supply all affidavits and analytics; provide final report and recommendations for future outreach.

EXHIBIT "B"
FEES AND PAYMENT SCHEDULE (required)

Contractor shall be paid up to the maximum sum indicated in Section 4 of this contract.

Payment shall be made upon satisfactory completion of each task and subtasks and upon receipt and approval of invoice within 30 days.

Payment amount between tasks and subtasks may be adjusted upon written approval by JPA.

Task 1: Research & Collaboration with Stakeholder & Haulers	\$10,800
Task 2: Develop Outreach Plan	\$18,000
Task 3: Social Outreach	
3a. Green Teas	\$5,000
3b. HOA Outreach	17,700
3c. Community Outreach	\$5,000
Task 4: Public Relations	\$7,500
Task 5: Collaborate with Haulers & Member Agencies on Material Dissemination	\$5,000
Task 6: Support AB 341 & Commercial Outreach	\$5,000
Task 7: Website Maintenance & Update	\$10,000
Task 8: Outreach Plan Implementation	<u>\$116,000</u>
Total	\$200,000

EXHIBIT "C"

INSURANCE REDUCTION/WAIVER (if applicable)

CONTRACTOR: O'Rourke, Inc.

CONTRACT TITLE: Zero Waste Outreach Services

This statement shall accompany all requests for a reduction/waiver of insurance requirements. Please check the box if a waiver is requested or fill in the reduced coverage(s) where indicated below:

	<i>Check Where Applicable</i>	<i>Requested Limit Amount</i>	<i>CAO Use Only</i>
General Liability Insurance	<input type="checkbox"/>	\$	
Automobile Liability Insurance	<input type="checkbox"/>	\$	
Workers' Compensation Insurance	<input type="checkbox"/>		
Professional Liability Deductible	<input type="checkbox"/>	\$	

Please set forth the reasons for the requested reductions or waiver.

Contract Manager Signature: _____

Date: _____

Extension: _____

EXHIBIT D

**DEBARMENT CERTIFICATION FOR CONTRACTORS
(Attach SAM Printout)**

EXHIBIT E

**DEBARMENT CERTIFICATION FOR SUBCONTRACTORS
(Attach SAM Printout)**

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Mary Neilan

Date: February 28, 2013

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Fairfax:
Garrett Toy

Re: Zero Waste Outreach Stakeholder Interview Appointments

Larkspur:
Dan Schwarz

As noted in in Agenda Item 3, the JPA is proposing to embark on utilizing a new zero waste outreach contractor.

Mill Valley:
Jim McCann

To help the contractor “hit the ground running” Staff would like the JPA Board to appoint no more than five representatives to make themselves available in the next few weeks for an approximately one hour telephone “stakeholder” interview.

Novato:
Michael Frank

In addition to interviewing JPA Board Members, stakeholder interviews are proposed to be conducted with a subset of your Local Task Force, the resource hauling operators, and others. The purpose of these interviews is to help identify the various issues, concerns and projects that can be refined into an effective outreach plan to better focus and improve the effectiveness of the zero waste outreach message.

Ross:
Rob Braulik

San Anselmo:
Debbie Stutsman

San Rafael:
Nancy Mackle

Staff recommends the JPA Board identify no more than five Members for interviews – which could be those Members who express the most interest in this project – or the Executive Committee Members if the group simply wants to have a balanced geographic representation for the interviews.

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

Recommendation:

Adoption of a Motion to appoint no more than five JPA Board Members to be interviewed for stakeholder interviews with a new zero waste outreach contractor.

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MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Mary Neilan

Date: February 28, 2013

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Fairfax:
Garrett Toy

Re: Development of a Model Single Use Bag Ordinance and
Associated CEQA Analysis

Larkspur:
Dan Schwarz

To help further Marin's quest for zero waste and instill a reuse mentality in the public – the JPA would like to facilitate expansion of the number of single use bag reduction ordinances in the County.

Mill Valley:
Jim McCann

The JPA issued a Request for Proposals (RFP) for Development of a Model Single use Bag Ordinance and Associated California Environmental Quality Act (CEQA) Analysis on December 17, 2012. Responses were due and received on January 15, 2013.

Ross:
Rob Braulik

San Anselmo:
Debbie Stutsman

San Rafael:
Nancy Mackle

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

The Board's Single Use Bag Subcommittee consists of Nancy Mackle and Jim McCann and they have put in many hours on this subject including meetings, teleconferences and interviews. The Subcommittee interviewed the two RFP respondents (Bob Brown and Rincon Consultants) on February 7, 2013. As part of that process, the Subcommittee has sought additional information from JPA staff, various city staff and County Counsel on the pros and cons of various levels of potential CEQA analysis that might accompany the model ordinance that would be tendered to the Member Cities for consideration of adoption.

Copies of the proposals submitted by the two firms are attached.

Subsequent to interviewing the two firms, and soliciting more information on this matter – the Subcommittee directed staff to request both firms submit addenda to their proposals which would address being able to provide both a Negative Declaration and a full Environmental Impact Report (EIR) – and also provide adequate "on-call CEQA assistance" to the individual jurisdictions seeking to adopt an ordinance. These addenda are not available at the time this agenda is being published, but will be made available at the Board Meeting.

While many believe a Negative Declaration should be a sufficient

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

level of CEQA analysis for a project such as a single use bag ordinance, many municipalities and JPA's have elected to perform a full environmental impact report to more fully analyze the pros and cons and also help protect against potential litigation that has often been pursued against jurisdictions that have not conducted that level of CEQA analysis. Attached to this report is an excerpt from Californian's Against Waste website "Elements of a Successful Single-Use Bag Ordinance" which lists the CEQA strategy used by different jurisdictions. Also attached is an excerpt from the Save the Plastic Bag Coalition website which summarizes their litigation against jurisdictions implementing bag ordinances.

Funding for this project was not included in the JPA Board approved FY 12/13 budget – but was discussed during the budget process. There is \$89,579 in General Contingencies available in the current year's JPA Administration 70070 fund that could be utilized for this project.

Staff would also like to note that the Board should consider allocating funding in next year's budget for assisting with the promotion, implementation and enforcement of new ordinances as was done previously when the unincorporated County's ordinance came online and funding was made available to the County Department of Agriculture, Weights & Measures. If the Agriculture, Weights & Measures Department were to be used again – it should be noted that there would be efficiencies to be gained by having multiple jurisdictions coming online with their ordinances at the same time to allow for more efficient staffing, promotion and enforcement. Fairfax – whose ordinance was passed by voter initiative, enforces its ordinance itself – but in every case – some authority will need to manage compliance with the ordinance(s).

The Subcommittee will provide the Board with additional information at the meeting on pros and cons of utilizing a negative declaration, an EIR, or an option in which some Cities might "peel off" at the negative declaration level and others pursue a full EIR. The desired approach should help inform the Board on which consultant might be best help the JPA and member agencies with this project.

Recommendation:

Adopt of a Motion authorizing the Executive Officer to enter into a standard JPA form of contract in an amount not to exceed \$60,000 with either Bob Brown or Rincon Consultants and instruct the County Department of Finance to make the following budgetary adjustment in the JPA Administration budget transferring the agreed contract amount from General Contingencies (Account: 70070-9000010) to Contract Services (Account: 70070-5210100).

Attachments:

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

1. Bob Brown Proposal
2. Rincon Consultants Proposal
3. Californian's Against Waste Summary of CA Jurisdictions with Bag Ordinances
4. Californian's Against Waste "Elements of a Successful Single-Use Bag Ordinance" – listing the CEQA strategy used.
5. Excerpt from Save the Plastic Bag website summarizing litigation pursued by that group.
6. Marin County Ordinance.

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December 31, 2012

Steve Devine
Marin County Hazardous and Solid Waste JPA
899 Northgate Drive, Suite 100
San Rafael, CA 94903

Re: Request for Proposals for development of a Model Single Use Bag Ordinance and associated California Environmental Quality Act Analysis

Dear Mr. Devine:

I am pleased to submit this proposal to prepare a Model Single Use Bag Ordinance and the CEQA documentation necessary for ordinance adoption by member agencies. Sustainable Community Planning is in a unique position to provide such services to the Joint Powers Authority, with extensive experience in ordinance development, environmental review expertise and the conduct of similar public processes in Marin County.

Successful adoption of the Model Ordinance by member agencies will entail:

- The preparation of CEQA documentation which will withstand legal scrutiny,
- The creation of a Model Ordinance which responds to the interests of local stakeholders (environmental organizations, industry representatives, planning directors and city attorneys), and
- Simplification and support to member agencies in the ordinance adoption process.

Sustainable Community Planning is uniquely qualified to provide these services and achieve widespread adoption of a single use bag reduction ordinance having already facilitated localized efforts on the behalf of a consortium of the jurisdictions in Marin to create both a model single use bag ordinance and a model green building ordinance.

A detailed discussion of the proposed approach to the creation of the Model Ordinance and associated CEQA documentation is attached. I would be happy to provide any additional information needed to evaluate the proposal, and look forward to assisting the JPA in this important waste reduction work. Please feel free to contact me at (415) 408-8293 or via email at sustainablebob@gmail.com.



Robert M. Brown, AICP

Proposal for Services

Model Single Use Bag Ordinance and Environmental Quality Act Documentation

Submitted to:

Steve Devine, Program Manager
Marin County Hazardous and Solid Waste Management Joint Powers Authority

December 28, 2012

Prepared by:

Sustainable Community Planning
31 Alconbury Way
Novato, CA 94949
415-408-8293

SUSTAINABLE COMMUNITY PLANNING

A horizontal green brushstroke graphic, resembling a paint stroke, positioned below the company name and above the signature.

Robert M. Brown, AICP

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4. APPROACH AND SCOPE OF WORK.....	6
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1. INTRODUCTION

Sustainable Community Planning is pleased to submit this proposal to the Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) to prepare model single use carryout bag reduction ordinance and the necessary CEQA documentation for subsequent adoption of such ordinance by member jurisdictions. This section describes our understanding of the project and an introduction to project manager Robert Brown, AICP. The recommended scope of work, a timeline and estimated fee are provided in Sections 4, 5 and 6, respectively.

PROJECT UNDERSTANDING

The Marin County Hazardous and Solid Waste Management JPA has established a Zero Waste Goal of achieving 80 percent waste reduction by 2012 and zero disposal by 2025. To achieve this goal, the JPA completed a Zero Waste Feasibility Study in December, 2009. This Zero Waste Study included Recommendation 11: Promote Countywide Sales and/or Disposal Bans, which states: “Undertaking product sale and/or disposal bans are most effective when all Member Agencies simultaneously adopt them rather than each jurisdiction implementing different bans. The Town of Fairfax has already implemented a plastic bag ban. Such bans will be most effective on a countywide level and the JPA can assist Member Agencies with the public education and creating a homogeneous approach for expanding or implementing new bans.”

On January 25, 2011, the Marin County Board of Supervisors approved an ordinance banning plastic bag distribution at most grocery stores, pharmacies and convenience stores and required a fee of five cents for paper bags. The ordinance has been in effect in the unincorporated area since January, 2012. The County’s ordinance was adopted with a categorical exemption under the California Environmental Quality Act (CEQA), finding that the project would have no environmental impacts. Litigation was filed against the County’s action, with the County prevailing in Municipal Court, but the case is currently under appeal.

In July, 2008, the Manhattan Beach City Council adopted a plastic bag ban ordinance, including adoption of a Negative Declaration under CEQA, concluding that implementation of the ordinance would not result in any significant environmental impacts. Litigation was filed against the City, and decisions appealed up to the California Supreme Court, which ruled in July 2011 in favor of Manhattan Beach’s use of the Negative Declaration.

In March, 2011 the Single Use Advisory Committee (SUPAC) was convened by the cities of San Rafael, San Anselmo, Novato, Mill Valley, Tiburon and Sausalito for the purpose of preparing model ordinances to ban the distribution of plastic bags and expanded polystyrene (“Styrofoam”) containers. The Committee process included support and participation from the California Grocers Association, California Restaurants Association, Clean Water Action, Marin Sanitary Services, the San Anselmo Chamber of Commerce, the Marin County Environmental Health Department, the American Chemistry Council and the Save the Plastic Bag Coalition. The Committee concluded its work in June, 2011 with completion of the two model ordinances, but implementation of the ordinances by participating jurisdictions was halted by litigation of the County’s bag ban ordinance CEQA determination.

On December 17, 2012 the JPA requested proposals to prepare a model plastic bag ban ordinance and accompanying CEQA documentation to facilitate adoption by member agencies. The ordinance would apply to all retail establishments, excluding restaurants, prohibiting distribution of plastic bags and placing a fee at the point of sale on carryout paper bags which must contain at least 40% recycled material. An enforcement mechanism, including administrative fines, is to be defined.

PROJECT MANAGER

Robert Brown, AICP, has more than 34 years of experience as a community development director or planning director in several Bay Area communities including San Rafael, Novato, San Mateo, Palo Alto, Berkeley and Milpitas (resume included as Attachment 1). He has prepared or been responsible for hundreds of CEQA documents including dozens of EIRs, Negative Declarations and Mitigated Declarations. He was formerly the Environmental Planner for the City of Palo Alto.

Mr. Brown convened and facilitated the Single Use Plastic Bag Advisory Committee (SUPAC) in 2011 as part of his responsibilities as San Rafael's Sustainability Coordinator, including the preparation of a model plastic bag ban ordinance.

Mr. Brown previously facilitated the Marin Green BERST (Green Building and Energy Retrofit and Solar Transformation) Collaboration which included a Task Force composed of councilmembers or planning commissioners from each Marin jurisdiction, and a Technical Advisory Committee composed of local building trades, architects, engineers, green building professionals, contractors, building officials and planners. The work culminated in the preparation of the BERST model green building ordinance, one of the most demanding in the nation, which was subsequently adopted by San Rafael, Marin County, Novato and San Anselmo.

2. CLIENTS & REFERENCES

Ken Nordhoff City Manager, Walnut Creek 925-943-5826 nordhoff@walnut-creek.org

Ken was City Manager of San Rafael during both the Single Use Plastics Advisory Committee (SUPAC) and Marin Green BERST model ordinance development processes.

Al Boro Former Mayor, San Rafael 415-459-6657

Al was Mayor of San Rafael and acted as initiator of both the SUPAC and BERST processes.

Phil Abey Abey Arnold Landscape Arch. 415-258-9580 pabey@abeyarnold.com

Prepared environmental documentation for Point San Pedro renovation project (2012).

3. RECOMMENDED CEQA ANALYSIS

Member agencies should feel confident in adopting a Negative Declaration or Mitigated Negative Declaration as part of their adoption of the carryout bag reduction ordinance. The California Supreme Court ruled in Save the Plastic Bag Coalition v. City of Manhattan Beach that adoption of a plastic bag ban ordinance using a Negative Declaration was appropriate, stating that “common sense leads us to the conclusion that the environmental impacts discernible from the ‘life cycles’ of plastic and paper bags are not significantly implicated by a plastic bag ban in Manhattan Beach.” *To date eleven California jurisdictions have enacted ordinances with Negative Declarations and two with Mitigated Negative Declarations.* These include Malibu, Palo Alto, Santa Clara County, Santa Cruz County, Monterey, Santa Cruz, Ojai, Carmel-by-the-Sea, Millbrae, Watsonville, Laguna Beach, Dana Point, Solano Beach.

4. APPROACH & SCOPE OF WORK

This section outlines the recommended approach and scope of work for preparing the model carryout bag reduction ordinance and necessary CEQA documentation.

The approach, as detailed in this section and outlined in Table 1, includes five sequential Tasks:

- 1) Project Initiation
- 2) Ordinance Preparation
- 3) CEQA Documentation
- 4) Customization for Each Participating Jurisdiction
- 5) Community Education (optional)

TASK 1: PROJECT INITIATION

The project initiation will provide an opportunity for Sustainable Community Planning to collaborate with the JPA to refine the recommended approach and scope of work.

A. Start-Up Meeting

Sustainable Community Planning will meet with JPA staff to discuss expectations regarding the tasks to be undertaken as part of the ordinance preparation and environmental documentation effort.

B. Data Gathering and Evaluation

Existing data and analyses relevant to the project will be obtained and reviewed to assist in preparation of the draft ordinance and an Initial Study environmental analysis, including the following:

- Ordinances and environmental documents (EIRs, Negative Declarations and categorical exemptions) adopted by Marin County, Los Angeles County, Santa Clara

County, San Mateo County, and the cities of San Jose, Mountain View, Sunnyvale and Manhattan Beach,

- Master Environmental Assessment prepared for Green Cities California,
- Economic impact reports of charging for carryout bags,
- Life cycle analyses of the manufacture and transportation of paper and plastic carryout bags,
- Waste characterization studies and plastic film recycling rates, and
- Local retail sales activity and number of retailers for estimation of current carryout bag distribution.

Interviews will be conducted with local experts to determine the experiences in the Marin County unincorporated area with implementation of the carryout bag reduction ordinance over the past year.

TASK 2: ORDINANCE PREPARATION

Sustainable Community Planning will prepare a draft carryout bag reduction ordinance that can be adopted or modified by participating jurisdictions.

A. Stakeholder Meeting

Conduct a meeting with interested stakeholders to review the objectives for the draft ordinance, evaluate optional regulations, define potential exceptions, suggest timing of implementation and discuss enforcement mechanisms.

Likely stakeholders might include several participants in the former Single Use Plastic Advisory Committee (SUPAC) process, including:

- Chambers of Commerce
- Planning Directors
- California Grocers Association
- California Restaurants Association
- Marin Conservation League
- Clean Water Action

B. Prepare Draft Ordinance

Prepare a draft carryout bag reduction ordinance that would:

- Apply to all retail establishments, including grocery stores, department stores, retail businesses and convenience stores,
- Exempt restaurants and potentially other uses,
- Exempt certain types of plastic bags (such as produce, meat or clothes bags),
- Place a minimum fee charged at the point of sale on carryout paper bags that must contain at least 40% recycled content,

- Allow the sale or give-away of reusable carryout bags,
- Provide for a phased-in implementation, and
- Define an enforcement mechanism.

C. Review and Finalize Draft Ordinance

Conduct a meeting of planning directors and city attorneys to review and receive comments on the draft ordinance. Revise the draft and submit to the JPA Program Manager for review. Finalize the draft ordinance. The draft ordinance will include identified provisions that can be tailored for each adopting jurisdiction.

TASK 3: CEQA DOCUMENTATION

Sustainable Community Planning will prepare a draft Initial Study and, based on the results, recommend the preparation of a Negative Declaration, a Mitigated Negative Declaration or an Environmental Impact Report. As indicated above, it is anticipated, based on the findings of previously prepared CEQA documents throughout California (of which there have been at least 32), that the conclusion of the Initial Study will be that no significant environmental impacts would result from adoption and implementation of a carryout bag reduction ordinance similar to other such ordinances already adopted and in effect. The following Scope of Work is based on the preparation of a Negative Declaration or Mitigated Negative Declaration. Preparation of an Environmental Impact Report would require a modification to the Scope of Work.

A. Initial Study

Sustainable Community Planning will prepare an Initial Study and conduct an analysis of each environmental topic relevant to the proposed project.

A key component of the Initial Study will be the definition of Impact Analysis Assumptions. Specifically, the intent of the carryout bag reduction ordinance will be to cause both an overall reduction in total carryout bag use and distribution and a shift in the types of carryout bags used from disposable plastic to recycled paper or reusable bags through the banning of plastic carryout bags and a minimum charge being placed on recycled paper bags. Defining this reduction and shift in bag use will be critical to the subsequent impact analysis. Sustainable Community Planning will estimate the current and projected use of disposable plastic and paper bags through documented sources and comparison estimates of the total volume of retail sales and the number of retailers in Marin County.

At this time it is anticipated that the following topics will be comprehensively addressed in the Initial Study: aesthetics, biological resources, air quality, greenhouse gas emissions, water quality, transportation/traffic, and utilities and service systems. Both beneficial impacts and potentially adverse impacts will be cited. In addition to the local impacts of adoption of the Model Ordinance, the Initial Study will consider the cumulative effects if all Marin jurisdictions adopted the Model Ordinance.

The following provides additional detail regarding each of the topics likely to be addressed in the Initial Study:

<i>Environmental Topic</i>	<i>Assessment of Potential Impacts</i>
Aesthetics	Reduction in plastic bag litter may have a positive impact on aesthetic values of scenic resources.
Air Quality	The difference in likely air emissions resulting from the manufacture and distribution of plastic and paper bags will be evaluated.
Biological Resources	Reduction in plastic bag litter may have a positive impact on wildlife habitat, particularly wetlands and ocean environments.
Greenhouse Gas Emissions	The difference in likely greenhouse gas emissions resulting from the manufacture, distribution and decomposition of plastic and paper bags will be evaluated.
Hydrology and Water Quality	Impacts on the quality of stormwater runoff from degradation of littered carryout bags will be evaluated, as will the difference in water consumption in the manufacture of plastic and paper bags.
Mineral Resources	Differences in the use of natural resources in the manufacture of plastic and paper bags will be evaluated.
Public Services	The effects of the proposed ordinance on public services, including litter and waste collection and landfill costs will be evaluated.
Transportation/Traffic	Traffic impacts from the delivery and collection of paper and plastic bags will be evaluated.
Solid Waste and Waste Reduction	Differences in the demand for water in the manufacture of plastic and paper bags and in the volume of landfill waste will be evaluated.

B. Prepare Mitigation Measures (if necessary)

Prepare mitigation measures if any impacts are identified as being potentially significant as a result of the Initial Study. Incorporate these mitigation measures into the draft Ordinance as applicable.

C. Review and Revise Initial Study and Prepare CEQA Determination

Review the draft Initial Study with the Marin County Environmental Planning Manager. Revise the Initial Study, complete the documented CEQA Determination and submit to the Program Manager.

TASK 4: CUSTOMIZATION

To aid in the ultimate adoption of the Model Ordinance by all participating jurisdictions, Sustainable Community Planning will:

- Provide a table of data modifications to customize the environmental analysis based on the relative size of each jurisdiction, and
- Provide a draft staff report describing the proposed Model Ordinance, enforcement mechanisms and options for modification, and describing the conclusions of the Initial Study.

TASK 5: COMMUNITY EDUCATION (Optional)

The key to achieving adoption of the Model Ordinance by all or most of the member agencies is to facilitate the adoption process. Due to extensive staff reductions over the past few years, cities cannot undertake optional studies and workload. In addition, all Marin jurisdictions value transparency in governmental operations and require that proposed regulations have sufficient public airing prior to adoption. Sustainable Community Planning is in a unique position to provide assistance to member agencies to facilitate the adoption process.

To assist member agencies in the adoption process, Sustainable Community Planning will:

- Attend a community meeting, convened by city/town staff, to explain the purposes and effects of the proposed Model Ordinance and answer questions.
- Attend a City/Town Council meeting, either in a public hearing or workshop format, to present the proposed Model Ordinance and CEQA documentation, and answer questions.

5. TIMELINE

Sustainable Community Planning will, assuming commencement of work by March 1, 2013:

- Submit a draft Model Ordinance by April 15, 2013,
- Submit a draft Initial Study within 30 days of receipt of JPA comments on the Model Ordinance, and
- Submit all final documents as indicated as Deliverables in Table 1 within 30 days of receipt of JPA comments on the CEQA Documentation.

6. PROJECT BUDGET

The costs to prepare the Model Ordinance and CEQA Documentation are summarized by task in Table 1 below. Based upon the proposed Scope of Services, Sustainable Community Planning would prepare the Model Ordinance, CEQA Documentation and associated public process for a not-to-exceed cost of \$13,220.

TABLE 1

Task	Deliverables*	Estimated Cost
1A: Start Up Meeting	1 meeting (agenda, minutes)	\$ 240
1B: Data Collection	List of reference materials 1 meeting with County staff (agenda, minutes)	\$2,800
2A: Stakeholder Meeting	1 meeting (agenda, informational presentation, minutes)	\$ 480
2B: Draft Model Ordinance	Draft Model Ordinance	\$ 2,400
2C: Revise Model Ordinance	2 meetings: planning directors/city attorneys and JPA (agenda, minutes) and Revised Model Ordinance	\$ 480
3A: Draft Initial Study	Draft Initial Study	\$ 5,800
3B: Draft Mitigation Measures	Draft Mitigation Measures	\$ 120
3C: Revise Initial Study and Prepare CEQA Finding	Final Initial Study and Negative Declaration or Mitigated Negative Declaration	\$ 180
4: Customization	Environmental Impact Data Table for each member jurisdiction and Draft Staff Report text	\$ 720
TOTAL		\$13,220
5: Community Education (Optional)	2 meetings per member jurisdiction (agenda, informational presentation, minutes)	\$ 6,000

* To minimize waste generation, all materials will be provided in digital formats (Word, PowerPoint and PDF).

Hourly Rate: \$120

Proposal to Provide Consulting Services Regarding the
**Single-Use Bag Ordinance and
CEQA Analysis**



Submitted to:
**Marin County Hazardous & Solid Waste
Management Joint Powers Authority**

Submitted by:
Rincon Consultants, Inc

January 15, 2013





Rincon Consultants, Inc.

180 North Ashwood Avenue
Ventura, California 93003

805 644 4455

FAX 644 4240

info@rinconconsultants.com
www.rinconconsultants.com

January 14, 2013
Job No. 13-00716

Steve Devine
Marin County Hazardous and Solid Waste Management
Joint Powers Authority
899 Northgate Drive, Suite 100
San Rafael, CA 94903

Subject: Proposal to Provide Consulting Services Regarding the Single-Use Carryout Bag Reduction Ordinance

Dear Mr. Devine:

Rincon Consultants is pleased to submit this proposal to assist the Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) with the preparation of a Draft Model Single Use Bag Ordinance and California Environmental Quality Act (CEQA) document analyzing the Ordinance. Rincon is particularly well-suited to assist the JPA with this assignment because of our experience with similar projects, including the preparation of EIRs on single-use bag reduction ordinances for the Sonoma County Waste Management Agency, the County of San Mateo (including the County of San Mateo and 24 cities in San Mateo and Santa Clara counties) and the cities of Palo Alto, Sunnyvale, Huntington Beach, Santa Monica and Long Beach. Consequently, we are very familiar with the unique environmental and planning issues related to single-use bag ordinances. Equally importantly, we have direct experience addressing the issues being raised by the public (both opponents and proponents of bag ordinances).

We have assembled a team of skilled environmental sciences and planning professionals who combine extensive technical qualifications and knowledge of CEQA requirements with recent experience related to carryout bag issues. We are confident that you will find our team highly qualified in all of the technical and planning issues that are required for this project. Our expertise in development of bag ordinances and the CEQA compliance such ordinances has been acknowledged by the American Planning Association (APA), Association of Environmental Professionals (AEP), and American Public Works Association (APWA) through invitations to speak on the topic at these organizations' conferences.

We look forward to the opportunity to meet with you to further discuss your needs and our qualifications.

Sincerely,
RINCON CONSULTANTS, INC.

Matthew Maddox, MESM
Project Manager

Joe Power, AICP CEP
Principal

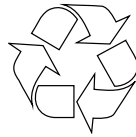
Proposal to Provide Consulting Services Regarding the
Single-Use Carryout Bag Reduction Ordinance

Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA)

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OVERVIEW OF THE PROPOSED PROJECT

The Marin County Hazardous and Solid Waste Management Joint Powers Authority (“JPA”) is seeking proposals for the development of a model single-use carryout bag ordinance (“Ordinance”) that regulates the use of paper and plastic single-use carryout bags and the preparation of a California Environmental Quality Act (CEQA) document to address the impacts of the Ordinance. The Ordinance is anticipated to apply to all retail establishments, including grocery stores, department stores, retail businesses, and convenience stores (not restaurants). It would prohibit the distribution of carryout plastic bags and place a fee on carryout paper bags to be charged to the customer at the point of sale. It is the JPA’s intent that the environmental analysis contained in the CEQA document would allow for some variation in local interpretation of the Ordinance, since each member agency may wish to customize the model Ordinance for their community. The scope of the Ordinance and the CEQA document will be considered by 9 of the 11 Members of the JPA (excluding Marin County and the City of Fairfax as these members have existing bag ordinances in effect).



Rincon is particularly well-suited to assist the JPA with this assignment because of our experience with similar projects, including preparation of EIRs on single-use bag reduction ordinances for the Sonoma County Waste Management JPA, the County of San Mateo (including the County of San Mateo and 24 cities in San Mateo and Santa Clara counties), BEACON (including Santa Barbara and Ventura counties and 16 cities within both counties), and the cities of Palo Alto, Sunnyvale, Huntington Beach, Santa Monica and Long Beach. Rincon’s Project Manager for this assignment, Matthew Maddox, is an expert in the field, having participated in several panel presentations on the topic for the American Planning Association (APA), Association of Environmental Professionals (AEP), and American Public Works Association (APWA). Our qualifications and applicable experience are described in greater detail in the following sections.

This proposal responds to each of the numbered items as requested in the RFP and includes: (1) an Introduction; (2) Current Clients and References; (3) Rincon’s Recommended Level of CEQA Analysis; (4) Scope of Services; (5) a Project Timeline; (6) and a Budget for the Services to be Provided.



1.0 INTRODUCTION

The following section provides a firm description, experience/resumes of the project staff, contact information, and Rincon's experience working with carryout bag ordinances and associated CEQA analysis (including number of years developing CEQA analysis and model bag ordinances).

1.1 RINCON COMPANY DESCRIPTION

Rincon Consultants, Inc. is a full service multidisciplinary environmental consulting firm founded in 1994. Since its founding, Rincon has grown to a firm of 65 professionals located in six California offices: Oakland, Monterey, San Luis Obispo, Ventura, Riverside and Carlsbad. We have successfully managed many complex environmental documents on projects throughout California.

Our approach to environmental planning and permitting entails providing clients with a high level of professional expertise that includes principal and senior staff level involvement in all projects. We have structured the firm to minimize unnecessary overhead costs, thus allowing us to be highly cost effective for both large and small projects. Our approach to the CEQA environmental review process is to streamline the documentation to the maximum extent feasible, relying on existing documentation and studies wherever possible and focusing the document on truly relevant issues through the initial study process.

During Rincon's 18-year history, we have received multiple awards for excellence from environmental planning organizations, including APA, AEP, and the Southern California Association of Governments. Our financial strength was recognized in 2004 by Zweig White, when the nationally recognized A/E/P industry tracking group named us to its Hot 100 Firm list, recognizing revenue growth over time. In 2007, Rincon was named to the Inc. 5000 list of the fastest growing companies nationwide. In 2008, we were again named to Zweig White's Hot Firm list. In addition to this business recognition, Rincon was recently named the #1 Best Places to Work - Mid-sized Environmental Consulting Firm by the Environmental Business Journal and Civil Engineering News. We are very proud of this recognition and believe that it supports that we have a highly motivated and capable team that is committed to excellence on all levels.

Rincon provides a broad range of environmental consulting services. The following is a summary of these services.

Environmental Planning

- *CEQA Compliance: EIRs, Initial Studies, Categorical Exemptions, Mitigation Monitoring Programs*
- *NEPA Compliance: EISs, Environmental Assessments, Categorical Exclusions*
- *Planning Services: General Plans and Specific Plans, Neighborhood Planning and Community Involvement Programs, Contract Planning Services*
- *Redevelopment: Blight Studies, Environmental Analysis*
- *Alternative Transportation: Pedestrian/Bicycle Planning*
- *Corridor Studies: Rails to Trails, Roadway Widening and Utility Alignments*



- *Mitigation and Construction Monitoring*
- *Stormwater Pollution Prevention Plans*
- *Noise Studies and Air Quality Analysis*
- *Grant Application Assistance*

Biological Resources Assessment and Regulatory Compliance

- *Baseline Biological Resources Inventories and Vegetation Mapping*
- *Rare, Threatened, and Endangered Plant and Wildlife Species Surveys*
- *Wetland Delineations*
- *Complete Regulatory Compliance and Mitigation Planning*
- *Drainage/Wetlands Permits: USACE Sections 404 and 10, RWQCB Section 401, CDFG 1601*
- *Coastal Development and Grading Permits*
- *ESA Section 7 Consultations and Section 10 Habitat Conservation Plans*
- *CESA Permits and Natural Community Conservation Plans*
- *Wetland, Riparian, and Upland Habitat Revegetation and Restoration Planning*
- *Construction and Mitigation Monitoring*



Environmental Site Assessment and Remediation

- *Phase I and Phase II Environmental Site Assessments:*
- *Hazardous Waste Characterization and Remediation: Soil and Groundwater Assessment, Groundwater Monitoring, Remedial Action Plans and Closure Reports*
- *Underground Storage Tank Removal and Investigation*
- *Site Remediation: Urban Redevelopment Remediation and Monitoring, In-situ Remediation System Design, Construction, Monitoring and Maintenance*
- *Health Risk Assessments: Preliminary Endangerment Assessments and Risk Based Corrective Action Modeling*
- *Geological and Seismic Studies*
- *Expert Witness/Litigation Support*



Sustainability Services

- *Climate Action Planning*
- *Sustainability Ordinance Development*
- *Greenhouse Gas Emissions Assessment and Verification*
- *LEED/Green Building and Neighborhood Consulting*

GIS and Graphics Resources

- *Geographic Information Systems (GIS)*
- *Mapping and Data Management*
- *Computer Aided Drafting (CAD) and Design*
- *Graphic Design and 3-D Photosimulation*
- *Newsletters/Brochures and Website Development*



1.2 PROJECT STAFF

Rincon has compiled a team that understands both CEQA's environmental review requirements and the issues specific to the single-use bag reduction ordinance. We can conduct all of the needed analyses in-house, which is important to ensure overall analysis continuity and efficiency.

Rincon's proposed team organization for the project is shown in the chart on the following page. Summaries of the qualifications and experience of the key professionals who will be responsible for the management and oversight of the EIR follow. Resumes are included in the appendix to this proposal. Staff assigned to this project will be available over the timeframe of the project. We are committed to meeting or exceeding the JPA's scheduling requirements. Our firm size enables us to adjust workloads as necessary to meet the scheduling needs of our clients.

Joe Power, AICP CEP, will serve as Principal-in-Charge of the project. Joe has more than 20 years of experience in CEQA and NEPA document preparation. He has managed the preparation of hundreds of CEQA environmental documents. He recently oversaw the Single-Use Carryout Bag Reduction Ordinance EIR for the City of Sunnyvale, the Single-Use Carryout Bag Ordinance EIR for the City of Santa Monica, the Plastic Carryout Bag Ordinance EIR Addendum for the City of Long Beach, the Single-Use Carryout Bag Reduction Ordinance EIR for the County of San Mateo, the Single-Use Carryout Bag Reduction Ordinance EIR for the City of Huntington Beach, and is currently overseeing the bag ordinance EIRs for the Sonoma County Waste Management Agency, BEACON (Santa Barbara and Ventura counties) and the City of Palo Alto. He recently managed the Calabasas 2030 General Plan and EIR, which received the Southern California Association of Governments' Compass Blueprint Recognition Award for Achievement in Sustainability. Joe is a recognized leader in the area of sustainability, having co-authored both a December 1996 study for the American Planning Association's Planning Advisory Service entitled A Planners Guide to Sustainable Development and the APA's Policy Guide on Planning for Sustainability. He oversees Rincon's Sustainability Services Group, which focuses on greenhouse gas and climate change studies.

Matt Maddox, MESM serves as a Senior Program Manager within Rincon's Environmental Science and Planning and Sustainable Consulting groups. He will serve as Project Manager and will serve as the day-to-day contact for the EIR (contact information is provided in the next section). Matt recently managed the Single-Use Carryout Bag Reduction Ordinance EIR for the County of San Mateo, the Single-Use Carryout Bag Reduction Ordinance EIR for the City of Sunnyvale, the Single-Use Carryout Bag Ordinance EIR for the City of Santa Monica, the Plastic Carryout Bag Ordinance EIR Addendum for the City of Long Beach, and the Single use Carryout Bag Reduction Ordinance EIR for the City of Huntington Beach. Matt is currently managing bag ordinance EIRs for BEACON (Santa Barbara and Ventura counties) and the City of Palo Alto. Matt is an accredited Lead Greenhouse Gas Verifier with the California Air Resources Board (CARB). He has assisted in sustainable design review for projects such as the City of Pasadena Colorado Boulevard – LEED Certified Commercial Development Project, the City of Rancho Palos Verdes Annenberg Project at Lower Point Vicente – Sustainable Animal Education Center, and the City of Santa Monica Main Street Development – LEED Certified Mixed Use Project.

Abe Leider, AICP CEP, will serve as QA/QC and public outreach coordinator for this project. Abe is a Supervising Environmental Planner with Rincon and manages the company's Oakland office. He holds a degree in English and Environmental Studies from UC Santa Barbara and a Professional Certificate in Land Use and Environmental Planning from UCSB Extension. He has over 14 years of experience in



long-range planning, development review, and performing environmental impact analyses for public and private infrastructure and development projects under CEQA. Abe is especially adept at conveying complex and technical information to the public, press and decision makers in a clear and accessible manner. He has managed preparation of MNDs and EIRs for institutional, residential, commercial and industrial projects throughout California. Abe is currently managing the bag ordinance EIR for the Sonoma County Waste Management Agency. Before joining Rincon Consultants, Abe spent eight years as a planner in the development review and comprehensive planning divisions of Santa Barbara's Planning & Development Department.

Duane Vander Pluym, D. Env., Principal and Senior Environmental Scientist with Rincon, will oversee the biological analysis, and will serve in a quality control capacity for other technical sections. Duane has more than 25 years of environmental consulting experience, during which time he has conducted numerous environmental studies for public agencies and private clients throughout California. His areas of technical expertise include biology, ecosystem analysis, noise, air quality, health risk, hydrology, and water quality.

Megan Jones, MPPc, a Senior Planner within Rincon's Environmental Science and Planning group and Manager of Rincon's Monterey office, will serve as a primary analyst for the project. She holds Bachelor of Arts in Geography and Environmental Studies from the University of Oregon, and is currently pursuing a Master of Public Policy from California State University Monterey Bay. She specializes in environmental impact analysis, urban planning, CEQA, and NEPA. Ms. Jones has prepared numerous EIR documents of various size and scale, including several in Monterey, San Luis Obispo, and Santa Barbara Counties. She recently prepared the San Mateo County Single-Use Bag Ban EIR, the City of Sunnyvale Single-Use Bag Ban EIR, and is currently assisting on the Disposable Checkout Bag Ordinance EIR for the City of Palo Alto. She also recently managed the NEPA documentation for the Housing Authority of the County of Alameda and the Housing Authority of the County of Santa Cruz and has managed a variety of projects for Monterey County under an on-call contract, including preparation of CEQA documents for small-scale development projects and residential subdivisions, as well as preparation of ordinances, staff reports, and condition compliance and mitigation monitoring and reporting plans. She is currently managing the Urban Runoff Diversion Project – Phase 3 for the City of Pacific Grove and is in charge of Rincon's current on-call contract with the City and County of San Francisco Mayor's Office of Housing for NEPA Environmental Reviews.

Jessica Tibbett Hamill, MA, works as an Associate Environmental Planner within Rincon's Environmental Science Planning group in Monterey. She has expertise in CEQA compliance, impact analysis, and environmental regulation. Jessica holds a Bachelor of Arts in Comparative Literature from the University of Washington and a Master of Arts in International Environmental Policy from the Monterey Institute of International Studies in Monterey. Jessica has assisted in the preparation of numerous environmental documents for projects located throughout California. Her project experience includes performing the environmental analysis for the County of San Mateo Single Use Bag Ban Ordinance, the Disposable Checkout Bag Ordinance EIR for the City of Palo Alto, the BEACON Single Use Bag Ordinance EIR, and the Sonoma County Carryout Bag Waste Reduction Ordinance. Jessica also assisted with the preparation of several NEPA Environmental Review Records for the San Francisco Mayor's Office of Housing.



1.3 CONTACT INFORMATION

Contact information for the firm and the point person for this project is:

*Rincon Consultants, Inc.
180 N. Ashwood Avenue
Ventura, CA 93003
Attn: Matt Maddox, Senior Program Manager
Phone: (805) 644-4455 Ext. 20
Fax: (805) 644-4240
Email: mmaddox@rinconconsultants.com*

1.4 PROJECT EXPERIENCE

Rincon's principals and senior staff have considerable experience on a broad range of projects, including carryout bag waste reduction ordinances. Throughout its 18 year history, Rincon has conducted CEQA analysis for various projects ranging from housing developments, mixed-use projects, industrial and commercial facilities, General Plans, and Specific Plans, Categorical Exemptions, as well as technical studies for such issues as air quality, greenhouse gases, and noise. In addition, for the past three years we have prepared CEQA environmental documents for similar bag ordinances in the counties of Sonoma, San Mateo and Santa Clara, as well as the cities of Palo Alto, Sunnyvale, Huntington Beach, Santa Monica and Long Beach. We also have extensive experience conducting public meetings with communities and responsible agencies/stakeholders, having recently prepared General Plan updates and associated EIRs in such municipalities as Calabasas, Ventura, and Avalon. Through this experience, we are familiar with the JPA's needs and expectations for a draft ordinance preparation and impact assessment methodologies and thresholds, which will help ensure successful and efficient implementation of the CEQA process for this project. The following describes our specific experience with carryout bag ordinances and the CEQA analysis that was performed as part of each project.

1.4.1 CARRYOUT BAG ORDINANCE EXPERIENCE

Single Use Bag Ban Ordinance EIR

County of San Mateo

Dates: April 2012 – October 2012

Key Staff: Joe Power, Matt Maddox, Megan Jones, Jessica Tibbett Hamill, Abe Leider, Duane Vander Pluym

Rincon recently prepared an EIR examining the impacts of introducing an ordinance that bans plastic bags by San Mateo County. The proposed ordinance would regulate the use of paper and plastic single use carryout bags within the participating municipalities. Participating municipalities include the County of San Mateo and 24 cities in San Mateo and Santa Clara counties. The proposed ordinance will apply to all retail establishments located within the limits of the participating municipalities, including those selling clothing, food, and personal items directly to the customer; but not to restaurants. The intent of the ordinance is to reduce the environmental impacts related to the use of single use carryout bags, and to promote a shift toward the use of reusable bags. The ordinance will act as a model for each participating municipality to consider and adopt within their own jurisdiction. However, the EIR



considered a range of alternatives within the analysis so each jurisdiction could decide on an ordinance that fits their specific desires. Key issues examined include Air Quality, Hydrology/Water Quality, Biological Resources, Utilities and Service Systems, and Greenhouse Gas Emissions.

Disposable Checkout Bag Ordinance EIR

City of Palo Alto

Dates: June 2012 - Present

Key Staff: Joe Power, Matt Maddox, Megan Jones, Jessica Tibbett Hamill, Abe Leider, Duane Vander Pluym

Rincon recently finalized an EIR for a proposed ordinance in the City of Palo Alto that would extend the City's existing bag ordinance such that all retailers including "take out" food restaurants would be prohibited from providing free single-use plastic bags and paper bags to customers at the point of sale. The Final EIR for the project has been provided to the City and the ordinance will be reviewed by the City Council in February 2013. The ordinance would eliminate the use of single use carryout bags, charge a fee for the use of recyclable paper carryout bags and encourage the use of reusable bags. Rincon was retained to prepare the EIR for the ordinance and to assist the City in the preparation of the Ordinance. Key issues addressed in the EIR include air quality, biological resources, greenhouse gases, hydrology and water quality, and utilities (water, wastewater and solid waste). If approved, the ordinance would go into effect beginning April 2013.

Single-Use Carryout Bag Reduction Ordinance EIR

City of Sunnyvale

Dates: May 2011 – December 2011

Key Staff: Joe Power, Matt Maddox, Megan Jones, Duane Vander Pluym

Rincon prepared an EIR for a proposed ordinance in the City of Sunnyvale that would reduce or eliminate the use of single use carryout bags and encourage the use of reusable bags. The Final EIR and the ordinance were certified and adopted by the City Council in November 2011. The ordinance went into effect beginning June 2012. The ordinance banned the distribution of all single use carryout bags and would apply to large supermarkets and pharmacies, large retailers, and other food and beverage stores. Key issues addressed in the EIR included air quality, biological resources, energy, greenhouse gases, hazards and hazardous materials, hydrology and water quality, and public services and facilities. As appropriate, the analysis utilized methodologies and data from the Master Environmental Assessment on Single use and Reusable Bags prepared by Green Cities California as well as the City of San Jose's Single use Carryout Bag Ordinance Final EIR (October 2010).

Single Use Bag Ban Ordinance EIR

Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)

Dates: November 2012 - Present

Key Staff: Joe Power, Matt Maddox, Megan Jones, Jessica Tibbett Hamill, Abe Leider, Duane Vander Pluym

Rincon is currently preparing an EIR examining the impacts of introducing an ordinance that bans plastic bags throughout Santa Barbara and Ventura Counties including unincorporated county areas and within each incorporated city. Rincon was retained to prepare the EIR for the ordinance and to assist BEACON in the preparation of a model ordinance. The proposed ordinance would regulate the use of paper and



plastic single use carryout bags within the participating municipalities. Participating municipalities include the County of Ventura, the County of Santa Barbara and 16 cities in Ventura and Santa Barbara counties. The Proposed Ordinance would apply to retail establishments including, but not limited to, drug stores, pharmacies, supermarkets, grocery stores, convenience food stores, food marts, or other similar retail stores or entities engaged in the retail sale of grocery items. The intent of the ordinance is to reduce the environmental impacts related to the use of single use carryout bags, to promote a shift toward the use of reusable bags, and to reduce litter and the associated adverse impacts to stormwater systems, aesthetics and marine and terrestrial environments. The ordinance will act as a model for each of participating municipalities to consider and adopt within their own jurisdiction. In addition, the EIR will consider a range of alternatives within the analysis so each jurisdiction could decide on an ordinance that fits their specific desires. Key issues examined include Air Quality, Hydrology/Water Quality, Biological Resources, Utilities and Service Systems, and Greenhouse Gas Emissions.

Single-Use Bag Reduction Ordinance EIR

City of Santa Monica

Dates: March 2010 – January 2011

Key Staff: Joe Power, Matt Maddox, Duane Vander Pluym

Rincon prepared an EIR and assisted in the drafting of an ordinance in the City of Santa Monica that would prohibit all retail establishments (except restaurants) from providing “single use plastic carryout bags” to customers at the point of sale, and create a Green Fee for each paper bag distributed by grocery stores, convenience stores and pharmacies in the city, and requires that paper bags are at a minimum made of 40% post-consumer, recycled content and 100% recyclable. Rincon was retained to prepare the EIR for the ordinance. Key issues addressed in the EIR include air quality, biological resources, greenhouse gases, hydrology and water quality, and traffic/circulation. As appropriate, the analysis utilized methodologies and data from the Master Environmental Assessment on Single use and Reusable Bags prepared by Green Cities California. As part of the CEQA analysis, Rincon provided responses to comments on the Draft EIR, including those provided from the main opponent of plastic bag bans statewide “Save the Plastic Bag Coalition”. The responses to comments were provided in the Final EIR. Rincon also provided Findings of Fact for the City in preparation for the certification of the Final EIR. Santa Monica’s ordinance went into effect in September 2011.

Single-Use Carryout Bag Reduction Ordinance EIR

City of Huntington Beach

Dates: December 2011 - Present

Key Staff: Joe Power, Matt Maddox, Duane Vander Pluym

Rincon prepared an EIR for a proposed ordinance in the City of Huntington Beach that would eliminate the use of single use carryout bags and encourage the use of reusable bags. The Final EIR and ordinance will be reviewed by the City Council in February 2013. The ordinance would ban the distribution of all single use carryout bags in the City. Rincon was retained to prepare the EIR for the project and to assist the City in the preparation of the Ordinance. Key issues addressed in the EIR included air quality, biological resources, greenhouse gases, hydrology and water quality, and utilities (water, wastewater and solid waste).



Plastic Carryout Bag Ordinance EIR Addendum

City of Long Beach

Dates: 2011

Key Staff: Joe Power, Matt Maddox, Duane Vander Pluym

Rincon prepared an addendum to the Ordinances to Ban Plastic Carryout Bags in Los Angeles County Final EIR that was adopted by the County of Los Angeles Board of Supervisors in 2010. As one of the 88 incorporated cities within Los Angeles County, the City of Long Beach proposed an ordinance to ban plastic carryout bags consistent with the ordinance analyzed in the County's Final EIR and adopted by the Board of Supervisors. The addendum was required to address the possible environmental effects associated with adoption of such an ordinance within Long Beach. The proposed ordinance banned plastic carryout bags at all supermarkets and other grocery stores, pharmacies, drug stores, convenience stores, and food marts and would place a 10 cent charge on the issuance of recyclable paper carryout bags by an affected store, as defined. The Addendum summarized the environmental record for the project as well as the legal authority under which the Addendum is applicable. It also examined the City's proposed ordinance and compared its environmental effects to those identified in the County of Los Angeles EIR for each issue area on the Initial Study checklist. As part of the process, Rincon provided responses to comments, including those from opponents such as "Save the Plastic Bag Coalition" and Findings of Fact. The Long Beach Carryout Bag Ordinance and its Addendum prepared by Rincon was approved by the Long Beach City Council on May 17th, 2011. The ordinance went into effect August 2011.

1.4.2 PROFESSIONAL CONFERENCE PRESENTATIONS

In addition to direct project experience, Rincon staff has been selected to present to our peers on the subject of single-use bag bans and their CEQA review at several conferences throughout the state. These experiences are described below.

Bag the Plastic Bags: State and Local Efforts to Restrict Plastic Bag Use

California Chapter of the American Planning Association 2011 Annual Conference

Rincon presented at the California Chapter of the American Planning Association (Cal APA) Annual Conference in Santa Barbara on September 14, 2011. The session described the rationale behind plastic bag restrictions, state and local efforts to restrict plastic bag use, and the pitfalls that agencies have encountered as they attempt to adopt and implement restrictions. The session also highlighted how the plastic bag industry has combated agencies on this issue, particularly through the guise of CEQA compliance. The panel was moderated by Joe Power, Principal with Rincon Consultants. Speakers included Matthew Maddox, Project Manager with Rincon; Dean Kubani, Environmental Programs Division Manager with the City of Santa Monica; and Emy Mendoza, Zero Waste Planner for the City of San Jose.



Bag the Plastic: State and Local Efforts to Restrict Plastic Bag Use

Association of Environmental Professionals Annual Conference

Rincon was selected to participate in a panel discussion regarding state and local efforts to restrict plastic bag use at the Association of Environmental Professionals (AEP) Annual Conference in May 2012. Matthew Maddox, Project Manager, was joined on the panel by Mark Bowers, Solid Waste Program Manager with the City of Sunnyvale, and James Moose, JD, Senior Partner with Remy, Moose and Manley. The session explored the rationale behind single-use bag restrictions, state and local efforts to restrict plastic bag use, and the pitfalls that agencies have encountered as they attempt to adopt and implement ordinances. State and local efforts were described, including the specific experiences in Sunnyvale and Manhattan Beach. The session also highlighted how the plastic bag industry has combated agencies on this issue, particularly through the guise of CEQA compliance. Recent case law and legal implications for future CEQA compliance were explored.

Bag the Plastic: Local Efforts to Restrict Plastic Bag Use

American Public Works Association 2012 Congress and Exposition

Rincon was selected to participate in a panel discussion regarding methods for implementing single-use bag ordinances and the implications of restricting their use at the American Public Works Association (APWA) 2012 Congress and Exposition in August 2012. Speakers included Matt Maddox, Project Manager with Rincon Consultants; Mark Bowers, Solid Waste Program Manager with the City of Sunnyvale; and Dean Kubani, Environmental Programs Division Manager with the City of Santa Monica. This session informed public works professionals about whether a single-use bag ordinance makes sense for their community and if so, how they might implement and enforce such an ordinance. This presentation explored how an ordinance restricting the use of plastic bags would affect recycling programs and solid waste facilities, as well as describe community concerns, including cost constraints and outreach efforts to residents and retailers. Finally, the speakers discussed the financial impacts of implementing an ordinance restricting single-use carryout bags, including development and production of marketing materials, purchase of reusable bags, other outreach activities, and enforcement staffing. The panel also explored the cost savings of implementing a single-use carryout bag ordinance, including maintenance and facilities costs.



2.0 REFERENCES

Rincon is proud of its reputation as a leader in the CEQA environmental review industry. Below is an excerpt from a recent client following our successful completion of an 18 month planning program that involved update of the City of Calabasas General Plan (including public outreach program and EIR).

"On behalf of the City of Calabasas, I want to thank you and the entire Rincon Consultants team for your outstanding performance on the City's 2030 General Plan update. While your firm has done excellent work on many projects in the City, your performance on this project was particularly impressive in light of its scale and complexity... In addition, I sincerely appreciate your efforts to carefully manage the project from both a budgetary and scheduling perspective. You did an excellent job keeping the project on schedule and on budget."

~Tom Bartlett, City Planner – City of Calabasas

As requested in the RFP, we invite you to contact any of the three individuals listed below regarding our qualifications, skills, and project management.

Mark Bowers

Solid Waste Program Manager
Department of Public Works
City of Sunnyvale
408-730-7421
mbowers@ci.sunnyvale.ca.us

Dean D. Peterson

Director County of San Mateo Health System
Environmental Health Services
County of San Mateo
650-372-6222
dpeterson@co.sanmateo.ca.us

Julie Weiss

Environmental Specialist
2501 Embarcadero Way
Palo Alto, CA 94303
650- 329-2117
Julie.Weiss@CityofPaloAlto.org



3.0 LEVEL OF CEQA ANALYSIS

Based on our previous experience with similar carryout bag waste reduction ordinances, we recommend preparing an Environmental Impact Report (EIR) for the proposed Ordinance. Recent litigation (such as *Save the Plastic Bag Coalition v. City of Manhattan Beach, et al.*) indicates that an EIR may be the appropriate level of review for ordinances covering larger jurisdictions, as would be the case for the JPA's proposed Single-Use Carryout Bag Reduction Ordinance since the ordinance could potentially apply to 9 of the 11 JPA Members (with approximately 200,000 residents). In addition, compared to a lower level of CEQA review (such as a Negative Declaration or Mitigated Negative Declaration), an EIR better informs the stakeholders, decision makers, and the general public about the Ordinance and its potential environmental impacts; improves public engagement by providing additional means for public input; and demonstrates the JPA's due diligence with regard to consideration of potential impacts resulting from the proposed ordinance. Further, because individual Members of the JPA will use the document as part of the consideration and potential adoption of an individual local version of the Model ordinance, an EIR allows the JPA to consider a range of alternatives to the proposed Ordinance and the environmental impacts associated with those alternatives. Therefore, members of the JPA could select one of the alternatives considered in the EIR as the preferred ordinance for that jurisdiction and no additional CEQA documentation would necessarily be required. If a Negative Declaration or Mitigated Negative Declaration CEQA document is performed, no alternative analysis would be included as part of the document. Thus if a JPA member agency wishes to consider an ordinance that varies from the proposed Ordinance analyzed in the ND or MND, that member would be required to perform additional CEQA review to demonstrate that the selected ordinance would not result in significant environmental impacts. The EIR process and consideration of alternative ordinances, also will assist the JPA in developing the model ordinance as the EIR process allows for varying approaches rather than one ordinance to which all member agencies must adhere. Given our experience with other carryout bag EIRs, we are confident that an EIR process for this project can be expedient and cost effective as well.

The EIR for the proposed Ordinance will be a "programmatic" study that will consider the overall effects of the proposed Single-Use Carryout Bag Reduction ordinance at a conceptual level. The EIR will be an atypical CEQA document insofar as the subject of the study will not have site-specific, or even local, impacts that can be readily ascertained. Rather, it is anticipated that any beneficial or adverse impacts associated with implementing the ordinance would fall into the realm of incremental contributions to regional, national, or even global changes. Consequently, the analysis will focus largely on the more "global" implications of mandated restrictions on carryout bags generally, with a secondary focus on the incremental contribution of the proposed ordinance to these larger effects. Specifically, the analysis will consider the life cycles of different types of bags and associated environmental effects.

We understand and have recently used the Master Environmental Assessment addressing the environmental impacts of various types of single-use and reusable bags (prepared by Green Cities California, March 2010). The EIR analysis will rely heavily on data from this background document as well as from locally adopted plans, policies and technical studies produced by other agencies that have considered similar ordinances, including but not limited to the cities of San Jose, Sunnyvale, San Francisco, Palo Alto, and Santa Monica, and the counties of Marin, San Mateo, Santa Clara, Sonoma and Los Angeles.

We anticipate that a key element of the EIR will be to weigh the pros and cons of the proposed ordinance and the proposed restrictions on plastic and paper bags, covering points raised by stakeholder



groups and weighing the evidence provided in support of their position against evidence in support of the proposed restrictions. In this way, the EIR will serve as a “clearinghouse” of information for the various points of view regarding this topic, thus affording decision makers and the public the opportunity to weigh the range of evidence and expert opinions regarding the merits of the proposed ordinance and restricting certain types of bags.

A complete EIR scope of work is presented in ***Section 4.0, Scope of Services***.

As a result of our extensive experience preparing EIRs for similar ordinances across the state, we possess many of the technical studies and background information required for the analysis. This includes the *Master Environmental Assessment on Single use and Reusable Bags* prepared by Green Cities California, a *Life Cycle Assessment* of various types of grocery bags prepared by Boustead Consulting and Associates, and an *Environmental Impact Assessment* of carryout bags prepared by Ecobilan. We also have access to an extensive library of ordinances and EIRs prepared for other jurisdictions, including but not limited to the cities of San Jose, Sunnyvale, San Francisco, Palo Alto, and Santa Monica, and the counties of Sonoma, San Mateo, Santa Clara, Ventura, Santa Barbara and Los Angeles.

Data we would request from the JPA to assist in developing a draft ordinance and to complete the environmental analysis would therefore be limited to the following:

- JPA-preferred CEQA Checklist (if applicable)
- Mailing lists, including contact information for the JPA Members, stakeholders and agencies involved
- Previous staff reports and information related to prior public outreach

We assume that JPA staff will schedule the public scoping meetings and perform necessary noticing for these meetings, and also that JPA staff will review and provide feedback on key deliverables (as outlined in ***Section 4.0, Scope of Services*** below).



4.0 SCOPE OF SERVICES

As noted previously, we believe that an EIR will be the appropriate CEQA document based on our previous experience with similar carryout bag reduction ordinances and since an EIR will allow the JPA to analyze various alternatives to the proposed Ordinance that may be useful for member agencies in selecting an ordinance that fits their specific needs/objectives. Nevertheless, we have provided two separate scenarios (an IS/ND or IS/MND scenario and an EIR scenario) in order to provide the JPA with options. The initial stages for both scenarios involve a kickoff meeting, Draft Model Ordinance preparation, and the preparation of an Initial Study (IS). If during the course of the preparation of the Initial Study we determine that a project impact would, or arguably would be, significant and unavoidable, we will notify the JPA immediately to discuss an appropriate course of action. If it is agreed that an impact would or may be significant, preparation of an EIR would be warranted. In such an instance, we would follow the EIR Scenario work program listed below to facilitate the circulation of a Notice of Preparation (NOP) of a Draft EIR and the preparation of a Draft EIR. If the Initial Study analysis determines that all environmental impacts would not result in a significant impact or clearly can be mitigated to a less than significant level, we could follow the IS/ND or IS/MND Scenario described below.

4.1 IS/ND (OR IS/MND) SCENARIO

The basic work program for the IS/ND will include the following tasks:

1. **Kickoff Meeting.** Rincon's project manager will attend a kickoff meeting with JPA staff for the project. This meeting will serve as a forum to review and confirm the objectives and establish an operational protocol. Working schedules will be finalized and details for scheduled tasks will be discussed. The kickoff meeting will also allow JPA staff and the consultant team an opportunity to thoroughly discuss the approach to environmental evaluation, the development of a Draft Model ordinance and possible project alternatives. Community concerns that have surfaced to date will also be discussed.
2. **Preparation of a Model Ordinance** – Rincon will prepare a Draft Model Ordinance that would establish exactly what types of retail would be restricted from providing plastic bags at the point of sale and what fee would be appropriate to charge for paper bags, what the definition of reusable bag. Further the Draft Model Ordinance will define each type of bag and will establish enforcement procedures. The Model Ordinance will be submitted to JPA staff for review and comment.
3. **Administrative Draft IS** – Rincon will prepare an Administrative Draft IS for JPA review. Rincon will adhere to the policies and procedures set forth in the Marin County Environmental Review Guidelines. The Administrative Draft IS will address all of the items on the environmental checklist. Whenever possible, impacts will be quantified. To the maximum extent feasible, existing technical studies will be used. Rincon will submit an electronic copy of the Administrative Draft IS in PDF and Word format. Our technical approach to the key issues to be addressed in the Administrative Draft IS is described below. At this point in the process, Rincon will lead a conference call with JPA staff to review the findings of the IS and make a recommendation regarding the type of CEQA document that will be required.
4. **Draft IS/ND** – Assuming that the Administrative Draft IS concludes that all impacts would be less than significant or beneficial, Rincon will respond to JPA comments on the Administrative Draft IS



and submit one electronic copy of the Draft IS/ND. Rincon will be responsible for printing 20 hard copies and five CD copies of the Draft IS/ND and mailing of the Notice of Availability (NOA) of the IS/ND to the State Clearinghouse and responsible agencies, and other noticing required under CEQA. We assume the JPA will be responsible for any local newspaper notices.

5. **Final IS/ND**– Upon receipt of public comments on the Draft IS/ND, Rincon will prepare draft responses to comments for JPA review. Upon receipt of JPA comments on the draft responses, we will incorporate changes and prepare the Administrative Final IS/ND. Prior to or following IS/ND approval, we will provide a PDF of the Final IS/ND (including responses to comments). Rincon will be responsible for printing 20 hard copies and five CD copies of the Final IS/ND. JPA will also be responsible for filing a Notice of Determination (NOD) and paying applicable filing fees.
6. **Public Hearing** - Rincon's project manager will attend one public hearing on the proposed Ordinance. If desired, we will make a presentation at the hearing summarizing the environmental review process and IS/ND conclusions.

4.2 EIR SCENARIO

The EIR will include the documentation components required by CEQA. These include: (1) Summary; (2) Project Description; (3) Environmental Setting; (4) Discussion of Environmental Impacts; (5) Discussion of Alternatives; (6) Discussion of Growth Inducing Impacts; and (7) Discussion of Significant Irreversible Environmental Changes.

The major tasks in the environmental review process are described below.

1. **Kickoff Meeting.** Rincon's Project Manager will attend a kickoff meeting for the project. This task is also identified under "IS/ND Scenario" and will be performed under either processing scenario.
2. **Preparation of a Model Ordinance** – This task would be the same as identified under the "IS/ND Scenario".
3. **Administrative Draft IS** – Rincon will prepare an Administrative Draft IS as described under the IS/ND scenario and meet with JPA staff to review the findings of the IS. If the project team concludes that there is the potential that a "fair argument" can be made that one or more of the project effects may be significant, we will proceed with the preparation of a Notice of Preparation (NOP) of a Draft EIR and a Draft EIR.
4. **Final Initial Study/Notice of Preparation (NOP)** - Upon JPA approval of the IS, that document will be circulated along with the NOP for the required 30-day review period. Rincon will be responsible for printing and circulation of the NOP to the State Clearinghouse and responsible agencies via Certified Mail. Rincon will print 20 hard copies and five CD copies of the IS and NOP.
5. **Public Scoping Meetings.** EIR scoping meetings are required for projects deemed to be of regional significance. Given the nature of the project and the geographical extent of the ordinance, we propose conducting three public scoping meetings with participating and responsible agencies, stakeholders, and community members. Rincon's public outreach coordinator Abe Leider will attend all three EIR scoping meetings during the 30-day NOP circulation period. The purpose of these meetings will be to introduce the community to the proposed project, provide an overview of the EIR process, and obtain input on the EIR scope of work. Rincon will prepare and make a brief PowerPoint presentation and provide all necessary handouts for the meeting (agendas, sign-in



sheets, comment sheets, etc.). We assume that JPA staff will schedule the meetings and perform necessary noticing for these meetings.

6. Administrative Draft EIR. Rincon will prepare and submit five electronic (CD) copies of the Administrative Draft EIR, which will address the components/issues listed below, in accordance with CEQA requirements. As part of the technical analysis, Rincon will utilize existing studies/research, including other single-use bag ordinance EIRs available from the Sonoma County (prepared by Rincon), the County of San Mateo (prepared by Rincon), the cities of San Jose, Sunnyvale (prepared by Rincon), Palo Alto (prepared by Rincon) Santa Monica (prepared by Rincon), and Huntington Beach (prepared by Rincon), the County of Los Angeles, the *Master Environmental Assessment on Single use and Reusable Bags* prepared by Green Cities California, and environmental documentation available from CalRecycle on Mandatory Recycling. The Administrative Draft EIR will include the following:

- **EIR Summary.** This section will include a summary of the proposed ordinance and associated environmental consequences presented in tabular format to simplify review by decision-makers and the general public. The summary will also list project alternatives, discretionary actions that are required, and identify any known areas of public controversy.
- **Project Description.** The project description will describe the proposed ordinance and implementation program. Appropriate graphics, including maps, tables, and charts, will be provided to illustrate the project as needed. This section will also list discretionary actions required and a statement of the project's objectives.
- **Introduction and Environmental Setting.** These introductory sections, required by CEQA, lay the groundwork for and summarize the substantive analysis to follow. The introduction will describe the purpose and legal authority of the study, and provide a discussion of lead, responsible and trustee agencies; the environmental setting will provide a general description of the existing environmental conditions within the County and the region. This section will also describe methods commonly used in the County and area cities for bagging purchases at retail establishments, existing litter conditions and methods for controlling litter, and manufacturing and distributing methods for single-use carryout bags.
- **Environmental Impact Analysis.** Analysis of impacts determined through the EIR scoping process to be potentially significant; this will include four main components:
 - *Setting (description of current conditions with respect to the issue are in question, including the existing regulatory environment);*
 - *Impact analysis (discussion of potentially significant effects of the proposed project; impacts are typically compared to established "thresholds of significance");*
 - *Mitigation measures (methods by which significant effects can be reduced or eliminated); and,*
 - *Level of significance after mitigation (discussion of whether or not proposed mitigation measures reduce impacts to below the adopted significance threshold).*

For each environmental issue analysis section, the "Impacts" subsection will begin with a list of all issues contained in Appendix G of the CEQA Guidelines (or the Marin County Environmental Review Guidelines, as appropriate), following by a listing of the thresholds for significance to be used. The analysis will then proceed with the detailed analysis of each issue determined to be "Less Than Significant with Mitigation Incorporation" or "Potentially Significant Impact." For each environmental issue requiring EIR analysis, the EIR will state the area of potential impact,



followed by an analysis discussion that describes the method for determining significance (impact threshold) and a comparison of the project impacts to that threshold, mitigation measures specific to the environmental issue, and discussion of the level of significance after mitigation. The EIR will be focused on those resource areas on which the proposed single-use carryout bag reduction ordinance may have a potential impact. The Initial Study, NOP and any responses that are submitted will be incorporated as an appendix in the Draft EIR.

- **Cumulative Impacts.** The cumulative impacts analysis will address the potentially significant cumulative impacts of the proposed ordinance when considered with other past, present, and reasonably foreseeable future projects in the area including but not limited to the ordinances in unincorporated Marin County, the City of Fairfax, the City of San Francisco and Sonoma County. This analysis can be presented as a stand-alone section in the EIR, or it can be incorporated into each environmental impact analysis section. Cumulative impacts will be discussed qualitatively, unless specific quantitative information on other pending projects is available.
 - **Other CEQA-Required Sections.** Discussions of other items required by the CEQA Guidelines will include an analysis of potential growth-inducing impacts, a listing of significant irreversible changes, report preparers, and references.
 - **Alternatives.** Up to four alternatives will be identified during the course of the study in consultation with JPA staff. These will include the CEQA-required “No Project” alternative and three alternative approaches to achieving the JPA’s objectives, likely consisting of alternate versions of the proposed ordinance. The alternatives’ evaluation will provide decision-makers and the public information to understand the differences between the environmental effects of the alternatives; specifically, the analysis will identify whether the alternative’s impact would be less than or greater than that of the project, the magnitude of impact, and general mitigation requirements, if any. This analysis is important as JPA Members may prefer to adopt one of the alternatives as ordinance rather than the proposed ordinance.
- 7. Draft EIR.** The Draft EIR will incorporate all relevant JPA comments on the Administrative Draft EIR. Following receipt of all comments on the Administrative Draft EIR, Rincon will submit 20 hard copies and 10 copies on CD to the JPA for distribution to government agencies and interested members of the public. Rincon will also deliver a .PDF “reproducible master” version of the document to the JPA for its website posting. The Draft EIR document will be circulated for public comment for a period of 45 days, as required by CEQA. We assume that Rincon will circulate the document to the State Clearinghouse (15 CD copies of the Draft EIR) and responsible agencies and provide other noticing of the document’s availability to the public while the JPA will be responsible for required newspaper notices.
- 8. Final EIR.** The Final EIR will include all comment letters received during the public review period, responses to all comments received on the Draft EIR, a list of persons or agencies receiving the Draft EIR, and any necessary text changes, shown in track changes format. We anticipate the majority of comment letters received on the Draft EIR would be from supporters of the proposed ordinance. However, we also anticipate and would be prepared to address any comments from opponents of the ordinance. Rincon has extensive experience providing written responses to letters from organizations in favor of and against bag ordinances as part of the CEQA process. We are very familiar with the key issues raised and information sources used by these groups and will be able to utilize our previous experience to address any comments that the JPA may receive.

Rincon will provide a PDF and Word copy of Administrative Final EIR to JPA staff for review and



comment. Upon JPA approval, Rincon will provide 20 hard copies and five electronic (CD) copies of the Final EIR, along with a .PDF version of the document for website posting. Rincon will also mail the Final EIR (CD copy) to responsible and trustee agencies and interested public organizations following the requirements of CEQA.

- 9. Mitigation Monitoring and Reporting Plan.** Concurrent with preparation of the Final EIR, Rincon will prepare a mitigation monitoring and reporting plan (MMRP) in accordance with CEQA Guidelines and JPA requirements. The MMRP will identify potentially significant adverse impacts, if any, as well as proposed mitigation, the person or JPA responsible for overseeing the mitigation, timing, and methods for ensuring compliance, as appropriate. The MMRP will be attached to the Final EIR.
- 10. Public Hearing and Findings of Fact.** Rincon's Project Manager will attend up to two hearings on the project, providing technical support to JPA staff. At the request of the JPA staff, Rincon will provide assistance to the JPA in connection with responses to any appeal of the EIR. Rincon will also prepare and submit Findings of Fact and, if applicable, Statement of Overriding Considerations to be included with the staff report. Following approval of the proposed ordinance, Rincon will prepare and submit a Notice of Determination to be filed with the Marin County Clerk's office.

4.3 TECHNICAL APPROACH TO ENVIRONMENTAL ISSUES

Rincon's technical approach to issue areas (whether under the IS/ND Scenario or the EIR Scenario) is described below. These are the key issue areas of concern based on our experience with other single-use bag ordinances. We anticipate that other issues will be adequately addressed in the Initial Study.

- *Biological Resources*
- *Hydrology and Water Quality*
- *Utilities and Service Systems*
- *Air Quality*
- *Greenhouse Gas Emissions*

Biological Resources

Various studies have found that single-use bags may result in a significant impact upon biological resources primarily related to litter that enters aquatic and marine habitats. As described in these studies, litter that eventually enters coastal habitats can adversely affect sensitive species that inhabit coastal and marine environments, including sea turtles, seals, whales, otters, or bird species as a result of ingestion or entanglement. This section will analyze the proposed Ordinance's impacts to biological resources, including both direct impacts associated with the proposed Carryout Bag Waste Reduction Ordinance and indirect effects to off-site biological resources (including creeks, rivers, bays and Pacific Ocean).

Hydrology and Water Quality

Although the proposed Ordinance would not involve any physical development that would directly affect hydrology and water quality, this section will analyze impacts associated with impacts to surface water drainage and water quality issues as a result of the change of use of carryout bags. Drainage impacts will relate to carryout bag litter while the water quality impacts will relate to litter as well as manufacturing of carryout bags. The analysis will provide background of the effects of various types of carryout bags (plastic, paper and reusable) and determine drainage and water quality impacts related to the reduction in the use of single-use carryout bags that would likely result from the proposed Ordinance.



Utilities and Service Systems

Impacts to utilities and service systems as a result of the proposed Ordinance may include impacts related to wastewater generation, water supply, and solid waste disposal. The analysis would determine how the proposed Carryout Bag Waste Reduction Ordinance would alter water use, wastewater generation or solid waste disposal related to carryout bags in Marin County and within each of the nine member agencies that would consider adoption of the Ordinance. Specifically, the analysis will evaluate water use and wastewater generation associated with the manufacturing process of carryout bags, water use and wastewater as a result washing/sanitizing reusable bags, and the anticipated change in the amount of solid waste related to carryout bag use that would result from the proposed Ordinance.

Air Quality

This section will analyze the proposed ordinance's long-term impacts to local and regional air quality. Since the proposed Ordinance does not involve any physical development, it is anticipated that there would be no emissions related to construction. Therefore, the EIR analysis will focus on operational air quality impacts associated with carryout bag manufacturing facilities, the impacts associated with truck trips that deliver carryout bags in Marin County, and the disposal or degradation of carryout bags in a landfill.

Air pollutant emissions will be calculated using the CalEEMod air quality model and compared to Bay Area Air Quality Management District's (BAAQMD) significance thresholds. If emissions are found to exceed BAAQMD thresholds, appropriate mitigation will be identified. In addition, in order to calculate emissions related to carryout bags, the analysis will utilize various studies that have estimated air emissions for different types of carryout bags (single use plastic, paper or reusable bags) to determine a per bag emissions rate. The EIR analysis will then determine existing emissions from existing carryout bag use in Marin County and quantify the emissions associated with altering the use as a result of the proposed ordinance. We will then determine whether the change in emissions as a result of the ordinance would result in any significant impacts in relation to the BAAQMD thresholds.

Greenhouse Gas Emissions

The issue of greenhouse gases (GHGs) and climate change has emerged as a critical topic under CEQA and recommended environmental checklist in the *CEQA Guidelines* has recently been updated to include this topic. The analysis of GHGs/climate change will discuss the general nature and sources of climate change, current efforts to regulate GHGs (including recent Office of Planning and Research publications and guidelines relating to how climate change should be addressed in CEQA documents), and the proposed ordinance's potential contribution to this cumulative issue. The project analysis will quantify emissions associated with manufacturing, transportation and disposal/degradation of carryout bags as these are the largest contributors to GHG emissions. The analysis will use the latest version of the CalEEMod air quality model and compare emissions to the statewide GHG inventory. Similar to the air quality analysis, the GHG analysis will utilize various studies to produce a per bag GHG emissions rate to compare existing conditions with proposed conditions under the Ordinance. The discussion will also compare project emissions to suggested thresholds from the BAAQMD. If determined to be necessary, measures that would minimize the project's contribution to climate change to the maximum extent feasible will be recommended.



5.0 SCHEDULE

The following is a list of deliverable products to be provided along with the timeframes for completion of these products for the both the IS/ND Scenario and the EIR Scenario. Based on our experience with other single-use bag ordinance CEQA documents, we propose a timeline that meets the draft timeline in the JPA's RFP. Based on the assumptions used herein, the IS/ND Scenario would be completed in approximately five months and the EIR Scenario would conclude within approximately eight months of project kickoff. However, please note that if we agree at project kickoff that the EIR Scenario is the preferred approach, Rincon can save time during the preparation of the Initial Study and would be able to complete the EIR Scenario in approximately six months.

IS/ND or IS/MND Scenario

1. **Kickoff Meeting.** Rincon will arrange and manage a project kickoff meeting within one week of receipt of notice to proceed. The kickoff meeting is anticipated for March 1, 2013.
2. **Draft Model Ordinance.** Rincon will submit a Draft Model Ordinance to the JPA within one week of the kickoff meeting. JPA will review the Draft Model Ordinance and Rincon will update following any comments, revisions or edits submitted by JPA staff.
3. **Administrative Draft IS/ND.** Rincon will submit an electronic copy (.pdf and Word format) of the Administrative Draft IS for JPA staff review within three weeks after the Draft Model Ordinance is approved by JPA staff. At this point in the process, Rincon will lead a conference call with JPA staff to review the findings of the IS and make a recommendation on the type of CEQA document that will be required.
4. **Draft IS/ND –** Within one week of receiving comments/revisions on the Administrative Draft IS/ND from JPA staff, Rincon will update the Draft IS and will print 20 hard copies and 5 CD copies of the Draft IS/ND and mail the Notice of Availability (NOA) of the IS/ND to the State Clearinghouse and responsible agencies. This will start the 30-day public review period.
5. **Final IS/ND–** Within one week of receipt of public comments on the Draft IS/ND following the 30-day public review period, Rincon will prepare draft responses to comments and will submit the responses to the JPA staff for review. Within one week of JPA staff comments on the draft responses, we will incorporate changes and provide a PDF copy (including responses to comments) along with 20 hard copies and five CD copies of the Final IS/ND to JPA staff.
6. **Public Hearing.** Rincon's Project Manager will attend one public hearing on the project and will assist in presenting the conclusions of the Final EIR. It is assumed that the JPA hearing for the Final IS/ND and Draft Model Ordinance would occur in within approximately five months of the project kickoff.














Marin County Hazardous and Solid Waste Management JPA

Single-Use Carryout Bag Reduction Ordinance

IS/ND or IS/MND Scenario

Proposed Schedule

TASK	2013				
	March	April	May	June	July
Kickoff Meeting					
Draft Model Ordinance	 				
Administrative Draft IS/ND		 			
Draft IS/ND			 		
Final IS/ND					
<i>Administrative Final IS/ND(with Responses)</i>				 	
<i>Publication of Final IS/ND</i>					
Public Hearing					

- ▶ Work in Progress (Rincon)
- ▶ JPA Staff Review
- ▶ Public Review
- Public Hearing/Meeting



EIR Scenario

1. **Kickoff Meeting.** Rincon will arrange and manage a project kickoff meeting within one week of receipt of notice to proceed. The kickoff meeting is anticipated for March 1, 2013.
2. **Draft Model Ordinance.** Rincon will submit a Draft Model Ordinance to the JPA within two weeks of the kickoff meeting. JPA will review the Draft Model Ordinance and Rincon will update following any comments, revisions or edits submitted by JPA staff.
3. **Administrative Draft IS.** Rincon will submit five CD copies (in .pdf and Word version) of the Administrative Draft IS for JPA staff review within three weeks after the Draft Model Ordinance is approved by JPA staff. At this point in the process, Rincon will lead a conference call with JPA staff to review the findings of the IS and make a recommendation on the type of CEQA document that will be required.
4. **Final Initial Study/Notice of Preparation (NOP) –** Within one week of JPA approval of the IS, Rincon will update accordingly, print and circulate the IS and NOP to the State Clearinghouse and responsible agencies via Certified Mail. Rincon will print 20 hard copies and 5 CD copies of the IS and NOP. This will start the 30-day public review period for the NOP.
5. **EIR Scoping Meetings.** Rincon, with JPA staff, will conduct three public scoping meetings within the 30-day NOP period.
6. **Administrative Draft EIR.** Five CD copies (.pdf and Word format) of the Administrative Draft EIR will be delivered to the JPA within five weeks of the release of the NOP. This schedule assumes that JPA review of the Administrative Draft EIR would take two weeks.
7. **Draft EIR.** The public review Draft EIR will be delivered within two weeks of receipt of JPA staff comments on the Administrative Draft EIR. Rincon will prepare and submit the Notice of Completion, Notice of Availability, and will mail the Draft EIR to responsible and trustee agencies and interested public organizations. The Draft EIR will be circulated for a period of 45 days. Rincon will print 15 CD copies of the EIR for the State Clearinghouse, 20 hard copies and 5 CD copies for the JPA and other responsible agencies.
8. **Final EIR.** Draft responses to comments on the Draft EIR and a draft MMRP will be provided in .pdf and Word format for JPA staff review within one week of receipt of all comment letters. This schedule assumes that JPA staff review of this deliverable will take one week. The Final EIR will be submitted within one week of receipt of comments on the Administrative Final EIR and will consist of the responses to comments, corrections to the Draft EIR, and the MMRP. Rincon will print 20 hard copies and 5 CD copies of the Final EIR for the JPA and responsible agencies.
9. **Public Hearing.** Rincon's Project Manager will attend up to two public hearings on the project and will assist in presenting the conclusions of the Final EIR. It is assumed that the JPA hearings would occur within eight months of the project kickoff.

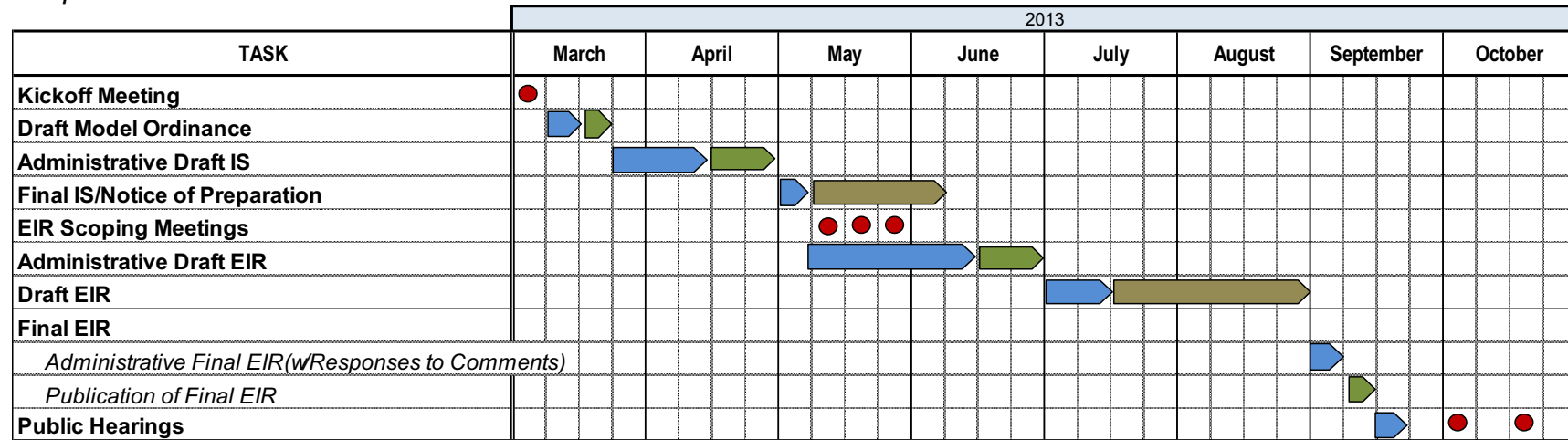


Marin County Hazardous and Solid Waste Management JPA

Single-Use Carryout Bag Reduction Ordinance

EIR Scenario

Proposed Schedule



- Work in Progress (Rincon)
- Agency Staff Review
- Public Review
- Public Hearing/Meeting



6.0 BUDGET

For the IS/ND Scenario, Rincon Consultants, Inc. will prepare the Draft Model Ordinance and the IS/ND (or IS/MND) in accordance with the scope of work described herein for a fee of **\$20,511**. A detailed breakdown of costs by task is provided below. Attendance at a project kickoff meeting, meetings with JPA staff, and one JPA hearing is included in the budget along with printing and mailing of all documents.

Marin County Hazardous and Solid Waste Management JPA Single-Use Carryout Bag Reduction Ordinance IS/ND or IS/MND Scenario

Cost Estimate

Tasks	Cost	Hours	Rincon Consultants				
			Principal \$175/hour	Sr. Assoc. / PM 125/hour	Assoc. \$105/hour	Graphics \$75/hour	Clerical \$55/hour
1. Kickoff Meeting	\$500	4		4			
2. Draft Model Ordinance	\$1,840	16		8	8		
3. Administrative Draft IS/ND							
3.1 Introduction and Environmental Setting	\$335	3		1	2		
3.2 Project Description	\$1,255	13	1	2	4	4	2
3.3 Environmental Impact Analysis							
Biological Resources	\$1,205	11	1	2	6	2	
Hydrology and Water Quality	\$1,055	9	1	2	6		
Utilities and Service Systems	\$1,265	11	1	2	8		
Air Quality	\$1,055	9	1	2	6		
Greenhouse Gas Emissions	\$1,055	9	1	2	6		
Other Checklist Issues							
4. Draft IS/ND	\$880	8		2	6		
5. Final IS/ND							
6.1 Administrative Final IS/ND	\$1,950	18	2	4	8	2	2
6.2 Publication of Final IS/ND	\$405	7				1	6
10. Public Hearing (1)	\$1,575	13		12		1	
Project Management (including meetings with staff)	\$3,840	32	4	20	4		4
Subtotal Rincon Labor:	\$18,215	163	12	63	64	10	14
Additional Costs							
Printing and Mailing:							
Draft IS/ND (20 hard copies, 5 CDs)	\$475						
Final IS/ND (20 hard copies, 5 CDs)	\$475						
Supplies and Miscellaneous Expenses	\$1,046						
General and Administrative	\$299						
Subtotal Additional Costs:	\$2,296						
TOTAL: Labor + Additional Costs	\$20,511						



For the EIR Scenario, Rincon Consultants, Inc. will prepare the Draft Model Ordinance and the EIR in accordance with the scope of work described herein for a fee of **\$43,116**. A detailed breakdown of costs by task is provided on the following page. Attendance at a project kickoff meeting, meetings with JPA staff, three public scoping meetings, and up to two JPA hearings is included in the budget along with printing and mailing of all documents.

Marin County Hazardous and Solid Waste Management JPA Single-Use Carryout Bag Reduction Ordinance *EIR Scenario*

Cost Estimate

Tasks	Cost	Hours	Rincon Consultants				
			Principal \$175/hour	Sr. Assoc. / PM 125/hour	Assoc. \$105/hour	Graphics \$75/hour	Clerical \$55/hour
1. Kickoff Meeting	\$500	4		4			
2. Draft Model Ordinance	\$1,840	16		8	8		
3. Administrative Draft IS	\$3,235	29	2	8	16	2	1
4. Final IS/NOP	\$670	6		2	4		
5. Public Scoping Meetings (3)	\$1,800	16		12		4	
6. Administrative Draft EIR							
6.1 Summary	\$895	7	2	1	4		
6.2 Introduction and Environmental Setting	\$755	7		1	6		
6.3 Project Description	\$1,465	15	1	2	6	4	2
6.4 Environmental Impact Analysis							
Biological Resources	\$1,415	13	1	2	8	2	
Hydrology and Water Quality	\$1,475	13	1	2	10		
Utilities and Service Systems	\$2,355	21	1	4	16		
Air Quality	\$1,935	17	1	4	12		
Greenhouse Gas Emissions	\$1,935	17	1	4	12		
6.5 Cumulative Impacts	\$1,055	9	1	2	6		
6.6 Other CEQA-Required Sections	\$720	6	1	1	4		
6.7 Alternatives (4)	\$2,855	25	1	8	16		
7. Draft EIR	\$2,775	29	2	4	12	3	8
8. Final EIR							
6.1 Administrative Final EIR	\$3,290	30	2	8	16	2	2
6.2 Publication of Final EIR	\$405	7				1	6
9. Mitigation Monitoring and Reporting Plan	\$390	4		1	2		1
10. Public Hearings (2)	\$1,575	13		12		1	
10.1 Findings of Fact	\$425	3	1	2			
Project Management (including meetings with staff)	\$4,550	38	4	24	6		4
Subtotal Rincon Labor:	\$38,315	345	22	116	164	19	24
Additional Costs							
Printing and Mailing:							
Draft IS/NOP (20 hard copies, 5 CDs)	\$475						
Administrative Draft (5 CDs)	\$75						
Draft EIR (20 hard copies, 20 CDs)	\$1,100						
Final EIR (20 hard copies, 5 CDs)	\$875						
Supplies and Miscellaneous Expenses	\$1,649						
General and Administrative	\$626						
Subtotal Additional Costs:	\$4,801						
TOTAL: Labor + Additional Costs	\$43,116						



The proposed scope of services and associated costs are fully negotiable to meet the needs of the Marin County Hazardous and Solid Waste Management JPA. Additional work not included within our proposed work program will be completed only upon written authorization in accordance with our standard fee schedule. This offer for professional services will remain in effect for a period of 60 days from the date of this proposal. During this period, questions regarding our proposed scope of services may be directed to Matthew Maddox, Project Manager with Rincon Consultants.





Resumes



JOE POWER, AICP CEP

Principal

Rincon Consultants, Inc.

Mr. Power is a Principal in Rincon's Sustainability Services group. In this capacity, he is responsible for overseeing the preparation of planning and environmental documents, preparing specialized technical studies, and overall coordination of the sustainability services program. Mr. Power has over 19 years of experience in environmental consulting and has managed or primarily authored successful planning and environmental and planning studies on projects ranging from affordable housing to urban redevelopment to citywide transportation systems.

TECHNICAL CAPABILITIES

- Mr. Power is proficient in applying sustainable development concepts to planning issues. He is the co-author of *A Planner's Guide to Sustainable Development*, an APA Planning Advisory Service Technical Report that provides guidance to the practicing planner in initiating and implementing local sustainable development programs as well as the APA's *Policy Guide on Planning for Sustainability*.
- Mr. Power has prepared specialized technical reports on a range of planning and environmental topics, including sustainability, greenhouse gases/global climate change, and water supply/ conservation.
- Mr. Power has prepared and overseen the preparation of climate action plans, greenhouse gas inventories, and climate change impact studies, and has participated in greenhouse gas verification services pursuant to California Air Resources Board requirements.
- Mr. Power has incorporated sustainability concepts into citywide General Plans and Plan Elements as well as Specific Plans and Master Plans for neighborhoods and communities.
- Mr. Power is a skilled public presenter and moderator, having facilitated public workshops for various General Plan Elements and EIRs, and conducted professional presentations at both the California and National American Planning Association conferences.

EDUCATION, REGISTRATIONS AND AFFILIATIONS

B.A., Urban and Economic Geography, University of Georgia

M.A., Architecture and Urban Planning, UCLA Graduate School of Architecture and Urban Planning

American Planning Association

American Institute of Certified Planners, Certified Environmental Planner

LEED Green Associate

EMPLOYMENT HISTORY

Rincon Consultants, Inc. (1996 through present)

Planning Consultants Research (1996)

Fugro West, Inc. (1991 through 1996)

City of West Hollywood (1990 through 1991)

South Coast Air Quality Management District (1989 through 1990)

PROJECT EXPERIENCE

Climate Action Plans/Greenhouse Gas Studies

- Tuolumne County Regional GHG Inventory and Reduction Plan, Tuolumne County Transportation Council
- City of Vista Climate Action Plan, City of Vista
- Lake Elsinore Climate Action Plan, City of Lake Elsinore
- Las Americas East Project Greenhouse Gas Study, City of San Diego
- Courtyard by Marriott Greenhouse Gas Study, City of San Diego
- Cedar and Kettner Property Air Quality and GHG Studies – San Diego, BRG Consulting
- Dos Colinas Project Greenhouse Gas Study, City of Carlsbad
- Southwestern College Master Plan Greenhouse Gas Study, City of Chula Vista
- Lowe's Department Store Greenhouse Gas Study, City of Thousand Oaks
- Housing Element Green House Gas Studies for Various Cities, Veronica Tam & Associates
- Greenhouse Gas/Climate Change Issue Paper for 2030 General Plan, City of Calabasas

Other Sustainability Studies

- City of Santa Monica Conservation Element Update (Sustainable Community Component)
- Single Use Bag Ban Ordinance EIR, County of San Mateo
- Disposable Checkout Bag Ordinance EIR, City of Palo Alto
- Single-Use Carryout Bag Reduction Ordinance EIR, City of Sunnyvale
- Single-Use Carryout Bag Reduction Ordinance EIR, City of Huntington Beach
- Single-Use Bag Ordinance EIR, City of Santa Monica
- Plastic Carryout Bag Ordinance EIR Addendum, City of Long Beach
- Sustainability Issue Paper for 2030 General Plan, City of Calabasas

General Plans, Specific Plans, and Redevelopment Plans

- City of Calabasas 2030 General Plan, Development Code, and EIR
- City of Avalon General Plan and EIR
- City of Ventura 2005 General Plan and EIR
- City of Carpinteria Noise and Safety Elements and General Plan EIR
- City of Fillmore General Plan and EIR
- North Fillmore Specific Plan EIR
- North Fillmore Business Park Master Plan EIR
- City of Santa Clarita Circulation Element Update EIR
- E. Colorado Boulevard Specific Plan EIR, City of Pasadena
- Whiteside Redevelopment Project EIR, Los Angeles County CDC
- City of Ventura Downtown Specific Plan EIR
- West Los Angeles Community Plan EIR, City of Los Angeles

PUBLICATIONS/PROFESSIONAL PRESENTATIONS

A Planner's Guide to Sustainable Development, with Kevin J. Krizek, Planning Advisory Service Technical Report No. 467, American Planning Association, December 1996.

"De-energizing Our Future," with Stephen Harrington, *Environmental Monitor*, Association of Environmental Professionals, Spring 1998.

"New Directions in Sustainable Development," APA National Conference, San Diego, California, April 1997.

CEQA Seminar Instructor, American Public Works Association and Association of Environmental Professionals, 2008.



MATT MADDOX, MESM

Environmental Planner

CARB Accredited Greenhouse Gas Lead Verifier

Rincon Consultants, Inc.

Matt Maddox serves as an environmental planner within Rincon's Environmental Science and Planning group and the Sustainable Consulting Group. In this capacity, he is involved in a wide range of urban planning and land use studies, sustainable design review, air quality and greenhouse gas analysis, CEQA/NEPA environmental documentation, as well as community involvement and permitting activities. Mr. Maddox has a strong background in environmental management, policy, and environmental planning. He has contributed to successful environmental and planning projects ranging from focused inner city redevelopment studies, to sustainable design review and documentation for compliance with environmental regulations, to greenhouse gas emissions analysis for General Plan housing elements, to LEED certified mixed use projects. Mr. Maddox has developed a focus in the area of urban planning, sustainable design, and greenhouse gas analysis.

TECHNICAL CAPABILITIES

- Mr. Maddox has a thorough familiarity with California planning law and CEQA/NEPA compliance. He is proficient in preparing environmental documents that communicate effectively to decision-makers and the public, and assist in achieving planning objectives.
- Mr. Maddox has a unique background in both policy and science which allows him to effectively work on a variety of planning and sustainability issues.
- Mr. Maddox is a skilled assessor of sustainable design, energy efficiency and renewable energy in regard to the environmental impacts of development projects and is proficient in preparing technical studies related to noise, air quality, and greenhouse gas emissions.
- Mr. Maddox has extensive experience in affordable housing, redevelopment, and farm worker housing projects.

EDUCATION, REGISTRATIONS AND AFFILIATIONS

Master of Environmental Science & Management (MESM), Bren School of Environmental Science and Management, University of California, Santa Barbara

B.A., Political Science, Cal Poly-San Luis Obispo

American Planning Association

Certified Green Building Professional (CGBP) – Build It Green®

Accredited Greenhouse Gas Emissions Lead Verifier – California Air Resources Board

EMPLOYMENT HISTORY

Rincon Consultants, Inc., Ventura, CA (01/2007 through present)

California State University, Sacramento, CA (09/2005 to 09/2006)

PROJECT EXPERIENCE

Sustainable Design

- Single-Use Carryout Bag Ordinance EIR, City of Santa Monica

- Plastic Carryout Bag Ordinance EIR Addendum, City of Long Beach
- Single-use Carryout Bag Reduction Ordinance EIR, City of Sunnyvale
- Single Use Bag Ban Ordinance EIR, County of San Mateo
- Disposable Checkout Bag Ordinance EIR, City of Palo Alto
- Single Use Bag Ban Ordinance EIR, Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)
- 2919 Wilshire Boulevard – LEED Certified Mixed Use Development, City of Santa Monica
- Colorado Boulevard – LEED Certified Commercial Development, City of Pasadena
- 2001 Main Street Mixed Use Project – LEED Certified Historic Building, City of Santa Monica
- Annenberg Project at Lower Point Vicente – Sustainable Animal Education Center, City of Rancho Palos Verdes
- Conejo Creek Specific Plan EIR, City of Camarillo
- Sunset Boulevard Mixed Use Development EIR, City of West Hollywood

Affordable Housing and Redevelopment Projects

- Corona Revitalization Zone EIR, Corona Redevelopment Agency
- Alameda Seniors Project, LACDC
- Cabrillo Economic Development Corporation Farm Worker Housing EIR, Ventura County
- High Place East and West Affordable Housing Project EIR, City of Santa Monica
- Carson Consolidated Project Area EIR, Carson Redevelopment Agency
- North Village Center Redevelopment Project EIR, City of Long Beach Redevelopment Agency
- Orcutt Key Site #3 Focused Housing Rezone Program, County of Santa Barbara

CEQA and NEPA Compliance

- Portuguese Bend Landslide Moratorium EIR, City of Rancho Palos Verdes
- Scripps Park West Phase II ISMND, City of San Diego
- LA Water, LLC Chemical Manufacturing Facility EIR, City of Southgate
- Fulton Street Expansion-NEPA, City of Ojai
- Ventura Harbor Public Works Plan Amendment EIR, Ventura County
- West LA and Central City Community Plan EIR,s City of Los Angeles
- Saticoy and Wells Community Plan EIR, City of Ventura
- Sunset Plaza Expansion Project EIR, City of West Hollywood
- Rose Ranch EIR – retail and commercial shopping center, City of Oxnard
- Tentative Tract 5475 Hillside Community, Open Space, and Public Park Facility EIR, City of Santa Paula

Air Quality Studies and Greenhouse Gas Analysis

- Outlets at the Border EIR – Air Quality and Greenhouse Gas Study, City of San Diego
- Los Robles Regional Medical Center – Air Quality Study, City of Thousand Oaks
- Dos Colinas Senior Housing Project Greenhouse Gas Study, City of Carlsbad
- Southwestern College Modernization Project Greenhouse Gas Study, City of Chula Vista
- Greenhouse Gas Analyses for General Plan Housing Elements – Cities of Glendora, Lomita, Glendale, Lawndale, Hayward & Walnut
- County of Santa Barbara Orcutt Key Site 3 – Health Risk Assessment
- Santa Paula Rock, Gravel, and Sand CUP and Reclamation Plan – Health Risk Assessment
- Downtown San Diego Courtyard by Marriott GHG Study, City of San Diego
- Badlands Landfill-Gas-to-Energy Facility Greenhouse Gas Verification, Riverside County
- Cogeneration Facility Greenhouse Gas Verification, South Orange County Wastewater Authority
- Oil and Gas Facilities Greenhouse Gas Verification, Plains Exploration & Production Company

**ABE LEIDER, AICP CEP**

Supervising Planner
Rincon Consultants, Inc.

Mr. Leider is a supervising planner in Rincon's Environmental Sciences and Planning group. He is responsible for management and preparation of planning and environmental documents and specialized technical studies. Mr. Leider has over 14 years of experience in the planning field and has managed or primarily authored successful planning and environmental documents on subjects ranging from regional resource management and land use regulation to complex public and private development projects.

TECHNICAL CAPABILITIES

- Mr. Leider has managed or prepared numerous CEQA environmental documents and is proficient at interpreting state and federal planning and environmental regulations and guidelines as well as developing thorough and clear environmental documentation.
- Mr. Leider is experienced at providing professional contract planning support in all facets of the project review and permitting process to small, mid-sized and large jurisdictions throughout Southern California.
- Mr. Leider has prepared informational and technical reports on a range of planning and environmental topics, including general land use trends, agriculture, biology and aesthetics/visual resources.
- Mr. Leider is a skilled public presenter, having presented government programs and private development projects to the public at large and to elected and appointed officials at public hearings, and provided professional presentations at land use symposia and conferences around California.

EDUCATION/AFFILIATIONS

B.A., English and Environmental Studies, University of California at Santa Barbara (UCSB)
Professional Certificate in Land Use and Environmental Planning, UCSB Extension
American Institute of Certified Planners, Certified Environmental Planner

EMPLOYMENT HISTORY

Rincon Consultants, Inc. (2005 - present)
Santa Barbara County Planning and Development Department (1997 - 2005)
Center for Urban Agriculture at Fairview Gardens, Goleta, California (1995 - 1997)
Yardang, Inc., Crested Butte, Colorado (1992 - 1995)

SELECTED PROJECT EXPERIENCE*CEQA and NEPA Compliance*

- Single Use Bag Ban Ordinance EIR, County of San Mateo
- Disposable Checkout Bag Ordinance EIR, City of Palo Alto
- Single Use Bag Ban Ordinance EIR, Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)
- Claremont McKenna College Master Plan EIR, City of Claremont
- Biola University Master Plan EIR, City of La Mirada
- Beverly Hills Gateway Project EIR, City of Beverly Hills
- El Segundo Aquatics Center Site Feasibility Study EIR, City of El Segundo

- Long Beach North Village Redevelopment EIR, City of Long Beach
- Burbank Media Studios North EIR, City of Burbank
- City of Ojai Housing Element EIR, City of Ojai
- Villages at the Lakes Specific Plan EIR, City of Camarillo
- County of Santa Barbara Oak Protection Program EIR, County of Santa Barbara
- The Next Downtown Los Angeles – Design Guidelines and Street Standards MND
- Numerous CEQA Exemptions and Negative Declarations for both routine and complex public and private development and infrastructure projects
- Review and Comment on California Department of Transportation (Caltrans) NEPA and CEQA documents for coastal projects in County of Santa Barbara jurisdiction

General Plans and Ordinances

- Agricultural Element Implementation, County of Santa Barbara
- Oak Protection Program Development and Adoption, County of Santa Barbara
- Farmland Security Zone Program Adoption and Implementation, County of Santa Barbara
- Open Space Assessment, County of Santa Barbara
- The Grove and Saticoy Gateway Specific Plans, City of Ventura

Public Facilities and Infrastructure

- Gaviota Bridge project permitting, County of Santa Barbara Public Works/California State Parks
- Rincon Creek Bridge Replacements and Highway 150 Realignment project permitting, County of Santa Barbara/Caltrans
- Serena Park Soundwall project permitting, Santa Barbara/Caltrans

Contract Planning

- Subdivision Cases Backlog Reduction, City of Los Angeles
- EIR Review Backlog Reduction, City of Los Angeles
- Major Projects, Cities of Ojai and Port Hueneme

AWARDS/PUBLICATIONS/PROFESSIONAL PRESENTATIONS

Planning Excellence for Best Practice – The Next Downtown, City of Los Angeles, American Planning Association, Los Angeles Chapter (shared)

Urban Agriculture in the Goleta Valley, County of Santa Barbara, August 2002.

Status Of Agricultural Land Use, County of Santa Barbara, April 1999.

Balancing Oak Protection with Farming Flexibility: Lessons from Santa Barbara County, Integrated Hardwood Range Management Program Fifth Symposium on Oak Woodlands, San Diego, California, October, 2001.

Controversy and Collaboration: Vineyards in a Santa Barbara Landscape, Integrated Hardwood Range Management Program Symposiums in Mendocino and Sonoma Counties, 1998 and 1999



DUANE VANDER PLUYM, D. Env.

Vice President

Rincon Consultants, Inc.

Dr. Vander Pluym is the Senior Environmental Principal / Senior Principal Biologist, providing technical review and oversight of projects, and training and management of environmental and biological professional staff. He has over 32 years of experience in the biological and environmental service lines.

TECHNICAL CAPABILITIES

- Dr. Vander Pluym has served as the Principal-in-Charge (PIC)/technical reviewer for over 200 projects in the last 2 years. He has also been a project manager and primary technical investigator for over 500 reports performed for public and private agencies.
- Dr. Vander Pluym's primary expertise is in environmental analysis for the complete suite of CEQA issue areas, with particular expertise in biology. He is also an expert in the fields of noise, air quality, health risk analysis, hydrology, and water quality. His knowledge includes CEQA and NEPA regulations, state and federal Endangered Species Acts requirements, Army Corps of Engineers 404 jurisdictional wetlands analysis, California Fish and Game regulations, DTSC and EPA risk assessment methods, and air quality modeling.
- Dr. Vander Pluym has considerable experience working with many public agencies, providing public testimony, and leading public hearings and meetings. He has also served as an expert witness during litigation.

PERMITS, REGISTRATIONS, AND AUTHORIZATIONS

CDFG Scientific Collecting Permit

EDUCATION, TRAINING, and AFFILIATIONS

Doctorate, Environmental Science and Engineering, University of California, Los Angeles (1988)

M.A., Biology, University of California, Riverside (1975)

B.Sc., Biology, University of California, Riverside (1974)

California Community College Instructor, biological sciences and ecology

Citizens Advisory Committee - Ventura County APCD

EMPLOYMENT HISTORY

Rincon Consultants, Inc. (1995 through present)

Fugro West, Inc./McClelland Engineers, Inc. (1983 through 1994)

Envicom Corporation (1976 through 1980)

SELECTED PROJECT EXPERIENCE

Project Management

- Principal-in-Charge, On-Call Biological Consulting MSA - Southern California Gas Company (SCG)/Sempra Energy Utilities (SEU)
- Principal-in-Charge for SCG/SEU Coastal Region Programmatic Support
- Principal-in-Charge, San Joaquin Valley ESA Biological Opinion and Biological Assessment Revisions -

SCG/SEU

- Principal in Charge, Bolsa Chica Pipeline Removal Project, Permitting, Monitoring, and Interagency Compliance - Southern California Gas Company
- Principal-in-Charge, Distributed Solar Projects - Biological Studies and Technical Reports - Recurrent Energy

Industrial and Infrastructure Facilities

- SCG CDCA Regional Streambed Alteration Agreement/404 Permit for O&M Projects
- Alternative Site Analysis, Tessera Solar II, Imperial County
- 25 MW Photovoltaic Energy Facility Air Quality Technical Report, San Joaquin Valley
- PIC for Haley Bridge Replacement Construction Monitoring, Santa Barbara County
- Environmental Assessment QA/QRT Pipeline System, Saudi ARAMCO
- Southern California Pipeline System Preliminary Development Plan and Environmental Review Supplement (Proponent Environmental Assessment); Four Corners Pipe Line Company

Biological Resources

- Biological Due Diligence – 18 Solar Sites in Kern, Los Angeles, and San Bernardino Counties
- More Mesa Biological Resources Study, Santa Barbara County
- Multiple NES/BAs for Caltrans infrastructure projects
- PIC for Multiple (80+) Cellular Facility Biological Studies
- Multiple Biological Assessments (BAs) in Los Padres and Angeles National Forests
- Breeding Bird Surveys, including Least Tern and Belding's Savanna Sparrow (multiple clients)
- Jurisdictional Waters and Wetlands Permit Application Packages (Army Corps Section 404 permit, Regional Water Quality Control Board Section 401 Certification, Fish and Game Streambed Alteration Agreement—multiple private and public clients)

Other Technical Studies

- Multiple Human Health Risk Assessments for private clients in Santa Barbara, Ventura, Los Angeles, and San Diego Counties
- Multiple Risk-Based Corrective Action (RBCA) analyses in southern California
- Caltrans TNM® noise assessment studies: Reyes Adobe Road Interchange, Union Valley Parkway, Lewis Road, Fulton Road Extension
- Multiple TNM® Noise Studies and noise analyses for various private clients in Ventura, Los Angeles, Orange, San Diego, Santa Barbara, and San Luis Obispo Counties.
- Santa Maria Landfill Health Risk Assessment - HARP Analysis
- Los Flores Landfill Health Risk Assessment – HARP
- Key Site 3 Health Risk Assessment – HARP Analysis

CEQA and NEPA Experience

- Single Use Bag Ban Ordinance EIR, Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)
- Single-Use Bag Ordinance EIR, City of Santa Monica
- SCG Angeles National Forest BA/BE
- California State University, San Bernardino Revised Master Plan EIR
- California State University, Channel Islands Master Plan EIR
- Ahmanson Ranch Specific Plan (New Community) Program EIR
- City of Santa Monica Multi-Family Earthquake Repair Loan (MERL) Program (20+ EAs)



MEGAN JONES

Senior Planner

Rincon Consultants, Inc.

As a Senior Planner in Rincon's Environmental Sciences and Planning Group in Monterey, Ms. Jones works on planning and environmental projects in the California Central Coast region. Ms. Jones also manages operation of Rincon's Monterey Office. Ms. Jones is responsible for general plan and specific plan preparation and environmental analysis and review, particularly California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance documentation. Ms. Jones has education and experience in environmental studies, geography, and environmental economics and policy.

TECHNICAL CAPABILITIES

- Ms. Jones manages the preparation of CEQA and NEPA documents, with an emphasis on project-level analysis for development projects. She is skilled at balancing the goals of conveying complex environmental issues to the general public and preparing legally defensible and highly technical CEQA and NEPA documents.
- Ms. Jones has a thorough familiarity with California planning law and CEQA/NEPA compliance. She is proficient in formatting environmental documents that communicate effectively to decision-makers and the public, and assist in achieving identified planning objectives.
- Ms. Jones is knowledgeable in technical modeling and research, with experience preparing studies related to noise and air quality.
- Ms. Jones combines her planning and policy analysis knowledge with her understanding of geography and natural resources management to develop comprehensive resource conservation, mitigation, and monitoring programs.

EDUCATION, REGISTRATIONS AND AFFILIATIONS

M.P.P., Master of Public Policy, California State University Monterey Bay (underway)

B.A., Environmental Studies, University of Oregon, Eugene

B.A., Geography, University of Oregon, Eugene

Monterey Bay Chapter Board Member and CEQA Workshop Coordinator, Association of Environmental Professionals

Member, American Public Works Association

EMPLOYMENT HISTORY

Rincon Consultants, Inc. (2005 through present)

SELECTED PROJECT EXPERIENCE

Project- and Program-Level CEQA Documentation

- Single Use Bag Ban Ordinance EIR, County of San Mateo
- Disposable Checkout Bag Ordinance EIR, City of Palo Alto
- Single-Use Carryout Bag Reduction Ordinance EIR, City of Sunnyvale
- Huntington Beach Single-Use Carryout Bag Ordinance EIR, City of Huntington Beach
- Urban-Runoff Diversion Project – Phase 3 Project IS-MND, City of Pacific Grove

- Marina Downtown Vitalization Specific Plan EIR, City of Marina
- Shandon Community Plan Update EIR, County of San Luis Obispo
- Santa Margarita Ranch EIR, County of San Luis Obispo
- Marina High School EIR, Monterey Peninsula Unified School District
- Santa Maria Landfill Expansion Project EIR, City of Santa Maria
- Santa Barbara County New County Jail Subsequent EIR, County of Santa Barbara
- Lompoc General Plan Update EIR, City of Lompoc
- Chandler Ranch Area Specific Plan EIR, City of Paso Robles
- Housing Element Focused Rezone Program EIR, County of Santa Barbara
- Santa Ynez Valley Community Plan EIR, County of Santa Barbara
- Conejo Creek Specific Plan EIR, City of Camarillo

HUD and NEPA Documentation

- On-Call NEPA Environmental Review Services, City and County of San Francisco Mayor's Office of Housing
- Multiple Projects NEPA Compliance Documentation, Housing Authority of the County of Santa Cruz
- NEPA Compliance Documentation, County of Santa Barbara Housing Authority
- Casa de Familia EA for HUD Funded Projects, City of Santa Maria
- Oak Park Boulevard Barrier Removal/Sidewalk Infill CE for HUD Funded Projects, City of Grover Beach
- Mentone Avenue Storm Drain Extension Project, EA for HUD Funded Projects, City of Grover Beach
- South 5th Street Storm Drain Improvement Project, EA for HUD Funded Projects, City of Grover Beach
- Union Valley Parkway Extension/Interchange Project EIR/EA, City of Santa Maria

Community Planning

- Marina Downtown Vitalization Specific Plan, City of Marina
- Marina Pedestrian and Bicycle Master Plan, City of Marina
- Lompoc General Plan Update, City of Lompoc
- Chandler Ranch Area Specific Plan, City of Paso Robles

Contract Planning

- On-call CEQA consulting, County of Monterey
- On-call CEQA consulting, City of Buellton

PUBLICATIONS

"The Williamson Act and Monterey County: Conserving Ranchlands Despite Budget Constraints", October 2011



JESSICA TIBBETT HAMILL, MAIEP

Associate Environmental Planner
Rincon Consultants, Inc.

Mrs. Hamill is an Associate Environmental Planner in Rincon's Environmental Sciences & Planning Group. As an Associate Planner in the Monterey office, Mrs. Hamill is responsible for environmental analysis and review, particularly California Environmental Quality Act (CEQA) and National Environmental Policy Act (NEPA) compliance documentation. Mrs. Hamill is educated and experienced in comparative literature studies and international environmental policy.

TECHNICAL CAPABILITIES

- Mrs. Hamill has familiarity with CEQA/NEPA compliance. She is skilled in formatting environmental documents that communicate effectively to decision-makers and the public, and assist in achieving identified planning objectives.
- Mrs. Hamill combines her planning and policy analysis knowledge with her analytical abilities and knowledge of the English language to develop comprehensive CEQA/NEPA compliance documentation.

EDUCATION, REGISTRATIONS AND AFFILIATIONS

M.A., International Environmental Policy, Monterey Institute of International Studies (Monterey, CA)
B.A., Comparative Literature, University of Washington (Seattle, WA)
Member, Association of Environmental Professionals

EMPLOYMENT HISTORY

Rincon Consultants, Inc. (2011 to present)

SELECT PROJECT EXPERIENCE

CEQA and NEPA Compliance

- Urban Runoff Diversion Project IS/MND, City of Pacific Grove
- San Mateo Single Use Bag Ban Ordinance Program EIR, County of San Mateo
- Single Use Bag Ban Ordinance EIR, Beach Erosion Authority for Clean Oceans and Nourishment (BEACON)
- Disposable Checkout Bag Ordinance EIR, City of Palo Alto
- Weil Tennis Academy Expansion Project IS/MND, City of Ojai
- AMC Theater EIR, City of Santa Monica
- San Francisco Child Abuse Prevention Center Categorical Exclusion, City of San Francisco



Fee Schedule



RINCON CONSULTANTS, INC.

Standard Fee Schedule for Environmental, Biological, and Planning Services

Rincon Consultants' fee schedule is based on the time that is charged to projects by our professionals and support staff. Direct costs associated with completing a project are also billed to the project as outlined under Reimbursable Expenses below. The following sets forth the billing rates for our personnel.

<u>Professional and Technical Personnel</u>	<u>Rate</u>
Principal II	\$ 210/hour
Principal I	\$ 170/hour
Senior Supervising Environmental Scientist/Planner/Biologist II	\$ 150/hour
Supervising Environmental Scientist/Planner/Biologist I	\$ 140/hour
Senior Environmental Scientist/Planner/Biologist II	\$ 135/hour
Senior Environmental Scientist/Planner/Biologist I	\$ 120/hour
Environmental Scientist/Planner/Biologist III	\$ 105/hour
Environmental Scientist/Planner/Biologist II	\$ 90/hour
Environmental Scientist/Planner/Biologist I	\$ 70/hour
Environmental Technician	\$ 60/hour
Environmental Field Aide	\$ 55/hour
Senior GIS Specialist	\$ 105/hour
GIS Specialist	\$ 85/hour
CAD Specialist	\$ 70/hour
Graphic Designer	\$ 70/hour
Technical Editor	\$ 80/hour
Clerical/ Administrative Assistant	\$ 55/hour
Production Technician	\$ 55/hour

Expert witness services consisting of depositions and in-court testimony are charged at a rate of \$295/hour.

Photocopying and Printing

Photocopies will be charged at a rate of \$0.08/copy for single-sided copies and \$0.16 for double-sided copies. Colored copies will be charged at a rate of \$1.00/copy for single-sided and \$2.00/copy for double-sided or 11"×17" copies. Oversized maps or display graphics will be charged at a rate of \$8.00/square foot.

Reimbursable Expenses

Expenses associated with completing a project are termed Reimbursable Expenses. These expenses do not include the hourly billing rates described above. Reimbursable expenses include, but are not limited to, the following:

1. *Direct costs associated with the execution of a project are billed at cost plus 15% to cover General and Administrative services. Direct costs include, but are not limited to, laboratory and drilling services charges, subcontractor services, authorized travel expenses, permit charges and filing fees, printing and graphic charges, mailings and postage, performance bonds, sample handling and shipment, equipment rental other than covered by the above charges, etc. Communications charges and miscellaneous office expenses (including PDAs, cell phones, phone, fax, and electronic data transmittals, digital cameras, photo processing, etc.) are billed at 3% of total labor.*
2. *Vehicle use in company-owned vehicles will be billed at a day rate of \$85/day for regular terrain vehicle use and \$135 per day for 4-WD off-road vehicle use, plus \$0.85/mile for mileage over 50 miles per day. For transportation in employee-owned automobiles, a rate of \$0.85/mile will be charged. Rental vehicles will be billed at cost plus 15%.*



Equipment Schedule for Environmental, Biological, and Planning Services

Equipment	Rate	Unit
Environmental Site Assessment		
Bailer	\$ 25	Day
Brass Sample Sleeves	\$ 10	Each
DC Purge Pump	\$ 35	Day
Disposable Bailer	\$ 20	Each
Flame Ionization Detector	\$ 200	Day
Four Gas Monitor	\$ 120	Day
Hand Auger Sampler	\$ 55	Day
Level C Health and Safety	\$ 60	Person per day
Oil-Water Interface Probe	\$ 85	Day
Photo-Ionization Detector	\$ 120	Day
Soil Vapor Extraction Monitoring Equipment	\$ 140	Day
Water Level Indicator	\$ 35	Day
Water Resources		
Dissolved Oxygen Meter	\$ 45	Day
Refractometer (salinity)	\$ 30	Day
Sterilized Sample Jar	\$ 5	Each
Temp-pH-Conductivity Meter	\$ 50	Day
Turbidity Meter	\$ 30	Day
Biological Field Equipment		
Fiberoptic Scope	\$ 90	Day
Infrared Sensor Digital Camera	\$ 50	Day
Field Equipment Package, amphibian survey (digital camera, GPS, thermometer, decon chlorine, waders, float tube, hand net)	\$ 150	Day
Field Equipment Package, construction monitoring (digital camera, GPS, thermometer, binoculars, field computer, safety equipment)	\$ 95	Day
Field Equipment Package, standard (digital camera, GPS, thermometer, binoculars, and botanic collecting equipment)	\$ 45	Day
Laser Rangefinder/Altitude	\$ 10	Day
Mammal trap, large	\$ 1.50	Each per trap cycle
Mammal trap, small	\$ 0.50	Each per trap cycle
Minnow trap	\$ 85	Each per job
Net, hand	\$ 10	Day
Net, large seine	\$ 50	Day
Pettersson Bat Ultrasound Detector/Recording Equipment	\$ 150	Job
Pit-fall Trap	\$ 5	Each per trap cycle
Scent Station	\$ 20	Station
Spotlight	\$ 5	Day
Trimble® GPS (submeter accuracy)	\$ 190	Job
Spotting Scope	\$ 150	Job
Multi-Services Field Equipment		
Anemometer	\$ 5	Day
Computer Field Equipment	\$ 45	Day
GPS unit, standard field	\$ 10	Day
Offroad 4x4 Mule	\$ 75	Day
Sound Level Meter	\$ 50	Day
Standard Field GPS	\$ 5	Day



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Conserving Resources. Preventing Pollution. Protecting the Environment.

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Plastic Litter and Waste Reduction Campaign

Plastic Bag Litter Pollution

The Problem of Plastic Bags
Plastic Bags: Local Ordinances

How Does a Local Government Protect Itself From Litigation?
Plastic Industry Uses Legal Harassment to Intimidate Against Plastic Bag Bans

Compliance Links: AB 2449

Stopping the Rising Tide of Marine Debris Pollution
California Ocean Protection Council Targets Plastic Litter and Waste

Polystyrene Takeout Food Packaging Pollution

Vinyl Chloride: Recycling and Health

Understanding the Resin Identification Code

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Username: *

Password: *

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Plastic Bags: Local Ordinances



Many cities and counties are currently in the process of adopting plastic bag ban ordinances. [Click here to learn more about plastic industry intimidation efforts against ordinances.](#) Below are the jurisdictions that have adopted ordinances in the state. See the list of local bag ordinances across the nation [here](#).

California Cities or Counties With an Adopted Ordinance: **65**

Alameda County and City, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City

The Alameda County Waste Management Authority (StopWaste.org) adopted its ordinance banning plastic bags and placing a 10 cent price requirement on paper and reusable bags in January of 2012. It went into effect on January 1, 2013 in unincorporated Alameda County as well as its 14 incorporated cities.

Belmont



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CAW Recycling News

Feb 20 - Sac City Council Will Consider Plastic Bag Ordinance

Feb 19 - Sac City Holds Press Event and Meeting on Bags Today

Feb 15 - Scientists Say Certain Plastics Should Be Classified as Hazardous Waste

Feb 14 - SF Health Official Responds to Paper on "Killer Reusable Bags"

Feb 13 - Legislation Offers Recycling Solutions to Mattress Dumping Problem

[more](#)

Mark Murray's Blog

Dec 21 - 2013: The Road Ahead for Recycling

May 14 - Bottle Bill: Mixed Results for CA Container Recycling

Apr 16 - Senator Strickland Proposes Government Warning on Grocery Bags

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Belmont adopted the Reusable Bag Ordinance in January of 2013. All retail stores will be prohibited from using single-use plastic carryout bags and may sell paper or reusable bags for a small charge. Effective 4/22/13.

Calabasas

The Calabasas City Council unanimously adopted a plastic bag ban with a minimum ten cent price requirement on paper bags in February 2011.

Capitola

In January 2013, the city adopted a plastic bag ban with a 25 cent charge on paper bags in all retail stores. Effective April 2013.

Carmel-by-the-Sea

Carmel adopted a plastic bag ban in all retail stores on July 3, 2012. It is operative February 3, 2013.

Carpinteria

Carpinteria adopted the first double bag ban in the state on March 12, 2012. Starting in July 2012, large retailers as specified were prohibited from distributing single-use paper and plastic bags. Starting in April 2013, plastic bags are banned in all other retail stores.

Colma

Colma Town Council adopted a Reusable Bag Ordinance on January 9, 2013. All retail stores will be prohibited from using single-use plastic carryout bags and may sell paper or reusable bags for a small charge. Effective 4/22/13.

Daly City

The City adopted the San Mateo County model ordinance (plastic bag ban, charge on paper or reusables) in January 2013. Operative 4/22/13.

Dana Point

The City of Dana Point adopted a ban on single-use plastic bags from all retail stores within city limits on March 6, 2012. Effective in larger stores April 1, 2013, and all other stores October 1, 2013.

Fairfax

The Fairfax City Council adopted its ban on plastic bags August 2007. After a legal challenge by the plastics industry, Fairfax

Plastic & Marine Debris News

Jan 1 - Marin plastic bag ban making a difference after one year (Marin Independent Journal)

Dec 26 - Colored Plastic Bags Contain Illegal Amounts of Lead

Dec 20 - Sunnyvale bans foam food containers (SJ Mercury News)

Dec 20 - Plastic Bag Ban - Environmental/Economic Boon or Boondoggle

Dec 3 - San Jose to target foam takeout boxes after plastic bag ban success (SJ Mercury News)

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voters overwhelmingly adopted a plastic bag ban by initiative in November 2008.

Fort Bragg

Fort Bragg banned plastic bags and required a 10 cent paper bag charge in all retail stores. The ordinance was adopted May 14, 2012. Effective in large stores December 10, 2012, expanding to all other stores in December 2013.

Foster City

Foster City adopted a Reusable Bag Ordinance on January 7, 2013. All retail stores will be prohibited from using single-use plastic carryout bags and may sell paper or reusable bags for a small charge. Effective 4/22/13.

Glendale

The City of Glendale adopted a bag ordinance in January of 2013. Similar to LA County's ordinance, it bans plastic bags and places a 10 cent charge on paper bags. Effective in larger stores and farmer's markets starting 7/1/13 and expanded to other covered stores 1/1/14.

Laguna Beach

In February 2012, the Laguna Beach City Council unanimously adopted a plastic bag ban in all retail stores. Grocery stores, pharmacies, and convenience/liquor stores must include a 10 cent minimum price requirement on paper bags distributed. Effective 1/1/13.

Long Beach

On May 17, 2011, the City of Long Beach passed a bag ordinance with a 5-0 vote. It banned single-use plastic bags and placed a 10 cent minimum price requirement on paper bags. The ordinance was operative in larger stores starting August 2011, and expanded to others stores in 2012.

Los Angeles County

Los Angeles County adopted an ordinance banning single-use plastic bags and placing a 10 cent minimum price requirement on paper bags in November 2010. The ordinance became effective for large supermarkets and retailers in July 2011, and expanded to other applicable stores in January of 2012.

Malibu

The [Malibu](#) City Council voted in May 2008 to ban plastic bags.

Manhattan Beach

The Manhattan Beach City council voted in July 2008 to [ban plastic bags](#). The CA Supreme Court overturned a legal challenge to the ordinance in July 2011.

Marin County

Marin County Board of Supervisors voted unanimously in favor of an ordinance restricting the free distribution of single-use bags in January 2011, effective January 2012.

Mendocino County

The County Board of Supervisors adopted a plastic bag ban with a ten cent paper bag charge on June 12, 2012. Effective in large stores in January 2013, and expanding to all other retailers one year later.

Menlo Park

Menlo Park adopted the Reusable Bag Ordinance (San Mateo County Ordinance) on January 22, 2013. All retail stores will be prohibited from using single-use plastic carryout bags and may sell paper or reusable bags for a small charge. Effective 4/22/13.

Millbrae

On February 14, 2012, the Millbrae City Council adopted a plastic bag ban with a 10 cent requirement on paper bags. The ordinance went into effect on September 1, 2012 in all retail establishments, except for restaurants, non-profits, and dry-cleaners.

Monterey

The Monterey City Council unanimously passed an ordinance on December 6, 2011. The ordinance bans plastic bags and places an initial 10 cent minimum price requirement on paper bags for the first year (25 cents after).

Mountain View

In December 2012, the City of Mountain View adopted a Reusable Bag Ordinance ([San Mateo County Ordinance](#)). Ban on plastic bags and charge on paper/reusable bags in all retail stores. Effective 4/22/13.

Ojai

Ojai adopted a plastic bag ban on April 10, 2012. Grocery stores may distribute paper bags with 10 cent price requirement. Effective July 1, 2012 in all retail stores.

Pacifica

In December 2012, the City of Pacifica adopted a Reusable Bag Ordinance ([San Mateo County Ordinance](#)). Ban on plastic bags and charge on paper/reusable bags in all retail stores. Effective 4/22/13.

Palo Alto

The Palo Alto City Council voted March 2009 to ban plastic bags at large supermarkets and announced their intention to consider expanding the ban to cover all retail stores as well as enacting a fee on paper bags.

Pasadena

In November of 2011, the Pasadena City Council unanimously adopted a plastic bag ban with a 10 cent minimum price requirement on paper bags. Effective July 1, 2012 for large stores and supermarkets and December 2012 for convenience stores.

Portola Valley

The Town adopted the San Mateo County model ordinance (plastic bag ban, charge on paper or reusables) in January 2013. Operative 4/22/13.

San Bruno

The City adopted the San Mateo County model ordinance (plastic bag ban, charge on paper or reusables) in January 2013. Operative 4/22/13.

San Francisco

San Francisco became the first city in the nation to adopt a ban on plastic shopping bags in April 2007. In February of 2012, the Board of Supervisors voted to [expand the ordinance](#) to more stores.

San Jose

San Jose City Council voted and adopted a ban on single use plastic carryout bags in January 2011. The ban will extend to all retailers in the city, exempting restaurants and non-profit reuse organizations. It is effective January 1, 2012. For the first two years, paper bags will be sold under this ordinance at 10 cents each; after two years the minimum price per paper bag is 25 cents each.

San Luis Obispo County and City, Arroyo Grande, Atascadero, Grover Beach, Morro Bay, Paso Robles, Pismo Beach

The San Luis Obispo County Integrated Waste Management Authority adopted a

plastic bag ban with a 10 cent minimum price requirement on paper bags in January of 2012. It went into effect on 10/1/12 in all seven incorporated cities as well as unincorporated areas of the county.

San Mateo County

The Board of Supervisors adopted a Reusable Bag Ordinance on November 6, 2012. Effective 4/22/13. Plastic bag ban with a 10 cent charge on paper and reusable bags (increasing to 25 cents on 1/1/2015).

Santa Clara County

On April 26, 2011, the County Board of Supervisors voted in favor of a single-use bag ordinance. The ordinance bans single-use plastic bags and places a 15 cent minimum price requirement on single-use paper bags throughout unincorporated county areas. It became effective January 1, 2012.

Santa Cruz City

The City Council adopted a plastic bag ban and 10 cent paper bag charge on July 24. Effective in all retail stores starting April 2013.

Santa Cruz County

On September 13, 2011, the County Board of Supervisors voted unanimously in favor of a single-use bag ordinance. It bans single-use plastic bags and places a 10 cent minimum price requirement on single-use paper bags throughout unincorporated county areas. Effective March 20, 2012.

Santa Monica

The Santa Monica City Council unanimously voted for a [ban on single-use plastic bags](#) and a cost pass-through requirement per recyclable paper bag in January 2011. Visit their [website](#) for more information.

Solana Beach

On May 9, 2012, Solana Beach became the first city in San Diego County to adopt a plastic bag ban. Paper bags can be purchased for ten cents each under the ordinance.

South San Francisco

In December 2012, the City of South San Francisco adopted a Reusable Bag Ordinance ([San Mateo County Ordinance](#)). Ban on plastic bags and charge on paper/reusable bags in all retail stores. Effective 4/22/13.

Sunnyvale

Sunnyvale passed a bag ordinance in December 2011. The ordinance bans single-use plastic bags and places a 10 cent minimum price requirement on paper bags which later increases to 25 cents. Starting June 20, 2012 it covers grocery and convenience stores and large retailers, and expands to cover all retailers by March 2013.

Ukiah

City Council adopted an ordinance on May 2, 2012 banning plastic bags and placing a 10 cent charge on paper bags in all retail stores. The ban is operative starting in large stores within six months of adoption.

Watsonville

On May 8, 2012, Watsonville became the first city in Santa Cruz County to ban plastic bags in all retail stores. An initial 10 cent charge on paper bags is mandated to increase to 25 cents after the first year.

West Hollywood

City Council adopted a plastic bag ban with 10 cent paper charge on August 20, 2012. Effective in large stores in six months, all other retail stores in one year.

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921 11th Street, Suite 420 Sacramento, CA 95814 Ph:916.443.5422 Fx: 916.443.3912
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Elements of a Successful Single-Use Bag Ordinance

- Prohibition on distribution of single-use plastic carryout bags & single-use paper bags with less than 50% recycled content (at least 40% pcc)
- End wasteful, costly practice of hiding carryout bag price, require retailers to charge not less than actual average cost of providing 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
- Can be customized to phase in restaurants and other retailers 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 February 4, 2013)

Local Jurisdiction	Brief Description	Effective Year	CEQA/Strategy	Key Elements and Notes
Fairfax	plastic ban	2008	Voter Initiative	Covers all retail and restaurants
Malibu	plastic ban	2008/2009	Exemption	Covers all retail and restaurants
Manhattan Beach	plastic ban	2012	Neg Dec	Covers all retail
Palo Alto	plastic ban	2009	Mit Neg Dec	Covers large supermarkets
LA County	plastic ban, 10 c for paper	2011/2012	EIR	Covers large supermarkets and convenience stores
San Jose	plastic ban, 10/25 c for paper	2012	EIR	Covers all retail except nonprofit
Marin County	plastic ban, 5 c for paper	2012	Exemption	Covers large supermarkets and convenience stores
Santa Monica	plastic ban, 10 c for paper	2011/2011	EIR	Covers all retail and farmer's markets
Calabasas	plastic ban, 10 c for paper	2011/2012	used LAC EIR	Covers large supermarkets and convenience stores
Santa Clara County	plastic ban, 15 c for paper	2012	Neg Dec	Covers all retail except nonprofit
Long Beach	plastic ban, 10 c for paper	2011/2012	used LAC EIR	Covers large supermarkets, convenience stores, farmer's markets
Santa Cruz Co (amend)	plastic ban, 10/25 c for paper	2012	Mit Neg Dec	Covers all retail
Pasadena	plastic ban, 10 c for paper	2012/2012	used LAC EIR	Covers large supermarkets and convenience stores, allows free paper bags for farmer's markets and city events
Monterey	plastic ban, 10/25 c for paper	2012	Neg Dec	Covers all retail except nonprofit
Sunnyvale	plastic ban, 10/25 c for paper	2012/2013	EIR	Covers all retail except nonprofit
SLO County & 7 Cities	plastic ban, 10 c for paper	2012	Exemption	Covers large supermarkets and convenience stores in unincorporated County and incorporated Cities
Alameda Co & 14 Cities	plastic ban, 10/25 c for paper/reusable	2013	EIR	Covers large supermarkets and convenience stores in unincorporated County and incorporated Cities
San Francisco	plastic ban, 10 c. for paper /reusable	2012 (expand '07 ban)	Exemption	Covers all retail and restaurants, no price requirement on bags for restaurant leftovers, allows compostable bags
Millbrae	plastic ban, 10 c. for paper	2012	Neg Dec	Covers all retail except nonprofit/drycleaner
Laguna Beach	plastic ban, 10 c. for paper	2013	Neg Dec	Covers all retail and farmer's markets
Dana Point	plastic ban, voluntary charge for paper	2013/2013	Neg Dec	Covers all retail and nonprofit stores
Carpinteria	plastic ban, paper ban for large stores	2012/2013	Exemption	Covers all retail
Ojai	plastic ban, 10 c for paper	2012	Neg Dec	Covers all retail
Ukiah	plastic ban, 10 c for paper	2012/2013	EIR	Covers all retail
Watsonville	plastic ban, 10/25 c for paper	2012	Santa Cruz Co Neg Dec	Covers all retail
Solana Beach	plastic ban, 10 c for paper	2012/2013	Neg Dec	Covers all retail
Fort Bragg	plastic ban, 10 c for paper	2012/2013	EIR	Covers all retail
Mendocino County	plastic ban, 10 c for paper	2013/2013	EIR	Covers all retail
Carmel	plastic ban	2012	Neg Dec	Covers all retail
Santa Cruz City	plastic ban, 10 c for paper	2013	Neg Dec	Covers all retail
West Hollywood	plastic ban, 10 c for paper	2013/2013	used LAC EIR	Covers all retail
San Mateo County	plastic ban, 10/25 c for paper/reusable	2013	EIR	Covers all retail
Pacifica	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
Mountain View	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
South San Francisco	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
Foster City	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
Belmont	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
Colma	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
Capitola	plastic ban, 25 c for paper	2013	Neg Dec	Covers all retail
Daly City	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
Menlo Park	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
Glendale	plastic ban, 10 c for paper	2013/2014	Used LAC EIR	Covers large supermarkets, convenience stores, farmer's markets
San Bruno	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail
Portola Valley	plastic ban, 10/25 c for paper/reusable	2013	used San Mateo EIR	Covers all retail





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SUMMARY

We have filed a number of lawsuits to invalidate plastic bag bans. A chronology is provided below. Generally, our claims are based on one or both of the following causes of actions:

1. CEQA:

In 2011, the California Supreme Court **ruled** that (i) the Save The Plastic Bag Coalition has standing to file CEQA lawsuits and (ii) cities or counties larger than the City of Manhattan Beach (population: 33,182) "will be required" to conduct appropriately comprehensive CEQA environmental review before banning plastic bags. However, in an attempt to avoid (and subvert) the Supreme Court's clear ruling, Marin County, San Luis Obispo County, and San Francisco tried a new tactic. They have adopted plastic bag bans claiming that their ordinances are "exempt" from CEQA and that the Supreme Court's ruling is therefore inapplicable. They did not conduct any CEQA environmental review whatsoever -- not even an Initial Study!

We have filed lawsuits to invalidate their ordinances as we believe that they have blatantly defied the Supreme Court's ruling. Unfortunately, the Marin, SLO, and San Francisco Superior Courts rejected our argument.

In November 2011, we filed an appeal in the Marin County case. (Marin County was the first jurisdiction to claim an exemption and it is the oldest of the three exemption cases). The appeal has been fully briefed and we are waiting for a hearing date. Click [here](#) for information about the status of the Marin appeal.

We have also appealed the San Francisco ruling. We are confident that our legal position is correct and that we will ultimately prevail.

If we win the Marin appeal, then we would expect the Marin and San Francisco ordinances to be invalidated.

2. California Retail Food Code preemption:

Most cities and counties have exempted restaurants and other food facilities from plastic bag bans as they recognize that paper bags are not suitable for carrying hot foods and liquids. They also acknowledge that reusable bags should never be used at restaurants as they are unsanitary. Santa Monica and San Jose have exempted restaurants and the City of Los Angeles plans to do so.

It is plain common sense that restaurants and other food facilities should be exempt. Nevertheless, not every city and county agrees.

In March 2012, the City of Carpinteria banned plastic bags at restaurants and other food facilities. We filed a lawsuit based on Retail Food Code preemption.

Click [here](#) for a copy of our legal memorandum regarding plastic bag bans and Retail Food Code preemption.

In May 2012, the Santa Barbara Superior Court [ruled](#) in our favor.

San Francisco and Santa Cruz County (which are among the most extreme in their anti-plastic views) have also banned plastic bags at restaurants and other food facilities. We have sued all of them based on Retail Food Code preemption. In September 2012, the San Francisco Superior Court ruled against us, openly disagreeing with the ruling of the Santa Barbara Superior Court. We have appealed. There has been no rulings yet in the Santa Cruz cases.

We have also sued the City of Santa Cruz based on Retail Food Code preemption. Although the City exempted restaurants, it has defined restaurants too narrowly.

The ruling of the San Francisco Superior Court is plainly wrong and is contrary to the clear preemption wording of the Retail Food Code and the ruling of the Supreme Court in California Grocers Association v. City of Los Angeles. We are confident that we will ultimately prevail.

We will be filing motions to stay the San Francisco and Santa Cruz ordinances.

CHRONOLOGY

November 8, 2012: We file a Notice of Appeal of the San Francisco Superior Court decision. (See September 12, 2012 entry below.)

October 29, 2012: We file a second [lawsuit](#) against Santa Cruz County in the Santa Cruz Superior Court. In 2011, the county banned plastic bags at restaurants and other food facilities. We sued in 2011 to overturn the ban based on California Retail Food Code preemption. In response, the county repealed the ban in February 2012. However, in October 2012, the county reinstated the ban. Therefore, we have been forced to sue again.

October 15, 2012: The San Luis Obispo Superior Court rules against us in our lawsuit to invalidate the SLO ordinance banning plastic bags at certain retail stores. We believe that the court's decision is clearly erroneous and completely contrary to the Supreme Court decisions in Save The Plastic Bag v. City of Manhattan Beach. We will file an appeal.

September 12, 2012: The San Francisco Superior Court rules against us in our lawsuit to invalidate the 2012 San Francisco ordinance banning plastic bags at all retail stores and restaurants. The court ruled (i) the city was not required to conduct any CEQA environmental review whatsoever and (ii) the city could ban plastic bags at restaurants and other food facilities notwithstanding the express preemption section of the California Retail Food Code. We believe that the court's decision is clearly erroneous and completely contrary to the Supreme Court decisions in Save The Plastic Bag v. City of Manhattan Beach and California Grocers Association v. City of Los Angeles. (We filed an appeal on November 8, 2012.)

August 2, 2012: We file a [lawsuit](#) against the City of Santa Cruz in the Santa Cruz Superior Court. The city adopted an ordinance banning plastic bags at retail stores. (The city requires retail stores to charge 10 cents for paper bags. In contrast, the county requires stores in the unincorporated areas to charge 25 cents effective September 2013.)

May 15, 2012: We prevail in our [lawsuit](#) against the City of Carpinteria. The Santa Barbara Superior Court rules that the city's ban of plastic bags at restaurants and other food facilities is preempted and prohibited by the California Retail Food Code. Click [here](#) for a copy of the ruling. Click [here](#) for our memorandum which explains why cities and counties CANNOT ban restaurant bags.

March 20, 2012: We file a [lawsuit](#) against the City of Carpinteria in the Santa Barbara Superior Court. The city adopted an ordinance banning plastic bags at restaurants. Restaurant bag bans are preempted and prohibited by the California Retail Food Code. Click [here](#) for our memorandum which explains why cities and counties CANNOT ban restaurant bags.

February 29, 2012: We file a [lawsuit](#) against the City and County of San Francisco. The city adopted an ordinance banning plastic bags and imposing a 10-cent fee on paper bags, including at restaurants. The city failed to comply with CEQA and refused to prepare an EIR. Also, its restaurant bag ban is preempted and prohibited by the California Retail Food Code.

February 14, 2012: In order to settle our lawsuit, Santa Cruz County REPEALS its ban of plastic bags used at restaurants.

February 2, 2012: We file a [lawsuit](#) against the San Luis Obispo Integrated Waste Management Authority (IWMA). On January 11, 2012, IWMA adopted an ordinance banning plastic bags and imposing a 10-cent fee on paper bags. IWMA failed to comply with CEQA and refused to prepare an EIR.

November 29, 2011: We file a Notice of Appeal of the Marin County Superior Court decision that Marin County was not required to follow CEQA when banning plastic bags. The ruling flies in the face of the California Supreme Court's decision in the Manhattan Beach case. Click [here](#) for our press release about the Marin decision.

November 18, 2011: We file final legal [objections](#) to the proposed expansion of the San Francisco plastic bag ban. The proposed ordinance would ban plastic carryout bags at all retail stores and all food establishments including restaurants.

November 14, 2011: We file initial legal [objections](#) to the proposed expansion of the San Francisco plastic bag ban. The proposed ordinance would ban plastic carryout bags at all retail stores and all food establishments including restaurants.

October 18, 2011: We file a [lawsuit](#) against Santa Cruz County. On September 20, 2011, the county adopted an ordinance banning plastic bags and imposing a 25-cent fee on paper bags. This is not a CEQA lawsuit. Much of the lawsuit is focussed on the ban of plastic bags at restaurants and food vendors.

October 11, 2011: The Long Beach City Council adopts a [resolution](#) canceling its previous position and adopting out position regarding greenhouse gases. The city backed down and settled with us after we filed a lawsuit. The resolution approves the settlement.

September 15, 2011: The Marin County Superior Court rules that Marin County was not required to follow CEQA when banning plastic bags. This remarkable decision flies in the face of the California Supreme Court's decision in the Manhattan Beach case. We will file an appeal which we fully expect to win. Click [here](#) for our press release about the Marin decision.

July 14, 2011: The California Supreme Court issues its decision in the Manhattan Beach case. We are delighted with the result. Click [here](#) for our press release.

June 9, 2011: We file a CEQA [lawsuit](#) against the City of Long Beach for applying the wrong environmental standard for determining the significance of greenhouse gas emissions from the production and disposal of paper bags. The city is attempting to "move the goalposts" to avoid having to acknowledge the severe environmental impact of paper bags.

February 24, 2011: We file a CEQA [lawsuit](#) against Marin County. On January 25, 2010, the county adopted an [ordinance](#) banning plastic bags and imposing a mere 5-cent fee on paper bags. The county ignored CEQA completely. It did not even prepare an Initial Study under CEQA. The lawsuit is based on [objections](#) that we filed with the county.

March 3, 2010: We settle our case against Los Angeles County as the County is preparing an EIR and the litigation is no longer necessary.

February 22, 2010: The California Supreme Court accepts the Manhattan Beach case for review. The court is expected to decide the case in late 2010 or early 2011.

January 27, 2010: The Court of Appeal decides the Manhattan Beach appeal in our favor, affirming the February 20, 2009 decision of the Los Angeles Superior Court. Click [here](#) for a copy of the Court of Appeal's decision. The City of Manhattan Beach subsequently files a Petition for Review asking the California Supreme Court to rule on the case.

July 28, 2009: We settle our case against Palo Alto. The city had adopted an ordinance in March 2009 banning plastic bags at four stores. In the settlement [agreement](#), the city agrees not to ban plastic bags at any more stores without first preparing an Environmental Impact Report. Click [here](#) for a copy of the media release announcing the settlement.

April 21, 2009: We file a [lawsuit](#) against the City of Palo Alto for adopting an ordinance banning plastic bags without preparing an Environmental Impact Report (EIR). We hope that the court will force the city to conduct an objective EIR with the goal of finding and presenting to the public the truth about the environmental impacts of plastic, paper and reusable bags.

February 20, 2009: We win our case against Manhattan Beach in the California Superior Court (but the City of Manhattan Beach subsequently files an appeal). The judge [rules](#) that the City of Manhattan Beach should have prepared an Environmental Impact Report (EIR) pursuant to the California Environmental Quality Act before banning plastic bags. An EIR would have resolved whether plastic or paper is better for the environment. SaveThePlasticBag.com believes that an EIR would have shown that plastic bags are far better for the environment than paper bags.

December 18, 2008: The Los Angeles Superior Court [grants](#) our motion for preliminary injunction against Manhattan Beach.

November 17, 2008: We file a [motion](#) for preliminary injunction in Los Angeles Superior Court to stay the effective date of the Manhattan Beach plastic ban ordinance.

August 12, 2008: We file a [lawsuit](#) against the City of Manhattan Beach for adopting an ordinance banning plastic bags. The city based its action on a one-sided staff report that cherry-picked facts with the goal of justifying a ban. The city did not prepare an Environmental Impact Report (EIR). We hope that the court will force the city to conduct an objective EIR with the goal of finding the truth.

July 17, 2008: We file a [lawsuit](#) against Los Angeles County for adopting a phased ban of plastic bags. The county based its action on a one-sided staff report that cherry-picked facts with the goal of justifying a ban. The county did not prepare an Environmental Impact Report (EIR). We hope that the court will force the county to conduct an objective EIR with the goal of finding the truth.

June 3, 2008: The City of Manhattan Beach, California, holds a hearing on a proposed ordinance to ban plastic carryout bags. Prior the hearing, we sent a [letter](#) to the city threatening litigation as the council was planning to vote based on a staff report that was full of misinformation. The City Council decided to defer the vote due to the threat of litigation.

April 17, 2008: The Alameda Superior Court in California [invalidates](#) Oakland's ordinance banning plastic bags. Note that the tentative decision was adopted as final by the court. As a result of the decision, the Oakland ordinance was subsequently revoked.

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ORDINANCE NO. 3553
ORDINANCE OF THE MARIN COUNTY BOARD OF SUPERVISORS
REGULATING RETAIL ESTABLISHMENTS PROVISION OF SINGLE-USE CARRY-OUT
BAGS

THE BOARD OF SUPERVISORS OF THE COUNTY OF MARIN ORDAINS AS FOLLOWS:

SECTION 1. FINDINGS.

WHEREAS, the use of all single-use shopping bags (plastic, paper, biodegradable) have severe environmental impacts, including greenhouse gas (GHG) emissions, litter, harm to wildlife, ground level ozone formation, atmospheric acidification, water consumption and solid waste generation; and

WHEREAS, there are approximately forty (40) retail establishments or stores as defined herein in the unincorporated portion of Marin County, most of which provide single-use, disposable carry-out bags to their customers; and

WHEREAS, many of these single-use carry-out bags are made from plastic or other material that does not readily decompose; and

WHEREAS, approximately Nineteen Billion (19,000,000,000) single-use plastic bags are used annually in California but less than 5% are recycled; and

WHEREAS, numerous studies have documented the prevalence of single-use plastic carry-out bags littering the environment, blocking storm drains and fouling beaches; and

WHEREAS, the County of Marin's taxpayers must bear the brunt of the clean-up costs of this litter; and

WHEREAS, plastic bags are a significant source of marine debris and are hazardous to marine animals and birds which often confuse single-use plastic carry-out bags for a source of food resulting in injury and death to birds and marine animals; and

WHEREAS, of all single-use bags, single-use plastic bags have the greatest impacts on litter and marine life; and

WHEREAS, the use of single-use paper bags result in greater (GHG) emissions, atmospheric acidification, water consumption, and ozone production than single-use plastic bags; and

WHEREAS, 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; and

WHEREAS, there are several alternatives to single-use carry-out bags readily available in the County of Marin; and

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

WHEREAS, it is the County's desire to conserve resources, reduce the amount of GHG emissions, waste, litter and marine pollution and to protect the public health and welfare including wildlife, all of which increase the quality of life for the County's residents and visitors; and

WHEREAS, studies document that banning plastic bags and placing a mandatory charge on paper bags will dramatically reduce the use of both types of bags.

SECTION 2. Chapter 5.46 is hereby added to Title 5 of the Marin County Code to read as follows:

CHAPTER 5.46 DISPOSABLE BAG REDUCTION ORDINANCE

SECTION 5.46.010. DEFINITIONS

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

- (a) "Director" means the Marin County Agricultural Commissioner, or his/her designee.
- (b) "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- (c) "Recycled paper bag" means a paper carry-out bag provided by a store to a customer at the point of sale that meets all of the following requirements:
 - (1) (A) Except as provided in subparagraph (B), the paper carry-out bag contains a minimum of 40 percent postconsumer recycled materials.
(B) An eight pound or smaller recycled paper bag shall contain a minimum of 20 percent postconsumer recycled material.
 - (2) Is accepted for recycling in curbside programs in a majority of households that have access to curbside recycling programs in the state.
 - (3) Is capable of composting, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400.
 - (4) Has printed on the bag the name of the manufacturer, the location (country) where the bag was manufactured, and the minimum percentage of post-consumer content.
- (d) "Reusable grocery bag" on and after January 1, 2012, means a bag that meets the requirements of Section 5.46.030.
- (e) (1) "Single-use carry-out bag" means a bag made of plastic, paper, or other material, that is provided by a store to a customer at the point of sale and that is not a reusable grocery bag that meets the requirements of 5.46.030.
 - (2) A single-use carry-out bag does not include either of the following:
 - (A) A bag provided by a pharmacy pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the California Business and Professions Code to a customer purchasing a prescription medication.

(B) A non-handled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a recycled paper bag or reusable bag.

(f) "Store" means any of the following retail establishments located within the unincorporated area of the County:

- (1) A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;
- (2) A store of at least 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 (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
- (3) A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

SECTION 5.46.020. CARRY-OUT BAG REGULATION

(a) On and after January 1, 2012, a store shall not provide a single-use carry-out bag to a customer at the point of sale, except as provided in this section.

(b) (1) A store shall make reusable bags available for purchase by a customer.

(2) (A) A store may provide reusable bags to customers at no cost, until December 31, 2012.

(B) On and after January 1, 2013, a store may provide reusable bags to customers at no cost only when combined with a time-limited store promotional program.

(C) Notwithstanding any other law, on and after January 1, 2012, a store shall provide a customer participating in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) 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 (commencing with Section 15500) 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.

(D) On and after January 1, 2012, a store may provide to a customer a recycled paper bag upon request but shall charge the consumer, except as provided in subdivision (C), a reasonable cost, but not less than five cents.

SECTION 5.46.030. REUSABLE GROCERY BAGS

(a) On and after January 1, 2012, a reusable grocery bag provided by a store shall meet all of the following requirements:

(1) Be designed and manufactured to withstand repeated uses over a period of time.

(2) Be made from a material that can be cleaned and disinfected.

- (3) Shall not contain lead, cadmium, or any other heavy metal in toxic amounts.

SECTION 5.46.040. RECOGNITION OF STATEWIDE IMPORTANCE

The County of Marin recognizes carry-out bag regulation as a matter of statewide interest and concern and is best applied uniformly throughout the state. In the absence of statewide regulation the County of Marin believes it is in the best interest of the County of Marin to regulate carry-out bags.

SECTION 5.46.050. ENFORCEMENT AND NOTICE OF VIOLATIONS

- (a) The Agricultural Commissioner, or his or her designee, shall have primary responsibility for enforcement of this Chapter. The Agricultural Commissioner is authorized to establish regulations and to take any and all actions reasonable and necessary to obtain compliance with this Chapter, including, but not limited to, inspecting any store's premises to verify compliance.
- (b) Anyone violating or failing to comply with any of the requirements of this Chapter shall be guilty of an infraction.
- (c) The County may seek legal, injunctive, or other equitable relief to enforce this Chapter.
- (d) The remedies and penalties provided in this section are cumulative and not exclusive, and nothing in this Chapter shall preclude any person from pursuing any other remedies provided by law.

SECTION 5.46.060. PENALTIES FOR VIOLATIONS

- (a) Violations of this ordinance shall be punishable as follows:

Plastic Bag Compliance Fee Matrix

Violations	Scanner Number		
	1-3	4-9	10 or more
First	Written Warning Notice		
Second	\$135.00	\$200.00	\$220.00
Third	\$185.00	\$250.00	\$270.00
Fourth	\$270.00	\$400.00	\$440.00
Fifth	Administrative Civil Penalty or Referral to DA		

- (1) Each violation of this Chapter shall be considered a separate offense.

SECTION 3. Any provision of the Marin County Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 4. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The Board of Supervisors hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.


SECTION 5. EFFECTIVE DATE. This ordinance shall be and is hereby declared to be in full force and effect as of January 1, 2012 from and after the date of its passage and shall be published once before the expiration of fifteen (15) days after its passage, with the names of the supervisors voting for and against the same in the *Marin Independent Journal*, a newspaper of general circulation published in the County of Marin.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this 25th day of January, 2011, by the following vote:

AYES: SUPERVISORS Judy Arnold, Charles McGlashan, Steve Kinsey,
Susan L. Adams

NOES: NONE

ABSENT: SUPERVISOR Harold C. Brown, Jr.



PRESIDENT, BOARD OF SUPERVISORS

ATTEST:



CLERK

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Mary Neilan

Date: February 28, 2013

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Fairfax:
Garrett Toy

Re: Appoint Dee Johnson to Vacant Special District Local Task Force
Seat

Larkspur:
Dan Schwarz

Jon Elam (General Manager of the Tamalpais Valley Community Services District) resigned from the JPA Local Task Force in late 2012. Accordingly, the JPA circulated an announcement to the special districts that franchise solid waste – soliciting nominations to fill the vacant LTF seat. The deadline for responses was January 31, 2013.

Mill Valley:
Jim McCann

Novato:
Michael Frank

The JPA received one response nominating Dee Johnson representing the Novato Sanitary District. Ms. Johnson's resume is attached and she is an expert in the field who will bring good knowledge and experience to the LTF.

Ross:
Rob Braulik

San Anselmo:
Debbie Stutsman

Recommendation:

Adopt a Motion appointing Dee Johnson to the vacant Special District seat on the Local Task Force.

San Rafael:
Nancy Mackle

Sausalito:
Adam Politzer

Attachments.

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Tiburon:
Margaret Curran

Devine, Steve

From: Beverly James <BevJ@novatosan.com>
Sent: Tuesday, January 29, 2013 10:12 AM
To: Devine, Steve
Subject: Local Task Force Special District Membership
Attachments: Dee_J_RESUMELTF[1].doc

Dear Steve,

The Novato Sanitary District Board of Directors nominated Dee Johnson to serve on the Marin County Hazardous and Solid Waste Management Authority JPA Local Task Force. As you know, Novato Sanitary District is responsible for Solid Waste collection and recycling in the Novato area. We coordinate with the City of Novato through a joint City/District Solid Waste Committee. Dee Johnson serves as the Solid and Hazardous Waste Program coordinator for the District and the joint committee. Please let me know if you have any questions.

Beverly

-- Beverly B. James
Manager-Engineer
Novato Sanitary District
500 Davidson Street
Novato, CA 94945
(415)892-1694 ext 111
Bevj@novatosan.com

Email Warning/Disclaimer of Warrantee/Waiver of Rights

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DEE JOHNSON

Principal and Owner, DLJ Associates

Novato Sanitary District Solid and Hazardous Waste Program Coordinator

RELEVANT EXPERIENCE

Novato Sanitary District, Novato, CA, *Solid and Hazardous Waste Program Coordinator*

- Project coordinator and staff for Novato Sanitary District household and small business hazardous waste programs, provide general program operation, compliance, technical administration and publicity and outreach for all programs.
- Developed, administer and monitor Novato's Zero Waste programs, including expanded outreach and publicity, recycling and compost programs
- Created and implemented programs for management and collection of specific waste streams such as pharmaceuticals, sharps, household batteries, E-Waste and mercury waste.
- Develop and manage annual budget and prepare all required state and federal reports for hazardous and solid waste programs
- Secured and manage over \$250,000 in state grants for the District and City of Novato, including Used Oil block grants, Recycled Tire grants, Department of Conservation recycling grants and Household Hazardous Waste Grants for constructing the Household Hazardous Facility.
- Developed Waste Management Work Plan for District and City
- Staff District Solid/Hazardous Waste Committee; analyze and monitor state and federal legislation
- Presentations and general outreach to Novato Rotary, Novato Leadership Council, City Council, schools, business fairs, festivals and local businesses regarding hazardous and solid waste programs

County of Solano, Martinez, CA

- Developed a pollution prevention program for marinas and boatyards in conjunction with C2 Associates

County of Marin, San Rafael, CA

- Prepared West Marin Waste Management Plan in conjunction with local community group

County of Marin, San Rafael, CA Office of Waste Management ,*Deputy County Administrator/Waste Management Director,*

- Directed staff of nine (9) providing planning, compliance and program support for household hazardous waste, hazardous materials, underground storage tanks and AB939 waste management programs
- Provided for day-to-day administration of the Marin County Hazardous and Solid Waste Management Authority, a 23 member agency, responsible for planning, coordinating and implementing countywide solid and hazardous waste programs

- Secured and managed over \$575,000 in state and federal grants for pollution prevention, household hazardous waste and waste prevention education programs.
- Developed and implemented source reduction, recycling, household hazardous waste and education programs to ensure compliance with AB939 mandates
- Presented conferences and workshops on recycled products, pollution prevention for boatyards and marinas and backyard composting
- Administered contracts, franchise agreements, department budget and provided for overall program management

County of Marin, San Rafael, CA , County Administrator's Office *Principal Administrative Analyst*, Reviewed and analyzed department budgets, prepared recommendations, liaison with county departments, worked on special projects,.

EDUCATION

San Francisco State University, San Francisco, CA
Bachelor of Arts Degree, Political Science

CERTIFICATIONS/TECHNICAL SKILLS

24-Hour Hazardous Waste Operations Training
HM 181 Transportation Training
8-Hour Hazardous Waste Refresher Course

AFFILIATIONS/MEMBERSHIPS

CA Chapter of North American Hazardous Materials Management Association, Past President

CA Product Stewardship Council

Product Stewardship Institute

CA Resource Recovery Association

National Recycling Coalition

Program Committee for Statewide Used Oil and Household Hazardous Waste Conferences

SOLID WASTE HAULERS/ FACILITY OPERATORS/ LANDFILL:

Marin Sanitary Service

Patty Garbarino

Bay Cities Refuse (Alternate)

Greg Christie

Redwood Empire Disposal

Steve McCaffrey

Redwood Landfill

Dan North

SPECIAL DISTRICTS:

Almonte Sanitary District

Loretta Figueroa

Las Gallinas Valley Sanitary District

Russ Greenfield

Special District Seat

Vacant

Las Gallinas Valley Sanitary District (Alternate)

Judy Schriebman

ENVIRONMENTAL ORGANIZATION:

Sierra Club, Green Coalition

David Haskell

Sustainable Novato

Delyn Kies

Conservation Corps North Bay

Jennie Pardi

PUBLIC MEMBERS:

County

David Green

San Rafael

Vacant

Ross Valley

Renee Goddard

Novato

Matt McCarron

Southern Marin Cities

Joan Irwin

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Mary Neilan

Date: February 28, 2013

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Fairfax:
Garrett Toy

Re: CalRecycle Grant Resolutions

Larkspur:
Dan Schwarz

The California Department of Resources Recycling and Recovery (CalRecycle) has changed its resolution requirements for some of their grant programs. In order to submit an application for CalRecycle's HD20 Household Hazardous Waste Grant the Board needs to approve a revised resolution allowing the JPA to apply for regional grant programs.

Mill Valley:
Jim McCann

Novato:
Michael Frank

This resolution follows the same guidelines as past resolutions the JPA has approved, which allow the JPA to apply for all applicable grants our entity is eligible for within the next five-years. Additionally, staff has prepared two resolutions, one for regional grant programs and one for single applicants. Approving both resolutions should ensure that the JPA has approval to apply for the majority of grant programs that CalRecycle currently offers. There may be instances in the future that require JPA Board action or approval, but this format allows staff flexibility to apply for grants in foreseeable circumstances.

Ross:
Rob Braulik

San Anselmo:
Debbie Stutsman

San Rafael:
Nancy Mackle

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

Recommendation:

Adopt a motion approving and directing your Chair to sign the attached resolutions.

Attachments:

Resolution 2013-01 – "Regional Authorization"
Resolution 2013-02 – "Single Authorization"

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**RESOLUTION OF THE MARIN COUNTY HAZARDOUS AND SOLID WASTE
MANAGEMENT JOINT POWERS AUTHORITY (JPA) BOARD OF DIRECTORS
AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE
GRANTS FOR WHICH THE MARIN COUNTY HAZARDOUS AND SOLID WASTE
MANAGEMENT JOINT POWERS AUTHORITY IS ELIGIBLE.**

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, to administer various grant programs (grants) in furtherance of the State of California's (State) efforts to reduce, recycle, and reuse solid waste generated in the State, thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish necessary procedures governing the application, awarding and management of its grants; and

WHEREAS, all eligible grant programs allow regional grant projects; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Hazardous and Solid Waste Management Joint Powers Authority Board of Directors authorizes the Marin County Hazardous and Solid Waste Management Joint Powers Authority to submit a regional application for all grants which the JPA is eligible on behalf of itself as Lead Agency and the participating jurisdictions as shown by the attached documentation.

BE IT FURTHER RESOLVED that the Executive Director, or its designee, is hereby authorized and empowered to execute on behalf of the Marin County Hazardous and Solid Waste Management Joint Powers Authority all Grant-related documents, including, but not limited to, Applications, Payment Requests, Agreements, and Amendments necessary to secure Grant funds and to implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for five (5) years from the date of adoption of this resolution.

AYES:

NOES:

ABSENT:

Nancy Mackle, Chair

Date: February 28, 2013

ATTEST:

Executive Director

Attachment

Participating Jurisdictions

Belvedere

Corte Madera

Fairfax

Larkspur

Mill Valley

Novato

Ross

San Anselmo

San Rafael

Sausalito

Tiburon

County of Marin

**RESOLUTION OF THE MARIN COUNTY HAZARDOUS AND SOLID WASTE
MANAGEMENT JOINT POWERS AUTHORITY (JPA) BOARD OF DIRECTORS
AUTHORIZING SUBMITTAL OF APPLICATION(S) FOR ALL CALRECYCLE
GRANTS FOR WHICH THE MARIN COUNTY HAZARDOUS AND SOLID WASTE
MANAGEMENT JOINT POWERS AUTHORITY IS ELIGIBLE.**

WHEREAS, Public Resources Code sections 40000 et seq. authorize the Department of Resources Recycling and Recovery (CalRecycle), formerly known as the California Integrated Waste Management Board, to administer various Grant Programs (grants) in furtherance of the state of California's (State) efforts to reduce, recycle and reuse solid waste generated in the State thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, in furtherance of this authority CalRecycle is required to establish procedures governing the application, awarding, and management of the grants; and

WHEREAS, CalRecycle grant application procedures require, among other things, an applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the Marin County Hazardous and Solid Waste Management Joint Powers Authority Board of Directors authorizes the submittal of application(s) to CalRecycle for all grants for which the Marin County Hazardous and Solid Waste Management Joint Powers Authority is eligible.; and

BE IT FURTHER RESOLVED that the Executive Director, or his/her designee is hereby authorized and empowered to execute in the name of the Marin County Hazardous and Solid Waste Management Joint Powers Authority all grant documents, including but not limited to, applications, agreements, amendments and requests for payment, necessary to secure grant funds and implement the approved grant project; and

BE IT FURTHER RESOLVED that these authorizations are effective for five (5) years from the date of adoption of this resolution.

AYES:

NOES:

ABSENT:

Nancy Mackle, Chair

Date: February 28, 2013

ATTEST:

Executive Director