



# City of Hermosa Beach

## Information Item

**DATE:** February 2, 2022  
**TO:** Honorable Mayor and Members of the City Council  
**FROM:** Doug Krauss, Environmental Programs Manager  
**SUBJECT:** Update and Discussion of Implementation of 2019 Ban of Certain Single-Use Plastic Products

### **Executive Summary**

At its October 26, 2021 meeting, City Council requested an update regarding the implementation of the 2019 Ban on Single-use Plastics (Hermosa Beach Municipal Code 8.64). Although the program was paused during the early stages of the COVID-19 pandemic, staff continued to educate businesses and monitor compliance. These recent education and enforcement efforts improved citywide compliance. This memo serves as an update regarding the overall program and ongoing implementation.

### **Background**

At its March 12, 2019 meeting, City Council provided staff direction, under the other matters section of its agenda, to return to Council with an ordinance to reduce and eliminate the sale and use of single-use plastics in Hermosa Beach. The ordinance is based on the fact that most plastic products are not functionally recyclable in California and it is estimated that less than 1 percent of the more than 375,000 tons of polystyrene (plastic foam) produced in California each year gets recycled. The remaining 99 percent ends up in our landfills, harbors, and ocean.

Polystyrene and other non-recyclable plastics are a serious and readily preventable source of marine debris pollution. Because many of these products are both lightweight and aerodynamic, they easily blow into gutters, storm drains, and onto beaches and the ocean, even when properly disposed. Once broken down in the marine environments, many of these products can kill fish and other wildlife because they resemble food and cause choking or starvation if ingested.

Plastic ocean pollution is not only a threat to marine animals and wildlife, but it also poses a significant hurdle to the City's compliance goal for the Santa Monica Bay nearshore and offshore debris Total Maximum Daily Load (TMDL) target of zero trash discharged into Santa Monica Bay. Reducing the sale and distribution of single use plastic products in the community is expected to have the long-term local impact of helping reduce pollution along the City's coastline and in the ocean.



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### *Hermosa Beach Ordinances*

At its September 11, 2012 meeting, City Council adopted Ordinance No. 12–1332, adding Chapter 8.64 to the Hermosa Beach Municipal Code to ban polystyrene food service ware and amending Chapter 1.10 to make violations of Chapter 8.64 subject to administrative penalty procedures. The ordinance addressed the local environmental and public health impacts by prohibiting the sale, use, and distribution of polystyrene packaging for foods and drinks packaged or repackaged within the City.

At its September 1, 2015 meeting, City Council adopted Ordinance No. 15–0648 banning the use of plastic carryout bags and imposing a charge for recyclable paper bags in order to reduce the number of plastic bags in the Santa Monica Bay. This ordinance prohibits any retail establishment in the City of Hermosa Beach from providing plastic single-use carryout bags to customers for the purpose of carrying goods away from the point of sale. The ordinance was aimed at encouraging customers to instead bring their own reusable bags to the store.

At its December 18, 2019 meeting, City Council adopted an ordinance amending the Hermosa Beach Municipal Code to expand the ban on polystyrene food service ware to include a ban on certain polystyrene products, single-use plastic products, and single-use products. This ordinance extended the previous bans on single-use plastics to include the use and distribution of: plastic straws; plastic utensils; polystyrene food trays; Mylar balloons; and more. Enforcement of the ordinance was scheduled to begin July 1, 2020 to allow businesses the opportunity to phase out non-compliant items.

The original enforcement timeline was delayed by the onset of the COVID-19 pandemic in the Spring of 2020. This delay was a result of both the diversion of City staff and resources to pandemic-related activities, as well as the need to relieve local businesses of additional burdens as they attempted to whether and recover from the economic hardships of the pandemic. Despite the delay in formal enforcement, City consultants continued their annual inspections of affected businesses as part of the Clean Bay Restaurant program. These inspections monitored for compliance and offered education and outreach about this program and related pollution-prevention measures. Inspections performed in Spring of 2020 and 2021 helped inform a new round of implementation efforts to begin in Summer of 2021. The education and outreach efforts included:



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- A campaign focused on the ban on Mylar balloons. The campaign included: social media postings; installation of signs at City Parks; and adding additional language to City facility rental forms to target park users;
- Mailing Notices of Violation. In August, all restaurants that were non-compliant with the Single-use Plastics ban, as determined through the Clean Bay Restaurant inspections, received a mail notice; and
- Follow-up inspections and Final Notices of Violation. In early November, non-complaint businesses were provided 30 additional days to become compliant or face citation.

After distribution of Final Notices in November, City staff made additional site visits and phone calls to several businesses to assist with understanding the program and achieving compliance. Final follow-up visits were performed in early December 2021 and from these visits, seven citations were issued by the City's code enforcement staff in the amount of \$100 each.

### **Next Steps**

Since citation issuance, staff received communications from the affected businesses and achieved compliance from almost all businesses. Targeted follow-up with cited businesses continues.

Moving forward, the annual Clean Bay Restaurant inspection program will be the most effective means of monitoring compliance. These inspections happen each Spring and will be key to ensuring compliance is maintained at these businesses. Staff is also using language on new business license applications to alert new businesses to the program and educate them on compliance. City code enforcement staff will also monitor compliance during their normal business interactions and the City's Green Business program consultant will assist on targeted inspections and outreach. The program also encourages and receives reports from residents and customers concerning businesses that are using non-compliant items.

The City will utilize its website and social media to make targeted reminders to the community. The program also benefitted from the adoption of similar programs in neighboring agencies. Currently, the cities of El Segundo, Manhattan Beach, and Redondo Beach have similar ordinances, thus projecting a consistent message to the South Bay beach communities. Staff received feedback from businesses and vendors the benefit of the regional consistency.



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Staff concurrently made targeted outreach efforts regarding the City's ban on the use of Mylar balloons. Included in the 2019 ordinance, the ban on Mylar balloons and the use of other "lighter than air" balloons serve to not only reduce potential pollutants in the environment, but also helps prevent power outages resulting from balloons in power lines. Staff ensured that all park reservation forms include language relating to prohibited balloons and installed additional signage in City parks to remind all users. Staff utilized social media to augment communications and will continue to use it to complement other ongoing messaging relative to this program.

Staff will also continue to monitor State legislation and programs related to reducing plastic pollution and bring those to Council's attention should its direction or support be necessary. Ongoing communication with neighboring agencies will also help to maintain best practices and awareness of local or regional programs and strategies.