

Exhibit A

City of San Rafael

Single Use Carryout Bag Reduction Ordinance

Addendum to the Marin County Hazardous and Solid Waste Management JPA Single Use Carryout Bag Reduction Ordinance Final EIR



January 2014

San Rafael
Single Use Carryout Bag Reduction Ordinance

Addendum to the Final EIR

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INTRODUCTION

This document is an addendum to the Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) Single Use Carryout Bag Reduction Final Environmental Impact Report (FEIR). On January 16, 2014, the JPA adopted Resolution No. 2014-01 certifying the FEIR (SCH # 2013062049). The JPA represents 10 Marin County municipalities that have a common interest in adopting a local ordinance regulating the use of single-use bags. For this reason, the FEIR defines and covers a “Study Area” encompassing all cities, towns and the unincorporated areas of Marin County. The FEIR analyzes the environmental impacts of the project, which is a draft “model ordinance” that is scoped to: a) regulate the use of single-use plastic and recyclable paper carryout bags for larger retail stores; and b) require retail establishments to charge customers \$0.05 for each recycled carryout paper bags. The “model ordinance” is intended to be used as a template for those Marin County municipalities that will pursue a drafting and adoption of a local ordinance regulating single-use carryout bags. Consistent with the provisions of the CEQA Guidelines, the FEIR includes an assessment of seven alternatives to the “model ordinance” project (FEIR Alternatives 1 through 4).

As one of the 10 participating municipalities in Marin County, the City of San Rafael has reviewed the model ordinance and FEIR and has determined to propose adoption of an ordinance (“proposed ordinance”) to regulate single-use bags that is largely consistent with FEIR Alternative 4. Alternative 4 is similar in scope to the model ordinance but would establish a mandatory charge of \$0.10 per recyclable paper bags. In addition, the proposed ordinance would be applicable to special events such as the farmer’s markets. The addendum is required to address the possible environmental effects associated with adoption and enforcement of the proposed ordinance by San Rafael.

In accordance with Section 15164 of the *California Environmental Quality Act (CEQA) Guidelines*, an addendum to a previously certified FEIR is the appropriate environmental document in instances when “only minor technical changes or additions are necessary” and when the new information does not involve new significant environmental effects beyond those identified in an adopted FEIR. The changes being contemplated involve adopting the proposed ordinance, which is slightly different than the model ordinance assessed as the project in the FEIR. The differences are discussed below in the project description.

The proposed ordinance would result in no new significant environmental effects beyond those identified and assessed in the FEIR. Since the proposed ordinance does not require substantial changes to the those analyzed in Alternative 4 of the FEIR, major revisions of the EIR analysis are not warranted. As such, a subsequent EIR pursuant to Section 15162 of the *CEQA Guidelines* would not be warranted and an addendum is the appropriate environmental document under CEQA. This addendum includes a description of the currently proposed ordinance and a comparison of the impacts of this ordinance to those identified for FEIR Alternative 4.



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PROJECT DESCRIPTION

The proposed San Rafael Single Use Carryout Bag Reduction Ordinance (referred to herein as “proposed ordinance”) would ban the issuance of single use plastic carryout bags to customers at the point of sale and would charge a minimum of ten cents (\$0.10) for a recyclable paper carryout bag or a reusable bag. 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 proposed ordinance would not apply to some retailers who distribute single use plastic carryout bags including restaurants and other non-grocery related retailers such as clothing or hardware stores.

As discussed above, the proposed ordinance is similar to FEIR Alternative 4. As stated in the FEIR, Alternative 4, like the model ordinance, which proposes a \$0.05 fee for recyclable paper carryout bags (the Draft Model Ordinance), would continue to prohibit Study Area retail establishments from providing single use plastic carryout bags to customers at the point of sale, but would increase the mandatory charge for a recyclable paper carryout bag from \$0.05 to \$0.10. Like Alternative 4, the proposed ordinance would have a mandatory charge of \$0.10 for recyclable paper carryout bags and reusable bags. However, the City’s Proposed Ordinance would also include minor revisions that are specific to San Rafael.

The differences between the proposed ordinance and FEIR Alternative 4 are as follows:

- Under FEIR Alternative 4, only “stores,” as defined, would be regulated. Under the proposed ordinance, stores and vendors at “public events” which, as defined, include farmers' markets, parades, craft fairs, festivals, concerts, performances or other exhibitions would also be regulated.
- Under FEIR Alternative 4, the effective date of the ordinance is not defined. In the City’s proposed ordinance, the operative date is defined as being on or after September 15, 2014.
- Under FEIR Alternative 4, stores may provide reusable bags to customers at no cost only when combined with a time-limited store promotional program and those events that do not exceed a total of 60 days within any consecutive 12-month period. For the City’s proposed ordinance, such events are not to exceed a total of 30 days within any consecutive 12-month period.
- Under FEIR Alternative 4, the appropriate enforcement official is not defined. For the City’s proposed ordinance, the authority to enforce the ordinance is held with the City Manager or such code enforcement officials as may be designated by the City Manager.
- For the City’s proposed ordinance there is a provision for store self-enforcement via written or online registration, which is not included under FEIR Alternative 4.

The above-listed differences between the City’s proposed ordinance and FEIR Alternative 4 are minor and insignificant changes and revisions that would result in minimal/negligible changes to bag use (less than 0.25% of total existing single use plastic bag use related to vendors at



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public events) and, therefore, would not significantly alter any of the bag use assumptions in the certified FEIR. Consistent with the analysis for FEIR Alternative 4, with a ban on single use plastic carryout bags and a minimum charge of 10 cents for recyclable paper bags, it is assumed for the City's proposed ordinance that 65% of single use plastic bag use would be switched to reusable bags and 30% would switch to recyclable paper bags.¹ An estimated 30,894,642 single use plastic bags are currently used annually in the City of San Rafael. As shown in Table 1 below, with the City's proposed ordinance, total bag use would be reduced to approximately 11,199,308 carryout bags per year in San Rafael. This bag use was considered in the FEIR analysis for Alternative 4, which analyzed bag use in the 10, participating Marin municipalities including San Rafael. Thus, even with the minor changes to the text of the Ordinance, the total bag use that would result from the City's proposed ordinance would be similar as that analyzed in the FEIR.

Table 1
Existing and Proposed Bag Use
Under A \$0.10 Recyclable Paper and Reusable Carryout Bag Fee

Area	Existing Plastic Bags	Proposed Plastic Bags: 5% Remain (exempt retailers) ¹	Proposed Paper Bags: 30% Switch to Paper ¹	Proposed Reusable Bags: 65% Switch to Reusable ¹	Proposed Total Carryout Bags
JPA EIR Study Area (Alternative 4)	95,226,354	4,761,318	28,567,906	1,190,329	34,519,553
San Rafael	30,894,642	1,544,732	9,268,393	386,183	11,199,308

¹ Rates utilized in the County of San Mateo Final EIR, SCH #2012042013, and City of San Jose Final EIR, SCH # 2009102095, October 2010.

The City's objectives for the proposed ordinance would be the same as FEIR project objectives for the draft "model ordinance" analyzed in the FEIR. The project objectives include:

- Reducing the environmental impacts related to single use plastic carryout bags, such as impacts to biological resources (including marine environments), water quality and utilities (solid waste equipment and facilities)
- Deterring the use of paper carryout bags by retail customers
- Promoting a shift toward the use of reusable carryout bags by retail customers
- Reducing the amount of single use plastic carryout bags in landfill volumes
- Reducing litter and the associated adverse impacts to stormwater systems, aesthetics and marine and terrestrial environments

¹ Assumption from Table B-2, Herrera Fiscal Analysis, 2010 and City of San Jose Single-Use Carryout Bag Ordinance FEIR (SCH # 2009102095).



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ENVIRONMENTAL IMPACTS

This section addresses each of the environmental issues studied in the FEIR, comparing the effects of the City's proposed ordinance with the effects of FEIR Alternative 4 analyzed in Section 6.0, *Alternatives*, of the certified FEIR. In addition to stating the JPA's finding for each impact statement, the analysis includes a discussion of the City's impacts related to adopting its own ordinance, as well as the impacts associated with implementation of such an ordinance citywide.

The City's proposed ordinance would not change any of the impacts identified as less-than-significant in the JPA-prepared Initial Study (Appendix A of the JPA's Draft EIR). Each of those impacts would remain less-than-significant for the City's proposed ordinance. As such, further discussion of these issues in this addendum is not warranted. Nevertheless, the certified FEIR including the Initial Study in DEIR Appendix A and all other Appendices is incorporated by reference.

Air Quality

The City's proposed ordinance would have impacts related to Air Quality similar to those of the previously studied FEIR Alternative 4. The City's existing and proposed bag use was considered in the FEIR analysis, which analyzed bag use throughout the Study Area. Therefore, all of the carryout bags that would be subject to the City's proposed ordinance have already been analyzed for air quality impacts as part of the FEIR Alternatives analysis (for Alternative 4) and, as shown below, impacts would be no greater than what was already determined in the FEIR (see Section 6.4, in Section 6.0, *Alternatives*). As is the case with the FEIR analysis, the City's proposed ordinance does not involve any construction activities; therefore, there would be no regional or localized construction impacts, and consideration of construction air quality impacts is not relevant. Thus, this analysis focuses on operational impacts. As studied in the FEIR, operational impacts include emissions associated with bag manufacturing, transportation, and use as well as emissions resulting from increased delivery trips.

Emissions from Manufacture, Transportation and Use

As described in Section 6.4.2 (a) (see page 6-19) of the FEIR, under Alternative 4, if all participating municipalities were to adopt such an ordinance, it would be expected to result in an overall decrease in ozone and atmospheric acidification (AA) emissions. Table 2 shows the estimated daily emission changes that would result if all the participating municipalities in the JPA Study Area (including San Rafael) were to implement a plastic bag ban ordinance similar to FEIR Alternative 4. The emissions related to converting from single use plastic bags to recyclable paper and reusable bags as a result of the City's proposed ordinance are also shown in Table 2. As shown, ozone and atmospheric acidification emissions would decrease in San Rafael. Therefore, similar to the determination presented in the FEIR for Alternative 4, air quality impacts from the manufacturing, transportation and use of carryout would be beneficial compared to existing conditions.



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Table 2
Estimated Emission Changes Due to All Participating Municipalities in JPA Study Area Adopting an Ordinance and the City's Ordinance

Emission Source	Ozone Emissions per year (kg)	AA Emissions per year (kg)
JPA Study Area (All participating municipalities adopt Alternative 4)	(-1,186)	(-41,455)
City of San Rafael Ordinance	(-385)	(-11,467)

() denotes decrease in emissions compared to existing conditions
Source: JPA Final EIR, Table 6-12 and Appendix D

Emissions Resulting From Increased Delivery Trips

Similar to the FEIR analysis for Alternative 4, the City's proposed ordinance would be expected to cause a potential increase in delivery truck trips required to transport paper and reusable carryout bags to affected stores. As stated in the FEIR, Alternative 4 would result in an overall increase of approximately 0.27 truck trips per day in the Study Area. Using the FEIR methodology to determine truck trips, the City of San Rafael's contribution to this increase would be approximately 0.13 truck trips per day.²

As shown in Table 3, similar to the County of Marin single-use carryout bag ordinance, the increase of truck trips in the City would not result in any thresholds of significance set by the Bay Area Air Quality Management District (BAAQMD) to be exceeded. Consistent with the Marin County's adopted ordinance, impacts related to mobile emissions from the City's proposed ordinance would be less-than-significant.

Table 3
Estimated Daily Emissions From Increased Truck Trips

Emission Source	Emissions (lbs/day)			
	ROG	NO _x	PM _{2.5}	PM ₁₀
JPA Study Area	<0.01	0.03	<0.01	<0.01
City of San Rafael Ordinance	<0.01	0.02	<0.01	<0.01
<i>BAAQMD Threshold</i>	<i>54</i>	<i>54</i>	<i>82</i>	<i>54</i>
Significant Impact?	No	No	No	No
County Ordinance Significant Impact?	No	No	No	No

Source: JPA Final EIR, Table 6-13; and, URBEMIS output (see Appendix A).

² Existing bag use in San Rafael estimated to be 30,894,642 plastic bags per year. Assuming that 30% of existing plastic bag use would switch to paper (9,268,393 paper bags), 65% would switch to reusable bags (386,183 reusable bags assuming 52 uses a year) and 5% would remain (1,544,732 plastic bags) to account for exempt retailers. Assuming 2,080,000 plastic bags per truck load, 217,665 paper bags per truck load, and 108,862 reusable bags per truck load.



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Biological Resources

As with the model ordinance analyzed in the certified FEIR, the City's proposed ordinance would result in a reduction in the use and disposal of plastic carryout bags and an increase in the use and disposal of recycled paper and reusable bags. As such, the City's proposed ordinance would incrementally reduce the amount of single-use plastic bag litter that could enter the marine environment and affect sensitive species. The City's proposed ordinance would also be anticipated to increase consumer use of recycled paper and reusable carryout bags, which, as discussed in the FEIR, have not been widely noted to have adverse impacts upon biological resources. Although reusable bags may become a part of the waste stream, because they can be reused multiple times and are heavier than plastic carryout bags, the number of reusable bags that would likely end up as litter which could impact biological resources would be lower than the number of plastic or paper carryout bags. In addition, because paper bags are not as resistant to biodegradation, paper bags do not persist in the marine environment for as long as plastic bags. For the reasons stated above, consistent with the findings of the certified FEIR, the City's proposed ordinance would result in no significant adverse impacts to biological resources.

Greenhouse Gas Emissions

Carryout bags have the potential to contribute to the generation of greenhouse gas emissions (GHGs) either through emissions associated with manufacturing process of carryout bags, truck trips delivering carryout bags to retailers or through disposal during landfill degradation. For this analysis, the City's proposed ordinance is evaluated based on the project-level threshold of 4.6 metric tons CO₂E per service population per year (BAAQMD, June 2010). Based on existing population and employment data provided by the California Department of Finance (2013), the existing population in San Rafael is approximately 58,182.

Manufacturing, Transportation, and Disposal

As discussed in the JPA's EIR, the manufacture, transport, and disposal of a recyclable paper bag generates 2.97 times more GHG emissions than the manufacture, transport, and disposal of a single-use plastic bag. If only used once, the manufacture, use, and disposal of a reusable cotton carryout bag results in 131 times the GHG emissions of a single-use plastic bag. However, reusable carryout bags are intended to be used multiple times. With reuse of carryout bags, the total carryout bags that would be manufactured, transported and disposed of would be reduced.

As stated in the FEIR, if every municipality within the JPA adopted FEIR Alternative 4, it would contribute indirectly to an expected overall increase of approximately 7,897 metric tons of CO₂E emissions per year, or 0.044 metric tons CO₂E per person (shown in Table 4). Thus, the FEIR determined that Alternative 4 would not exceed BAAQMD thresholds and therefore impacts related to the manufacturing of paper bags would be less-than-significant. Similarly, for the City's proposed ordinance, the conversion of plastic to paper and reusable bags would increase GHG emissions in the City by approximately 2,562 metric tons per year or 0.044 metric tons per



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person as shown in Table 4. As such, consistent with the findings of the JPA’s Final EIR, the City’s proposed ordinance would have a less-than-significant impact related to GHG emissions.

Table 4
Estimated GHG Emissions

Emission Source	CO ₂ e Emissions (metric tons/year) ¹	Metric Tons per Year per Capita
JPA EIR	7,897	0.044
City of San Rafael Ordinance	2,562	0.044

¹ Represents a net change in GHG emissions compared to existing plastic bag use
Source: San Mateo County Draft Program EIR, August 2012

Consistency with Applicable GHG Plans and Policies

As was determined in the analysis of the model ordinance in the FEIR, the City’s proposed ordinance would be consistent with the CAT strategies and measures suggested in the Attorney General’s Greenhouse Gas Reduction Report, as presented in Tables 4.3-3 and 4.3-4 of the FEIR. In addition, as stated in Section 4.3, *Greenhouse Gases* of the FEIR, San Rafael’s Climate Action Plan (CCAP) has several measures to reduce material consumption and increase resource re-use. Program LF17 calls for investigating “options for banning non-recyclable single use items, such as plastic bags and polystyrene takeout food containers.” In addition, the San Rafael General Plan 2020 Sustainability Element includes Policy SU-9h “Non-Recyclable Single Use Items,” which suggests the City should “Investigate options for banning non-recyclable single-use items, such as plastic bags and polystyrene takeout food containers”. The City’s proposed ordinance is specifically aimed at reducing the number of single use plastic carryout bags and would be consistent with Program LF17, with San Rafael’s CCAP and the General Plan 2020 Sustainability Element. Therefore, the City’s proposed ordinance would be consistent with the objectives of AB 32, SB 97, and SB 375. Impacts would be less-than-significant.

Hydrology and Water Quality

Hydrology and water quality impacts would be similar to those identified for the model ordinance in the FEIR. The following discusses the impacts related to drainage and surface water quality that would result from implementation of the City’s proposed ordinance.

Drainage

As was determined in the analysis of the model ordinance in the FEIR, the City’s proposed ordinance would not require construction of new structures or additional storm water infrastructure. Consequently, the capacity of existing storm water drainage would remain unchanged and redirecting storm water flows would be unnecessary. Single-use plastic bags that become litter may enter storm drains from surface water runoff or may be blown directly into local waterways by the wind. By banning plastic carryout bags within the City, the proposed ordinance would improve the existing drainage capacity by removing a significant source of trash that can clog features of the system and reduce its capacity. Therefore, consistent



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with the findings presented in the FEIR for the model ordinance, the proposed ordinance would not result in significant adverse impacts to hydrology and water quality related to drainage.

Surface Water Quality

As noted in the FEIR, the manufacturing processes for single-use plastic, single-use paper, and reusable bags utilize various chemicals and materials. The City's proposed ordinance would reduce plastic bag use by 95% and increase the use of recycled paper and reusable bags. With implementation of the City's ordinance, approximately 11.2 million single-use bags (including recyclable paper, single-use plastic and reusable bags) would be manufactured for use in the City – a decrease of approximately 64% compared to existing conditions. Consequently, the City's proposed ordinance would reduce the overall impacts to water quality associated with bag manufacturing. Furthermore, manufacturing facilities would be required to adhere to existing federal, state and local regulations. Therefore, impacts to water quality related to the potential change of processing activities as a result of the City's proposed ordinance would be less-than-significant, which is the same finding presented in the FEIR.

Utilities and Service Systems

Potential impacts to utilities and service systems resulting from the City's proposed ordinance would be similar to impacts determined for the model ordinance in the FEIR. The following summarizes the impacts related to wastewater collection and treatment, water supply, and solid waste for the City's proposed ordinance compared to the findings for the model ordinance contained in the FEIR.

Water Supply

Carryout bags would indirectly result in water use through the manufacturing process of carryout bags. As discussed in the FEIR, the conversion from plastic bags to paper carryout bags and reusable carryout bags would result in an increase of water use from the manufacturing process of paper and reusable bags. Manufacturing facilities of carryout bags are not known to be located within Marin County or in the City of San Rafael. Therefore, manufacturing facilities would not utilize the water supplies of the County or of the City of San Rafael.

In addition to water use from manufacturing carryout bags, the City's proposed ordinance may result in increased water use as reusable bags would be washed. The FEIR determined that under Alternative 4, the water demand from washing reusable bags would increase by 92.29 acre-feet per year (AFY) compared to existing conditions. The City's contribution to this countywide increase resulting from the proposed ordinance would be 29.94 AFY. Total existing water use in Marin County is estimated to be 40,610 AFY on average. The increase of water demand would represent approximately 0.002% of the total water supplied to the County. This increase would result in less-than-significant impacts. As noted above, there is no known manufacturing and production of paper carryout bags in the Study Area (or in the City of San Rafael). Therefore, any increase in water supply necessary for paper carryout bag manufacturing would not impact suppliers in Marin County. Further, the impacts resulting



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from the implementation of the proposed ordinance would be consistent with FEIR, which finds that there would be no anticipated need for new or expanded water entitlements. Consistent with the FEIR analysis for Alternative 4, impacts would be less-than-significant.

Wastewater Generation

As discussed in the FEIR, no manufacturing facilities for recyclable paper or reusable carryout bags are located within the Study Area. Therefore, any increase in wastewater generation due to recyclable paper or reusable carryout bag manufacturing would not affect wastewater treatment providers in the Study Area. Nevertheless, the FEIR assumes that 100% of the water used to wash reusable bags would become wastewater, which would result in an expected increase in wastewater of approximately 92.29 AFY per year (30,071,480 gallons) or approximately 82,388 gallons per day. The City's portion of this wastewater that would result from the implementation of the proposed ordinance would be approximately 29.94 AFY per year (9,756,203 gallons) or approximately 26,729 gallons per day. The Central Marin Sanitation Agency, which serves San Rafael, has a remaining capacity of 4.2 million gallons per day (MGD) and therefore has capacity to treat the increase in wastewater (26,729 gallons per day) from the City's proposed ordinance. The City's proposed ordinance would not change the conclusions regarding wastewater generation since the estimated increase of wastewater and impacts related to wastewater generation for the City's proposed ordinance would be less-than-significant.

Solid Waste

As described in the FEIR, based on the Ecobilan LCA data, adoption and implementation of FEIR Alternative 4 would increase solid waste by 0.12 tons per day. Of this, approximately 0.04 tons per day would be attributable to the City of San Rafael. Table 5 also shows solid waste estimates calculated using the Boustead data. The FEIR determined that the model ordinance would result in an increase of approximately 1.06 tons of solid waste per day. Of this total countywide, approximately 0.34 tons per day would be directly related to implementation of the City's proposed ordinance. As stated in the FEIR, the permitted daily maximum throughput of the Redwood Landfill and Recycling Center, which serves the City of San Rafael, is 1,390 tons per day. For the City's proposed ordinance, using the worst case scenario (the Boustead data) the potential increase of 0.34 tons of solid waste per day would represent approximately 0.00024% of the daily capacity of the landfill. Thus, the existing waste disposal facilities in the City could accommodate any indirect increases in solid waste related to the City's proposed Ordinance. Similar to the findings in the FEIR, impacts related to solid waste would be less-than-significant.



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Table 5
Solid Waste Generation Due to Plastic and Paper Carryout Bags

Solid Waste Sources	Solid Waste Generation (tons per day)	
	Ecobilan	Boustead
San Mateo County Ordinance	0.12	1.06
City of San Rafael Ordinance	0.04	0.34

Sources: JPA Final EIR, Section 6.0, Alternatives, and, Utilities Calculations (see Appendix E).

Conclusion

As discussed above, impacts from the City’s proposed ordinance related to air quality, biological resources, greenhouse gases, hydrology and water quality, and utilities and service systems were determined to have similar impacts as FEIR Alternative 4. All of these issues were determined to result in either less-than-significant impacts or beneficial impacts. Based on the City’s determination that none of the impacts of the proposed ordinance would be significant, no new significant environmental effects beyond those already analyzed in the FEIR would occur.



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REPORT PREPARERS

Rincon Consultants, Inc.

Joe Power, AICP CEP, Principal

Matt Maddox, AICP, MESM, Senior Program Manager

Abe Leider, AICP CEP, Senior Planner

Ryan Gardner, MESM, Sustainability Associate



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Karly Kaufman, MESM, Environmental Planner
Katie Stanulis, Production Coordinator

