

Notice of Exemption
California Environmental Quality Act

TO: **COUNTY CLERK**
County of San Mateo
555 County Center
Redwood City, CA 94063

STATE OF CALIFORNIA
Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: **CITY OF SAN BRUNO**
567 El Camino Real
San Bruno, CA 94066
(650) 616-7065

PROJECT TITLE

Sustainable Food Ware Ordinance, San Bruno Municipal Code Chapter 10.21

FILED
ENDORSED
IN THE OFFICE OF THE
COUNTY CLERK, SACRAMENTO,
SUTTER COUNTY, CALIF.

PROJECT LOCATION – SPECIFIC

City of San Bruno

FEB 11 2009

PROJECT LOCATION – CITY, COUNTY

City of San Bruno, County of San Mateo

WARREN SLOCUM, County Clerk
By **MABELLE BRILEY**
DEPUTY CLERK

PROJECT DESCRIPTION – NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT

Effective April 1, 2010, this ordinance would ban the use of any polystyrene disposable containers and accessories intended for serving or transporting prepared, ready-to-eat food or beverages. The ban would become effective April 1, 2010. Instead, only biodegradable, recyclable, compostable, and reusable food service ware items would be allowed. Limited exemptions would apply to establishments where a suitable biodegradable, compostable, recyclable, or reusable alternative does not exist or where no reasonably feasible alternative exists to a specific and necessary container prohibited by the ordinance. The purpose of the ordinance is to reduce the negative environmental impacts associated with polystyrene including that polystyrene is not biodegradable and persists in the environment to the detriment of marine and other wildlife and is a suspected carcinogen and neurotoxin which potentially threatens human health. Currently, polystyrene is not being recycled in San Bruno nor in most other places because it is not economically feasible and because there are challenges to recycling polystyrene that is dirtied by food.

NAME OR PUBLIC AGENCY APPROVING PROJECT
City of San Bruno

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT
City of San Bruno

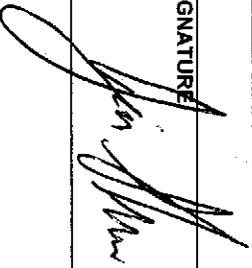
EXEMPT STATUS (Check One)

- Ministerial (Sec. 21080(b)(1); 15268)
- Declared Emergency (Sec. 21080(b)(3); 15269(a))
- Emergency Project (Sec. 21080(b)(4); 15269(b)(c))
- Statutory Exemption – CODE NO. _____
- Categorical Exemption – CEQA GUIDELINES SECTION NO: 15061(b)(3) and 15308
- Not a "Project" (Sec. 15378)

REASON WHY PROJECT IS EXEMPT

The ordinance is not a "project" for purposes of CEQA, as that term is defined in CEQA Guidelines Section 153378. Because it is not a "project," the ordinance is not subject to CEQA's requirements. Further, even if the ordinance is deemed a "project" for purposes of CEQA, this project is exempt under CEQA Guidelines Sections 15061(b)(3) and 15308 because it does not have the potential for causing a significant effect on the environment. Instead, as authorized by the ordinance, it will keep a single type of material (polystyrene) that is applied to a particular use (largely take-out food) out of the waste stream which is calculated to maintain, restore, enhance, and protect the environment by requiring that only environmentally-friendly materials (biodegradable, recyclable, compostable, reusable) be used for serving and transporting food and beverages.

LEAD AGENCY CONTACT PERSON	TELEPHONE
Jim Shannon	(650) 616-7046

SIGNATURE	TITLE	DATE
	Public Works Management Analyst	February 11, 2009