

# NOTICE OF PUBLIC HEARING



## SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY

### ORDINANCE NO. 2021-3-1 AN ORDINANCE REPEALING ORDINANCE NO. 2019-1 REGARDING THE REGULATION OF POLYSTYRENE AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS AND PRODUCTS

**NOTICE IS HEREBY GIVEN** that the Governing Board of the San Luis Obispo County Integrated Waste Management Authority introduced ORDINANCE NO. 2021-3-1 at the Board meeting on March 10, 2021 and will hold a public hearing to consider adoption. Date, time, and location listed below. Any persons may be heard regarding ORDINANCE NO. 2021-3-1 AN ORDINANCE REPEALING ORDINANCE NO. 2019-1 REGARDING THE REGULATION OF POLYSTYRENE AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS AND PRODUCTS.

**DATE:** April 14, 2021      **TIME:** 1:30 PM  
**LOCATION:** Pursuant to Governor Newsom’s EXECUTIVE ORDER N-29-20, this Public Hearing will be conducted via Tele Conference and/or Video Conference through Zoom. The IWMA office will not be open for this public hearing. Please visit [www.iwma.com/about/government-transparency/](http://www.iwma.com/about/government-transparency/) for Zoom link and tele conference information.

## San Luis Obispo County Integrated Waste Management Authority ORDINANCE NO. 2021-3-1

### AN ORDINANCE REPEALING ORDINANCE 2019-1 REGARDING THE REGULATION OF POLYSTYRENE AND EXPANDED POLYSTYRENE (EPS) FOOD CONTAINERS AND PRODUCTS

**WHEREAS**, the San Luis Obispo County Integrated Waste Management Authority (“IWMA”) is a joint powers agency established pursuant to California Government Code Section 6500 and empowered by its member jurisdictions to exercise the members’ common powers to achieve the mandates imposed by the Integrated Waste Management Act of 1989 (AB 939) on a regional basis; and

**WHEREAS**, on or about October 9, 2019, IWMA adopted Ordinance 2019-1 regulating Polystyrene and Expanded Polystyrene (“EPS”) food containers and products, which was set to take effect on or about April 9, 2020; and

**WHEREAS**, on or about March 23, 2020, IWMA postponed implementation of Ordinance 2019-1 for twelve (12) months due to COVID-19 and the “Shelter at Home” order and the impact they will have on many restaurants, grocery stores, and other retailers that can only offer take-out food orders; and

**WHEREAS**, on or about November 19, 2020, the IWMA Board of Directors voted to support a “mandates only” policy direction wherein the IWMA would only enact ordinances mandated by the State of California; and

**WHEREAS**, Ordinance 2019-1 regulating Polystyrene and Expanded Polystyrene (“EPS”) is not the subject of a State mandate; and

**WHEREAS**, the IWMA Board of Directors has directed staff to repeal Ordinance 2019-1 due to ongoing concerns about its implementation, the “mandates only” policy direction, and its impact on the business community.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority as follows:

**SECTION 1. Recitals.**

The above recitals are true and correct and incorporated herein by this reference as the findings of the IWMA Board of Directors.

**SECTION 2. Environmental Determination.**

The proposed ordinance is exempt from the environmental review requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations because it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment. As Ordinance 2019-1 was never implemented there will be no change or effect on the environment if the ordinance is repealed.

**SECTION 3. Repeal.**

Ordinance 2019-1 of the San Luis Obispo County Integrated Waste Management Authority regulating Polystyrene and Expanded Polystyrene (EPS) food containers and products is hereby repealed in its entirety and is of no further force or effect.

**SECTION 4. Severability.**

If any subdivision, paragraph, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforcement of the remaining portions of this ordinance. It is the IWMA’s express intent that each remaining portion would have been adopted irrespective of the fact that any one or more subdivisions, paragraphs, sentences, clauses, or phrases be declared invalid or unenforceable.

**SECTION 5. Effective Date.**

This Ordinance was introduced, and the title thereof read, at the regular meeting of the IWMA Board of Directors on March 10, 2021, and further reading was waived by a majority vote of those Directors present.

This Ordinance shall take effect and be in full force thirty (30) days from the date of its passage and before the expiration of fifteen (15) days from the date of its passage, it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of San Luis Obispo.

On a motion by Director \_\_\_\_\_, seconded by Director \_\_\_\_\_, the foregoing Ordinance was passed and adopted by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority, this \_\_\_\_\_ day of \_\_\_\_\_ 2021, by the following vote:

AYES:

NOES:

ABSENT:

*Original signed by*

\_\_\_\_\_  
Robert Enns, President