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DEPARTMENT OF  
PUBLIC WORKS

SOLID WASTE DIVISION

CITY OF SACRAMENTO  
CALIFORNIA

June 28, 1988

1231 I STREET  
SUITE 103  
SACRAMENTO, CA  
95814-2933

916-449-5757

Budget and Finance Committee  
Transportation and Community Development Committee  
Sacramento, California

Honorable Members in Session:

**SUBJECT: REPORT BACK ON VARIOUS SOLID WASTE ITEMS - INFORMATION ONLY**

**SUMMARY:**

At the June 8, 1988 meeting of the joint committees of Budget and Finance/Transportation and Community Development, staff and the City/County Solid Waste Advisory Committee (SWAC) were directed to report back on the schedule for filling the new Waste Reduction Coordinator position, the schedule for City review of the proposed 1988 Revision to the County Solid Waste Management Plan, city ordinances controlling plastics and styrofoam, and various matters related to waste reduction and recycling (referred to SWAC).

**BACKGROUND:**

On June 8, 1988 the joint committees heard a presentation on behalf of Californians Against Waste by Kelly Smith, Legislative Assistant to Assemblyman Burt Margolin. A discussion followed during which staff was directed to report back on:

- (a) delineate an expedited schedule for hiring a new Recycling Waste Reduction Coordinator;
- (b) the status of proposed ordinances banning the use of plastics and styrofoam;
- (c) the schedule for staff report and subsequent Committee action on the Proposed 1988 Revision to the County Solid Waste Management Plan; and
- (d) a specific referral was made to the City/County Solid Waste Advisory Committee to report back on several items.

The following sections of this report provide information on each of these. Topics (c), and (d) are addressed in more detail under separate agenda items on today's meeting of the joint committees.

ABILITY TO EXPEDITE THE HIRING OF A RECYCLING COORDINATOR

The proposed Recycling (Waste Reduction) Coordinator position was requested by the Department of Public Works as part of 1988-89 Proposed Operating Budget. It is a civil service position and as such certain reviews and approvals must take place.

Pending approval of the Proposed 1988-89 Budget, a draft classification specification will be developed by the Personnel Department. Review by the Public Works employees and Employee Relations Departments must occur prior to the draft classification specifications being sent to the Union for the mandatory fifteen (15) day review. Following the reviews by the City and the Union, the classification specification must undergo two (2) readings at the Civil Service Board (CSB) for approval. Such readings normally take place on separate dates. However, as the Civil Service Board meets on the first and third Tuesdays, staff proposes to submit the classification specification for first and second readings on the same date. Subsequent to CSB approval of the classification specification, the salary level and bargaining unit must be approved by the City Council at the next meeting date.

After obtaining the appropriate reviews and approvals, the Personnel Department will prepare a Job Announcement which must also be reviewed by the employees Union. The Union will have five (5) days to review the Job Announcement before the position can be opened for recruitment.

The length of the recruitment filing period is dependent on the type of recruitment. The Solid Waste Division recommends conducting a national recruitment in order to obtain the most qualified candidates. A national recruitment will take a longer period of time in order to submit job announcements to various trade journals. Most trade journals have a thirty (30) day lead time for submission of job announcements for publication. Then, at least another thirty (30) days following publication should be allowed prior to the final filing date. Listed below are expedited schedules indicating national and local recruitment periods. These schedules assume the Personnel Department will give this position top priority and that no problems will develop during the review periods.

Draft of Specification for Public works Department review	August 9, 1988
Draft of Specification for Employee Relations review	August 12, 1988
Draft of Specification for Union review (15 days)	September 8, 1988
First and Second Reading, Civil Service Board	September 20, 1988
To City Council (next available agenda)	October 4, 1988
Job Announcement to Union for review (5 days)	October 5, 1988

LOCAL RECRUITMENT

NATIONAL RECRUITMENT

Recruitment Period	October 17 - November 18, 1988	Dec 1, 1988 - Jan 6, 1989
Oral Interview Test	December 14, 1988	February 10, 1989
Certifications	December 28, 1988	February 24, 1989
Interviews of Top 3 Candidates	January 5 - 13, 1989	March 6 - 17, 1989
Job Offer Made	January 16, 1989	March 22, 1989

PROPOSED ORDINANCES ON PLASTICS AND STYROFOAM REDUCTION

In Kelly Smith's presentation, he recommended the City adopt controls on the use of styrofoam and plastics. This is a subject of some controversy nation wide. Locally, the City of Berkeley has been grappling with the issue in the form of a proposed ordinance that would put controls on the use of chlorofluorocarbon (CFC) materials in processed food packaging. Also, the City/County Solid Waste Advisory Committee has been following the issue in response to a referral from the County Board of Supervisors. The SWAC is aware of the complexity of the issue and has refrained from making a recommendation to the County at this time. The issues can be separated in the areas of (1) environmental problems with plastics and styrofoam (polystyrene), and (2) whether a city should regulate businesses in an area of state and national concern.

The City of Berkeley and the County of Suffolk, New York are the only local governments in the nation (of which staff is aware) which have addressed the plastics and styrofoam issue in a local ordinance. Suffolk County has passed a law which will go into effect on July 1, 1989 which will prevent retail food establishments from using polystyrene products. The law also prevents retail markets from selling these items. It does not prevent specialty stores from selling them, nor does it prevent people from using them outside of food establishments. We have requested a copy of the Suffolk County ordinance, and it is attached hereto as Exhibit A.

The City of Berkeley is considering and, proposes to adopt an ordinance that would limit the use of chlorofluorocarbon (CFC) products in packaging food and beverages sold for immediate consumption. The primary concern of the city was the use of polystyrene foam products which used chlorofluorocarbons (CFC's) in their manufacture. It is thought that these compounds damage the ozone layer of the earth's atmosphere. Not all polystyrene products use CFC's in their manufacture. The proposed ordinance was recommended by the city solid waste management commission and has been debated for some time in committee. We have requested a copy of the latest revision of the proposed ordinance and it is attached hereto as Exhibit B.

City staff believes the SWAC is capable of monitoring this issue and recommending to both the City and the County any appropriate actions for local government to take.

COUNTY SOLID WASTE MANAGEMENT PLAN REVISION

This subject is addressed under a separate agenda item at today's meeting of the joint committees.

REFERRAL TO SWAC

The joint committees referred to the City/County Solid Waste Advisory Committee (SWAC) several items for SWAC to consider and return with recommendations. Public Works staff which supplies staff services to SWAC immediately posted and mailed a revised SWAC agenda for its regularly scheduled meeting of June 13, 1988 so the committees' referral could be addressed. Under a separate item of today's meeting, SWAC will provide a verbal report to the joint committees in response to the referral.

FINANCIAL INFORMATION:

This report is for information only and has no direct financial implications.

RECOMMENDATION:

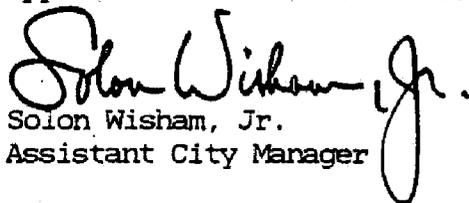
This report is for information only.

Respectfully submitted,



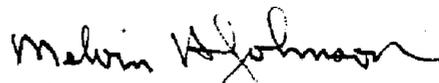
David A. Pelser  
Solid Waste Division Manager

Approved for Committee Information:



Solon Wisham, Jr.  
Assistant City Manager

Approved:



Melvin H. Johnson  
Public Works Director

June 28, 1988  
All Districts

Intro. Res. No. 1869-87

Laid on Table 8/25/87

Introduced by Legislators Englebright, Nolan, Blass, D'Andre, Blydenburgh, Bachety, Romaine, Prospect, Caracappa, Foley, Levy, Schaffer, Postal, Gaughran

RESOLUTION NO. 199 - 1988, ADOPTING LOCAL LAW NO. YEAR 1988, TO SIMPLIFY SOLID WASTE MANAGEMENT BY REQUIRING CERTAIN UNIFORM PACKAGING PRACTICES WITHIN THE COUNTY OF SUFFOLK.

A.  
JUN 16 1988

WHEREAS, there was duly presented and introduced to this County Legislature at a regular meeting held on , 1988, a proposed local law entitled, "A LOCAL LAW TO SIMPLIFY SOLID WASTE MANAGEMENT BY REQUIRING CERTAIN UNIFORM PACKAGING PRACTICES WITHIN THE COUNTY OF SUFFOLK", and said local law in final form is the same as when presented and introduced; now, therefore, be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. YEAR 1988, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW TO SIMPLIFY SOLID WASTE MANAGEMENT BY REQUIRING CERTAIN UNIFORM PACKAGING PRACTICES WITHIN THE COUNTY OF SUFFOLK

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent

This Legislature finds that discarded packaging constitutes the largest single category of waste within Suffolk County's waste stream and is, therefore, a necessary focus of any effort to reduce the filling of the municipal landfills within Suffolk County, as well as to reduce the economic and environmental costs of waste management for the citizens of this County.

This Legislature also finds that discarded non-biodegradable packaging and plastic contained within the waste stream of Suffolk County is a fundamental cause of problems associated with municipal waste disposal.

This Legislature further finds that landfill space within Suffolk County is diminishing rapidly; that State law currently in effect precludes the establishment of new landfills on Long Island within deep-flow recharge areas after 1990 and mandates closure of existing ones in these groundwater-sensitive areas by that date; that solid waste receiving areas outside of Long Island are becoming increasingly uncertain and expensive; and that, for both economic and environmental reasons, measures to simplify the chemical complexity of solid waste and, thereby, streamline solid waste management must be vigorously pursued.

This Legislature hereby finds that the chemical composition and ability of a substance to biodegrade are meaningful and useful criteria to focus upon when establishing public policy that is intended to improve the management and disposal of solid waste, reduce the cumulative impact of litter, encourage composting and other forms of recycling, minimize the potential for toxic substances to form if solid waste is burned, reduce the volume of ash by-products that may be created by any burning of waste plastic packaging, and otherwise anticipate environmental problems that may be caused by municipal solid waste disposal programs.

This Legislature also hereby finds and determines that the use of plastics and other non-biodegradable packaging has become widespread throughout the County of Suffolk and that the resulting mixed substance waste stream is a serious impediment to many solid waste management programs that are being considered for this County.

This Legislature further finds that the widespread use of plastics especially polystyrene and polyvinyl chloride, poses a threat to the environment in the County of Suffolk by causing excessively rapid filling of landfill space or, if incinerated, by the possible introduction of toxic byproducts into the atmosphere and general environment of Suffolk County.

This Legislature finds that the economic and environmental problems associated with Suffolk's mixed substance waste stream are so severe that program to incrementally simplify the chemical composition of solid waste thereby reducing environmental hazards and toxicity associated with solid waste incineration and encouraging the composting of putrescible biodegradable waste and encouraging other forms of recycling of solid waste substances, is hereby determined to be a policy goal of Suffolk County.

This Legislature determines that the waste stream within Suffolk County is so large and diverse that any program to establish policies and law conducive to any waste management program in lieu of landfilling must identify and set new policy for those specific sources of waste packaging which originate within this County.

This Legislature determines that certain retail establishments within Suffolk County are points of origin for a substantial volume of packaging waste and, therefore, are particularly susceptible to actions which have significant potential for simplifying the chemical composition of this portion of Suffolk's solid waste stream, thereby improving solid waste management within this County.

This Legislature finds that the use of polystyrene and polyvinyl chloride for food packaging is problematical because neither of these plastic species are readily recyclable; that their abundant commercial use in lieu of other plastic species such as polyethylene or polypropylene unnecessarily complicates the overall chemical composition of municipal waste and subtracts from the possible emergence of a viable plastic recycling market for this region; and that, if burned together, polystyrene and polyvinyl chloride leave a relatively heavy and, therefore, more expensive ash residue to dispose of which may also create dioxin, hydrochloric acid, or other toxic chemicals that could be emitted into the general environment of Suffolk County.

This Legislature finds that there are readily available plastic and/or paper product substitutes for most of the polystyrene and polyvinyl chloride retail food packaging now being used in Suffolk County, the use of which alternatives would be environmentally and economically advantageous to the people of Suffolk County.

This Legislature finds that plastic bags in the waste stream constitute an impediment to the development of efficient waste separation, recycling, or other waste management programs and are less desirable than paper bags because plastic bags are neither recyclable nor compostable.

This Legislature finds that plastic bags used by retail establishments selling food constitutes the largest single retail source of plastic bags in the waste stream.

Therefore, the purpose of this law is to incrementally, to the maximum extent practicable, eliminate the use of non-biodegradable packaging originating at retail establishments within Suffolk County, in order to protect the air, land, and waters of Suffolk County against environmental contamination and degradation.

## Section 2. Definitions

a) "Packaging" shall mean all food-related wrappings, adhesives, cords, bindings, strings, bags, boxes, containers and disposable or non-reusable plates, cups, or drinking utensils intended for use within Suffolk County.

b) "Biodegradable Packaging" shall mean packaging made of cellulose-based or other substances that are capable of being readily attacked, decomposed, assimilated, and otherwise completely oxidized or broken down by bacteria or other natural biological organisms into carbonaceous soil material or water and carbon dioxide.

c) "Retail Food Establishment" shall mean all sales outlets, stores, shops or other places of business located within the County of Suffolk, which operate primarily to sell or convey foods directly to the ultimate consumer which foods are predominantly contained, wrapped, or held in or on packaging. "Retail Food Establishment" shall include, but not be limited to, any place where food is prepared, mixed, cooked, baked, smoked, preserved, bottled, packaged, handled, stored, manufactured, and sold or offered for sale, including, but not limited to, any fixed or mobile restaurant; drive-in; coffee shop; cafeteria; shortorder cafe; delicatessen; luncheonette; grill; sandwich

shop; soda fountain; tavern; bar; cocktail lounge; nightclub; roadside stand; take-out prepared food place; industrial feeding establishment; catering kitchen; commissary; grocery store; public food market; food stand; or similar place in which food or drink is prepared for sale or for service on the premises or elsewhere; and any other establishment or operation, including homes, where food is processed, prepared, stored, served or provided for the public for charge.

### Section 3. Prohibition

a) No retail food establishment located and doing business within the County of Suffolk shall sell or convey food directly to ultimate consumers within the County of Suffolk unless such food is placed, wrapped, or packed in biodegradable packaging at the conclusion of a sales transaction for the purchase of such food, which takes place on the premises of such a retail food establishment at or near a sales counter or equivalent customer purchasing station but prior to removal of such food from the premises of such retail food establishment.

b) No retail food establishment located and doing business within the County of Suffolk shall sell, give, or provide eating utensils or food containers to any consumers within the County of Suffolk if such eating utensil or food container is composed of polystyrene or polyvinyl chloride.

### Section 4. Regulations

The Commissioner of the Department of Health Services shall issue and promulgate such rules and regulations as may be necessary to implement and carry out the provisions of this law.

### Section 5. Exemptions

Section 3 of this law shall not apply to the following items:

a) Any flexible transparent covering for uncooked or raw meat, poultry, raw fish, hard cheese, cold cuts, fruit and vegetable produce, baked goods, or bread;

b) Any food packaging used at hospitals or nursing homes;

c) Any paper or other cellulose based packaging that is coated with polyethelene plastic on only one side;

d) Any plastic covers, covering material, food containers, lids, eating utensils, or straws that are not made of polystyrene or polyvinyl chloride.

### Section 6. Enforcement

This law shall be enforced by the Suffolk County Department of Health Services in accordance with the provisions of Article II, Sections 760-12 through 760-24 of the Suffolk County Sanitary Code.

### Section 7. Penalties

Willful failure to comply with S3 and/or regulations of S4 of this law shall constitute a violation punishable by a civil fine of \$500.00 for each violation.

### Section 8. SEQRA Determination

a) This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes an unlisted action pursuant to Section 617.2 of the New York Code of Rules and Regulations (NYCRR), and will not have a significant adverse impact on the environment within the meaning of Section 8-0109 (2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW for the following reasons:

1. Enactment of this law will not exceed any of the criteria in Section 617.11 of Title 6 NYCRR which sets forth thresholds for determining significant effects on the environment.

- i) It will encourage recycling of solid waste products;
- ii) It will provide enhanced protection of groundwater quality
- iii) It will slow down rapid filling of land fill space;
- iv) It will simplify the chemical composition of solid waste and thereby reduce the environmental hazards and toxicity associated with solid waste incineration; and
- v) It will reduce the cumulative impact of litter.

b) Furthermore, in accordance with Section C1-4(A)(1)(d) of the Suffolk County Charter and Section 279-5(C)(4) of the Suffolk County Code, the Suffolk County Council on Environmental Quality (CEQ) is hereby directed to prepare and circulate a SEQRA notice of determination of non-significance in accordance with this resolution.

Section 9. - Severability

If any part or provision of this law or the application thereof to any person, entity, or circumstances be adjudged invalid by any court of competent jurisdiction, such judgement shall be confined in its operation to the part of or provision of or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this law or the application thereof to other persons, entities, or circumstances.

Section 10. Pre-emption

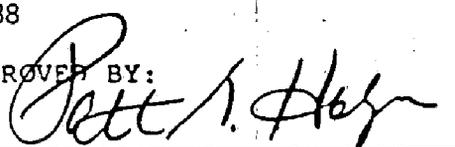
This law shall be null and void on the day that Statewide legislation goes into effect, incorporating either the same or substantially similar provisions as are contained in this law, or in the event that a pertinent State or federal administrative agency issues and promulgates regulations pre-empting such action by the County of Suffolk. The County Legislature may determine via mere resolution whether or not identical or substantially similar statewide legislation has been enacted for the purposes of triggering the provisions of this section.

Section 11. Effective Date

This law shall take effect immediately upon filing in the office of the Secretary of State, but shall apply to retail transactions consummated on or after July 1, 1989.

DATED: March 29, 1988

APPROVED BY:

  
County Executive of Suffolk County

Date of Approval: 4/29/88

Ordinance No. \_\_\_\_\_ N.S.

## PROHIBITION OF CHLOROFLUOROCARBON-PROCESSED FOOD PACKAGING

BE IT ORDAINED by the Council of the City of Berkeley, as follows:

Section 1. FINDING AND PURPOSE

The Council finds and declares as follows:

A. Available scientific evidence indicates a strong probability that the family of substances known as chlorofluorocarbons ("CFCs"), when discharged into the atmosphere, degrade the earth's protective layer of ozone, allowing increased amounts of ultraviolet radiation to penetrate the atmosphere, posing an acute and immediate danger to human health, life, and the environment. Available scientific evidence indicates the strong possibility that the resulting increase in ultraviolet radiation may already have caused an increase in the incidence of skin cancers and other serious illnesses.

B. One source of the CFCs currently being released into the atmosphere is the use of these substances as blowing agents in the manufacture of some of the polystyrene foam packaging products used in the food services industry. There are substitutes for these products currently available which do not use CFCs in their manufacture.

C. The people and the City of Berkeley support international, federal, and state bans on all uses of CFC not deemed absolutely essential. Until such bans are in effect, responsible action to reduce CFC use and alert the public to the danger posed by these substances must be undertaken at the local level.

D. It is the intent of the Council to reduce the amount of CFC-processed products purchased and used by the City and people of Berkeley and thereby to reduce the health hazards created by the manufacture of these products.

Section 2. DEFINITIONS

A. "Chlorofluorocarbons", are the family of substances containing carbon, fluorine and chlorine, having no hydrogen atoms and no double bonds.

B. "CFC-processed food packaging" means any food packaging which uses CFCs as blowing agents in its manufacture.

C. "Customer" means anyone purchasing food or beverages from a Restaurant or Retail Food Vendor.

D. "Person", "anyone" means any natural person, firm,

corporation, partnership, or other organization or group however organized.

E. "Supplier" means anyone selling, or otherwise supplying food packaging to a Restaurant or Retail Food Vendor.

F. "Food vendor" means any Restaurant or Retail Food Vendor.

G. "Prepared food" means foods or beverages which are prepared on the vendor's premises by cooking, chopping, slicing, mixing, freezing or squeezing, and which require no further preparation to be consumed. "Prepared food" does not include any raw uncooked meat product or fruits or vegetables which are not chopped, squeezed, or mixed.

H. "Restaurant" means any establishment located within the City of Berkeley, selling prepared food to be eaten on or about its premises by customers. Restaurant includes sidewalk food vendors.

I. "Takeout Food" means prepared foods or beverages requiring no further preparation to be consumed and which are generally purchased in order to be consumed off the retail food vendor's premises.

J. "Retail Food Vendor" means any store, shop, sales, outlet, or other establishment, including a grocery store or a delicatessen, other than a restaurant, located within the City of Berkeley, which sells takeout food.

K. "Food packaging" means all bags, sacks, wrapping, containers, bowls, plates, trays, cartons, cups, straws and lids which are not intended for reuse, on or in which any foods or beverages are placed or packaged on a Restaurant's or Retail Food Vendor's premises.

### Section 3. PROHIBITED FOOD PACKAGING

#### A. Restaurants

1. Except as provided in Sections 6 and 7, no Restaurant shall provide prepared food to its customers in any CFC-processed food packaging, nor shall any restaurant purchase obtain or keep any CFC food packaging for such purpose.

2. As to any food packaging obtained after the effective date of this ordinance, each Restaurant shall obtain from each of its suppliers a written statement signed by the supplier, or by a responsible agent of the supplier, stating that the supplier will supply no CFC-processed food packaging to that vendor, that the supplier will note on each invoice for food packaging supplied to that vendor that the packaging covered by the invoice is not CFC-processed and the identity of the packaging's manufacturer.

3. All contracts between a Restaurant and a supplier entered into after the effective date of this ordinance shall include provisions that the supplier will supply no CFC-processed food packaging; that the supplier will state on each invoice for food packaging supplied that the packaging is not CFC-processed; and the identity of the packaging's manufacturer. Failure to comply with such provisions shall constitute a material breach of the contract.

4. Restaurants shall retain each supplier's written statement for one year from the date of receipt of any food packaging from that supplier.

B. Retail Food Vendors

1. Except as provided in Sections 6 and 7, no Retail Food Vendor shall sell takeout food in any CFC-processed takeout food packaging, nor shall any Retail Food Vendor purchase, obtain or keep any CFC-processed packaging for this purpose.

2. All Retail Food Vendors shall segregate, in their warehouses or other storage areas, food packaging used in their takeout food operations from other food packaging. Takeout food packing containers or boxes shall be labelled as such and shall indicate that they contain food packing which is not CFC-processed.

3. As to any takeout food packaging purchased after the effective date of this ordinance, each retail food vendor shall comply with the requirements of Section 3A(2) and (4) of this ordinance.

4. All contracts for the purchase of takeout food packaging entered into after the effective date of this ordinance shall comply with the provisions of Section 3A(3).

Section 4. REGULATIONS APPLICABLE TO ALL FOOD VENDORS

A. It shall be unlawful for any supplier to make any misstatement of material fact to any food vendor or to the City Manager or his or her agents regarding the use or non-use of CFCs in the manufacture of any food packaging supplied to any food vendor.

B. Food vendors shall state that they are in compliance with this ordinance on their annual business license renewal form.

Section 5. INSPECTION OF DOCUMENTS

All statements and documents required by this ordinance shall be made available for inspection by the City Manager or his or her designated representative. It shall be unlawful for anyone

having custody of such documents to fail or refuse to produce such documents upon request by the City Manager or his or her designated representative.

#### Section 6. EXEMPTIONS

The City Manager or his her authorized representative may exempt an item or type of packaging from the requirements of this ordinance, upon a showing that the item or type has no acceptable non-CFC-processed equivalent and that imposing the requirements on that item or type would cause undue hardship. Said documentation shall include a list of suppliers contacted to determine if non-CFC-processed substitutes are available.

#### Section 7. EXISTING CONTRACTS EXEMPTED

Food packaging required to be purchased under a contract entered into prior to September 22, 1987 is exempt from the provisions of this Ordinance.

#### Section 8. CITY OF BERKELEY: PURCHASES PROHIBITED

The City of Berkeley shall not purchase any CFC-processed food packaging, nor shall any City-sponsored event utilize such packaging.

#### Section 9. CITY MANAGER'S POWERS

The City Manager is authorized to promulgate regulations and to take any and all other actions reasonable and necessary to enforce this ordinance, including, but not limited to, inspecting any vendor's premises to verify compliance.

#### Section 10. LIABILITY AND ENFORCEMENT

A. Anyone violating or failing to comply with any of the requirements of this Ordinance shall be guilty of an infraction as set forth in Chapter 1.20 of the Berkeley Municipal Code.

B. The City Attorney may seek legal, injunctive, or other equitable relief to enforce this Ordinance.

C. The remedies and penalties provided in this section are cumulative and not exclusive.

#### Section 11. SEVERABILITY

If any part or provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance, including the application of such part or provision to other persons or circumstances, shall not be affected thereby and shall continue in full force and effect. To this end, provisions of this Ordinance are severable.

Section 12. ORDINANCE VOIDED BY SUPERSEDING FEDERAL LAWS AND REGULATIONS

This Ordinance shall be void upon the enactment or adoption of any law or regulation restricting the use of CFCs as blowing agents in the manufacture of plastic foams.

Section 13. EFFECTIVE DATE

The provisions of this Ordinance shall become effective on \_\_\_\_\_ (60 days from projected date of second reading)

Section 14. POSTING

Copies of this Ordinance are hereby ordered published by posting with the vote thereon for two (2) days at ten (10) prominent places in the City of Berkeley as designated by Chapter 1.08 of the Berkeley Municipal Code.

Approved as to Form:

\_\_\_\_\_  
CITY ATTORNEY