



Environmental Services

Expanded Polystyrene Foam Food Ware Exemption Request Form

Use this form to apply for an exemption from the EPS Food Ware Ordinance.

I am applying for (check one):

- Financial Hardship Exemption**
- Unique Packaging Exemption**

Per City of San José Ordinance 29298, adopted on September 10, 2013, no food vendor located in the City of San José shall sell or otherwise provide prepared food in polystyrene foam disposable food service ware on or after January 1, 2015.

SECTION A: (To be filled out by all applicants)

Pursuant to the provisions of Chapter 9.10 of the San José Municipal Code, an exemption from the Expanded Polystyrene Foam Food Ware regulations is hereby requested. A request for exemption shall be reviewed on a case by case basis, and may be granted in whole or in part, with or without conditions, **for a period of twelve (12) months.**

| | |
|--|--------------|
| <i>Name of Individual Applying for Exemption (Last name, First name, Middle initial)</i> | |
| <i>Name of Food Vendor Business</i> | |
| <i>Telephone</i> | <i>Email</i> |
| <i>Business Location Address</i> | |
| <i>Mailing Address (line 1)</i> | |
| <i>Mailing Address (line 2)</i> | |

Provide a description of all expanded polystyrene foam food ware packaging that you want to continue using after January 1, 2015. Complete the table below, using one row per item. For each item, **attach a copy of the vendor's catalog or web page showing the product, product description, and stock number as listed in columns A-C.**

If you have more than five items, please add an additional page or use the form, *Supplemental Expanded Polystyrene Foam Food Ware Packaging Chart.*

| A. Manufacturer's Name <small>(for example, Dart or Genpack)</small> | B. Manufacturer's Product Stock Number <small>(for example, 85HT1 or SN220)</small> | C. Description (for example, 5 oz. bowl or large, 3 compartment container) | D. I have attached a copy of the vendor catalog page or web page, which shows the product, description, and stock number | E. Cost per quantity (for example, \$9.95 for 500) | F. Quantity of Item remaining in my stock |
|--|---|---|---|---|--|
| | | | Catalog page OR web page <i>(Circle one)</i> | | |
| | | | Catalog page OR web page <i>(Circle one)</i> | | |
| | | | Catalog page OR web page <i>(Circle one)</i> | | |
| | | | Catalog page OR web page <i>(Circle one)</i> | | |
| | | | Catalog page OR web page <i>(Circle one)</i> | | |

SECTION B: (To be filled out if you are applying for a UNIQUE PACKAGING EXEMPTION)

Exemption for Unique Packaging

The Director of Environmental Services may exempt a food vendor from the provisions in Section 9.10.3110 prohibiting the use of polystyrene foam disposable food service ware on a case-by-case basis for unique packaging. For purposes of this Section, a food vendor must demonstrate that no reasonably feasible alternative exists to a specific and necessary polystyrene foam disposable food service ware to qualify for a “unique packaging hardship.”

I hereby declare that the food prepared by my business requires the specific unique packaging identified in Section A above, and that there is no reasonably feasible packaging alternative available. I further declare under penalty of perjury that all of the statements made by me in this application are true. I understand that the City may audit records at any time for the year previous to this application or any other previous year where a Unique Packaging Exemption was granted. I agree to maintain adequate records to support the statements made by me in this application. I further understand that if I fail to produce the requested documents, my exemption may be void and I may be liable for violation of San José Municipal Code Section 9.10.3110.

| | |
|-----------|------|
| Signature | Date |
|-----------|------|

Please complete the next section to apply for a Financial Hardship Exemption

SECTION C: (To be filled out if you are applying for a FINANCIAL HARDSHIP EXEMPTION)

Financial Hardship Exemption

*The Director of Environmental Services may exempt a food vendor from the provisions of Section 9.10.3110 prohibiting the use of polystyrene foam disposable food ware service on a case-by-case basis for financial hardship. For purposes of this Section, “financial hardship” means a food vendor has a **gross income under \$300,000** on their annual tax filing for the most recent tax year; and with respect to each specific and necessary polystyrene foam disposable food ware, there is not a feasible alternative that would cost the same or less than the polystyrene foam disposable food ware.*

If you are the sole proprietor of your restaurant, filing a single Schedule C with the IRS, **enter the amount from your most recent IRS Tax Return Schedule C, Line 7 (Gross Income):** _____ from Tax Year: _____. **Attach a copy of Schedule C.** If multiple Schedule C forms are filed on behalf of your restaurant, please contact us.

I hereby declare that (1) the gross income from my food business for the last complete tax year was below \$300,000, and (2) there are no packaging alternatives that are equal to or lower in cost than the expanded polystyrene foam food ware that I am currently using, as identified in Section A above. I declare under penalty of perjury that all statements made by me in this Application are true. I understand that the City may audit my tax records at any time for the tax year previous to this application or any other previous year where a Financial Hardship Exemption was granted. I agree to maintain adequate records to support all information submitted as part of this application and to provide this information to representatives of the City on demand. I further understand that if I fail to produce the requested documents, my exemption may be void and I may be liable for violation of San José Municipal Code Section 9.10.3110.

| | |
|-----------|------|
| Signature | Date |
|-----------|------|

For Official Use Only

- Approval of Unique Packaging Exemption
- Approval of Financial Hardship Exemption
- Denial of Exemption

| | |
|------------------|-------------|
| <i>Signature</i> | <i>Date</i> |
|------------------|-------------|

APPROVED EXEMPTIONS ARE VALID FOR 12 MONTHS FROM THE DATE OF THE APPROVAL. A FOOD VENDOR WISHING TO RENEW THEIR EXEMPTION MUST SUBMIT A NEW EXEMPTION APPLICATION AT LEAST 90 DAYS PRIOR TO THE EXPIRATION OF THIS CURRENT EXEMPTION.

For further information regarding your exemption application, please contact

the City at: City of San José
Environmental Services
Department Email: WasteEnforcement@sanjoseca.gov
Phone: (408) 535-8550
Website: www.sjenvironment.org/EPS