Agenda Item No. 10

File Code No. 630.02

CITY OF SANTA BARBARA

CITY COUNCIL AGENDA REPORT

AGENDA DATE: October 1, 2013

TO: Mayor and Councilmembers

FROM: Environmental Services Division, Finance Department

SUBJECT: Single-Use Bag Ordinance

RECOMMENDATION: That Council:

A. Deny the appeal filed by Stephen Joseph, attorney for the "Save the Plastic Bag Coalition," and uphold the decision of the Planning Commission to certify the Final Environmental Impact Report for the proposed City Single-Use Bag Ordinance (the "FEIR") and direct the City Attorney to prepare a draft Council Resolution containing appropriate findings for the certification of the Final Environmental Impact Report and findings to support the use of the FEIR in connection with the enactment of the proposed Single-use Bag Ordinance; and,

B. Introduce and subsequently adopt, by reading of title only, An Ordinance of the Council of the City of Santa Barbara Amending the Santa Barbara Municipal Code by Adding Chapter 9.150 Pertaining to the Use of Single-Use Carryout Bags at Certain Retail Food and Grocery Store Establishments Within the City.

EXECUTIVE SUMMARY:

Since 2009, the City has administered the voluntary *Where's Your Bag?* campaign to educate shoppers about the positive environmental benefits of using reusable bags instead of plastic or paper bags. However, the program apparently yielded limited success in fundamentally changing consumer behavior in the use of reusable bags. In March of 2012, the City Council directed staff to develop a draft City ordinance to regulate the distribution of single- use bags by certain retail food establishments. The proposed ordinance would prohibit the distribution of single-use plastic carryout bags and would require stores to impose a 10-cent charge on the use of recyclable paper carryout bags. Stores would also be required to report to the City the amount of fees collected and recyclable paper carryout bags distributed annually.

At the request of the City and other local participating area public entities, an environmental impact report for the proposed ordinance was prepared by Beach Erosion and Clean Ocean Nourishment and certified by the City Planning Commission on August 8, 2013. An appeal of the Planning Commission's decision was received by the City Clerk

on August 19, 2013 by Save the Plastic Bag Coalition represented by attorney Stephen Joseph. The appeal challenges various analytical elements of the environmental impact report and procedural elements of the City's environmental review process. Nonetheless, the Staff believes that the City has fully complied with all provisions of the California Environmental Quality Act and that the final EIR contains substantial evidence to support all of its conclusions. For this reason, staff recommends that the City Council uphold the Planning Commission's certification of the Environmental Impact Report and introduce and subsequently adopt, the proposed Single-Use Carryout Bag Ordinance. A detailed staff response to the certification issues being raised in this appeal is contained in the exhibits attached to the draft CEQA finding Resolution submitted for Council's consideration and attached to this staff report. If the Council decides to introduce the Ordinance as scheduled on October 1st, the CEQA findings Resolution will be placed on the Council's agenda of October 8th for adoption concurrently with the second reading of the Ordinance.

DISCUSSION:

In August 2009, the City along with community partners launched the *Where's Your Bag?* Campaign. The goal was to address the single-use carryout bag issue through a voluntary approach, encouraging people to bring reusable bags whenever they shopped. Participating grocery stores were provided with educational materials to distribute to customers, over 5,000 free bags were distributed to the community, and public service announcements in print, radio, and television were produced in an effort to raise awareness about the importance of using reusable bags. While the campaign was somewhat effective in raising awareness of the environmental impacts of single-use carryout bags, it apparently did not translate into a significant shift in consumer behavior.

At its March 13, 2012 meeting, Council directed staff to develop a draft City ordinance to regulate the distribution of single-use bags by retailers in the City in order to reduce existing negative environmental effects associated with single-use carryout bags. Council also asked staff to work with the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON), a joint powers authority (of which the City is a member) comprising several coastal cities and counties in Santa Barbara and Ventura Counties, to conduct environmental review on the proposed ordinance as a possible "model" ordinance for consideration by all of the local BEACON agencies. The goal of these directives was the development of both a model single-use bag ordinance and a program environmental impact report (EIR) which could serve the City and other local BEACON jurisdictions in their individual legislative processes to review and consider adoption of local single-use bag ordinances.

On April 10 and April 24, 2012, City Environmental Services staff presented the City Council Ordinance Committee with a draft ordinance modeled after an ordinance adopted by Los Angeles County in November 2010. The ordinance is also similar to other single-use bag ordinances adopted in recent years by several California cities, including San Jose, Long Beach, Pasadena, Santa Monica and several other smaller municipalities and counties in California.

On April 24, 2012, the Council Ordinance Committee made revisions to the draft ordinance and unanimously forwarded the proposed ordinance to City Council, which referred a “model” ordinance to BEACON to serve as the “project” description to be analyzed in the EIR being prepared by BEACON.

On April 23, 2013, the Ordinance Committee received a presentation from City staff on the status of the EIR. The Ordinance Committee also voted unanimously to refer the model ordinance reviewed in the BEACON EIR to City Council with no changes, for their consideration of its adoption.

THE PROPOSED ORDINANCE

The intent of the proposed Single-Use Bag Ordinance is to reduce existing environmental impacts related to the use of single-use carryout bags, and to promote a shift toward the use of reusable bags. To this end, the Ordinance would:

- Prohibit stores that sell a line of groceries, or stores with a pharmacy, from providing plastic carryout bags (not including product or produce bags). Stores could only provide recyclable paper carryout bags or reusable bags.
- Require the regulated stores to impose a 10-cent charge on recyclable paper carryout bags at the point of sale. Stores would retain all revenue collected from paper bag charges and use the funds to (1) comply with the ordinance; (2) provide recyclable paper carryout bags; (3) provide low or no cost reusable bags to customers who are exempt; and/or, (4) produce educational materials or an education campaign encouraging the use of reusable bags.
- Require regulated stores to indicate the number of recyclable paper carryout bags and total amount charged on the customer receipt; and to report this information, including any educational efforts to promote reusable bags, annually to the City.
- Require regulated stores to provide, free of charge, either reusable bags or recyclable paper carryout bags or both to customers participating in the California Special Supplemental Food Program for Women, Infants, and Children or in the Supplemental Food Program.

The stores to be regulated by ordinance include the following:

- Tier 1 Stores: Stores that have at least 10,000 square feet of retail space and sell a line of dry grocery, canned goods, or non-food items or have a licensed pharmacy.
- Tier 2 Stores: Stores that have less than 10,000 square feet of retail space, including drug stores, pharmacies, supermarkets, grocery stores, convenience food stores, food marts, or other similar retail store that sell a limited line of grocery items which typically includes, but is not limited to, milk, bread, soda, and snack foods, including those that have a liquor license.

The proposed ordinance would become operative on Tier 1 Stores 180 days following the effective date of the City ordinance and Tier 2 Stores 365 days following the effective date. The purpose of the grace period is to allow businesses to deplete existing stocks of non-compliant bags and identify sources for compliant bags.

ENVIRONMENTAL REVIEW

Consistent with California Environmental Quality Act (CEQA) requirements, BEACON issued a Notice of Preparation (NOP) of the EIR for the Single-Use Bag Ordinance on November 30, 2012 which gave 30-days for agency and public input on the EIR scope of analysis. BEACON also conducted two public scoping meetings during the NOP comment period in City of Santa Barbara (December 12, 2012) and the City of Oxnard (December 19, 2012). BEACON received five letters in response to the NOP.

BEACON released the Draft EIR on the model ordinance for a 45-day public comment period from February 12 - March 28, 2013. Twelve comment letters were received. Responses to these comments are included in the Final EIR (FEIR), which was released in May 2013.

The study area for the FEIR analysis included all jurisdictions located within Santa Barbara and Ventura Counties (except the Cities of Ojai and Carpinteria, which have already adopted single-use carryout bag ordinances). In addition to the project, the FEIR evaluated five possible project alternatives including: (1) No project; (2) a ban on single-use plastic carryout bags at all retail establishments except restaurants; (3) a Mandatory charge of 25-cent for single-use paper carryout bags; (4) a ban on both single-use plastic and paper carryout bags; and, (5) a Mandatory charge of 10-cent for single-use plastic and paper carryout bags.

The FEIR found that the effect of the Ordinance on the environment would be insignificant without the need for proposed mitigation measures (Class 3) or would have effects which are beneficial (Class 4) in the areas of air quality and greenhouse gases, biological and marine resources, water quality, solid waste and storm water systems, and aesthetics. The Initial Study had also found all other impacts to be less than significant.

The FEIR identified Alternative 4 (Ban on both single-use plastic and paper carryout bags) as the environmentally superior alternative) since it would result in the most overall beneficial effects to the environment compared to existing conditions. However, because the proposed ordinance would not result in any significant impacts, adopting Alternative 4 rather than the proposed ordinance would not avoid any significant impacts.

City Staff prepared a Santa Barbara Addition to the FEIR to recognize the City's role as Lead Agency for the City's Ordinance and to clarify any possible identifiable adverse environmental effects which might occur within the city of Santa Barbara portion of the EIR regional study area as a result of the enactment of the Ordinance (The "Santa Barbara Addition" is attached to the draft CEQA Findings Resolution as Exhibit A to the Resolution.) The information and conclusions contained within the Santa Barbara

Addition is not considered to be "significant new information" necessitating EIR recirculation, since it does not involve any new significant impacts or a substantial increase in the severity of an environmental impact studied in the EIR.

On August 8, 2013, a public certification hearing was held and the City Planning Commission certified the FEIR (including the City Addition as part of the FEIR), determining that it had been completed in compliance with CEQA and reflected the independent judgment of the City Planning Commission.

APPEAL OF EIR CERTIFICATION

On August 19, 2013 Save the Plastic Bag Coalition filed an appeal of the Planning Commission's certification of the FEIR on the following grounds: (1) Public commenters and objectors were not provided a courtesy mailed notice of the August 8, 2013 Planning Commission hearing mailed to their new address as they had requested; (2) that the City of Santa Barbara Addition to the FEIR was not provided by mail to public commenters prior to the August 8, 2013 Planning Commission hearing; (3) that several points of analysis in the FEIR fail to comply with CEQA regulations; and, (4) that the City of Santa Barbara Addition violates CEQA since it is based on the FEIR.

The appellant's appeal submittal is provided in Attachment 1. As mentioned above, staff responses to appeal issues are provided as an exhibit to the draft CEQA "findings" Resolution. Additional public comment letters, both in support of the appeal and in support of the proposed ordinance are provided in Attachment 2.

Staff believes that the City has fully complied with all provisions of CEQA, including all of its procedural and analytical elements, as described in more detail in the "Staff Response to Appeal Issues" (dated as of 10/1/13) attached to the draft CEQA "Findings Resolution" (Attachment 4). For this reason, staff recommends that Council 1. uphold the decision by the Planning Commission to certify the FEIR by making findings pursuant to CEQA to certify the EIR; and, 2. introduce and subsequently adopt the proposed Single Use Bag Ordinance as attached; and 3. Request the City Attorney to prepare a draft Council Resolution making the required CEQA finding on behalf of the City Council (see attached draft Resolution with Exhibits) and;

A full copy of the FEIR and City Addition has been made available to the City Council for their review by delivering a copy to the Council reading file in the Council offices and available to the public at the City Clerk's office.

The FEIR is also available for public review on the City of Santa Barbara website at:
https://www.santabarbaraca.gov/services/planning/erd/single_use.asp

BUDGET/FINANCIAL INFORMATION:

Based upon discussions with other jurisdictions that have implemented similar ordinances, staff estimates the first-year costs to educate regulated businesses and consumers and to administer and enforce the ordinance to be approximately $83,690. These costs will be covered through existing Solid Waste Fund revenues. Ongoing

costs to administer and enforce the ordinance in future years will be incorporated into future Solid Waste Fund operating budgets.

SUSTAINABILITY IMPACT:

The Single Use Bag Ordinance has the potential to reduce existing negative environmental impacts related to the manufacture and disposal of single-use bags by reducing the use of single-use plastic bags and promoting an increase in consumer use of reusable bags.

ATTACHMENTS:

1. Appellant's Appeal of FEIR Certification, dated August 15, 2013
2. Recent Public Comment Correspondence
3. Planning Commission Resolution 011-13 – Certification FEIR for Single-Use Carryout Bag Ordinance
4. Draft "CEQA" Findings Resolution

PREPARED BY: Matt Fore, Environmental Services Manager
Paul Casey, Community Development Director

SUBMITTED BY: Robert Samario, Finance Director

APPROVED BY: City Administrator's Office

ATTACHMENT 1

SAVE THE PLASTIC BAG COALITION

11693 SAN VICENTE BLVD. #150
LOS ANGELES, CA 90049

TELEPHONE: (310) 266-6662
FAX: (310) 694-9067
E-MAIL: savetheplasticbag@earthlink.net

RECEIVED
2013 AUG 19 AM 10: 15
CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

August 15, 2013

City Clerk
City of Santa Barbara
735 Anacapa Street
Santa Barbara, CA 93101

VIA FEDERAL EXPRESS

RE: Appeal of EIR certification

Dear City Clerk:

I am hereby filing the enclosed appeal to the City Council of the Planning Commission's certification of the single use bag ordinance EIR. The Planning Commission certified the EIR on August 8, 2013. A check for the filing fee in the amount of $465 is enclosed.

Sincerely,

Stephen L. Joseph
Counsel

SAVE THE PLASTIC BAG COALITION

APPEAL OF CITY OF SANTA BARBARA PLANNING COMMISSION'S CERTIFICATION OF FINAL EIR ON SINGLE USE CARRYOUT BAG ORDINANCE TO CITY COUNCIL, BASED ON FAILURE TO PROVIDE NOTICE OF PUBLIC HEARING AND CEQA VIOLATIONS

(Planning Commission Resolution 011-13 certifying EIR adopted August 8, 2013)

NOTICE OF INTENT TO LITIGATE

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
11693 San Vicente Blvd. #150
Los Angeles, CA 90049

Phone: (310) 266-6662
Fax: (310) 694-9067

E-mail: savetheplasticbag@earthlink.net

Website: www.savetheplasticbag.com

($465 filing fee paid herewith)

INTRODUCTION AND APPEAL

On August 8, 2013, the City of Santa Barbara ("the "City") Planning Commission voted 6-1 to certify the Final EIR on the Single Use Carryout Bag Ordinance. (Planning Commission Resolution 011-13.) Save The Plastic Bag Coalition ("STPB") hereby objects to the certification and appeals to the City Council.

STPB hereby appeals the certification on procedural and substantive grounds:

A. The first procedural ground is that public commenters and objectors STPB and Anthony Van Leeuwen were not provided notice of the August 8, 2013 Planning Commission public hearing on certification of the EIR. They had no knowledge of the hearing. They would have made public comments at the hearing if they had known about the hearing. (STPB is not associated with Anthony Van Leeuwen in any way.)

B. The second procedural ground is that the "City Of Santa Barbara Addition To The Final EIR" was not provided to STPB or Anthony Van Leeuwen prior to the August 8, 2013 Planning Commission hearing and they received no notice that the document even existed. Therefore, they were unable to comment on and object to the document prior to certification. STPB objects to the "Addition" document as it incorporates and is based on the errors and CEQA violations contained in the Final EIR.

C. The substantive grounds are that the EIR fails to comply with CEQA in the ways described herein.

All of STPB's objections submitted to BEACON and all supporting documents submitted to BEACON are incorporated herein by reference.

At the Planning Commission hearing on August 8, 2013, two of the Commissioners stated that they believe that the EIR was biased and not objective.

Chairman Mike Jordan stated:

> [Referring to the no options alternative.] It makes the options or considerations appear ***one-sided*** to someone who doesn't have the same philosophical view on the subject as I do. (Commencing 02:48:58)....
>
> I was going through the pages and pages of letters and replies. Mostly the replies. I just saw over and over and over again a response to the comments that was equivalent to the commenter presents no evidence. And that sort of deflates the requirement to answer to that comment. And I literally could sit down and find that 25 times in one letter, which the letter seemed to be a novel in the first place. Is that, I've never seen that before in three and a

> half years of looking at EIRs that I remember. Is that an appropriate response to a comment? (Commencing 02:51.26)....
>
> I agree with pretty much everything Mr. Thompson said. [See below.] .... I just in my three and half years I was just ***unimpressed*** with the level of structure of the EIR and ***I too thought it was more of an advocative document rather than an unbiased document***.... (Commencing 03:17.43.)

Commissioner Addison Thompson stated:

> But the more I got into reading it, and I did read it, some sections two and three times, the more I got the feeling that I was getting a ***spin***, that's the current term that the media uses or to present something in good light when maybe it isn't necessarily in a good light. And what I mean by that is that I got the feeling that ***we weren't getting as an objective analysis as quite possible could be done***. It was more to backup the idea of this ordinance.... We get the impression when anybody is reading this EIR that it's very very accurate, when in fact it's precise but ***not accurate***.... ***I don't think this EIR is ready for prime time.*** (Commencing 03:11:10)

A video of the Planning Commission can be downloaded at:

http://santabarbara.granicus.com/MediaPlayer.php?view_id=66&clip_id=5745

OBJECTION TO AND APPEAL OF FAILURE TO GIVE NOTICE OF PLANNING COMMISSION PUBLIC CERTIFICATION HEARING AND ADDITION TO EIR TO COMMENTERS AND OBJECTORS STPB AND ANTHONY VAN LEEUWEN

On January 31, 2013, STPB's counsel Stephen Joseph (who is and has always been the sole point of contact for STPB) moved from San Francisco to Los Angeles. Beginning in March 2013, STPB filed a series of extensive comments on and objections to the BEACON Draft and Final EIR. In all objections, e-mails, and documents sent to BEACON, STPB always provided the following address: 11693 San Vicente Blvd. #150, Los Angeles, CA 90049. STPB never used any other address with BEACON.

In its March 25, 2013 objections to the Draft EIR, STPB stated: "Pursuant to CEQA including but not limited to CEQA Guidelines §15072(b), I request that you send me, by e-mail and regular mail to the address on the letterhead of this document, any and all responses or findings regarding these objections and all notices regarding the proposed ordinance." The address on the document is the Los Angeles address. (Exh. A attached hereto.)

As of March 25, 2013, BEACON was to be the certifying agency. There was no indication that a city or county would certify the EIR. The Final EIR issued in April 2013 states:

> "The environmental review process will culminate with a BEACON Board of Directors hearing to consider certification of a Final Program EIR. For each of the counties and participating municipalities, Section 2.6 in Section 2.0, Project Description, provides a detailed description of approvals that may be necessary for the Proposed Ordinance."

The reference to Section 2.6 was an error. The detailed description of approvals was in fact in Section 2.7 which states as follows:

> **2.7 REQUIRED APPROVALS and PERMITS**
>
> For BEACON, the following approval would be required.
>
> - *Certification of the Final Program EIR (Board of Directors)*
>
> Both Santa Barbara and Ventura counties and each participating municipality will consider whether to adopt the Proposed Ordinance. For unincorporated Santa Barbara and Ventura counties, adoption of the Proposed Ordinance in each jurisdiction would require an amendment to the county's ordinance code with discretionary approval by the county's Board of Supervisors. The following approvals would be required:
>
> - *Consider the Final Program EIR (Board of Supervisors)*
> - *Adoption of an Ordinance amending the Ordinance Code (Board of Supervisors)*
>
> For each of the participating municipalities, adoption of the Proposed Ordinance would require an amendment to the city's municipal code with discretionary approval by the municipality's city council. The following approvals would be required for each of municipalities considering adoption:
>
> - *Consider the Final Program EIR (City Council)*
> - *Adoption of an Ordinance amending the Ordinance Code (City Council)*

Subsequently, BEACON decided that City Councils and Board of Supervisors would certify the EIR, not BEACON. The Revised Final EIR issued in May 2013 includes a revised Section 2.7 at pages 2-11 and 2-12, which states as follows:

> **2.7 REQUIRED APPROVALS and PERMITS**
>
> For BEACON, functioning as a joint powers agency for preparation of the Program EIR, the following approvals would be required.
>
> - ~~*Certification of the*~~*Receive a report that the Final Program EIR was completed in compliance with CEQA (Board of Directors)*
> - *Authorize and direct the Executive Director to distribute copies of the Final Program EIR to BEACON member agencies and other jurisdictions for those jurisdictions' consideration and use, at their discretion, in adoption of a Single-Use Bag Reduction Ordinance*
>
> For ~~B~~both Santa Barbara and Ventura counties and each participating municipality, each would function as lead agencies for the certification of the Final EIR for each individual jurisdiction's project (adoption of a Single-Use Bag Reduction Ordinance that would apply within that jurisdiction). In addition, each jurisdiction will consider whether to adopt the Proposed Ordinance. For unincorporated Santa Barbara and Ventura counties, adoption of the Proposed Ordinance in each jurisdiction would require certification of the Final Program EIR (in accordance with CEQA Guidelines Section 15090) and an amendment to the county's ordinance code with discretionary approval by the county's Board of Supervisors. The following approvals would be required:
>
> - *Certification of~~onsider~~ the Final Program EIR (Board of Supervisors)*
> - *Adoption of an Ordinance amending the Ordinance Code (Board of Supervisors)*
>
> For each of the participating municipalities, adoption of the Proposed Ordinance would require certification of the Final Program EIR (in accordance with CEQA Guidelines Section 15090) and an amendment to the city's municipal code with discretionary approval by the municipality's city council. The following approvals would be required for each of municipalities considering adoption:
>
> - *Certification~~onsider~~ of the Final Program EIR (City Council)*
> - *Adoption of an Ordinance amending the Ordinance Code (City Council)*
>
> Subsequent to adoption of the Proposed Ordinance, each municipality would need to file a Notice of Determination (NOD) per CEQA Guidelines (Section 15094).

As stated in the Final EIR, certifications would be by City Councils and Boards of Supervisors, not Planning Commissions.

All notices by BEACON were sent out by Rincon Consultants who prepared the EIR and maintained the mailing list. RINCON supplied the City of Santa Barbara with the mailing list. In fact, as Rincon had erroneously sent a notice to STPB's previous San Francisco address in June 2013, STPB immediately contacted Rincon to ensure that all future notices would be sent to STPB's Los Angeles address. On July 1, 2013, RINCON sent an e-mail to STPB confirming that only STPB's Los Angeles address would be used. (Exh. B attached hereto.)

On July 11, 2013, STPB's counsel sent an e-mail to the City of Santa Barbara regarding the proposed ordinance and the EIR with the Los Angeles address. (Exh. C attached hereto.)

On July 25, 2013, the Planning Commission issued a Notice of [City of Santa Barbara] Planning Commission Hearing and Document Availability. (Exh. D attached hereto.)

http://www.santabarbaraca.gov/SBdocuments/Advisory_Groups/Planning_Commission/Current/01_Current_Agenda/2013-08-08_August_08_2013_Agenda.pdf

The Notice stated that the Planning Commission would hold a public hearing on certifying the EIR on August 8, 2013. The Notice also states: "The public is invited to speak on any item on the Planning Commission Agenda." The certification of the BEACON EIR was one of the listed agenda items. (The Finalized Agenda is Exh. G attached hereto.)

The Notice also stated that additional documents were available at www.SantaBarbaraCA.gov/PC. STPB does not know whether additional documents were posted on the website other than the agenda.

The Notice was mailed to STPB on July 25, 2013 ***at STPB's previous San Francisco' address***. (Exh. D attached hereto. July 25, 2013 is the date on the postmark.) ***No notice was sent to STPB's Los Angeles address.*** On August 5, 2013, the Notice sent to San Francisco was forwarded by a mailbox service to STPB's correct address in Los Angeles. (Copy of forwarding envelope with August 5 postmark is Exh. E attached hereto.) It was received at STPB's address in Los Angeles on August 9, 2013 at the earliest. Stephen Joseph checked his Los Angeles mailbox late on August 8 and it had not been received. STPB's counsel did not see the notice until Monday August 12, 2013. The Notice was not sent by e-mail to STPB including Stephen Joseph.

On August 1, 2013, ***after*** the Notice was sent, the Planning Commission issued a Staff Report with an attached exhibit entitled: "City Of Santa Barbara Addition To The Final EIR." (Hereinafter referred to as the "Addition document." The Addition document is dated August 1, 2013. Exh. E attached hereto.)

On August 8, 2013, the City of Santa Barbara Planning Commission held a public hearing on the Final EIR. STPB including Stephen Joseph had no idea that a hearing was being held or that a staff report and the Addition document existed.

At the August 8, 2013 hearing, the Planning Commission voted 6-1 to certify the EIR. (Exh. G attached hereto.) The City Attorney stated at the hearing that the "City Of Santa Barbara Addition To The Final EIR" was part of the EIR that the Planning Commission was certifying. The document had not been made available to the public on the website and STPB including Stephen Joseph had no idea that it existed until August 12, 2013. Stephen Joseph received it by e-mail from Anthony Van Leeuwen on August 11, 2013. (Exh. H attached hereto.)

Anthony Van Leeuwen is not associated with STPB in any way. He too submitted extensive comments on and objections to the BEACON EIR. He received no mail or e-mail notice whatsoever of the August 8, 2013. He has advised me that he too did not know that a hearing was being held and he did not receive the "Addition" document until after the hearing had been held. (See Exhs. H and I attached hereto.)

STPB strongly objects to the failure to notify STPB and Anthony Van Leeuwen of the hearing and provide a copy of the Addition document. If STPB and Anthony Van Leeuwen, would have known about the hearing and the Addition document, they would have attended the

hearing and made substantial public comments. They were entitled to engage with the Planning Commissioners in discussing their comments and objections and responding to questions. No other commenters and objectors spoke at the Planning Commission hearing, making it appear that there was no active opposition or objections.

STPB contacted the Planning Commission when he discovered that a hearing had been held on August 8, 2013 and objected. STPB requested a new hearing. (Exh. J attached hereto.)

The City Attorney, Stephen Wiley, responded and refused to permit another hearing. He stated: "As you know, I advised you that you are not legally entitled under CEQA to mailed notice of this hearing and that you got the notice legally required for this hearing when the City provided proper public noticing under the Brown Act - all of which I suspect you already know full well and are just trying to create a false issue."

Wiley has told Stephen Joseph over the phone that he should have been monitoring the Planning Commission website to see if any hearings were being noticed. However, there was no prior indication that the EIR was going to be considered or certified by the Planning Commission. According to the Final EIR, the ***City Council*** would be the certifying agency. The Planning Commission was not mentioned. In any event, STPB had requested by e-mail and mail "all notices regarding the proposed ordinance" and was entitled to receive it such notices at the correct address that was provided.

A Declaration of Stephen L. Joseph under penalty or perjury is attached hereto in supporting of this objection regarding notice.

With respect to the objection regarding lack of proper notice, STPB requests that the City Council disapprove, reverse, and invalidate the Planning Commission's certification and require that the Planning Commission hold another public certification hearing and that notices of the hearing be sent to all objectors and commenters on the EIR, including but not limited to STPB at its Los Angeles address.

STPB also request that the City Council order the City Clerk to refund the $465 filing fee paid by STPB to lodge this appeal.

STPB hereby notifies the City of Santa Barbara that it STPB will file suit to reverse the certification based on the failure to provide adequate notice. All rights are reserved.

Nothing herein waives any substantive CEQA objections made by STPB regarding the EIR.

SUMMARY OF SUBSTANTIVE OBJECTIONS AND CEQA VIOLATIONS

	Page(s)
A. (1) Failure to base evaluation of impact of 10-cent fee on paper and reusable bag usage on Santa Monica High School survey; and (2) failure to factor into metrics prospective purchases of plastic bin-liners and other plastic bags to replace plastic carryout bags COMMENT: (1) The Santa Monica High School survey is the ***only*** pre-ban and post-ban survey ever conducted. It is the ***only*** empirical data that is available for determining the impact of a 10-cent fee on paper bag and reusable bag usage in a city that has banned plastic bags. It is an unbiased and well-documented study based on ***50,400 transactions***. The authors conclude: "The upward drift in paper bag use at regular stores in 2012 warrants further investigation..... If undercharging is not occurring, a steeper fee of more than 10 cents may need to be considered." The evaluation of the impact of the 10-cent fee must be based on this survey. (2) The Draft and Revised Final EIRs fail to factor into the environmental calculations prospective purchases of plastic bags for use as bin-liners and other uses CEQA VIOLATIONS: Pub. Res. Code § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.	12
B. Unjustified, unreasonable, and misleading use of LDPE reusable bags as basis for entire reusable bag impact analysis. COMMENT: LDPE reusable bags are the best reusable bags for the environment as they only need to be used 2.6 times to offset their greater impacts compared to a plastic carryout bags. In contrast, a cotton bag must be used 173 times. However, LDPE (i.e. polyethylene) reusable bags are rarely provided or used. Nevertheless, BEACON uses LDPE reusable bags and the 2.6 multiplier as the basis for all of its reusable bag calculations in the Draft and Revised Final EIR in order to falsely and misleadingly make the environmental footprint of all types of reusable bags appear to be far more favorable than the reality. (In contrast, the Los Angeles County EIR used a multiplier of 104, which is reasonable acceptable.) ***BEACON has failed to correct the Revised Final EIR.*** CEQA VIOLATIONS: Pub. Res. Code § 21080(e)(1) and (2), § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151.	18

C. Unjustified, unreasonable, and misleading assumption that each reusable bag will be used on average 52 times. **COMMENT**: BEACON uses the 52 multiplier to manipulate the metrics to show no negative environmental impact. When a lower figure is used, the negative environmental impacts of the proposed ordinance are very significant. If the 52 figure is replaced by 2, the CO_2E per year from the production, distribution, and disposal of reusable bags distributed and used in Santa Barbara and Ventura County would be equivalent to: • CO2 emissions from 90,510,387 gallons of gasoline consumed • CO2 emissions from 1,877,564 barrels of oils consumed • CO2 emissions from the electricity use of 120,861 homes for one year • CO2 emissions from burning 3,469 railcar's worth of coal ***BEACON has failed to address this objection.*** **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2), § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.	46
D. False and misleading assertion that non-woven polypropylene reusable bags are recyclable. **COMMENT:** Non-woven polypropylene bags are ***not*** recyclable in Santa Barbara or Ventura Counties. In contrast, plastic carryout bags are fully recyclable at plastic bag recycling bins at supermarkets and other large stores with pharmacies, pursuant to AB 2449. Bags placed in those bins are actually recycled. ***BEACON asserts that a resin code printed on the bottom of such bags makes them recyclable. That is not true. The code only indicates the type of resin used, not recyclability.*** **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2)), § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151.	48

E. Failure to disclose that stormwater capture devices and trash excluders prevent plastic bags from reaching the watershed, waterways, and the ocean. **COMMENT:** The Draft and Revised Final EIRs state: "plastic bag litter enters Santa Barbara and Ventura County rivers, creeks, and watersheds via storm drains," which is either untrue or partially true and highly misleading. The impact of existing and planned stormwater capture devices, such as the ones that have been or will be installed in the City of Ventura, must be fully disclosed in the EIR. ***BEACON has failed to address this objection. BEACON has used a transparent and cynical ploy to avoid making any response.*** **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2), § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.	50
F. False and grossly misleading statements regarding marine impacts. **COMMENT:** BEACON has totally failed to address this objection. This is critically important, because the Revised Final EIR makes false, exaggerated, grossly misleading, and inflammatory claims that may be highly influential with decisionmakers and citizens. **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2)), § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617 and *Save The Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 175.	55
G. False and misleading assertion that plastic bags are made of petroleum or natural gas. **COMMENT:** BEACON has used ambiguous wording in its response to obfuscate this issue. BEACON has refused to make the necessary correction. Plastic bags are made of ***waste byproducts*** of oil and natural gas refining, that is ethane or naphtha. Plastic bags are not made of oil or natural gas. **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2), § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Save The Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 175.	57

H. Failure to prepare and recirculate revised draft EIR. **CEQA VIOLATION:** CEQA Guidelines § 15088.5 states: "A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification." Recirculation is also required if: "The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."	58
I. Failure to attach STPB's responses to BEACON's responses to Final Revised EIR **CEQA VIOLATION:** Pub. Res. Code § 21091(d); *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.	59

NOTE: The foregoing are only summaries. No waivers of any objections asserted in previous documents or this document are intended. All rights are reserved.

OBJECTION A

(1) FAILURE TO BASE EVALUATION OF IMPACT OF 10-CENT FEE ON PAPER AND REUSABLE BAG USAGE ON SANTA MONICA HIGH SCHOOL SURVEY; AND (2) FAILURE TO FACTOR INTO METRICS PROSPECTIVE PURCHASES OF PLASTIC BIN-LINERS AND OTHER PLASTIC BAGS TO REPLACE PLASTIC CARRYOUT BAGS

SUMMARY OF OBJECTION: In March 2013, Santa Monica High School issued a report on bag choice at Santa Monica grocery stores based on pre-ban and post-nab extensive surveys. (Doc # 306.) The report contains these charts:

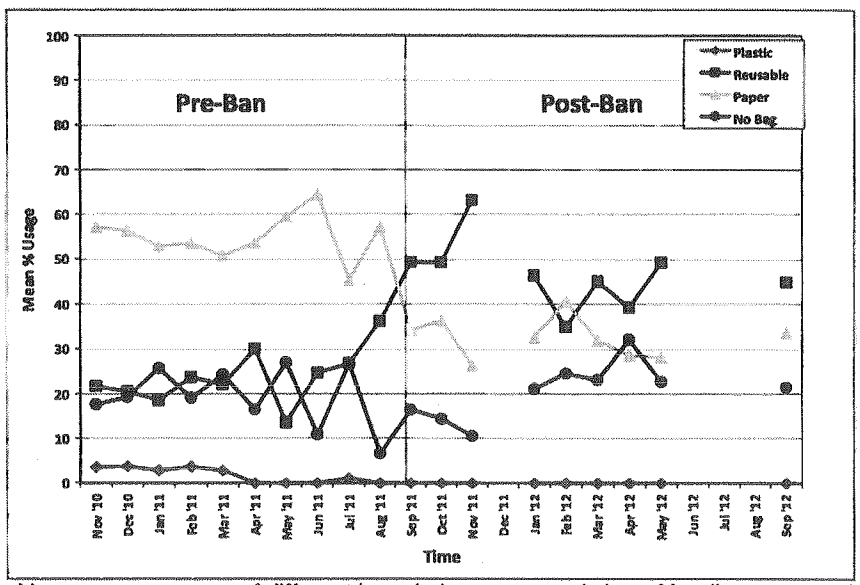


Figure 3. Mean percent usage of different bag choices per month (eco-friendly stores pooled) before and after the plastic bag ban. Gaps represent months no data were collected (see Table 1 below).

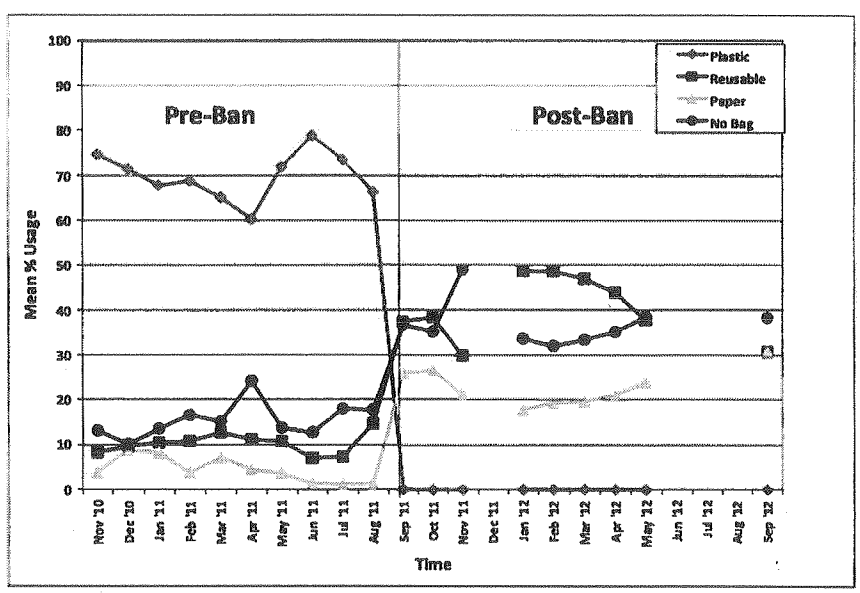


Figure 4. Mean percent usage of different bag choices per month (regular stores pooled) before and after the plastic bag ban. Gaps represent months no data were collected (see Table 1 below).

Figure 3 shows a timeline for Whole Foods and Trader Joe's, which are described in the report as "eco-friendly" stores. Customers at these stores are generally quite affluent and would take steps that they have been told are good for the environment.

Figure 4 shows a timeline for Albertsons, Vons, and Ralphs, which are described in the report as "regular" stores. Customers at these stores are more representative of the general public, and include less affluent customers. There are far more regular-type stores in Santa Barbara and Ventura Counties than eco-friendly stores. Eco-friendly stores would be a tiny percentage of the stores that would be covered by the proposed ordinances.

The Santa Monica report figures are supported by extensive pre-ban and post-ban surveys and constitute substantial evidence. The survey lasted for 19 months and is based on the observation of 50,400 customers. In contrast, Los Angeles County's claims about paper bag reduction are not based on any pre-ban data or surveys and are therefore not substantial evidence.

With respect to "regular" stores, figure 4 is substantial evidence that:

1. Paper bag usage was between 0 and 10% of market share before the Santa Monica ordinance took effect. At times it was very close to zero percent.
2. When the ban took effect in September 2011, paper bag usage increased dramatically to about 27%. It then dropped and rose again to about 30% by September 2012.
3. The paper bag trend line shows that paper bag usage is ***increasing***.
4. When the ban took effect in September 2011, reusable bag usage increased dramatically to about 49%. It then dropped to 30% by September 2012.
5. The reusable bag trend line shows that reusable bag usage is ***decreasing***.

When a ban ordinance takes effect, consumers are initially very responsive. However, over the course of time, the responsiveness wears off. In just one year after the ban took effect, reusable bag usage had ***dropped*** by 20%. As of March 2013, reusable bag usage probably dropped further and paper bag usage probably increased further, based on the trend lines.

The authors of the Santa Monica report reach a similar conclusion. They state as follows:

> The upward drift in paper bag use at regular stores in 2012 warrants further investigation. Specifically, it would be of interest to ensure grocery stores, one year after the ban, are following the law; are they continuing to disincentivize paper bag use by charging 10 cents per paper bag? Other variables could be contributing as well, including patron apathy, regulars stores undercharging for the number of paper bags used, and stores prematurely removing strategic parking lot and store signage reminding customers to bring in their reusable bags. A study comparing the number of paper bag sold to the volume purchased should establish if any undercharging is occurring, and ultimately, whether regular stores are obeying the law. If undercharging is not occurring, a steeper fee of more than 10 cents may need to be considered.

Based on the foregoing, an EIR must disclose that the 10-cent fee may not be sufficiently high to prevent significant negative environmental impacts resulting from a substantial increase in paper bag usage.

SAVE THE PLASTIC BAG COALITION ("STPB") DEMANDS THAT THE SANTA MONICA REPORT BE DISCUSSED IN A REVISED DRAFT EIR, WITHOUT MISREPRESENTATION OR AMBIGUITY AND IN A TOTALLY NON-MISLEADING WAY. STPB DEMANDS THAT FIGURE 4 OF THE SANTA MONICA REPORT BE INCLUDED IN THE REVISED DRAFT EIR. STPB OBJECTS IF THERE IS A FAILURE TO DO SO.

BEACON response: BEACON responds at page 8-289 of the Revised Final EIR. It states: "The commenter provides data from a study from the City of Santa Monica that states that paper bag usage after a bag ordinance was implemented increased to approximately 30% and that reusable bag usage initially rose to 49% but then dropped to 30%. The commenter further states that the 10-cent fee for paper bags associated with the Proposed Ordinance may not be sufficiently high to prevent environmental impacts related to the increase in paper bag usage."

STPB response:

BEACON has misrepresented STPB's comments in order to make it easier for BEACON to respond. This is what STPB ***actually*** said:

With respect to "regular" stores, figure 4 is substantial evidence that:

1. Paper bag usage was between 0 and 10% of market share before the Santa Monica ordinance took effect. At times it was very close to zero percent.
2. When the ban took effect in September 2011, paper bag usage increased dramatically to about 27%. It then dropped and rose again to about 30% by September 2012.
3. The paper bag trend line shows that paper bag usage is ***increasing***.
4. When the ban took effect in September 2011, reusable bag usage increased dramatically to about 49%. It then dropped to 30% by September 2012.
5. The reusable bag trend line shows that reusable bag usage is ***decreasing***.

When a ban ordinance takes effect, consumers are initially very responsive. However, over the course of time, the responsiveness wears off. In just one year after the ban took effect, reusable bag usage had ***dropped*** by 20%. As of March 2013, reusable bag usage probably dropped further and paper bag usage probably increased further, based on the trend lines.

The authors of the Santa Monica report reach a similar conclusion. They state as follows:

> The upward drift in paper bag use at regular stores in 2012 warrants further investigation. Specifically, it would be of interest to ensure grocery stores, one year after the ban, are following the law; are they continuing to disincentivize paper bag use by charging 10 cents per paper bag? Other variables could be contributing as well, including patron apathy, regulars stores undercharging for the number of paper bags used, and stores prematurely removing strategic parking lot and store signage reminding customers to bring in their reusable bags. A study comparing the number of paper bag sold to the volume purchased should establish if any undercharging is occurring, and ultimately, whether regular stores are obeying the law. If undercharging is not occurring, a steeper fee of more than 10 cents may need to be considered.

BEACON response: "The study the commenter provides and the statement that the paper bag usage once a bag ordinance is implemented would actually increase to approximately 30% is consistent with the bag use assumptions in the Draft EIR and confirms the reasonableness of the assumption that approximately 30% of the plastic bags currently used in the Study Area would be replaced by recyclable paper bags (see Table 2-2 in Section 2.0, *Project Description*, of the Draft EIR). In regard to reusable bags, the commenter fails to mention the statistic provided in the comment letter (see Figure 4 in the comment letter) that approximately 35% of customers chose to use no bag at all after the ordinance went into effect (an increase of approximately 25% from pre-ordinance conditions). The Draft EIR assumes that approximately 65% of plastic bags would be replaced by approximately 65% reusable bags after implementation of the Proposed Ordinance (see Table 2-2 of the Draft EIR). As described in Response 1.21, this is considered a reasonable assumption and is intended to provide a worst-case scenario related to environmental impacts. As such, if approximately 35% of the customers did not use any type of carryout bag, impacts would actually be reduced compared to the analysis in the Draft EIR. This confirms that the Draft EIR provides a reasonable, worst case approach to evaluating impacts related to switching from plastic carryout bags to either reusable or recyclable paper bags."

STPB response:

The following table approximately summarizes the changes in Santa Monica caused by the ban and the 10-cent paper bag fee at Figure 4 stores.

TYPE OF BAG	BEFORE BAN	AFTER BAN	CHANGE
Plastic	79%	0	-79%
Paper	1%	24%	+23% and increasing
Reusable	8%	38%	+30% and decreasing
No bag	12%	38%	+26%

The Draft and Revised Final EIRs do not show the ***net increase*** in paper and reusable bag usage and the changes that are continuing to occur: paper bag usage ***increasing*** and reusable bag usage ***decreasing***. STPB objects to those omissions. The Santa Monica tables must be included in the EIR, so that the public and decision-makers can see the percentage changes and the trend lines.

Paper bag and reusable bag usage combined increased by a whopping 53%! Paper bags and underused reusable bags are much worse for the environment than plastic bags. We recognize that the 79% drop in plastic bag usage and the 26% increase in no bag usage must be offset against the 53% increase in combined paper and reusable bag usage. However, this is subject to a counter-offset for the increase in purchases of plastic bags for bin liners and other purposes, as occurred in Ireland and South Africa, which is a calculation that never appears in the Draft or Final Revised EIR. (Docs. ## 901 and 307.) STPB objects to that omission.

Once the foregoing facts are taken into account, will the ordinance result in significant negative environmental impacts? That depends on the assumptions made about the impacts of reusable bags compared to "single-use" plastic bags for which the Draft and Revised Final EIR dishonestly use a ratio of 2.6, as discussed on Objection B below, and how many times each reusable bag is reused, as discussed in Objection C below. ***By using false and unreasonable assumptions, BEACON has manufactured a response that supports its predetermined goals of showing that the proposed ordinances will not result in significant negative environmental impacts.***

BEACON response: "The commenter provides a South African report and states that by banning plastic bags, there would be an increase in the number of trash bin liners purchased as people would no longer be able to use plastic carryout bags to line their trash cans at home. The commenter further states that impacts that result from the increase of plastic trash liners needs to be included in the EIR. See Response 1.47. As stated above, there may likely be an increase in plastic trash liners used in the Study Area. However, these types of trash bags are intended for such use and are not the type of bags that generally end up as litter (which impact biological resources, clog storm drains, and enter the marine environment). The objective of the Proposed Ordinance is intended to reduce existing impacts associated with plastic carryout bags including those impacts related to biological resources (plastic bag litter affecting wildlife species and habitat) and water quality (plastic bag litter clogging storm drains and entering creeks and waterways within the Study Area)."

STPB response: The fact that such replacement bags are less likely to end up as litter is an insufficient response. Litter is only one aspect of the environmental picture. What about greenhouse gases and other non-litter environmental impact metrics? The impact of increase plastic bag purchases for bin liners and other purposes must be factored into those metrics. STPB objects to the failure to do so.

A 10-cent fee is not an effective deterrent to ensure a sufficient suppression of paper bag usage. Other cities such as San Jose have opted for a 25-cent fee, which should be more effective.

Photo taken at Bristol Farms in the City of West Hollywood on March 7, 2013. The plastic bag ban in West Hollywood took effect in February 2013.

OBJECTION B

UNJUSTIFIED, UNREASONABLE, AND MISLEADING USE OF LDPE REUSABLE BAGS AS BASIS FOR ENTIRE REUSABLE BAG IMPACT ANALYSIS

SUMMARY OF OBJECTION TO DRAFT EIR:

The Draft EIR asserts that a switch to reusable bags instead of paper bags would have an insignificant or a positive environmental impact, because LDPE (i.e. plastic) reusable bags are "one of the most common types of reusable bags." This is a falsehood. LDPE reusable bags are a tiny percentage of reusable bags. If there is a major switch to reusable bags, it will be primarily PP reusable bags. STPB submitted extensive photographic evidence that few stores carry LDPE reusable bags in areas where plastic bags have been banned. PP, canvas, and cloth reusable bags, which have a much greater negative, impact on the environment that LDPE.

An LDPE reusable bag needs to be used only 2.6 times to offset its greater negative environmental impact compared to a "single-use" plastic carryout bag. Other types of reusable bags must be used between 104 and 173 times. The author of the DEIR ***cynically and deceptively*** chose the best reusable bag for the environment, that is an LDPE reusable bag, as being representative of all or a majority of reusable bags. The DEIR uses the figure of 2.6 for all of the calculations regarding reusable bags throughout the Draft EIR.

BEACON'S RESPONSE:

BEACON acknowledges "the analysis uses the LDPE carryout bag as a representation of reusable bags in evaluating GHG impacts." However, BEACON states: "There is no known available Life Cycle Assessment that evaluates all types of reusable bags (canvas, cotton, calico, etc.) with respect to potential GHG emissions."

STPB'S RESPONSE:

BEACON's assertion that there is no known available Life Cycle Assessment that evaluates all types of reusable bags with respect to potential GHG emissions ***is simply untrue***. STPB provided LCA's including the British Government report (Docs. # 406, 407) and the Los Angeles County EIR (Doc. 1). STPB even included the following table and chart from the British Government LCA in its objections:

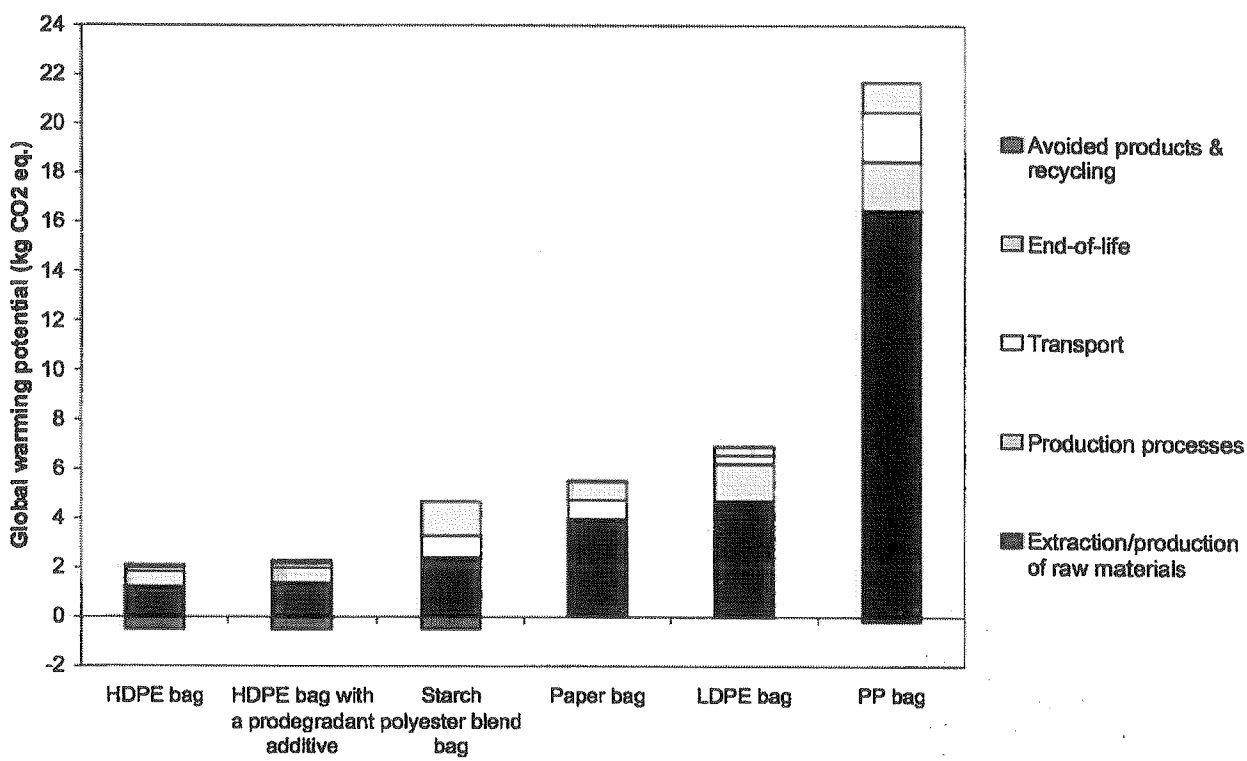
NUMBER OF TIMES THAT ALTERNATIVE BAGS HAVE TO BE USED TO PRODUCE LESS GLOBAL WARMING THAN PLASTIC BAGS

Plastic bag = 1

Type of carrier	HDPE bag (No secondary reuse)	HDPE bag (40.3% reused as bin liners)	HDPE bag (100% reused as bin liners)	HDPE bag (Used 3 times)
Paper bag	3	4	7	9
LDPE bag	4	5	9	12
Non-woven PP bag	11	14	26	33
Cotton bag	131	173	327	393

Based on the above table, if a consumer uses a cotton bag only 130 times and then discard it, more global warming will have been created than if 130 conventional plastic carryout bags had been used. If a consumer has two cotton reusable bags and discards one of them without reusing it, the other would have to be used 262 times.

"The cotton carrier bag is not shown in [the following table], because its [global warming potential] is more than ten times that of any other carrier bag." (British LCA at 33)



BEACON'S RESPONSE:

"Further, the study that utilizes the 2.6 per bag rate assumption is from the Ecobilan (2004) and the Scottish Report (AEA Technology, 2005) that the commenter references in his previous comments (see Comment # 11 and Comment #24) and recommended for use in the Draft EIR analysis. As described in Response 1.77, this methodology is consistent with the greenhouse gas impact analysis contained in other CEQA documents pertaining to bag ordinances. This rate compared to an HDPE single-use plastic bag (2.6 times) is related to an LDPE bag being used once and then disposed."

STPB'S RESPONSE:

This is irrelevant. LDPE reusable bags may be common in Scotland and France. Stephen Joseph has witnessed bag use in Britain and France and the overwhelming majority of reusable bags are LDPE in those counties. However, in California as STPB's photographs many show, LDPE reusable bags are a relative rarity.

BEACON'S RESPONSE:

"In regard to the LDPE reusable bags being a common reusable bag type, the Final EIR has been edited as follows on page 4.1-9 to remove 'one of the most common types.'"

STPB'S RESPONSE:

This change is not sufficient to address and meet the objection. ***The Final EIR still uses the 2.6 figure throughout the document, including with respect to GHG emissions.***

BEACON'S RESPONSE:

In regard to using a GHG impact rate of 104 times that of a HDPE single-use carryout bag, while this rate appears to be unreasonably exaggerated and unreasonable in comparison to the 2.6 rate (as described above), even if it were used as the rate for GHG impact, as shown in the table below, the net increase of GHG emissions in the Study Area as a result of the Proposed Ordinance (approximately 0.0357 metric tons CO2e per person per year) would not exceed the threshold of significance (4.6 metric tons per person per year) and thus the impact would remain less than significant (the same as in the Draft EIR using the rate of 2.6 for LDPE bags).

STPB'S RESPONSE: The assertion is incorrect for three reasons.

First, the Los Angeles County EIR uses the 104 figure, so it is not unreasonably exaggerated and unreasonable

Second, the issue is not emissions in the Study Area. It is emissions anywhere. In *Save The Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155,.the Supreme Court stated:

> As noted above, it is also established that CEQA review includes the impacts a project may have in areas outside the boundaries of

the project itself.

(*Id.* at 175.) The public and decisionmakers must be informed about GHG emissions beyond the outside the boundaries of the project itself. STPB is not asserting that GHG emissions *in the Study Area* will increase beyond some fictional level of significance. Moreover, GHG emissions are cumulative.

Second, the table below provided by BEACON based on a 104 times factor ***assumes that reusable bags will be used on average at least 52 times***. STPB has objected to that baseless and speculative assumption. Based on the 52 times assumption, BEACON's table assumes that

Estimated Greenhouse Gas Emissions from Carryout Bags in Study Area with Implementation of the Proposed Ordinance Using a GHG Impact Rate of 104 for Reusable Bags

Manufacture, Use and Disposal					
Bag Type	Proposed # of Bags Used per Year[1]	GHG Impact Rate per Bag	GHG Impact Rate (metric tons CO_2E)	CO_2E per year (metric tons)	CO_2E per Person (metric tons)[5]
Single-use Plastic	32,912,070	1	0.04 per 1,500 bags[2]	878	0.0007
Single-use Paper	197,472,422	2.97	0.1188 per 1,000 bags[3]	23,460	0.0189
Reusable	8,228,018	104	4.16 per 1,000 bags[4]	34,229	0.276
			Subtotal	*58,567*	*0.047*
Washing					
Bag Type	# of Loads per Year[6]	Electricity Use Per Load (kW)[7]	Total Electricity Use Per Year (kW)	CO_2E per year (metric tons)[8]	CO_2E per Person (metric tons)
Reusable	2,598,321	3.825	9,938,578	3,279	0.0026
			Subtotal	3,279	*0.0026*
Total GHG Emissions from Proposed Ordinance				61,846	0.05
Existing GHG Emissions				17,553	0.0142
Net Change (Total minus Existing)				44,293	0.0357

If each and every reusable bag distributed to the public is used on average twice instead of 52 times, the number of reusable bags would increase from 8,228,018 to 213,928,468. That is 889,954 CO_2E per year (metric tone) just from reusable bags. According to the U.S. Environmental Protections Agency, this is equivalent to:

- **CO_2 emissions from 90,510,387 gallons of gasoline consumed**
- **CO_2 emissions from 1,877,564 barrels of oils consumed**
- **CO_2 emissions from the electricity use of 120,861 homes for one year**
- **CO_2 emissions from burning 3,469 railcar's worth of coal**

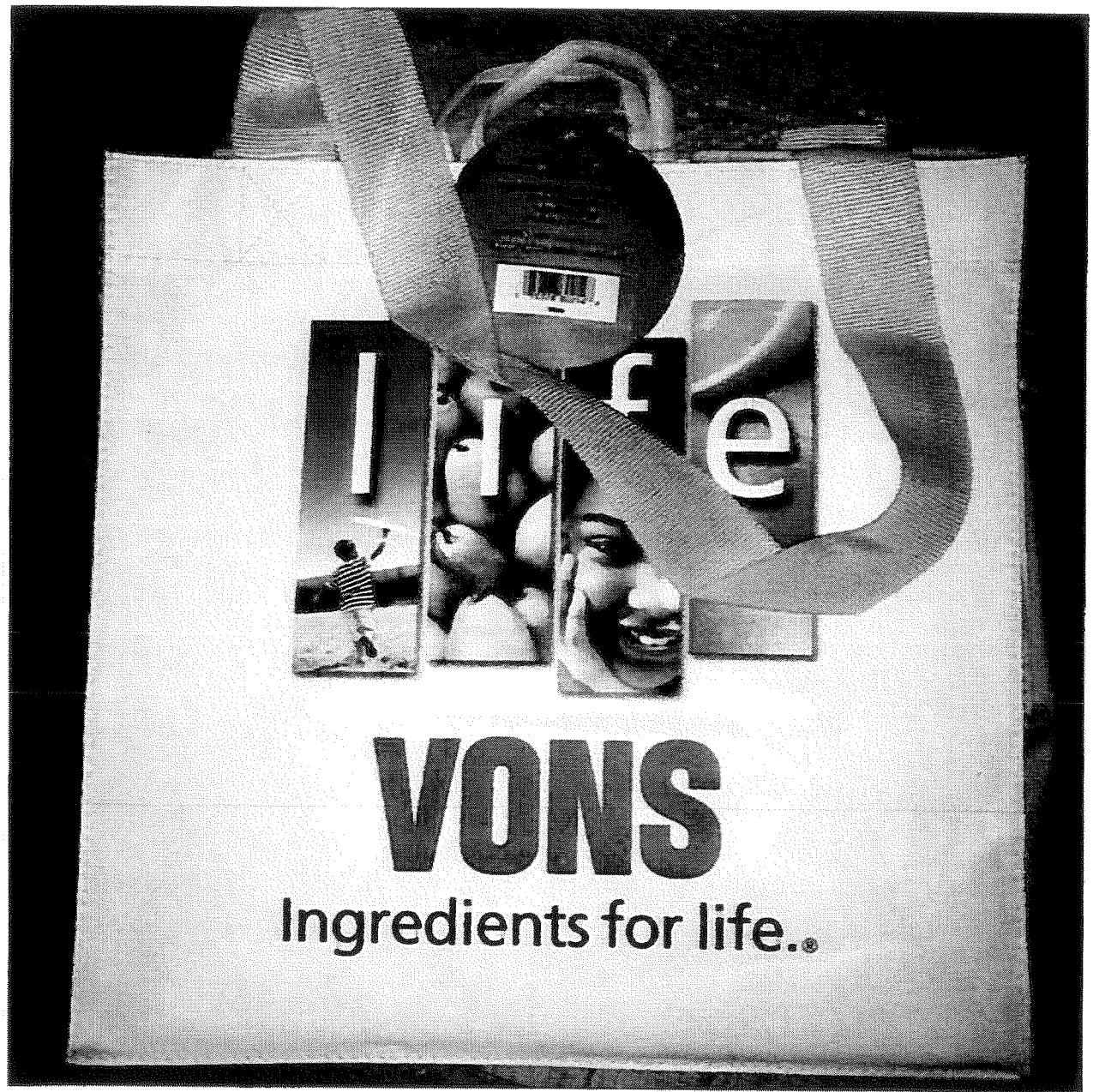
(See Doc. #423 submitted herewith.) The assertion that this is not significant is absurd. Even if each and every reusable bag distributed to the public is used on average 20 times, meaning that the above impacts are reduced by 90%, the impacts are still huge and significant.

Finally, the Final EIR still uses the 2.6 figure in every table where impacts of reusable bags are measured. The figures have not been changed to 104. Therefore, STPB objects.

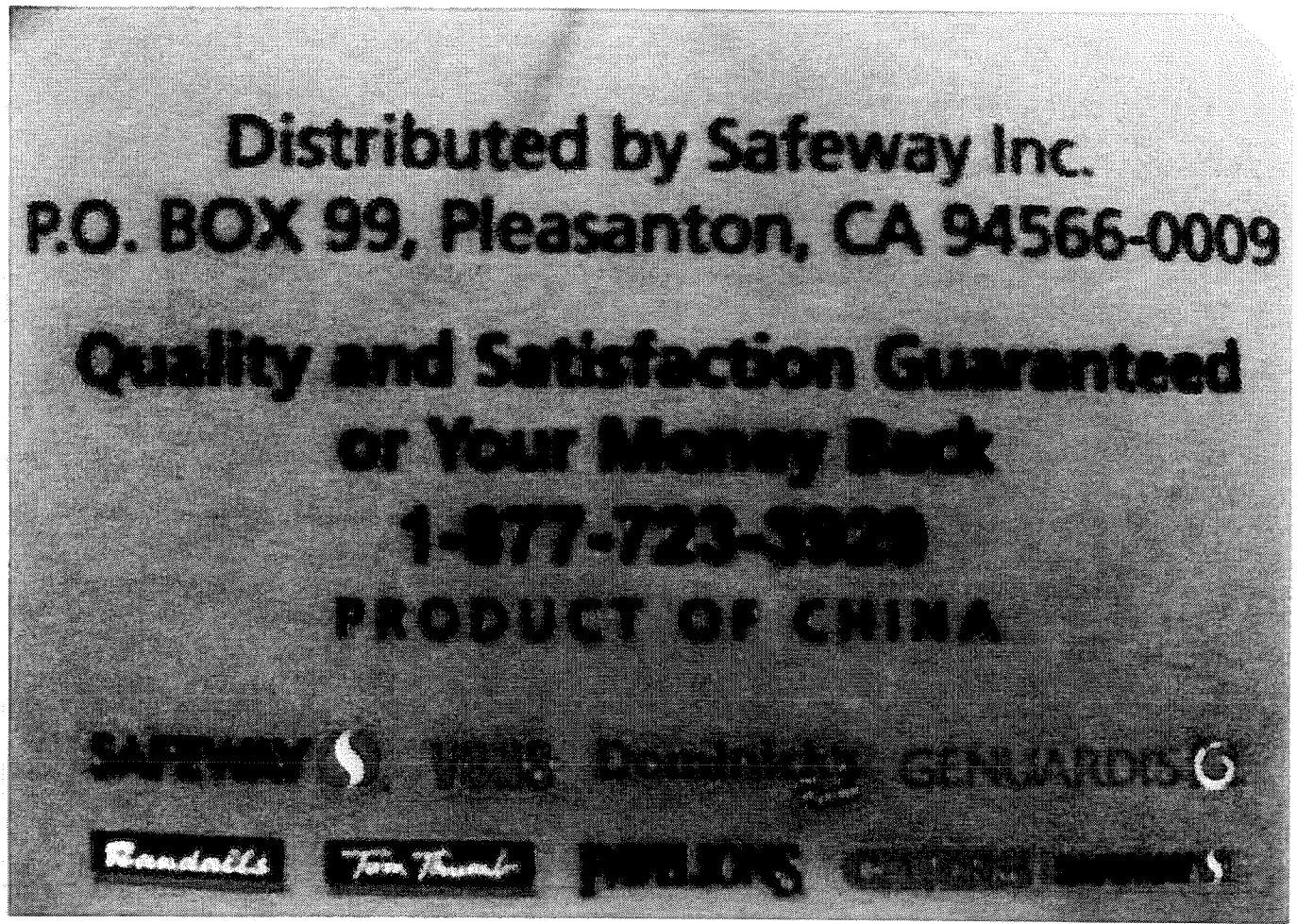
THE FOLLOWING PAGES CONTAIN PHOTOGRAPHS WITH CAPTIONS SENT TO BEACON SHOWING THAT LDPE REUSABLE BAGS ARE RARELY OFFERED AND USED WHEN PLASTIC BAGS ARE BANNED AND A FEE IS IMPOSED ON PAPER BAGS.

SEE ALSO EXHIBIT K ATTACHED HERETO WHICH IS THE DECLARATION OF PETER M. GRANDE REGARDING RARITY OF LDPE REUSABLE BAGS IN THE MARKETPLACE.
(The declaration was document BEA 422 submitted to BEACON.)

The checkout at Vons in Long Beach, after plastic bags were banned.
Photo taken by Stephen Joseph on October 24, 2012.
No LDPE or HDPE reusable bags at the checkout.



A Vons reusable bag available at the checkouts.
This is not an LDPE or HDPE reusable bag.
It is made in China.



The label on the Vons bag shown on the previous page. This shows that major supermarket chains are providing these kinds of bags to consumers:

Safeway
Vons
Dominicks
Genuardis
Randalls
Tom Thumb
Pavilions
Carr
Safeway.

The checkout at Ralphs in Long Beach, after plastic bags were banned.
Photo taken by Stephen Joseph on October 24, 2012.
No LDPE or HDPE reusable bags at the checkout.

Ralphs reusable bag available at the checkout.
This is not an LDPE or HDPE reusable bag.
It is made in China.

The checkout at the Safeway supermarket at 350 Bay Street, San Francisco.
Photo taken by Stephen Joseph on October 24, 2012.
The San Francisco expanded plastic bag ban and 10-cent paper bag fee requirement took effect on October 1, 2012.
There were no LDPE or HDPE reusable bags at the checkout.

2.

REUSABLE BAGS AVAILABLE
AT STORES IN THE
CITY OF WEST HOLLYWOOD
AFTER THE PLASTIC BAG BAN

Photographs taken by Stephen Joseph
on March 7, 2013

The City of West Hollywood plastic bag ban
took effect at all of these stores on February 20, 2013

PAVILIONS SUPERMARKET
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

No reusable bags at the checkout.
Most people were taking and paying for paper bags.

PAVILIONS SUPERMARKET
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

This is not an LDPE or HDPE reusable bag.
No LDPE or HDPE reusable bags available at the self-service checkout.

PAVILIONS SUPERMARKET
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.

PAVILIONS SUPERMARKET
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.

TRADER JOE'S
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.

CVS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

No reusable bags of any kind were available at CVS.

GELSON'S
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

The checkout at Gelson's where a high degree of paper bag usage was in evidence.

000037

GELSON'S
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.

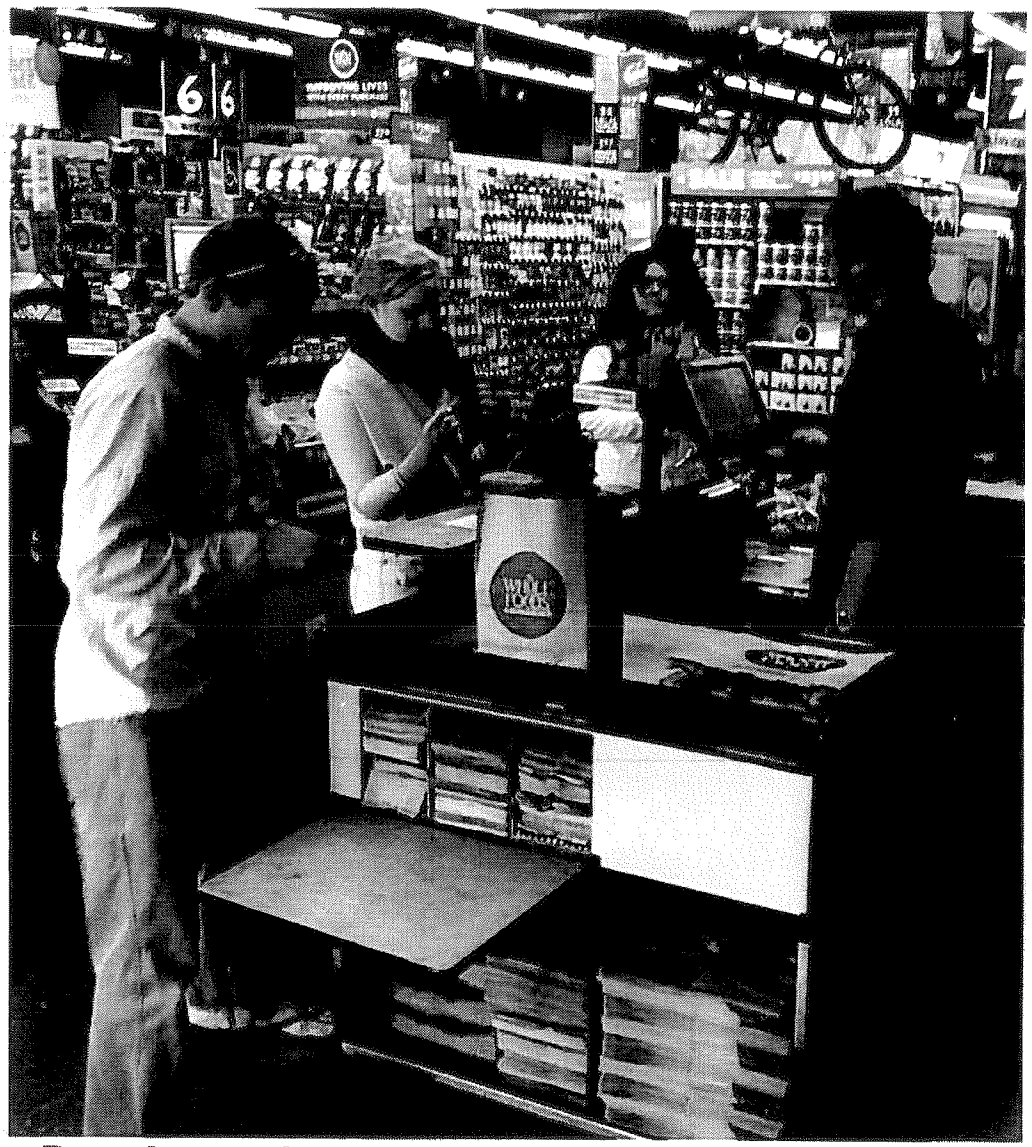
GELSON'S
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are LDPE reusable bags.
These bags are only available in one other Gelson's store – the one in Calabasas.

WHOLE FOODS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.

WHOLE FOODS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013



Paper bags at the ready at the Whole Foods store checkout.

RALPHS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

LDPE reusable bags are available at the checkout at this Ralphs.

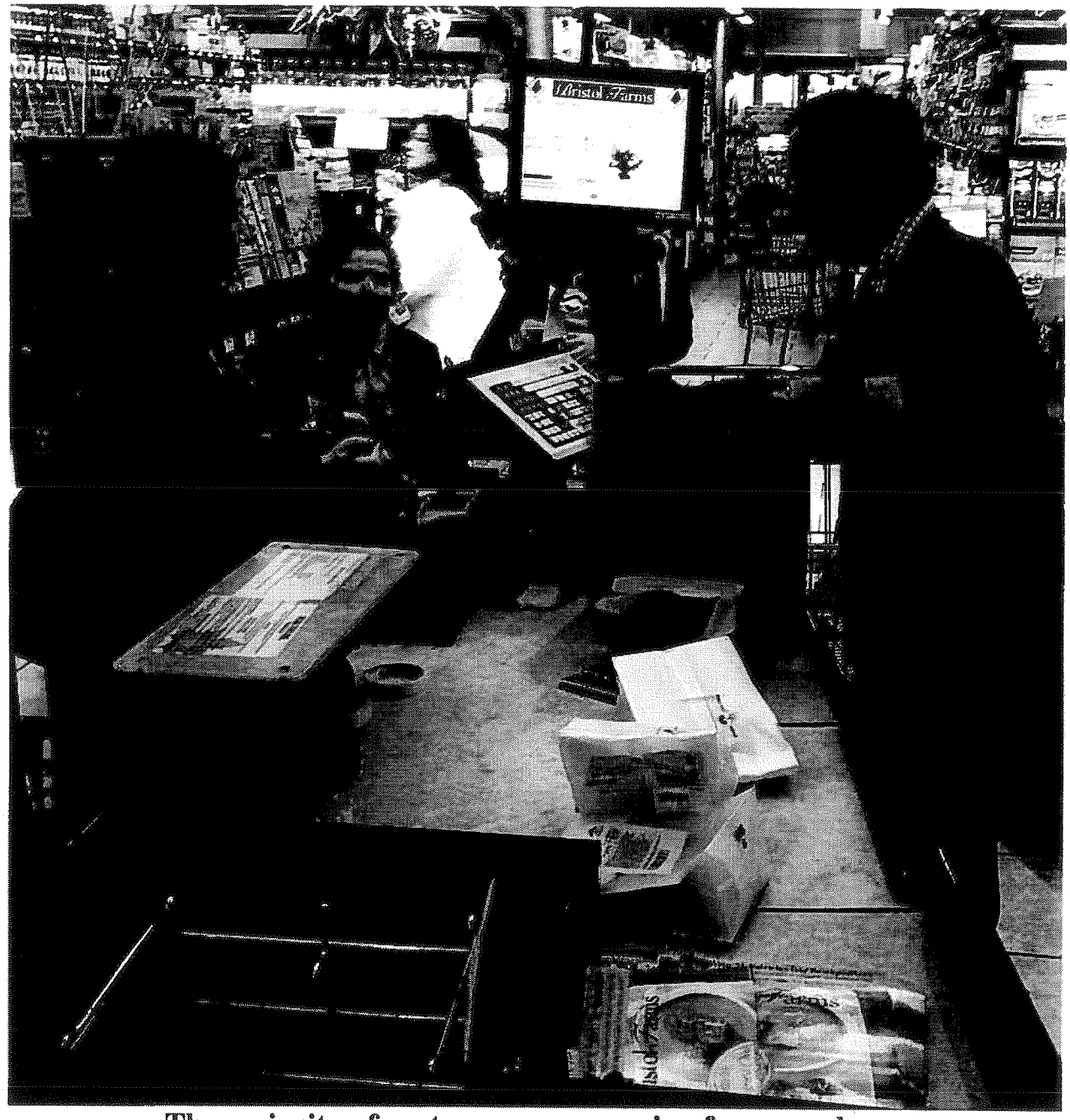
BRISTOL FARMS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.

BRISTOL FARMS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.

BRISTOL FARMS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013



The majority of customers were paying for paper bags.

BRISTOL FARMS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013

A 10-cent fee is not an effective deterrent to ensure a sufficient suppression of paper bag usage. Other cities such as San Jose have opted for a 25-cent fee, which should be more effective.

OBJECTION C

UNJUSTIFIED, UNREASONABLE, AND MISLEADING ASSUMPTION THAT EACH REUSABLE BAG WILL BE USED ON AVERAGE 52 TIMES

SUMMARY OF OBJECTION TO DRAFT EIR:

The Draft EIR states: "Although a reusable bag is designed to be used up to hundreds of times, it is conservatively assumed that a reusable bag would be used by a customer once per week for one year (52 times)." There is no basis for such an assertion. It is just guesswork. The analysis must be based on a reasonable worst case scenario, which is that reusable bags may not be used on average a sufficient number of times to offset their greater negative environmental impacts compared to a plastic or paper carryout bag.

An assumption of two uses per reusable bag would be the highest reasonable worst-case scenario number for reusable bag usage. STPB objects to any higher multiplier that two being used for the purpose of determining the *possible* significant environmental impacts of the proposed ordinance. If a reusable bag can be used 125 times, that does not mean that it *will* be used 125 times, or 52 times per year. In fact, reusable bags are difficult or impossible to wash, except for LDPE and HDPE reusable bags which can be easily wiped clean and cloth bags which can be put in a washing machine. PP bags cannot be washed in a washing machine. See photo below.

BEACON'S RESPONSE:

"Further, in regard to the number of assumed uses of a reusable bag in the Draft EIR, please see Response 1.21 which describes why approximately 52 uses for a reusable bag is considered a conservative and reasonable assumption for the Draft EIR analysis."

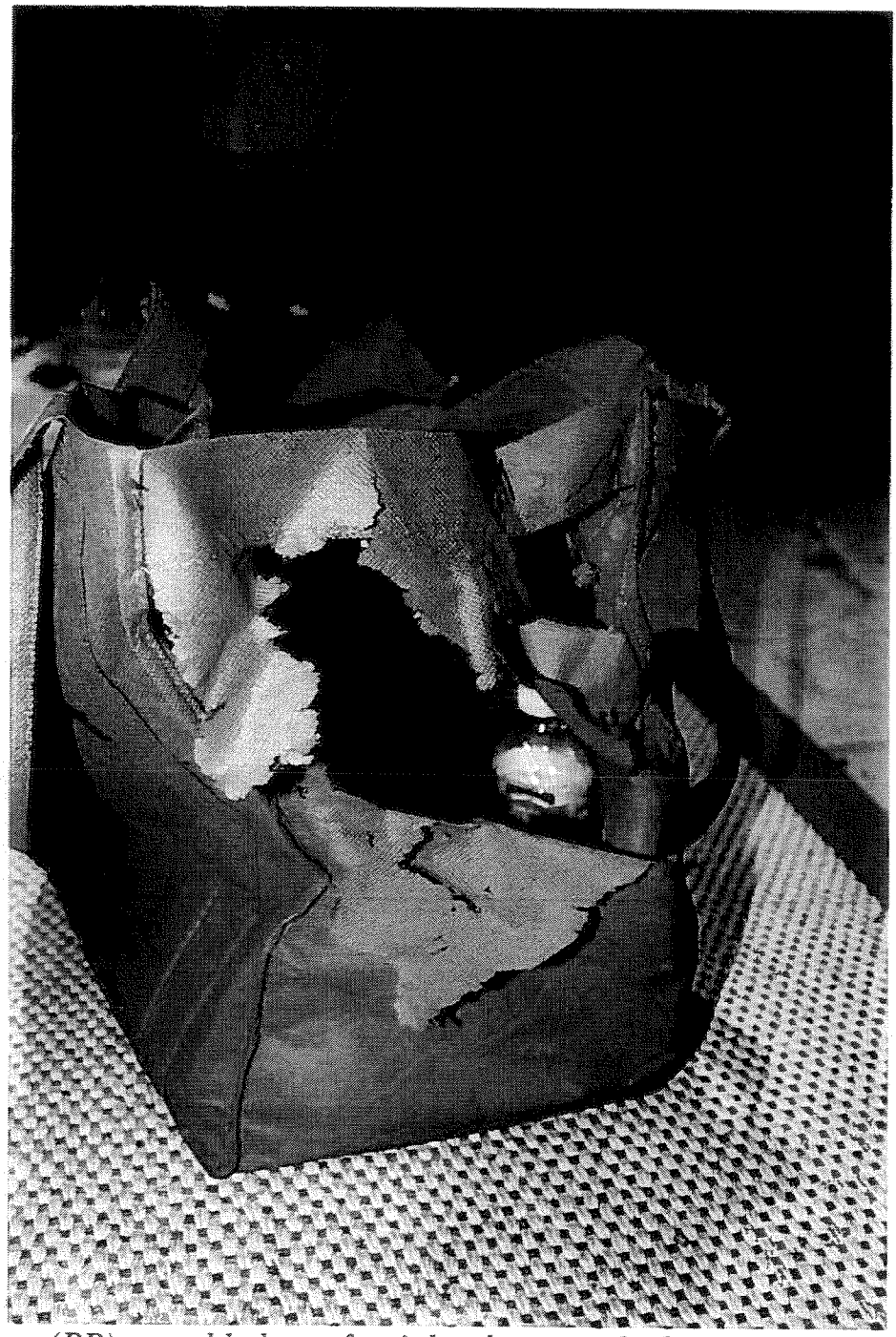
STPB note: Response 1.21 does not address why approximately 52 uses for a reusable bag is considered a conservative and reasonable assumption.

Response 1.21 states: "The assumption that reusable bags would replace 65% of plastic bags resulting from the Ordinance, and that bags are used 52 times per year is a conservative estimate. Please see responses 1.17 and 1.18 regarding these estimates."

Responses 1.17 and 1.18 do not address the issue at all.

STPB'S RESPONSE:

BEACON has simply pulled the 52 times figure out of the air, so as to have a high enough number to justify its assertion that the ordained would not result in great negative environmental impacts. This is cynical manipulation of the metrics by BEACON. There is absolutely no substantial evidence supporting the 52 times assumption.



A polypropylene (PP) reusable bag after it has been washed in a washing machine. A PP reusable bag cannot be kept clean and reused more than a handful of times.

OBJECTION D

FALSE AND MISLEADING ASSERTION THAT NON-WOVEN POLYPROPYLENE REUSABLE BAGS ARE RECYCLABLE

SUMMARY OF OBJECTION TO DRAFT EIR:

The Draft EIR asserts that non-woven polypropylene reusable bags are recyclable. reusable bags" are "recyclable products." With the exception of plastic reusable bags (i.e. LDPE and HDPE), reusable bags are ***not*** recyclable. This is a major deception on an issue of great importance, especially as plastic carryout bags which the proposed ordinance would ban are totally recyclable. The public must be told in the DEIR that all reusable bags, with the exception of LDPE and HDPE reusable bags, are ***not*** recyclable. In contrast, plastic carryout bags are recyclable at plastic bag recycling bins at supermarkets and large retail stores with pharmacies, as required by AB 2449. This is a significant environmental impact that must be disclosed in the EIR.

BEACON'S RESPONSE:

The commenter objects to the description of reusable bags as recyclable products. The commenter is mistaken in his assumption that the Draft EIR claims that all reusable bags are recyclable. The only reference to recyclability for reusable bags is related to non-woven polypropylene bags on page 2-6 of the Draft EIR as these types of bags are made of generally a form of Polypropylene which is rated a "5" on the Society of Plastics Industry's (SPI) spectrum of recycled codes.

STPB'S RESPONSE:

BEACON's response is unresponsive. The issue is whether decisionmakers and the public must be told in the EIR (i) that plastic carryout bags are recyclable at plastic bag recycling bins at supermarkets and large retail stores with pharmacies in Santa Barbara and Ventura Counties, as required by AB 2449; and (ii) that reusable bags, with the exception of LDPE and HDPE reusable bags, are not recyclable in Santa Barbara and Ventura Counties. The Final EIR does not make any such disclosure.

The fact that non-woven polypropylene bags are rated 5 on the SPI spectrum of recycled codes is irrelevant. They cannot be recycled anywhere in Santa Barbara or Ventura Counties. They are not accepted for recycling in any recycling bin or in curbside recycling Santa Barbara or Ventura Counties. The burden is on BEACON to prove that they are accepted for recycling, if that is what BEACON maintains. "CEQA places the burden of environmental investigation on government rather than the public." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d

296, 311.) SPI has issued a guide to correct use of the resin codes, which is submitted herewith. (Doc # 424.) SPI states in that document:

> ***The RICs are used solely to identify the plastic resin used in a manufactured article****....*
>
> ***The code was not intended to be - nor was it ever promoted as - a guarantee to consumers that a given item bearing the code will be accepted for recycling in their community.*** Much of the recent legal and regulatory activity surrounding use of the code has focused on uses that have been construed as making such a guarantee. This scrutiny is part of a larger effort by the FTC and State Attorneys General to crack down on the use of "false and misleading environmental claims" in product marketing.

As we can see, BEACON is clearly wrong about the resin code.

FTC regulations state that it is deceptive to misrepresent, directly or by implication, that a product or package is recyclable. (16 C.F.R. § 260.12(a).) The FTC addresses the issue of confusion about the resin code as follows 16 C.F.R. § 260.12(d):

> Example 2: A nationally marketed plastic yogurt container displays the Resin Identification Code (RIC) 6 (which consists of a design of arrows in a triangular shape containing a number in the center and an abbreviation identifying the component plastic resin) on the front label of the container, in close proximity to the product name and logo. This conspicuous use of the RIC constitutes a recyclable claim. ***Unless recycling facilities for this container are available to a substantial majority of consumers or communities, the manufacturer should qualify the claim to disclose the limited availability of recycling programs.*** If the manufacturer places the RIC, without more, in an inconspicuous location on the container (e.g., embedded in the bottom of the container), it would not constitute a recyclable claim.

OBJECTION E

FAILURE TO DISCLOSE THAT STORMWATER CAPTURE DEVICES AND TRASH EXCLUDERS WILL PREVENT PLASTIC BAGS FROM REACHING THE WATERSHED, WATERWAYS, AND THE OCEAN

SUMMARY OF OBJECTION TO DRAFT EIR:

The Draft EIR states "plastic bag litter enters Santa Barbara and Ventura County rivers, creeks, and watersheds via storm drains," which is not true. Full capture devices and trash excluders prevent plastic bags from entering Santa Barbara and Ventura County rivers, creeks, and watersheds. This is a very significant issue for the public. They are being told by BEACON that plastic bags are entering the river and marine environments, but it's a false assertion.

BEACON'S RESPONSE:

"The commenter states that the Draft EIR does not disclose that stormwater capture devices are preventing and will prevent plastic bags from reaching the "LA River, Ballona Creek and the Ocean". The Los Angeles River and Ballona Creek are not located within the Study Area. Please see Response 1.28 related to stormwater capture devices and trash excluders in the Study Area."

STPB'S RESPONSE:

This objection was designated as Objections ## 4 and 8 in STPB's March 25, 2013 objections.

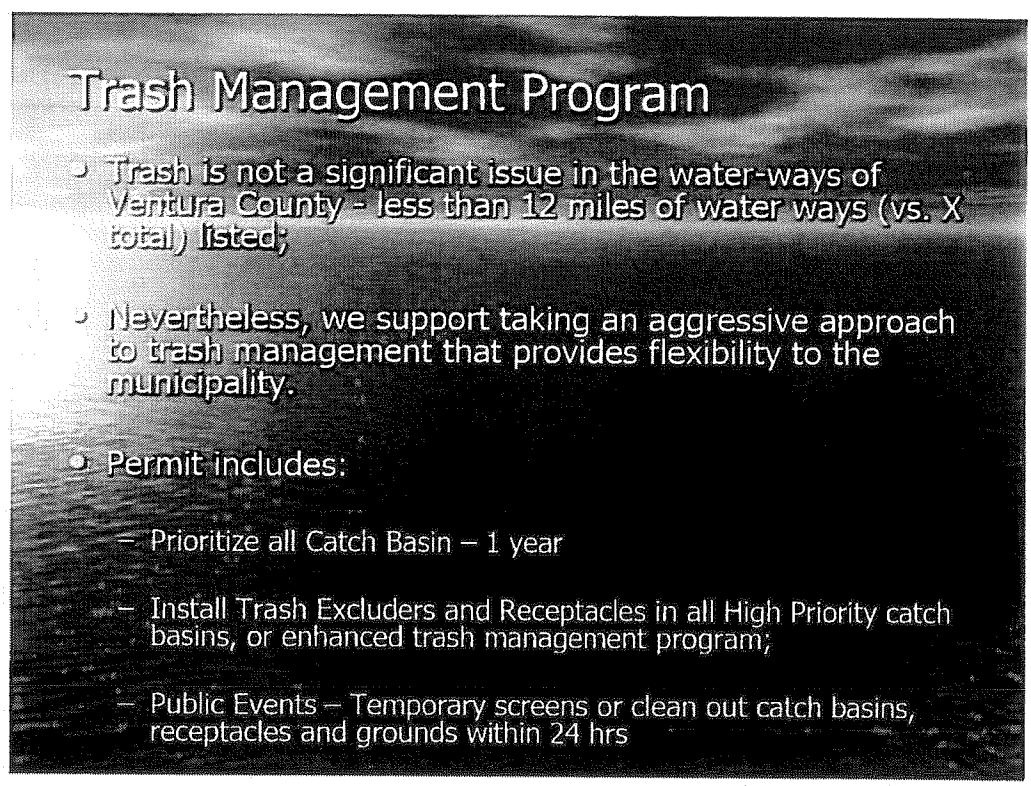
STPB concedes that Objection # 4 was mistitled in that it referred to the Los Angeles area, but the content and substance of the objection relates to Ventura and Santa Barbara Counties. To the extent that the title requires correction, it is hereby corrected. ***Objection # 8 which is substantially identical was not mistitled.*** In its response to Objection #8, BEACON's response was to refer to its response to Objection # 4. ***This is a purely dishonest and cynical attempt by BEACON to avoid the issue.*** These are the words used by STPB in its March 25, 2013 objections:

> **OBJECTION # 4:** DEIR at 4.4-5 identifies programs and regulations in place to reduce trash and pollution in local waterways including the following:

1. The Ventura River Trash Total Maximum Daily Load (TMDL), (Los Angeles-RWQCB Resolution No. R4-2007-007),
2. The Revolon Slough/Beardsley Wash Trash TMDL (LA-RWQCB Resolution No. R4-2007- 008),
3. The Malibu Creek Watershed Trash TMDL (LA-RWQCB Resolution No. R4-2008-007),
4. The Santa Monica Bay Nearshore and Offshore Debris TMDL (LA-RWQCB Resolution No. R10-010), and
5. The Waste Discharge Requirements for Storm Water and Non-stormwater Discharges from the Municipal Separate Storm Sewer Systems within the Ventura County Watershed Protection District, County of Ventura and the Incorporated Cities Therein (Ventura MS4 Permit), LA-RWCQB Order R4-2010-0108, NPDES Permit No. CAS004002.

Despite identification of TMDL programs in Ventura and Santa Barbara Counties, STPB objects to the fact that nowhere in the DEIR is it disclosed that plastic bags will be prevented from entering county rivers and creeks and the ocean due to the installation of trash excluders on storm drain outfalls.

OBJECTION # 8: The Watershed Protection District in a presentation to the Calleguas Creek Watershed Steering Committee regarding the Ventura County Stormwater Quality Management Program and the Ventura County Municipal Stormwater Permit on 15 July, 2009 showed the following slide:



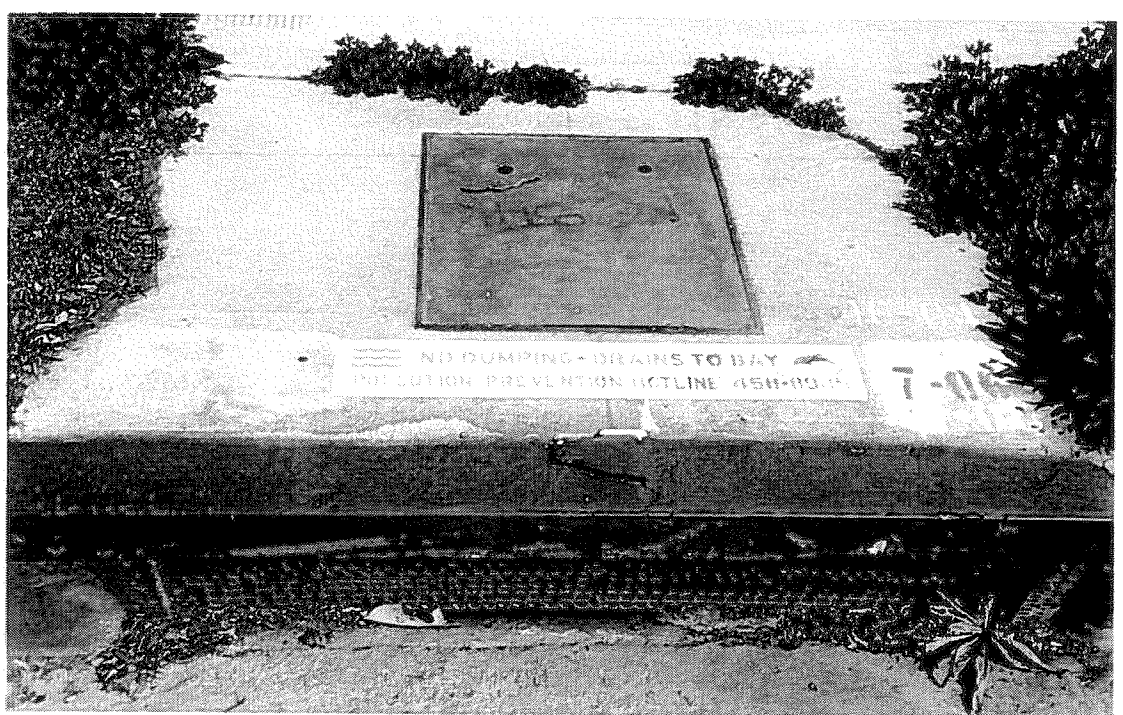
According to the U.S. Environmental Protection Agency, the Ventura River, the Revolon Slough/Beardsley Wash, and Malibu Creek in Ventura County are examples of water ways that have been designated as an impaired water bodies due to the large volume of trash it receives from the watershed. To address this problem a Total Maximum Daily Load (TMDL), which establishes baseline trash loads to the river from the watershed, has been incorporated into the area stormwater permits.

As STPB pointed out in its March 25, 2013 objections, full capture devices prevent any plastic bags reaching a watershed, rivers, or the ocean through a storm drain system ***as in*** Los Angeles.

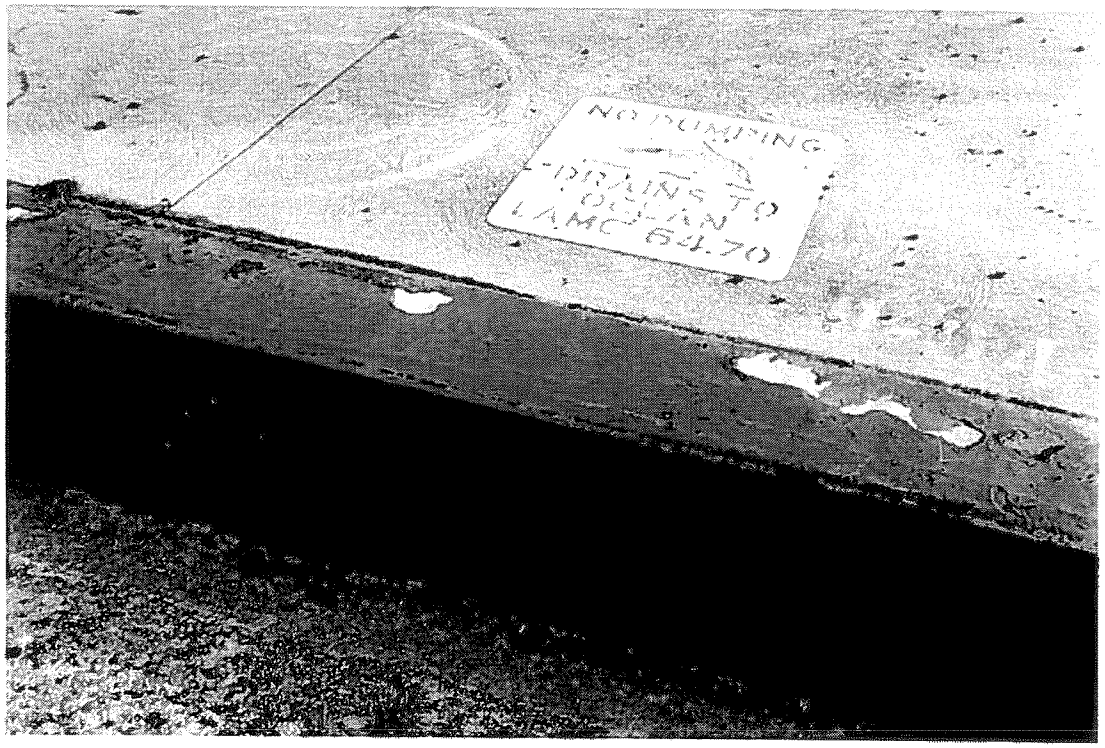
The Final EIR deceives decision-makers and the public into believing that "plastic bag litter enters Santa Barbara and Ventura County rivers, creeks, and watersheds via storm drains." They must be told in the EIR that existing and planned full capture devices and trash excluders are preventing or will prevent this from happening.

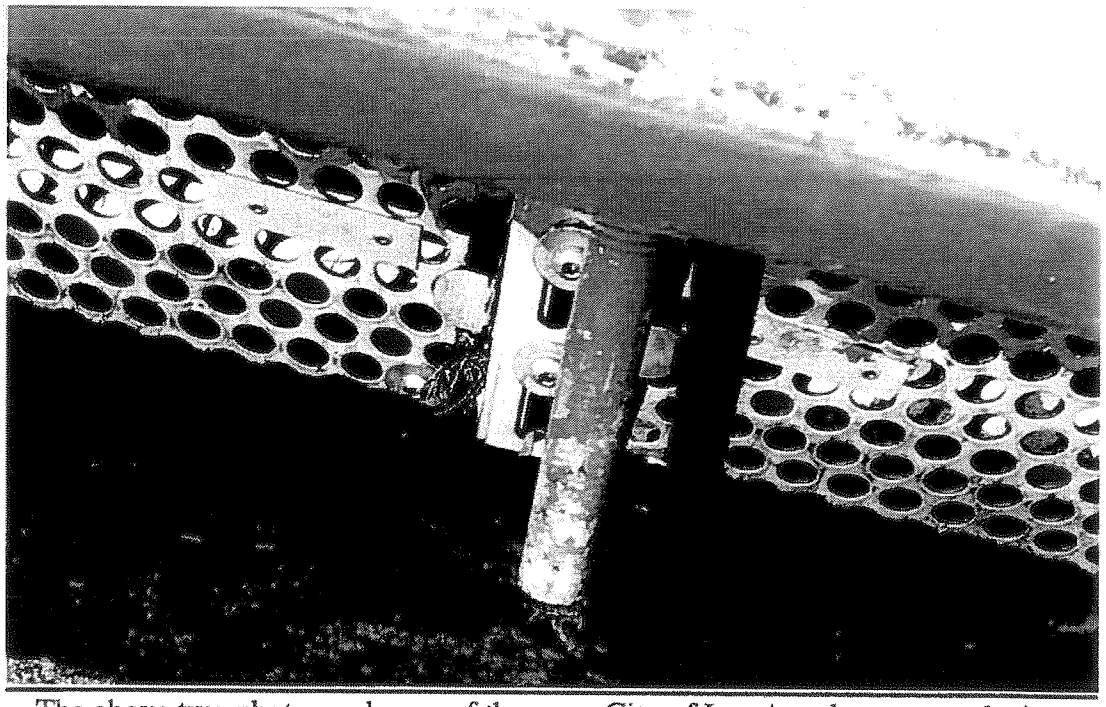
Further, at the March 13, 2012 Santa Barbara City Council meeting, City staff admitted that they find plastic bags only occasionally and that the litter data is "inconclusive." Plastic bag litter is not a significant problem in the City of Santa Barbara.

STPB strongly objects to the failure to disclose these facts in the EIR.



A full capture device protecting a stormdrain system.





The above two photographs are of the same City of Los Angeles capture device.
It has a mechanical clearing mechanism.
(Photos taken by Stephen Joseph in Century City on 2-27-12)

000054

CITY OF VENTURA TRASH EXCLUDER

This is the type of trash excluder that has been installed and is being installed inside catch basins along city streets in the City of Ventura. The devices are made of stainless steel and are custom built for each location. Plastic bags cannot slip through the screens. (Information and photograph provided by Chris Palmier, Public Works Supervisor, Environmental Sustainability, City of Ventura.) This must be disclosed in the EIR.

OBJECTION F
FALSE AND GROSSLY MISLEADING STATEMENTS REGARDING MARINE IMPACTS

SUMMARY OF OBJECTION TO DRAFT EIR:

The DEIR makes false and misleading statements about the marine impacts of plastic bags. The statement will cause decisionmakers and citizens to believe allegation that are not true. STPB submitted a huge amount of substantial evidence that the allegations are untrue.

BEACON'S RESPONSE:

This is BEACON's response in its entirety:

> The commenter opines that the Draft EIR contains false and misleading statements regarding marine impacts as plastic bags are not responsible for the "entire universe of plastic debris in the ocean". The commenter states an opinion that these statements are incorrect and that it is important that the EIR be accurate and informative. The commenter also opines that there is no evidence that any wildlife ingest or become entangled in plastic bags, "other than a handful of photographs on the Internet".
>
> The Draft EIR provides detailed information related to how litter from carryout bags (including single-use plastic bags, single-use paper bags and reusable bags) impact the marine environment. The purpose of the Draft EIR is to disclose the impacts associated with the Proposed Ordinance including how the decrease in the number of single-use plastic bags and the increase in the number of recyclable paper and reusable bags would impact biological resources. As shown in the Draft EIR, single-use plastic bags are more likely to become litter than paper and reusable bags and thus have a greater potential to enter creeks, storm drains and ultimately the marine environment. As such, reducing the number of plastic bags and thus reducing the potential for plastic bag litter would result in beneficial impacts related to biological resources. The commenter does not provide any evidence to suggest otherwise.

STPB'S RESPONSE:

BEACON has failed to respond in any meaningful way to STPB's objection. Essentially, BEACON has ignored STPB's comments on the marine impacts issue. BEACON and any city or county using the EIR have therefore forfeited its right to respond at a later date.

In *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, the court stated:

> The City's obligation under CEQA was to explain in the FEIR "in detail giving reasons why" the City was not considering the sale of the residence with a reduced parcel. The City made no effort to satisfy its obligation. Its effort to conjure up reasons now is too late. The purpose of CEQA is to inform both the public and the decisionmakers, before the decision is made, of any reasonable means of mitigating the environmental impact of a proposed project. The City's failure to respond to this significant comment violated its duty under CEQA, and the trial court correctly found that the City's certification of the FEIR was therefore invalid.

(Id. at 616-617, emphasis added.) As in *Flanders Foundation*, the City's "effort to conjure up reasons" why its allegations are based on substantial evidence after certification will be too late.

OBJECTION G

OBJECTION TO ASSERTION THAT PLASTIC BAGS ARE MADE OF PETROLEUM OR NATURAL GAS

SUMMARY OF OBJECTION TO DRAFT EIR:

The DEIR states: "Single use carryout bags are defined in the Proposed Ordinance as bags made predominantly of plastic derived from either petroleum or biologically-based sources, such as corn or other plant sources, which is provided to a customer at the point of sale." The statement is untrue. Domestic plastic bags are made of ethylene, which is made of ethane which is a ***waste by-product*** obtained from domestic natural gas refining.

Approximately 69.3% of plastic bags used in the USA are made in the USA. (The figure was about 85%, but imports have replaced some domestic manufacturing to some extent.)

BEACON'S RESPONSE:

"In regard to the manufacture of plastic bags, the commenter contradicts his assertion about what plastic bags are made of as his description cites both oil and natural gas use in production process (whether domestically using ethylene, which is formed from natural gas, or internationally using naphtha, which is derived from oil or petroleum) of plastic bags."

STPB'S RESPONSE:

BEACON is confusing the issue with ambiguous wording. The public must be told that plastic bags are made from ***waste-byproducts*** of oil (imported bags) and natural gas (domestic bags) refining, not from oil and natural gas.

OBJECTION H

FAILURE TO PREPARE AND RECIRCULATE REVISED DRAFT EIR

Pursuant to § 15088.5, STPB demands that the EIR be revised in accordance with STPB's objections and recirculated. The EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded. Further, a new and revised EIR that is responsive to the objections must disclose new significant negative environmental impacts that would result from the project, including but not limited to the reasonable possibility of huge increases in the number of paper bags and non-LDPE and non-HDPE reusable bags that are far worse for the environment than plastic carryout bags.

OBJECTION I

FAILURE TO ATTACH STPB'S RESPONSES TO BEACON'S RESPONSES TO EIR

The public and decision-makers should see and are entitled to see STPB's responses to BEACON's responses to STPB's objections. (*Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.) STPB's responses dated April 17, 2013 were submitted to BEACON on April 17 and 18, 2013. Those responses should have been attached to the Final Revised EIR. (STPB is not waiving the objection that a new draft EIR should have been issued and recirculated.)

As things stand, the public and decision-makers will have no idea that BEACON's responses to STPB's objections are incomplete, evasive, intellectually dishonest, and bogus.

At this time, prior to approval by BEACON, STPB demands that ***this*** document, which includes responses to BEACON's responses regarding the Santa Monica High School survey and the South African report, be attached to the EIR. STPB objects to the failure to do so.

CONCLUSION REGARDING SUBSTANTIVE CEQA OBJECTIONS

STPB wants an honest and complete EIR. Decisionmakers and the public are entitled to the truth. At a Santa Barbara City County meeting in 2012, we offered to work with BEACON on developing an EIR, but our proposal was ignored.

CEQA Guidelines § 15151 states in part: "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." The Revised Final EIR and the Addition document unquestionably fail to meet this standard. The Revised Final EIR is disingenuous, intellectual dishonest, deceptive, and grossly misleading. The Revised Final EIR is intended to lead citizens, City Councils, and Board of Supervisors to falsely conclude that the project will have no significant environmental impacts and to falsely conclude that plastic bags are worse for the environment than they are in reality.

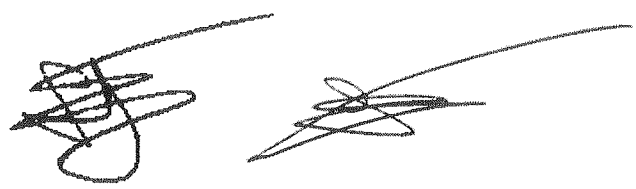
STPB remains willing to work with the City of Santa Barbara on making the necessary corrections to the EIR to ensure that decisionmakers and the public are presented with a truthful and complete document. STPB wishes to avoid litigation if possible.

If the certification is not reversed and invalidated and STPB's objections are not met and corrections made, STPB will file a petition for writ of mandate and other relief in the Superior Court.

All rights are reserved. No rights are waived by any statement or omission herein.

DATE: August 15, 2013

SAVE THE PLASTIC BAG COALITION



By: STEPHEN L. JOSEPH, Counsel

DECLARATION OF STEPHEN L. JOSEPH

I, Stephen L. Joseph, declare:

1. I am an attorney at law, duly admitted and licensed to practice in the State of California.
2. I am counsel for SAVE THE PLASTIC BAG COALITION ("STPB").
3. I am authorized by STPB to make this verification for and on its behalf.
4. I have read the VERIFIED PETITION FOR WRIT OF MANDATE AND DECERTIFICATION OF EIR UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT and know its contents.
5. The allegations and matters stated in the section of this documents entitled: "OBJECTION TO AND APPEAL OF FAILURE TO GIVE NOTICE OF PLANNING COMMISSION PUBLIC CERTIFICATION HEARING TO COMMENTERS AND OBJECTORS STPB AND ANTHONY VAN LEEUWEN" are true of my own knowledge, except as to any matters that are stated on information and belief or based on the record, and as to those matters I believe them to be true.
6. I did not know that the Planning Commission would be holding a public hearing on the EIR for the single Use Carryout Bag Ordinance on August 8, 2013. I first learned about the hearing on August 12, 2013.
7. Exhibit A attached hereto is a true and correct copy of the cover page and page 114 of objections that I submitted to BEACON on behalf on STPB on or about March 25, 2013.
8. Exhibit B attached hereto is a true and correct copy of an e-mail that I sent to and received from Rincon Consultants. I had sent the e-mail to Rincon Consultants, because I received a notice from them at my previous discontinued San Francisco address.
9. Exhibit C attached hereto is a true and correct copy of an e-mail that I sent to the City of Santa Barbara City Council and Rincon Consultants on July 11, 2013.
10. Exhibit D attached hereto is a true and correct copy of a "Notice Of Planning Commission Hearing And Notice Of Document Availability." The address shown for

STPB and me on the notices is my previous discontinued San Francisco address.

11. Exhibit E attached hereto is a true and correct copy of the envelope postmarked August 5, 2013 in which the "Notice Of Planning Commission Hearing And Notice Of Document Availability" was forwarded to me by my previous mailbox service in San Francisco

12. Exhibit F attached hereto is a true and correct copy of the City of Santa Barbara Planning Commission Staff Report and "City of Santa Barbara Addition To Final Environmental Impact Report," both of which are dated August 1, 2013. I first saw these copies of August 12, 2013. The documents provided to me by Anthony Van Leeuwen by e-mail on Sunday August 11, 2013.

13. Exhibit G attached hereto is a true and correct copy of the "Planning Commission Finished Agenda" for the August 8, 2013 public hearing.

14. Exhibit H attached hereto is a true and correct copy of an e-mail that I received from Anthony Van Leeuwen on August 11, 2013. Exhibit F attached hereto was attached to the e-mail.

15. Exhibit I attached hereto is a true and correct copy of an e-mail that I received from Anthony Van Leeuwen on August 15, 2013.

16. Exhibit J attached hereto is true and correct copies of e-mails that I sent to the City of Santa Barbara Planning Commission on August 13, 2013.

17. If called upon as a witness to this proceeding, I would and could competently testify thereto under oath.

I declare under penalty of perjury under the laws of the State of California that I have read the foregoing, that the foregoing is true and correct, and that I would be competent to so testify. Executed on August 15, 2013 at Los Angeles, California.

STEPHEN L. JOSEPH

EXHIBIT A

SAVE THE PLASTIC BAG COALITION

1. **OBJECTIONS TO BEACON REGIONAL DRAFT EIR ON PROPOSED SINGLE-USE CARRYOUT BAG ORDINANCE FOR SANTA BARBARA AND VENTURA COUNTIES**

2. **DEMAND FOR REVISION AND NEW FINDINGS OF SIGNIFICANT NEGATIVE ENVIRONMENTAL IMPACT**

3. **DEMAND FOR RECIRCULATION OF REVISED DRAFT EIR AND PROMINENT NOTIFICATION TO THE PUBLIC OF SIGNIFICANT ERRORS IN INITIAL DRAFT EIR**

4. **NOTICE OF INTENT TO LITIGATE TO ENFORCE CEQA, INCLUDING PETITION FOR WRIT OF MANDATE OR PRELIMINARY INJUNCTION TO REQUIRE RECIRCULATION OF REVISED DRAFT EIR**

March 25, 2013

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
11693 San Vicente Blvd. #150
Los Angeles, CA 90049

Phone: (310) 266-6662
Fax: (310) 694-9067

E-mail: savetheplasticbag@earthlink.net

Website: www.savetheplasticbag.com

CONCLUSION

All rights are reserved. No rights are waived by any statement or omission herein.

Our society faces critical environmental decisions, including important energy and transportation choices that will have long-term environmental consequences. California's city councils and boards of supervisors will make many of those decisions. Understandably, they will want to make "green" choices. EIRs will play a critical role in ensuring that the facts are not lost in a green fog. As the Court of Appeal stated in *People v. County of Kern* (1974) 39 Cal.App.3d 830:

> Only by requiring [an agency] to fully comply with the letter of the law can a subversion of the important public purposes of CEQA be avoided, and only by this process will the public be able to determine the environmental and economic values of their elected and appointed officials, thus allowing for appropriate action come election day should a majority of the voters disagree.

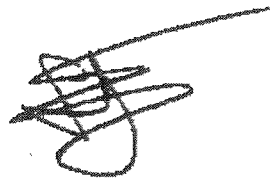
(*Id.* at 842.)

The DEIR is an argumentative and deceptive document designed to support a predetermined conclusion that the proposed ordinance will have no significant negative environmental impacts. The Boards of Supervisors, the City Councils, and the public must be told the truth. STPB will take all appropriate legal steps to ensure that they are told the truth.

REQUEST FOR NOTICES

Pursuant to CEQA including but not limited to CEQA Guidelines §15072(b), I request that you send me, by e-mail and regular mail to the address on the letterhead of this document, any and all responses or findings regarding these objections and all notices regarding the proposed ordinance.

SAVE THE PLASTIC BAG COALITION



By: STEPHEN L. JOSEPH, Counsel

EXHIBIT B

Matthew Maddox <mmaddox@rinconconsultants.com> July 1, 2013 3:20 PM
To: "'Stephen L. Joseph'" <savetheplasticbag@earthlink.net>, Joe Power <JPower@rinconconsultants.com>
RE: Mailing list: change of address

Stephen,

Thanks for the updated address. We are not involved in the City of Los Angeles CEQA document.

But for any future BEACON notices, we will be sure to utilize your new address listed below.

Matthew Maddox, MESM
Senior Program Manager
Rincon Consultants, Inc.
916 204 9142
www.rinconconsultants.com
Environmental Scientists Planners Engineers
□ Please consider the environment before printing this email.

-----Original Message-----
From: Stephen L. Joseph [mailto:savetheplasticbag@earthlink.net]
Sent: Monday, July 01, 2013 3:19 PM
To: Matthew Maddox; Joe Power
Subject: Mailing list: change of address

I am on your mailing list for the BEACON and City of Los Angeles CEQA notices, and other cities and counties.

Please note my new address below.

Please confirm that notices will be sent to my new address. Thank you.

Regards,

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
11693 San Vicente Blvd. #150
Los Angeles, CA 90049

Phone: (310) 266-6662
Fax: (310) 694-9067
Website: www.savetheplasticbag.com
E-mail: savetheplasticbag@earthlink.net

WATCH OUR SIX-MINUTE VIDEO "ARE YOU BEING TOLD THE TRUTH ABOUT PLASTIC BAGS?" AT WWW.PLASTICBAGMOVIE.COM

NOTE: This e-mail and any attachments are confidential and privileged.

EXHIBIT C

Stephen L. Joseph <savetheplasticbag@earthlink.net> July 11, 2013 11:12 AM
To: SupervisorCarbajal@sbcbos1.org, jwolf@sbcbos2.org, dfarr@countyofsb.org, peter.adam@countyofsb.org, steve.lavagnino@countyofsb.org, hschneider@SantaBarbaraCA.gov, ghouse@SantaBarbaraCA.gov, DFrancisco@SantaBarbaraCA.gov, Frank Hotchkiss <FHotchkiss@SantaBarbaraCA.gov>, HWhite@SantaBarbaraCA.gov, RRowse@SantaBarbaraCA.gov, CMurillo@SantaBarbaraCA.gov, steve.bennett@ventura.org, damon.wing@ventura.org, Wendy.Delgadillo@ventura.org, supervisor.foy@ventura.org, john.zaragoza@ventura.org, "Ledbetter, Michael" <Ldbttr@co.santa-barbara.ca.us>, "Ready, Kevin" <ready@co.santa-barbara.ca.us>, mike.tracy@cityofventura.net, Brian.Brennan@ventura.org, bbrennan@ci.ventura.ca.us, Matthew Maddox <mmaddox@rinconconsultants.com>, Gerald Comati <gerald@com3consulting.com>, "comati@Beacon.ca.gov" <comati@Beacon.ca.gov>, timbflynn@gmail.com, carmen4oxnard@gmail.com, bryan.macdonald@ci.oxnard.ca.us, dorina.padilla@ci.oxnard.ca.us, cheitmann@ci.ventura.ca.us, nandrews@ci.ventura.ca.us, jmonahan@ci.ventura.ca.us, cmorehouse@ci.ventura.ca.us, cweir@ci.ventura.ca.us
NOTICE OF INTENT TO LITIGATE

2 Attachments, 2.8 MB

To: BEACON, Santa Barbara County Board of Supervisors, Ventura County Board of Supervisors, Santa Barbara City Council, Ventura City Council, and Oxnard City Council

1. Save The Plastic Bag Coalition (STPB) submitted objections to the BEACON Draft and Final EIRs on the proposed carryout bag ordinance. The attached objections document was one of three objections documents that we submitted to BEACON. It contains a summary of our objections at pages 2-5. It is a quick read. I can provide the other two documents to you upon request.

2. After we advised BEACON that we would litigate, BEACON declined to certify the EIR. It merely "approved" it. BEACON stated that it would leave it to each board of supervisors and city council to certify it.

3. The BEACON Final EIR does not comply with CEQA. We object to certification of the Final EIR. We also object to approval of any carryout bag ordinance based on it.

4. We told BEACON that we would like to work with BEACON staff and Rincon Consultants (who prepared the EIR) on making corrections to the EIR to comply with CEQA. We suggested that if BEACON did not want to meet with us privately, a public meeting could be held for this purpose. However, our invitation was ignored. We simply want to see an honest EIR. We do not think that this is an unreasonable

expectation.

5. On July 10, 2013, we filed a Petition for Writ of Mandate against the City of Los Angeles in the Los Angeles Superior Court as its EIR is defective for many of the same reasons as the BEACON EIR. A copy of the filed Superior Court petition is attached. We are asking the court for decertification of the EIR, invalidation of the carryout bag ordinance, and recirculation of a draft EIR.

6. We will file a petition for writ of mandate in the Santa Barbara or Ventura County Superior Courts against any county or city that adopts a carryout bag ordinance based on the BEACON Final EIR. As in the City of Los Angeles case, we will be asking for decertification of the EIR, invalidation of any ordinance based on it, and recirculation of a draft EIR.

7. I strongly urge the BEACON staff and any interested county or city staff to meet with us to try to avoid litigation. Let us work together to achieve a good EIR that complies with CEQA and informs rather than misinforms decision-makers and the public. I believe that the issues can be easily and quickly resolved.

8. No objections are waived. All rights are reserved.

Regards,

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
11693 San Vicente Blvd. #150
Los Angeles, CA 90049
Phone: (310) 266-6662
Fax: (310) 694-9067
Website: www.savetheplasticbag.com
E-mail: savetheplasticbag@earthlink.net

WATCH OUR SIX-MINUTE VIDEO "ARE YOU BEING TOLD THE TRUTH ABOUT PLASTIC BAGS?" AT WWW.PLASTICBAGMOVIE.COM

STPB - objections to BEACON Revised Final EIR.pdf (1.9 MB) STPB Petition for writ of mandate against City of LA.pdf (919 KB)

EXHIBIT D

City of Santa Barbara
California

NOTICE OF PLANNING COMMISSION HEARING AND NOTICE OF DOCUMENT AVAILABILITY

PROPOSED SINGLE-USE CARRYOUT BAG ORDINANCE FINAL ENVIRONMENTAL IMPACT REPORT CERTIFICATION

THURSDAY, AUGUST 8, 2013, 1:00 P.M.
CITY HALL, COUNCIL CHAMBERS (2ND FLOOR)
735 ANACAPA STREET, SANTA BARBARA.

000074

Planning Commission Public Hearing: The Planning Commission will receive a staff presentation and conduct a public hearing at the August 8, 2013 hearing on the Final Environmental Impact Report for the proposed Single-Use Carryout Bag Ordinance. The recommended Planning Commission action is to certify the Final Environmental Impact Report for the City of Santa Barbara Single-Use Carryout Bag Ordinance.

Available Documents: The proposed Final Environmental Impact Report is available in the following ways: City web site www.SantaBarbaraCA.gov/EIR, or at the Planning Division at 630 Garden Street from 8:30 a.m. to 4:30 p.m. Monday through Thursday and alternate Fridays. The document is also available for review at the Main Library at 40 E. Anapamu Street.

Project and Environmental Analysis: The proposed ordinance would prohibit stores selling food and pharmacies from providing plastic carryout bags, and would assess a 10-cent charge on recyclable paper bags provided by the stores at the point of sale, with the intent of reducing existing environmental impacts from plastic bag use. The Environmental Impact Report analyzed effects associated with air quality, biological resources, greenhouse gas emissions, hydrology and water quality, water, wastewater, solid waste, and storm water systems, and concluded that no significant environmental effects would result, and no measures to reduce impacts are required.

Public Involvement: The Draft Environmental Impact Report underwent a prior public review and comment process within the larger Santa Barbara and Ventura County area. Public attendance at the Planning Commission public hearing is encouraged. Written comments are welcome and should be submitted prior to the meeting at the Planning Division Office, 630 Garden St; by mail attention to Planning Commission Secretary, P.O. Box 1990, Santa Barbara, CA 93102-1990; or by email at PCSecretary@SantaBarbaraCA.gov.

Subsequent Ordinance Consideration: The City Council would schedule a subsequent public meeting to consider adoption of the proposed City of Santa Barbara Single-Use Carryout Bag Ordinance.

Americans with Disabilities Act: In compliance with the Americans with Disabilities Act, if you need special assistance to gain access to, comment at, or participate in these public hearings, please contact the Planning Division office at (805) 564-5470, ext. 4535. If possible, notification to the Planning Division at least 48 hours prior to the hearing will enable the City to make reasonable arrangements in most cases.

Appeals: If you disagree with the decision of the Planning Commission on certification of the Final EIR, you may appeal the decision to the City Council. The appeal, accompanied by the appropriate filing fee, must be filed in the City Clerk's Office within ten calendar days after the Planning Commission decision. If you challenge the City of Santa Barbara Single-Use Carryout Bag Ordinance approval or environmental document in court, you may be limited to raising only those issues you or someone else raised at the public hearings described in this notice, or in hearing comments or written correspondence submitted during the prior public review period.

Staff Contact: If you have questions please contact Daniel Gullett, Associate Planner at (805) 564-5470 ext. 4550 or DGullett@SantaBarbaraCA.gov.

*** Public Hearing Notes:** On August 1, 2013, the Planning Commission Hearing Agenda and Staff Report be available at 630 Garden Street or online at the main City web site at www.SantaBarbaraCA.gov/P. Hearings can be viewed live on City TV Channel 18, or on your computer via www.SantaBarbaraCA.gov/Government/Video. Hearing rebroadcast schedules can be found at citytv18.com/schedule.htm.

CITY OF SANTA BARBARA
PLANNING DIVISION
630 GARDEN STREET
SANTA BARBARA, CA 93101

000075

AN IMPORTANT NOTICE
CONCERNING YOUR NEIGHBORHOOD

Save the Plastic Bag Coalition
Stephen L. Joseph
350 Bay Street, Suite 100-328,
San Francisco, CA 94133

*** Public Hearing Notes:** On August 1, 2013, the Planning Commission Hearing Agenda and Staff Report w be available at 630 Garden Street or online at the main City web site at www.SantaBarbaraCA.gov/PC. Hearings can be viewed live on City TV Channel 18, or on your computer via www.SantaBarbaraCA.gov/Government/Video. Hearing rebroadcast schedules can be found at citytv18.com/schedule.htm.

CITY OF SANTA BARBARA
PLANNING DIVISION
630 GARDEN STREET
SANTA BARBARA, CA 93101

AN IMPORTANT NOTICE
CONCERNING YOUR NEIGHBORHOOD

000076

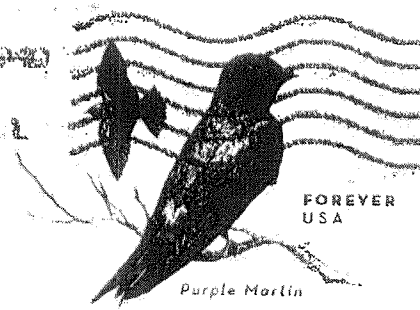
Save the Plastic Bag Coalition
350 Bay Street, Suite 100-328,
San Francisco, CA 94133

EXHIBIT E

840078

POSTAL ANNEX
350 BAY STREET
SAN FRANCISCO, CA 94133

SAN FRANCISCO CA 940
05 AUG 2013 PM 2 L



Stephen Joseph
11693 San Vicente Blvd #150
Los Angeles CA 90049

90049510593

EXHIBIT F

City of Santa Barbara
California

PLANNING COMMISSION
STAFF REPORT

REPORT DATE: August 1, 2013

AGENDA DATE: August 8, 2013

SUBJECT: Final EIR for Single-Use Carryout Bag Ordinance

TO: Planning Commission

FROM: Planning Division, (805) 564-5470, extension 4550
Renee Brooke, AICP, Senior Planner RLB
Daniel Gullett, Associate Planner DPG

000080

I. PURPOSE

This is an environmental hearing for the Planning Commission to consider certification of the Final Environmental Impact Report (EIR) for the Single-Use Carryout Bag Ordinance. No action on the ordinance itself will be taken at this hearing. The City Council would schedule a subsequent hearing to consider adoption of the Proposed Ordinance.

II. PROPOSED ORDINANCE

The intent of the proposed Single-Use Carryout Bag Ordinance is to reduce existing environmental impacts related to the use of single-use carryout bags, and to promote a shift toward the use of reusable bags. To this end, the Ordinance would:

- Prohibit stores that sell a line of groceries or stores with a pharmacy from providing plastic carryout bags (not including product or produce bags). Stores could only provide recyclable paper carryout bags or reusable bags.
- Assess a 10-cent charge on recyclable paper bags provided by such stores at the point of sale. Stores may retain all paper bag charges and use the funds to (1) comply with the ordinance; (2) provide recyclable paper bags; (3) provide low or no cost reusable bags to customers who are exempt; and/or, (4) produce and distribute educational materials encouraging the use of reusable bags.
- Require these stores to indicate number of recyclable paper carryout bags and total amount charged on the customer receipt and to report this information, including any educational efforts to promote reusable bags, annually to the City.
- Require these stores to provide, free of charge, either reusable bags or recyclable paper bags or both to customers participating in the California Special Supplemental Food Program for Women, Infants, and Children or in the Supplemental Food Program.

The stores regulated by this ordinance are categorized as follows:

- Tier 1 Stores: Have at least 10,000 square feet of retail space and sell a line of dry grocery, canned goods, or non-food items or have a licensed pharmacy.

- Tier 2 Stores: Comprising drug stores, pharmacies, supermarkets, grocery stores, convenience food stores, including those that have a liquor license, food marts, or other similar retail store that sell a limited line of grocery items which typically includes, but is not limited to, milk, bread, soda, and snack foods.

The ordinance is proposed to become operative on Tier 1 Stores 180 days following the effective date and Tier 2 Stores 365 days following the effective date.

III. BACKGROUND

City Council originally considered development of an ordinance regulating distribution of single-use bags at its March 13, 2012 hearing. At that hearing, Council directed staff to develop an ordinance to promote the shift toward reusable bags with the intent to reduce environmental impacts from single-use plastic bags.

Council also directed staff to work with BEACON, a joint powers authority comprised of several jurisdictions in Santa Barbara and Ventura Counties, for preparation of a model single-use bag ordinance and environmental review of a model ordinance pursuant to the California Environmental Quality Act (CEQA). The objective of this regional coordination was to develop a model single-use bag ordinance and Environmental Impact Report (EIR) that could serve any individual BEACON member jurisdiction in the review and possible adoption of a local single-use bag ordinance.

On April 10 and April 24, 2012, City Environmental Services staff presented the City Council Ordinance Committee with a draft ordinance modeled after an ordinance adopted by Los Angeles County in November 2010. The Ordinance is similar to other ordinances adopted in recent years by several cities, including San Jose, Long Beach, Santa Monica and some other smaller municipalities in California.

On April 24, 2012, the Ordinance Committee made revisions and unanimously forwarded the proposed ordinance to City Council, which referred the ordinance to BEACON for use as the Program EIR project description.

On April 23, 2013, the Ordinance Committee received a presentation from City staff on the status of the EIR. The Ordinance Committee voted unanimously to refer the model ordinance reviewed in the EIR to City Council with no changes for their consideration for adoption.

IV. ENVIRONMENTAL REVIEW

Consistent with California Environmental Quality Act (CEQA) requirements, BEACON issued a Notice of Preparation (NOP) of the EIR for the Single-Use Carryout Bag Ordinance on November 30, 2012 for 30-day agency and public input on the EIR scope of analysis. BEACON also conducted two public scoping meetings during the NOP comment period in City of Santa Barbara (December 12, 2012) and the City of Oxnard (December 19, 2012). BEACON received five letters in response to the NOP.

BEACON released the Draft EIR on the model ordinance for a 45-day public comment period from February 12 - March 28, 2013. A total of twelve comment letters were received. Responses to these comments are included in the Final EIR, which was released in May 2013.

The study area for the FEIR analysis included all jurisdictions located within Santa Barbara and Ventura Counties (except the Cities of Ojai and Carpinteria, which have already adopted single-use bag ordinances). In addition to the project, the Final EIR evaluated five alternatives including: (1) No project; (2) A ban on single-use plastic bags at all retail establishments except restaurants; (3) a Mandatory charge of $0.25 for paper bags; (4) A ban on both single-use plastic and paper carryout bags; and, (5) a Mandatory charge of $0.10 for plastic and paper carryout bags.

The Final EIR found that Ordinance effects to the environment would be insignificant without the need for mitigation (Class 3) or beneficial (Class 4) in the areas of air quality and greenhouse gases, biological and marine resources, water quality, solid waste and storm water systems, and aesthetics. The Initial Study had also found all other impacts to be less than significant.

The Final EIR identified Alternative 4 (Ban on both single-use plastic and paper carryout bags) as the environmentally superior alternative, since it would result in the most overall beneficial effects to the environment compared to existing conditions. Because the Proposed Ordinance would not result in any significant impacts, adopting Alternative 4 rather than the Proposed Ordinance would not avoid any significant impacts.

City Staff prepared an addition to the Final EIR (Exhibit A) to recognize the City's role as Lead Agency for the City Ordinance and clarify the environmental effects of the Ordinance within the City of Santa Barbara portion of the EIR regional study area. The information in the Addendum is not considered "significant new information" necessitating EIR recirculation, since it does not involve new significant impacts or increase in the severity of an environmental impact studied in the EIR.

The Planning Commission's role, as defined in the City Guidelines for the Implementation of the California Environmental Quality Act, is to review the Final EIR (including the City addition) to determine if it has been completed in compliance with CEQA and if it reflects the independent judgment of the City. Following EIR certification, City Council would need to review and consider the information in the Final EIR and make required CEQA findings prior to ordinance adoption.

V. RECOMMENDATION AND CEQA FINDINGS

Staff recommends that the Planning Commission make the findings below and certify the proposed Final EIR for the Single-Use Carryout Bag Ordinance.

The Planning Commission certifies that:

1. The proposed Final Environmental Impact Report for the City of Santa Barbara Single-Use Carryout Bag Ordinance, comprised of the Draft Environmental Impact Report, comments on the Draft Environmental Impact Report, responses to comments on the Draft Environmental Impact Report, minor changes to the Draft Environmental Impact Report, and the City of Santa Barbara addition to the Final Environmental Impact Report, was presented to the Planning Commission of the City of Santa Barbara. The Planning Commission reviewed and considered the information contained in the proposed Final Environmental Impact Report, including the City addition, public comment, and responses to comments, and determined that the document constitutes a

complete, accurate, and good faith effort toward full disclosure of the project's impacts and is an adequate environmental analysis of the project.

2. The proposed Final Environmental Impact Report for the Single-Use Carryout Bag Ordinance has been completed in compliance with the California Environmental Quality Act and Guidelines.

3. The proposed Final Environmental Impact Report for the Single-Use Carryout Bag Ordinance reflects the City of Santa Barbara Planning Commission's independent judgment and analysis.

4. The location and custodian of documents and materials that constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA.

5. The Final Environmental Impact Report for the Single-Use Carryout Bag Ordinance will be presented to the City Council before Council decides whether to adopt the Single-Use Carryout Bag Ordinance.

Exhibits:

A. City of Santa Barbara Addition to the Final EIR

The full Final EIR has been provided to members of the Planning Commission. The document is available for review by the public at the Community Development Department at 630 Garden Street, the Main Library 40 E. Anapamu Street, and online at: www.SantaBarbaraCA.gov/EIR

CITY OF SANTA BARBARA ADDITION TO FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2012111093)

SINGLE USE CARRYOUT BAG ORDINANCE
August 1, 2013

INTRODUCTION

This document is a City-prepared addition to the Final Environmental Impact Report (EIR) for the Single-Use Carryout Bag Ordinance ("Study Area Ordinance") that was prepared for jurisdictions within Santa Barbara and Ventura counties by the Beach Erosion Authority for Clean Ocean and Nourishment (BEACON) in May 2013 (SCH #2012111093).

The City of Santa Barbara is the Lead Agency and proposes an ordinance to ban plastic carryout bags that is consistent with the ordinance analyzed in the Final EIR. This City addition to the Final EIR clarifies environmental effects associated with adoption of the ordinance within the City of Santa Barbara. The City of Santa Barbara Ordinance would prohibit the free distribution of single-use carryout paper and plastic bags and require certain retail establishments to charge customers ten cents ($0.10) for single-use recyclable paper bags at the point of sale.

The Final EIR evaluation concludes that no substantial adverse environmental effects would result from the Ordinance and no mitigation is required. Beneficial environmental effects were identified in the areas of biological and marine resources, water quality and storm water systems, solid waste, and visual aesthetics. The new information contained in this City addition to the Final EIR involves only minor modifications to the Final EIR to clarify impacts within the City of Santa Barbara jurisdiction. There have been no substantial changes in existing environmental conditions since preparation of the Final EIR (SCH#2012111093).

The EIR was circulated for public review from February 12, 2013 to March 28, 2013. Written responses to comment are provided in the Final EIR. A lead agency recirculates an EIR for comment prior to its certification only when significant new information involving significant impacts is added to the Final EIR (Section 15088.5 of the California Environmental Quality Act (CEQA) Guidelines). New information is not "significant" unless the EIR is changed in such a way that that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate such an effect. Recirculation of

the EIR is not necessary for this City addition to the Final EIR since the new information contained in this addition merely clarifies and makes insignificant modifications to the EIR. The opportunity for public comment is provided prior to and at the City Planning Commission hearing on Final EIR certification.

PROJECT DESCRIPTION

The proposed City of Santa Barbara Single-Use Carryout Bag Ordinance ("City Ordinance") would prohibit the free distribution of plastic and paper carryout bags and impose a minimum ten cent charge on recyclable paper carryout bags at regulated stores. Reusable bags could be sold or given out by a retailer without charge. The stores that would be affected are located within the City limits and include grocery stores, pharmacies, convenience stores, and other similar retail stores which sell a limited line of grocery items. Restaurants and fast food providers would be exempt from the City Ordinance.

Consistent with the EIR analysis with a ban on single-use plastic carryout bags and a minimum charge of ten cents for recycled paper bags, it is assumed that 65% of plastic bag use would be switched to reusable bags (each assumed to be re-used 52 times), and 30% would switch to recycled paper bags, and 5% of plastic bags would remain to account for exempt retailers. An estimated 47,302,542 plastic bags are currently used annually within the City of Santa Barbara. With the City Ordinance, as shown in Table 1, it is estimated that total single-use carryout bag usage would be reduced to approximately 16,555,890 bags per year.

Table 1: Existing and Proposed Carryout Bag Use

Area	Existing Total Plastic Bags Used Annually	Proposed Reusable Bags (65% Switch to Reusable)[1]	Proposed Paper Bags (30% switch to paper)[1]	Proposed Plastic Bags (5% Remain)[2]	Proposed Total Carryout Bags Used Annually
BEACON Study Area	658,241,406	8,228,018	197,472,422	32,912,070	238,612,510
City of Santa Barbara	47,302,542	591,282	14,190,763	2,365,127	17,147,172

[1] Rates used in the City of San Jose Final EIR, SCH # 2009102095, October 2010.
[2] Rate used in the City of Sunnyvale Final EIR, SCH # 2011062032, November 2011.
Source: BEACON Single Use Bag Final EIR, May 2013, Appendix C.

As discussed in Section 6.0 Alternatives, the Final EIR includes an Alternative (Alternative 4) that considers a ban on both single-use plastic and paper bags. Alternative 4 was considered to be "environmentally superior" to the Proposed Study Area Ordinance (with a $0.10 fee on paper bags), because Alternative 4 is expected to result in the use of fewer recyclable paper bags (and more reusable bags).

Nevertheless, as discussed in Section 6.0 Alternatives of the Final EIR, the Proposed Study Area Ordinance would not have any significant adverse impacts; therefore, adopting an environmentally superior alternative rather than the Proposed Study Area Ordinance would not avoid any significant adverse environmental effects.

The City objectives for the City Ordinance would be the same as the objectives for the Study Area Ordinance as described in the Final EIR:

- 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)
- Deterring the use of paper bags by retail customers
- Promoting a shift toward the use of reusable carryout bags by retail customers
- Reducing litter and the associated adverse impacts to storm water systems, aesthetics, and marine and terrestrial environments

ENVIRONMENTAL IMPACTS

This section addresses each of the environmental issues studied in the Final EIR, comparing the effects of the City Ordinance within the City of Santa Barbara with the effects on the larger Study Area evaluated in the Final EIR.

The City Ordinance would not change the level of significance of any of the impacts identified as less than significant or beneficial in the EIR or Initial Study (Appendix A of the Final EIR). Each of those impacts would remain less than significant for the City Ordinance.

Air Quality

The City Ordinance impacts related to air quality would be the same as identified in the Final EIR. The City's existing and proposed bag use was considered in the Final EIR analysis, which analyzed bag use in unincorporated Santa Barbara and Ventura counties and within 16 municipalities in those two counties. The City Ordinance does not involve any construction activities; therefore there would be no regional or localized construction impacts. Operational impacts include emissions associated with bag manufacture, transportation, and use as well as emissions resulting from increased delivery trips.

Emissions from Manufacture, Transportation and Use

As described in Section 4.1 of the Final EIR, the City Ordinance is 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 the Counties of Santa Barbara and Ventura and cities in the Study Area (including Santa Barbara) were to implement a plastic bag ban ordinance similar to the City Ordinance. The emissions related to converting from plastic to paper and reusable bags as a result of the City Ordinance are shown in Table 2. Ozone and atmospheric acidification emissions would be expected to decrease in Santa Barbara. Therefore, as determined in the Final EIR, air quality impacts from the manufacture, transportation, and use of carryout bags would be beneficial compared to existing conditions.

Table 2: Estimated Changes in Ozone and Atmospheric Acidification Emissions

Ordinance Jurisdiction	Existing Emissions from Carryout Bags		Change in Emissions from Ordinance	
	Ozone Emissions (kg/year)	AA Emissions (kg/year)	Ozone Emissions (kg/year)	AA Emissions (kg/year)
BEACON Study Area	15,140	713,534	(8,195)	(244,306)
City of Santa Barbara	1,088	51,276	(589)	(17,556)

() Denotes a decrease in emissions compared to existing conditions.
Source: BEACON Single Use Bag Final EIR, May 2013, Appendix D.

Emissions Resulting From Increased Delivery Trips

Similar to the effects identified area-wide in the EIR, the City Ordinance would be expected to potentially result in incrementally more delivery truck trips to transport paper and reusable carryout bags to affected stores. The EIR identified an overall increase of approximately 1.87 truck trips per day throughout the Study Area. Using the EIR methodology to determine truck trips, the City of Santa Barbara's contribution to this increase would be approximately 0.13 truck trips per day.[1]

As shown in Table 3, the increase of truck trips expected area-wide would not result in exceeding any air pollution thresholds of impact significance set by the Santa Barbara County Air Pollution Control District (SBCAPCD) and used by local jurisdictions. The City Ordinance would account for approximately 7% of the increase in the number of truck trips from the larger EIR Study Area, resulting in emissions in reactive organic gases (ROG), nitrogen oxides (NO_X), and particulate matter (PM_{10}) emissions much less than SBCAPCDs thresholds. Therefore, impacts related to mobile emissions from the City Ordinance would be less than significant.

Table 3: Study Area Ordinance-Generated Operational Emissions from Truck Deliveries

Emissions	Emissions (lbs/day)		
	ROG	NO_x	PM_{10}
BEACON Study Area	0.08	0.41	0.04
Thresholds	25	25	80
Threshold Exceeded?	No	No	No

Source: BEACON Single Use Bag Final EIR, May 2013, Appendix D.

000087

Biological Resources

The City of Santa Barbara's General Plan identifies Mission, Arroyo Burro, San Roque, and Sycamore creeks as the major creek systems within the City that provide drainage from the mountains and hills and states that these creeks are largely natural in appearance. These creeks contribute substantially to the aesthetic quality of the City, function as important ecological resources, provide connecting linear open space links from the hillsides to the shoreline, and aesthetic enhancement of recreational, residential, and commercial areas.

As identified in the Final EIR for the Study Area Ordinance, the City 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 Ordinance would incrementally reduce the amount of single-use plastic bag litter that could enter the marine and terrestrial environments and affect sensitive species. The City Ordinance would also be anticipated to increase consumer

[1] Existing bag use in the City of Santa Barbara is estimated to be 47,302,542 plastic bags per year. Assuming that 30% of existing plastic bag use would switch to paper (14,190,783 paper bags), 65% would switch to reusable bags (591,282 reusable bags assuming 52 uses a year) and 5% would remain (2,365,127 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.

use of recycled paper and reusable carryout bags, which, as discussed in the Final EIR, have not been widely noted to have adverse impacts on biological resources. Although reusable bags may eventually be disposed of as solid waste, they are heavier than plastic carryout bags, can be reused multiple times, and the number of reusable bags that would likely end up as litter and impact biological resources would therefore be lower. 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 Final EIR, the City Ordinance would result in beneficial effects on sensitive wildlife species and habitats.

Greenhouse Gas Emissions

Carryout bags have the potential to contribute to the generation of greenhouse gas emissions (GHGs) either through emissions associated with the manufacturing process of carryout bags, truck trips delivering carryout bags to retailers or through disposal during landfill degradation. The SBACPCD does not have adopted GHG emissions thresholds or a GHG emissions reduction plan.

The City of Santa Barbara's Climate Action Plan was adopted in September 2012. Past, present, and forecasted future citywide greenhouse gas emissions were analyzed in the Plan and associated Addendum to the 2010 Final Program EIR for the Plan Santa Barbara General Plan Update in comparison to the State and City greenhouse gas emissions targets (year 2020 total emissions at 1990 level; 2020 and 2035 per capita vehicle emissions at 2005 level). The analysis demonstrates that citywide emissions are decreasing. With continued implementation of existing State and City legislative measures, citywide emissions associated with growth under the General Plan would meet and surpass these State and City emissions targets. The City Climate Action Plan constitutes a citywide mitigation program for greenhouse gas emissions in accordance with SB 97. Regardless, consistent with the Final EIR analysis, the City Ordinance is evaluated based on the project-level threshold of 4.6 metric tons CO_2e per service population per year based on the County of Santa Barbara's interim approach for evaluating GHG emissions. Based on existing population and employment data provided by the California Department of Finance, the existing population in the City of Santa Barbara used for this analysis is 89,082.[2]

Manufacturing, Transportation, Washing and Disposal

As discussed in the Final EIR, the manufacture, transport, and disposal of a single-use paper bag generates 3.3 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 carryout bag results in 2.6 times the GHG emissions of a single-use HDPE 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. Washing and cleaning of reusable bags would use electricity or natural gas and therefore would incrementally increase energy production-related GHG emissions.

The Final EIR estimates that the Study Area Ordinance would contribute indirectly to an overall increase of approximately 10,919 metric tons of CO_2e emissions per year for manufacturing, transportation, washing, and disposal, or 0.0088 metric tons CO_2e per person per year, as shown in Table 4. Thus, the Final EIR determined that the Study Area Ordinance would not exceed

[2] California Department of Finance, "City/County Population and Housing Estimates" (May 2012)

GHG thresholds and therefore impacts related to a shift toward use of paper and reusable bags would be less than significant. Similarly, for the City Ordinance, the shift from plastic carryout bags to paper and reusable bags could be estimated to increase GHG emissions in the City by approximately 785 metric tons per year as shown in Table 4. As such, the City Ordinance would have a less than significant impact related to GHG emissions, consistent with the findings of the Final EIR.

Table 4: Estimated Increase in GHG Emissions from City Ordinance and Study Area Ordinance

Ordinance Jurisdiction	Total CO_2e Emissions (metric tons/year)[1]	Emissions per Capita (metric tons/year)
BEACON Study Area	10,919	0.0088
City of Santa Barbara	785	0.0088

[1] *Represents a net change in GHG emissions compared to existing plastic bag use.*
Source: BEACON Single Use Bag Final EIR, May 2013, Appendix D.

Consistency with Applicable GHG Plans and Policies

The City Ordinance would be consistent with the City of Santa Barbara General Plan climate policies, the City Climate Action Plan, the City Climate Action Team strategies, and measures suggested in the Attorney General's Greenhouse Gas Reduction Report as discussed in Tables 4.3-4, 4.3-5 and 4.3-6 of the Final EIR. Therefore, the City Ordinance would be consistent with the objectives of AB 32, SB 97, and SB 375. There would not be significant impacts associated with inconsistency with plans and policies.

Hydrology and Water Quality

Hydrology and water quality impacts would be similar to those identified in the Final EIR. The following discusses the impacts related to drainage and surface water quality that would result from implementation of the City Ordinance.

Drainage

Consistent with the findings of the Final EIR, the City 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 City Ordinance is expected to improve the existing drainage capacity by removing a substantial source of trash that can clog features of the system and reduce its capacity. Therefore, consistent with the findings of the Final EIR, the City Ordinance would not result in significant adverse impacts to hydrology and water quality related to drainage.

Surface Water Quality

As noted in the Final EIR, the manufacturing processes for single-use plastic, single-use paper, and reusable bags use various chemicals and materials. The City Ordinance is estimated to reduce plastic bag use by 95% and increase the use of recycled paper and reusable bags.

With implementation of the City Ordinance, approximately 17.1 million carryout bags (including single-use paper, single-use plastic, and reusable bags) would be manufactured for use in the City annually—a decrease of approximately 65% compared to existing conditions. Consequently, the City 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 Ordinance would not be significant, which is consistent with the Final EIR analysis.

Utilities and Service Systems

Impacts to utilities and service systems as a result of the City Ordinance would be similar to impacts discussed in the Final EIR. The following summarizes the impacts related to water supply, wastewater collection and treatment, and solid waste for the City Ordinance compared to the findings contained in the BEACON Final EIR.

Water Supply

Carryout bags would indirectly result in water use through the manufacturing process of carryout bags. As discussed in the Final EIR, 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. No manufacturing facilities of carryout bags are known to be located within either the County of Santa Barbara or the County of Ventura. Therefore, carryout bag manufacturing facilities would not use water supplies of either county or the City of Santa Barbara.

In addition to water use from manufacturing carryout bags, the City Ordinance may result in increased water use as reusable bags would be washed. The Final EIR determined that the area-wide water demand from washing reusable bags would increase by 470.5 acre-feet per year (AFY) under the assumption that all new reusable carryout bags would require monthly cleaning in either a washing machine or by rinsing.

The City's portion of the expected 470.5 AFY water demand increase would be 44.2 AFY as a result of the City Ordinance. Total average year water demand in the City of Santa Barbara is estimated to be 14,000 AFY[3]. The estimated increase of water demand associated with the City Ordinance would represent approximately 0.32% of the total City water demand. This increase would not have significant impacts. Any increase in water supply necessary for paper carryout bag manufacturing would not impact Santa Barbara City or County water supplies. Consistent with the findings in the Final EIR, the City Ordinance would not necessitate new or expanded entitlements for water, and water supply impacts would be less than significant.

Wastewater Generation

As noted above and in the Final EIR, no manufacturing facilities for paper carryout bags appear to be located within the Study Area or City of Santa Barbara. Therefore, any increase in wastewater generation due to paper carryout bag manufacturing would not affect local wastewater treatment providers. The Final EIR assumed that 100% of the water used to wash reusable bags would become wastewater, identifying an increase in wastewater of approximately

[3] City of Santa Barbara Long-Term Water Supply Plan, 2011

470.5 acre-feet per year (AFY). This is equivalent to 153,300,948 gallons per year, or approximately 420,002 gallons per day. The City's portion would be 44.2 AFY, which is equivalent to 14,402,633 gallons per year, or approximately 39,433 gallons per day.

The El Estero Wastewater Treatment Plant, which serves the City of Santa Barbara, has a remaining capacity of 3.3 million gallons per day (MGD) and therefore has capacity to treat the potential incremental increase in wastewater resulting from the City Ordinance. The estimated increase of wastewater and impacts related to wastewater generation for the City Ordinance would be less than significant.

Solid Waste

The Final EIR provided two analyses for solid waste impacts, using EPA recycling estimates with two separate data sets: Ecobilan (2004) and Boustead (2007). Using the Ecobilan data, it was determined that a single-use plastic bag would generate 0.0065 kilograms (kg) of solid waste per bag per day, a paper bag would generate 0.0087 kg of waste per bag per day, and a reusable bag (used 52 times) would generate 0.001 kg of waste per bag per day. Using the Boustead data, it was determined that a single-use plastic bag would produce 0.004 kg waste per bag per day, while a paper bag would result in 0.021 kg of waste per bag. The Boustead analysis did not estimate the solid waste from reusable bags. Based on the Ecobilan data, the Final EIR estimated that the Study Area Ordinance would reduce solid waste by 2,596 tons per year. Based on the Boustead data, the Final EIR estimated that the Study Area Ordinance would result in an increase of approximately 1,814 tons of solid waste per year.

As shown in Table 5, the Study Area Ordinance would result in a reduction of approximately 2,596 tons of solid waste per year and the City Ordinance would result in a reduction of 222 tons of solid waste per year using the Ecobilan data. Using the Boustead data, the Study Area Ordinance would result in an increase of approximately 1,814 tons of solid waste per year and the City Ordinance would result in an increase of approximately 155.14 tons of solid waste per year, or 0.43 tons per day. As stated in the Final EIR, the permitted daily maximum throughput of the Tajiguas Sanitary Landfill, which serves the City of Santa Barbara, is 1,500 tons per day. Using the worst case scenario (the Boustead data) the potential increase of 0.43 tons of solid waste per day would represent approximately 0.029% of the daily capacity of the landfill. Thus, existing waste disposal facilities could accommodate estimated increases in solid waste related to the City Ordinance, and impacts related to solid waste would be less than significant.

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

Ordinance Jurisdiction	Solid Waste Generation (tons/year)	
	Ecobilan	Boustead
BEACON Study Area	-2,596.27	1,813.50
City of Santa Barbara	-222.11	155.14

CONCLUSION

Based on analysis in the Final EIR and discussion in the City of Santa Barbara addition to the Final EIR, impacts from the proposed City of Santa Barbara Single-Use Carryout Bag Ordinance related to air quality, biological resources, greenhouse gas emissions, hydrology and water quality, and utilities and service systems were determined to be less than significant (Class 3) impacts or beneficial (Class 4).

Based on the above review of the project, in accordance with State CEQA Guidelines Section 15088.5, recirculation of the Environmental Impact Report prior to certification is not required, because new information and changes in project description, circumstances, impacts and mitigations are not substantial and do not involve new significant impacts or a substantial increase in the severity of previously identified impacts. The Final EIR (SCH#2012111093), including this City of Santa Barbara addition to the Final EIR constitute adequate environmental documentation in compliance with CEQA for the current project.

Prepared by: _____ **Date:** July 24, 13
Daniel Gullett, Associate Planner

Reviewed by: _____ **Date:** 7-25-13
Barbara Shelton, Environmental Analyst

EXHIBIT G

Chair Mike Jordan
Commissioner Bruce Bartlett
Commissioner Sheila Lodge
Commissioner Addison Thompson

Vice Chair Deborah L. Schwartz
Commissioner John Campanella
Commissioner June Pujo

PLANNING COMMISSION
FINISHED AGENDA

CITY COUNCIL CHAMBERS
CITY HALL – 735 ANACAPA STREET
THURSDAY, AUGUST 8, 2013
1:00 P.M.

NOTICES:

A. THURSDAY, AUGUST 8, 2013 **12:00 NOON**
LUNCH DE LA GUERRA PLAZA
City Hall, Room 15, Upstairs

The Planning Commission met informally with City Staff to discuss the following:

1. 2846 Verde Vista – *tandem parking*
Case Planner: Stacey Wilson, Associate Transportation Planner
Email: SWilson@SantaBarbaraCA.gov Phone: (805) 564-5572

**** Discussion held. ****

2. An update on status of long-range projects, new legislation, zoning enforcement items, status reports on previously-approved projects, and future agenda items.

**** Update given. ****

B. Regular meetings of the Planning Commission can be viewed live on City TV-18, or on your computer via www.SantaBarbaraCA.gov/Government/Video/ and then clicking City TV-18 Live Broadcast. Meeting rebroadcast schedule can be found at http://www.citytv18.com/schedule.htm An archived video copy of this meeting will be viewable, on computers with high speed internet access, the following Tuesday at www.santabarbaraca.gov and then clicking *Online Meetings.*

B. The scope of a project may be modified under further review. If you have any questions, wish to review the plans, or wish to be placed on a mailing list for future agendas for an item, please contact the Case Planer as listed in the project description. Our office hours are 8:30 a.m. to 4:30 p.m., Monday through Thursday, and every other Friday. Please check our website under City Calendar to verify closure dates.

C. AGENDAS, MINUTES and REPORTS: Copies of all documents relating to agenda items are available for review at 630 Garden St. and agendas and reports are posted online at www.SantaBarbaraCA.gov/pc. Please note that online Staff Reports may not include some exhibits. Materials related to an item on this agenda submitted to the Planning Commission after distribution of the agenda packet are available for public inspection in the Community Development Department located at 630 Garden St., during normal business hours.

I. ROLL CALL

**** Roll Call taken.**
All Commissioners present.**

II. PRELIMINARY MATTERS:

A. Action on the review and consideration of the following Draft Minutes and Resolutions listed in this Agenda.

1. Draft Minutes of July 11, 2018

****Approved with corrections.**
Lodge/Schwartz Vote: 6/0
Abstain: 1 (Campanella)
Absent: 0**

2. Draft Minutes of July 18, 2013

**** Approved with corrections.**
Thompson/Schwartz Vote: 4/0
Abstain: 3 (Bartlett, Jordon, Lodge)
Absent: 0**

B. Requests for continuances, withdrawals, postponements, or addition of ex-agenda items.

**** No Requests were made. ****

C. Announcements and appeals.

**** Announcements were made. ****

D. Comments from members of the public pertaining to items not on this agenda. [Due to time constraints, each person is limited to two (2) minutes.]

**** No one wished to speak. ****

III. DISCUSSION ITEM:

ACTUAL TIME: 1:21 P.M.

AIRPORT MASTER PLAN STATUS UPDATE

The Planning Commission will receive a status update on the ongoing development of the Santa Barbara Airport Master Plan. The Airport Master Plan will provide a framework for development to meet aviation demand for the next 10-15 years. Facility needs for safety, general aviation, and vehicle and aircraft parking are primary considerations for the Airport Master Plan Concept.

The purpose of this discussion item is to provide an update to Planning Commission and receive comments. Airport Staff and consultants will be preparing a Draft Airport Master Plan and an initial study pursuant to the California Environmental Quality Act (CEQA) following similar presentations before City Council and the City of Goleta in September.

Case Planner: Andrew Bermond, AICP, Project Planner
Email: ABermond@SantaBarbaraCA.gov Phone: (805) 602-6032

**** Update given. ****

IV. ENVIRONMENTAL HEARING:

ACTUAL TIME: 2:47 P.M.

PROPOSED SINGLE-USE CARRYOUT BAG ORDINANCE FINAL ENVIRONMENTAL IMPACT REPORT CERTIFICATION

The proposed ordinance would prohibit stores selling food and pharmacies from providing plastic carryout bags, and would assess a 10-cent charge on recyclable paper bags provided by the stores at the point of sale, with the intent of reducing existing environmental impacts from plastic bag use. The Environmental Impact Report analyzed effects associated with air quality, biological resources, greenhouse gas emissions, hydrology and water quality, water, wastewater, solid waste, and storm water systems, and concluded that no significant environmental effects would result, and no measures to reduce impacts are required.

The Planning Commission will receive a staff presentation, conduct a public hearing, and consider certification of the Final Environmental Impact Report for the proposed Single-Use Carryout Bag Ordinance.

Case Planner: Daniel Gullett, Associate Planner
Email: DGullett@SantaBarbaraCA.gov Phone: (805) 564-5470, ext. 4550

**** Certified the Environmental Impact Report.**
Pujo/Lodge Vote: 6/1 (Thompson)
Abstain: 0
Absent: 0
Resolution No. 011-13. **

V. **ADMINISTRATIVE AGENDA:**

ACTUAL TIME: 4:18 P.M.

A. Committee and Liaison Reports.

1. Staff Hearing Officer Liaison Report

**** Report given. ****

2. Other Committee and Liaison Reports

**** Reports given. ****

VI. **ADJOURNMENT:**

**** Meeting adjourned at 4:23 P.M. ****

EXHIBIT H

Anthony van Leeuwen <vanleeuwenaw@roadrunner.com> August 13, 2013 1:07 PM
To: Stephen L. Joseph <savetheplasticbag@earthlink.net>
FW: Single-Use Carryout Bag Ordinance EIR

---

fyi

From: Anthony van Leeuwen [mailto:vanleeuwenaw@roadrunner.com]
Sent: Tuesday, August 13, 2013 1:02 PM
To: 'dGullett@SantaBarbaraCA.gov'; 'pcsecretary@santabarbaraca.gov'
Subject: Single-Use Carryout Bag Ordinance EIR

To: Daniel Gullett and Planning Commission Secretary:

I am one of two individuals who objected to the BEACON EIR when BEACON approved the Final EIR for the Single-Use Carryout Bag Ordinance in its May 17, 2013 meeting.

I did not receive notification of the Planning Commission meeting either by Email or by regular mail via the U.S. Postal Service.

Since the law requires BEACON to inform you of those who objected to the EIR including my contact information, and the fact that you failed to inform me of the meeting deprived me of my right to address the Planning Commission regarding the approval and certification of the BEACON EIR.

Had I known that the Planning Commission was going to certify the BEACON Final EIR for the Single-Use Carryout bag ordinance, I would have attended and voiced my objections.

Again, your failure to notify me deprived me of my legal rights.

Respectfully,

Anthony van Leeuwen
Ventura, California
vanleeuwenaw@roadrunner.com
http://fighttheplasticbagban.com
https://www.facebook.com/fighttheplasticbagban

EXHIBIT I

"Anthony van Leeuwen" <vanleeuwenaw@roadrunner.com> August 15, 2013 11:44 AM
To: Stephen L. Joseph <savetheplasticbag@earthlink.net>
RE: BEACON EIR

Using Google on the internet, I got it the same day I sent it to you. 11 August 2013.

From: Stephen L. Joseph [mailto:savetheplasticbag@earthlink.net]
Sent: Thursday, August 15, 2013 10:55 AM
To: Anthony van Leeuwen
Subject: Fwd: BEACON EIR

How and when did you get this document?

Regards,

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
Phone: (310) 266-6662

NOTE: This e-mail and any attachments are confidential and privileged.

Begin forwarded message:

From: "Anthony van Leeuwen" <vanleeuwenaw@roadrunner.com>
Subject: RE: BEACON EIR
Date: August 11, 2013 3:30:08 PM PDT
To: "Stephen L. Joseph" <savetheplasticbag@earthlink.net>

Here is another file

From: Anthony van Leeuwen [mailto:vanleeuwenaw@roadrunner.com]
Sent: Sunday, August 11, 2013 3:27 PM
To: Stephen L. Joseph
Subject: BEACON EIR

Stephen,

Don't know if you have seen this addition to the EIR that Santa Barbara has made.

v/r

Anthony van Leeuwen
Ventura, California
vanleeuwenaw@roadrunner.com
http://fighttheplasticbagban.com

https://www.facebook.com/fighttheplasticbagban

EXHIBIT J

Stephen L. Joseph <savetheplasticbag@earthlink.net> August 13, 2013 10:51 AM

To: dGullett@SantaBarbaraCA.gov,
pcsecretary@santabarbaraca.gov
Single-Use Carryout Bag Ordinance EIR

4 Attachments, 2.8 MB

Mr. Gullett:

I received the Notice of Planning Commission Hearing and Document Availability yesterday (August 12), although it may have been delivered to my mailbox on August 9. It was sent to a previous San Francisco address that I never used in any of my correspondence with BEACON. It was forwarded to my correct address in Los Angeles by mail sent from San Francisco on August 5.

My former San Francisco address was discontinued on January 31, 2013 when I moved to Los Angeles. In order to ensure that my new address would be used for all notices regarding the EIR, I sent an e-mail to Rincon Consultants as they were sending out all notices. Rincon confirmed in the attached e-mail that all notices would be sent to my Los Angeles address.

I have always used the Los Angeles address with BEACON, as you can see from the attachments. I never used my old San Francisco address. Further, I sent the attached e-mail to the City of Santa Barbara on July 11, 2013 with my new Los Angeles address.

Save The Plastic Bag Coalition (STPB) objects to the failure to notify me of the hearing at my correct address. STPB and I had no idea that a hearing was being held on August 8. If I had known about the hearing, I would definitely have attended and made public comments.

STPB requests and demands that all future notices regarding the Single-Use Carryout Bag Ordinance EIR sent by the City of Santa Barbara, and any agency thereof including the Planning Commission, be sent to the Los Angeles address below and via e-mail to savetheplasticbag@earthlink.net.

Save The Plastic Bag Coalition reasserts all of the objections and demand for recirculation submitted to BEACON and hereby resubmits them to the City of Santa Barbara Planning Commission. (The March 25, 2013 objections will be sent to you in a separate e-mail as an initial attempt to send it with this e-mail was rejected by your server as the combined attachments were too large.) The supporting documents

referenced in the objections were submitted to BEACON and are part of the administrative record.

The city prepared addition to the EIR does not make any changes that are responsive to STPB's objections.

All rights are reserved. No objections or demands are waived.

Please forward this e-mail to all members of the Planning Commission.

Please confirm receipt of this e-mail.

Regards,

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
11693 San Vicente Blvd. #150
Los Angeles, CA 90049
Phone: (310) 266-6662
Fax: (310) 694-9067
Website: www.savetheplasticbag.com
E-mail: savetheplasticbag@earthlink.net

E-mail re change of address.pdf (37 KB) E-mail notice of intent to litigate.pdf (563 KB)

STPB supplement to objections to BEACON DEIR.pdf (281 KB) STPB objections to BEACON Revised Final EIR - corrected.pdf (1.9 MB)

Stephen L. Joseph <savetheplasticbag@earthlink.net> August 13, 2013 10:51 AM

To: dGullett@SantaBarbaraCA.gov,
pcsecretary@santabarbaraca.gov
Single-Use Carryout Bag Ordinance EIR

1 Attachment, 6.1 MB

Mr. Gullett:

Our March 25, 2013 objections are attached.

Regards,

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
11693 San Vicente Blvd. #150
Los Angeles, CA 90049
Phone: (310) 266-6662
Fax: (310) 694-9067
Website: www.savetheplasticbag.com
E-mail: savetheplasticbag@earthlink.net

STPB objections to BEACON DEIR.pdf (6.1 MB)

Stephen L. Joseph <savetheplasticbag@earthlink.net> August 13, 2013 11:07 AM
To: dGullett@SantaBarbaraCA.gov,
pcsecretary@santabarbaraca.gov
Single-Use Carryout Bag Ordinance EIR

To: Daniel Gullett and Planning Commission Secretary:

I understand that the Planning Commission certified the EIR at its August 8, 2013 meeting. Save The Plastic Bag Coalition will appeal the decision to the City Council. Please advise the procedure and provide the form for filing an appeal. Thank you.

All rights are reserved. STPB's objections that proper notice of the hearing was not provided to STPB is not waived.

Regards,

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
11693 San Vicente Blvd. #150
Los Angeles, CA 90049
Phone: (310) 266-6662
Fax: (310) 694-9067
Website: www.savetheplasticbag.com
E-mail: savetheplasticbag@earthlink.net

Stephen L. Joseph <savetheplasticbag@earthlink.net> August 13, 2013 12:12 PM
To: dGullett@SantaBarbaraCA.gov,
pcsecretary@santabarbaraca.gov
Single-Use Carryout Bag Ordinance EIR

To: Daniel Gullett and Planning Commission Secretary:

In our March 25, 2013 objections, we stated:

"Pursuant to CEQA including but not limited to CEQA Guidelines §15072(b), I request that you send me, by e-mail and regular mail to the address on the letterhead of this document, any and all responses or findings regarding these objections and all notices regarding the proposed ordinance."

That address is the Los Angeles address below.

I did not receive any e-mail notification.

All rights are reserved.

Regards,

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
11693 San Vicente Blvd. #150
Los Angeles, CA 90049
Phone: (310) 266-6662
Fax: (310) 694-9067
Website: www.savetheplasticbag.com
E-mail: savetheplasticbag@earthlink.net

Stephen L. Joseph <savetheplasticbag@earthlink.net> August 13, 2013 12:48 PM
To: dGullett@SantaBarbaraCA.gov,
pcsecretary@santabarbaraca.gov
Single-Use Carryout Bag Ordinance EIR

1 Attachment, 53 KB

To: Daniel Gullett and Planning Commission Secretary:

The attachment provides you with copies of the notices sent to the wrong address and the envelope in which I received the notice from San Francisco. I did not receive the notice prior to the August 8 hearing.

The attachment is provided for the administrative record.

Regards,

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
11693 San Vicente Blvd. #150
Los Angeles, CA 90049
Phone: (310) 266-6662
Fax: (310) 694-9067
Website: www.savetheplasticbag.com
E-mail: savetheplasticbag@earthlink.net

City of Santa Barbara defective notice documents.pdf (53 KB)

EXHIBIT K

DECLARATION OF PETER M. GRANDE

I, Peter M. Grande, declare as follows:

1. I know all of the facts herein of my own personal knowledge, and if called upon as a witness, I would and could competently testify thereto under oath.
2. I make this declaration in support of Save The Plastic Bag's ("STPB") objections to the City of Los Angeles Draft Environmental Impact Report ("DEIR") on a proposed carryout bag ordinance.
3. Save The Plastic Bag Coalition was formed on June 3, 2008.
4. STPB is an unincorporated association.
5. I was Chairman of STPB from the time of its formation until May 2012.
6. I have been a member of STPB Steering Committee at all times since its formation.
7. Plaintiff's members include companies that manufacture, market, and supply plastic carryout bags to stores, restaurants, and other food facilities, including in the City of Los Angeles.
8. From 2006 to 2007, I was the Chairman of the California Film Extruders and Converters Association ("CFECA"). CFECA, which has been renamed the Western Plastics Association, is the leading trade association representing California and Western U.S. based manufacturers of plastic film products, including plastic carryout bags.
9. I am the Chief Executive Officer (CEO) of Grand Packaging, Inc., a California corporation in good standing, which does business (and is hereinafter referred to) as "Command Packaging."
10. I have been the CEO of Command Packaging since its formation on May 30, 1989.
11. Command Packaging is and has been a member of STPB and STPB's Steering Committee since June 3, 2008.
12. Command Packaging manufactures Low Density Reusable Bags ("LDPE") and

High Density Reusable Bags ("HDPE") at its manufacturing facility in Los Angeles.

13. LDPE and HDPE reusable bags are plastic bags.
14. Plastic bags have the best life cycle environmental footprint of any type of carryout bags.
15. As an LDPE and HDPE reusable bag is a plastic bag, LDPE and HDPE reusable bags have the best life cycle environmental footprint of any type of reusable bag.
16. Other types of reusable bags include nonwoven polypropylene ("PP"), canvas, cloth, nylon, jute, and reusable bags made from recycled plastic beverage containers (polyethylene terephthalate or "PET").
17. I have personally been engaged in marketing LDPE and HDPE reusable bags throughout California, particularly in Los Angeles County and the City of Los Angeles, since 2010.
18. I have contacted and visited at least a hundred supermarkets, retail stores, convenience stores, and foodmarts in Los Angeles County, including in the City of Los Angeles. I speak with buyers for those stores to try to persuade them to purchase Command's LDPE or HDPE reusable bags.
19. I am aware of the kinds of reusable bags that such supermarkets and other stores carry. I do not believe that anyone can state precisely what percentage of reusable bags in Los Angeles County or the City of Los Angeles are LDPE or HDPE reusable bags.
20. Based on my observations when visiting all retail stores, including but not limited to supermarkets, in Los Angeles County in areas where plastic carryout bags have been banned, and speaking with buyers for those stores, I believe and estimate that LDPE and HDPE reusable bags together represent no more than 1% of all bags provided by such stores to their customers at this time.
21. Based on my observations when visiting supermarkets in Los Angeles County

in areas where plastic carryout bags have been banned, and speaking with buyers for those supermarkets, I believe and estimate that LDPE and HDPE reusable bags together represent no more than 5% of all bags provided by such supermarkets to their customers at this time.

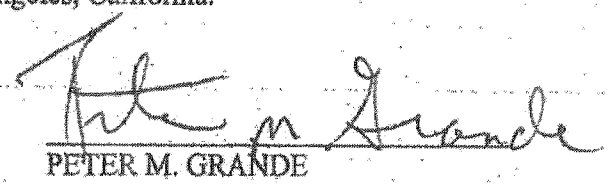
22. I am only aware of a small number of supermarkets in Los Angeles County that display LDPE or HDPE reusable bags near the checkout. I am not aware of any supermarket that displays LDPE or HDPE reusable bags at the checkout.

23. The DEIR states: "Nonetheless, because LDPE reusable bags are one of the most common types of reusable bags and are of similar durability and weight (approximately 50 to 200 grams) as other types of reusable bags, this analysis utilizes the best available information regarding specific properties on a per bag basis to disclose environmental impacts associated with the proposed ordinance. However, the emissions from all types of reusable bags are lower than single-use plastic and paper carryout bags because reusable bags are used multiple times. Thus, the air pollutant emissions from the production and transportation of these bags are expected to be comparable to the LPDE bag or lower." This statement is not true.

24. LDPE reusable bags are not representative of reusable bags in the Los Angeles County supermarkets and other stores. They are uncommon, not common. Non-LDPE reusable bags may be of similar durability and weight as other non-LDPE reusable bags, but they are made of totally different material. LDPE is far more energy efficient, far less resource intensive, and results in far less greenhouse gas emissions over the life cycle than non-LDPE reusable bags.

I declare under penalty of perjury under the laws of the State of California that I have read the foregoing, that the foregoing is true and correct, and that I would be competent to so testify.

Executed on March 6, 2013 at Los Angeles, California.



PETER M. GRANDE

000114

18 April 2013

Mr. Gerald Comati, P.E.
Program Manager
Beach Erosion Authority for Clean Oceans and Nourishment
206 East Victoria Street
Santa Barbara, CA 93101

Subj: Comments on the Final Environmental Impact Report (FEIR)

Ref: (a) Email: Ashley Meyers (Rincon Consultants) to Anthony van Leeuwen, "BEACON Single-Use Bag Ordinance – Notice of Public Hearing", dated 10 April 2013
(b) Email: Gerald Comati (BEACON) to Anthony van Leeuwen, "Questions on Public Hearing - Single-Use Carryout Bag Ordinance", dated 15 April 2013

Encl: (1) "Public Hearing Handouts", by Anthony van Leeuwen, dated 16 April 2013
(2) "Fact Sheet – Landfill Impacts", by Anthony van Leeuwen, dated 16 April 2013
(3) "Landfill and Recycling Impacts", by Anthony van Leeuwen, dated 16 April 2013
(4) "Reclama of Issues Previously Raised", by Anthony van Leeuwen dated 18 April 2013

1. In accordance with reference (a) and (b) the following information is submitted for the public record regarding the content of the Final EIR.
    a. Enclosure (1) is the handout prepared for the Public Hearing on 19 April 2013.
    b. Enclosure (2) is a paper that discusses the landfill impacts before and after the plastic carryout bag ban.
    c. Enclosure (3) is a spreadsheet printout showing the landfill and recycling impacts for the proposed ordinance and each of the alternatives.
    d. Enclosure (4) are detailed comments submitted for consideration by BEACON and involve changes to the FEIR.
2. **Based upon information submitted in Enclosures (1) through (4), the undersigned objects to certification of the Final EIR without substantial revision.** Enclosure (1) and (4) identifies specific data in the Final EIR that is suspect and requires validation. In addition, the information presented regarding solid waste disposal is misleading, inaccurate, and incomplete. At the very minimum, supplementary information should be supplied either in the body of the EIR or in an Appendix regarding Solid Waste disposal in the landfill and/or diversion to recycling. Sufficient information should be provided for all carryout bags types including end-of-life disposal methods. The discussion should include mitigation measures and strategies to reduce the quantity of material headed for the landfill as result of the proposed ordinance. In addition, all significant impacts of the carryout bag ban should be addressed including the environmental impacts associated with the purchase of replacement plastic bags and the potential loss of the In-Store Recycling Program when carryout bags are banned.
3. This memorandum and enclosures are submitted in accordance with reference (a) and should become part of the official record regarding the preparation of this EIR and development of model ordinances. For more information, please feel free to contact Mr. Anthony van Leeuwen at 805-647-4738 or by email at vanleeuwenaw@roadrunner.com.

Respectfully,

Anthony van Leeuwen

BEACON Final EIR – Santa Barbara and Ventura Counties. Page 4.5-12.

Table 4.5-11
Solid Waste Due to Carryout Bags Based on Ecobilan Data

Type of Bags	Number of Bags	Solid Waste		
		Solid Waste per Bag per day (kg)	Solid Waste Per Day (tons)*	Solid Waste per Year (tons)
Plastic	32,912,070	0.0065	0.065	237
Paper	197,472,422	0.0087	5.21	1,900
Reusable (used 52 times)	8,228,018	0.001	0.0002	0.075
		Total	**5.28**	**2,137**
		Existing	12.97	4,733
		Net Change (Total minus Existing)	**(7.69)**	**(2,596)**

** Calculations are contained in the Utility Worksheets contained in Appendix E*
Source: Ecobilan, February 2004
See Appendix E for Solid Waste for individual municipalities' bag use

0.075 tons = 150 lbs.

150 lbs. = ~353 bags

1

2

County of San Mateo Draft EIR. Page 4.5-11

3.29 tons = 6,580 lbs.

6,580 lbs. = ~ 15,482 bags

Table 4.5-9
Solid Waste Due to Carryout Bags Based on Ecobilan Data

Type of Bags	Number of Bags	Solid Waste		
		Solid Waste per Bag per day (kg)	Solid Waste Per Day (tons)*	Solid Waste per Year (tons)
Plastic	27,646,568	0.0065	0.054	199
Paper	165,879,409	0.0087	4.37	1,596
Reusable (used 52 times)	6,911,642	0.001	0.009	3.29
		Total	**4.43**	**1,798.29**
		Existing	**10.89**	**3,979**
		Net Change (Total minus Existing)	**(6.46)**	**(2,180.71)**

**Calculations are contained in the Utility Worksheets contained in Appendix C*
Source: Ecobilan, February 2004. Environmental Impact Assessment of Carrefour Bags: An Analysis of the Life Cycle of Shopping Bags of Plastic, Paper, and Biodegradable Material. Prepared for: Carrefour Group, Neuilly-sur-Seine, France; and Ordinances to Ban Plastic Carryout Bags in Los Angeles County FEIR (SCH#2009111104, November 2010.
See Appendix C for Solid Waste for individual municipalities' bag use

3

4

1. San Mateo County has fewer bags but a higher quantity of solid waste disposed than Santa Barbara and Ventura Counties. Indicates there is something wrong.
2. Ecobilan Data analyzes a Reusable Bag that is made from LDPE plastic which is recyclable.
3. Reusable Bags in Study Area – most are made from non-woven polypropylene (PP) or Cotton – No recycling infrastructure and will be disposed at end of life at landfill.

Proposed Ordinance

Study Area Population	1,239,626
Study Area Households	413,209
Study Area Plastic Carry Out Bag Quantity	658,241,406
Post Ban Plastic Carry Out Bag Quantity (5%)	32,912,070
Paper Bags (30%)	197,472,422
Reusable bags (65%/52)	8,228,018
Plastic Carryout Bag Recycling Rate	2.9%
Paper Carryout Bag Recycling Rate	21.0%

Proposed Ordinance

NOTE: Numbers are raw and not adusted for losses, weights, and other factors.

	Pre Ban				Post Ban			
	Quantity	Weight Per Bag	Weight (lbs.)	Weight (tons)	Quantity	Weight Per Bag	Weight (lbs.)	Weight (tons)
LandFill								
Plastic Carryout Bags	639,152,405	0.01213	7,752,918.68	3,876.46	32,912,070	0.01213	399,223.41	199.61
Paper Carryout Bags	0	0.14875			156,003,213	0.14875	23,205,477.97	11,602.74
Reusable Carryout Bags	0	0.42500			8,228,018	0.42500	3,496,907.47	1,748.45
Replacement Bags (40%)	0	0.01213			263,296,562	0.01213	3,193,787.30	1,596.89
"Other Plastic"	0	0.140708			14,507,641	0.140708	2,041,341.09	1,020.67
Total Weight Deposited in Landfill				**3,876.46**				**16,168.37**
Post Ban / Pre Ban Ratio								**4.17**
Recycling								
Plastic Carryout Bags	19,089,001	0.01213	231,549.58	115.77	0	0.01213	0	0.00
Paper Carryout Bags	0	0.14875	-	-	41,469,209	0.14875	6,168,544.78	3,084.27
Reusable Carryout Bags	0	0.42500	-	-	0	0.42500	-	-
Replacement Bags (40%)	0	0.01213	-	-	0	0.01213	-	-
"Other Plastic"	19,089,001	0.140708	2,685,975.12	1,342.99	4,581,360	0.140708	644,634.03	322.32
Total Weight of Material Recycled				**1,458.76**				**3,406.59**
Post Ban / Pre Ban Ratio								**2.34**

5

6

FACT SHEET – LANDFILL IMPACTS

Unintended Consequences Of A Plastic Carryout Bag Ban

By Anthony van Leeuwen, 16 April 2013

Executive Summary. The Single-Use Carryout Bag Ordinance has a detrimental impact on the landfills that has not been clearly identified. While the Environmental Impact Report (EIR) identifies that plastic carryout bags currently end up in the landfill, unbeknownst to proponents of the ordinance is that the amount of material deposited in the landfill after the ban has been implemented is far greater than before the ban. Landfill impacts for both the City of Los Angeles and for Santa Barbara and Ventura Counties is presented in Tables 1 and 2 respectively.

When plastic carryout bags are banned there are direct consequences that impact the amount of material that will end up in the landfill. This includes the following material: plastic carryout bags, paper bags, reusable bags, replacement bags, and "other plastic". This material is defined in the following paragraphs:

> Plastic Carryout Bags. A plastic carryout bag is the lightweight plastic shopping bag given to the consumer at checkout to take their purchases home. The bag is made from either High Density Polyethylene (HDPE) or Low Density Polyethylene (LDPE) plastic and has built in handles that make the bag a favorite for reuse. Not all plastic carryout bags weigh the same, but for purposes of this paper we will assume that plastic carryout bags weigh 5.5 grams or 0.01213 lbs. each.
>
> Paper Carryout Bags. A recyclable paper bag has at least 40% post-consumer recycled content and weighs between 45 and 90 grams and has approximately 1.5 times the volume of plastic carryout bag. A paper bag from Trader Joe's weighs 67.47 grams or 2.38 ounces each.
>
> Reusable Bags. Reusable bags come in small, medium, and large sizes and can hold 10, 25, and 35 lbs. respectively when filled. The most common bags are made from non-woven polypropylene plastic and from cotton or Jute with handles and intended to be used multiple times. Reusable bags weigh between 50 and 200 grams. The weight of a reusable bags for purposes of this paper is assumed to be 6.8 ounces as weighed by Rincon Consultants on 8/10/2010.[1] The least common Reusable bags are made from LDPE or HDPE plastic which is nothing more than a thick plastic bag. Reusable bags are assumed to be used once per week for 52 weeks and have a lifespan of 1 year.

[1] Beacon Single Use Carryout Bag Ordinance Draft Environmental Report SCH #2012111093 dated February 2013. Located at:
http://www.beacon.ca.gov/assets/PDFs/Bag-Ordinance/BEACON_Single_Use_Carryout_Bag_Ordinance_DEIR.pdf

Replacement Plastic Bags. A direct effect of a plastic carryout bag ban is the purchase of replacement plastic trash bags to line small trashcans, pick up pet litter, etc. About 40% of the plastic carryout bags[2] are reused as trash bags and disposed of in the landfill and it is expected that consumers will purchase replacement plastic bags to fill this niche. For purposes of this fact sheet, a Replacement Plastic Bag is assumed to weigh the same as plastic carryout bag. The total number of replacement bags is equal to 40% of plastic carryout bags pre-ban.

"Other Plastic". The In-Store Recycling Bin is primarily for recycling of plastic carryout bags. However, an added benefit is that "other plastic" bags and wraps can also be recycled in this bin including: produce bags, bread bags, newspaper bags, dry cleaning bags, and plastic wrap from toilet paper, paper towels, diapers, etc. This "other plastic" material is not accepted in the curbside recycling bins in the City of Los Angeles and also Ventura County because it is uneconomical to recycle and the material get caught in the sorting machinery. In Santa Barbara County this material[3] can be put in the curbside recycle bins. Hence, for Ventura County, this "other plastic" can only be recycled through the In-Store Recycling Bin. In 2009, only 2.9% of plastic bags issued were recovered through the In-Store Recycling Program. However, for every ton of plastic carryout bags that were recycled, 11.6 tons of "other plastic" was recovered[4] preventing this material from ending up in the land fill.

Adverse impacts of the ordinance includes the following:

Most Reusable Bags Are Not Recyclable. The LDPE and HDPE reusable bag are fully recyclable through the In-Store Recycling Bins. The non-woven Polypropylene (PP) bag and cotton fabric bags are not recyclable since no recycling facilities exist[5] in the City of Los Angeles or in Santa Barbara and Ventura Counties; hence, disposal is in the landfill. This is another example of a negative unintended consequence of a plastic bag ban, where a recyclable plastic carryout bag is replaced by a reusable bag that cannot be recycled.

Recycle Bin Shutdown. Under California State Law AB 2449 and SB 1219, retail stores that issue plastic carryout bags at the checkout stand have to provide an In-Store Recycling Bin so that customers can bring plastic carryout bags back for recycling. The cost of this recycling program is shouldered by customers through higher prices. When a plastic carryout bag ban is implemented, retail stores will no longer be legally required to retain the recycling bin. Stores are in business of selling groceries and not in the recycling business. In San Francisco, after a

[2] UK Environment Agency, "Lifecycle assessment of supermarket carrier bags available in 2006", Report SC030148. Page 61. Located at: http://publications.environment-agency.gov.uk/dispay.php?name=SCHO0711BUAN-E-E

[3] Santa Barbara County Public Works Department, 2012-2013 Edition, "Recycling Resource Guide for Santa Barbara County", Available at: http://www.lessismore.org/system/files/54/original/SBCountyRecycleGuide_2012_English.pdf

[4] CalRecycle, "At-Store Recycling Program – 2009 Statewide Recycling Rate for Plastic Carryout Bags", Available at: http://www.calrecycle.ca.gov/plastics/AtStore/AnnualRate/2009Rate.htm

[5] Herrera Environmental Consultants, Inc. 29 January 2008. "Alternatives to Disposable Shopping Bags and Food Service Items, Volume 1". Available at: http://www.seattlebagtax.org/herrera1.pdf

plastic bag ban went into effect many retail stores[6,7] shut down their plastic bag recycling bins. An unintended consequence of a plastic carryout bag ban is that "other plastic" will end up in the landfill if retail stores shut down the In-Store Recycling Bins and the material is not accepted in the curbside recycle bin. This Fact Sheet assumes that the In-Store Recycling bins will be shut down.

Double Bagging Paper Bags. Double bagging at the checkout stand normally occurs when the customer purchases items that are heavy e.g. canned food, etc. Observations from one market shows that double bagging may occur as much as 40% to 80% of the time. While the weight of the items carried in the bag is one factor, the other factor is that the paper handles break off easily. Double bagging of paper bags in not taken into account in the analysis of landfill impacts.

Reusable Bag Proliferation. Proliferation of reusable bags is a perverse side effect of the plastic carryout bag ban. Customers purchase more reusable bags than they really need (for example, they don't have any with them on a spur of the moment shopping trip) or receive free bags during promotions. As a result, an extraordinary quantity of reusable bags will be disposed of in landfills. This occurred in Australia[8] where the reusable bag has been dubbed the "new green monster". Reusable Bag Proliferation is not taken into account in landfill impacts discussed in this Fact Sheet.

When bags reach their end of life they are disposed of either by recycling or by disposal in the landfill. Pre Ban we assume 100% use of plastic carryout bags in the Study Area with 2.9% disposed[9] of by recycling and 97.1% disposed of in the landfill. While we recognize that there are people who use paper bags and reusable bags at the current time, there are no bag usage statistics that can determine the quantity of bags presently used. Post Ban we are concerned with disposal of plastic carryout bags (the remaining 5%), paper bags, reusable bags, replacement bags, and "other plastic".

City of Los Angeles Landfill Impact. The impact to landfills is calculated using bag quantities assumed in the Draft EIR which are based upon the assumption that Californians use 20 billion plastic carryout bags per year. A total of 2,031,232,707 plastic carryout bags were assumed Pre Ban. Post Ban it was assumed that 5% of plastic carryout bags or 101,561,635 would remain; 30%, would be replaced by 609,369,812 paper bags; and 65%, would be replaced by 25,390.409 reusable bags. 79% of paper bags were assumed to be landfilled with 21% recycled.[10] 97.1% of plastic carryout bags were assumed to be landfilled with 2.9% recovered through recycling. The Post Ban "other plastic" is calculated from the

[6] Brown, Nat, 29 March 2011. "Bag the Plastic Ban". National Review Online. Located at: http://www.nationalreview.com/blogs/print/263178

[7] The ULS Report. "A Qualitative Study of Grocery Bag Use in San Francisco". Use Less Stuff. Located at: http://www.use-less-stuff.com/Field-Report-on-San-Francisco-Plastic-Bag-Ban.pdf

[8] Munro, Peter. 24 January 2010. "Bag the bag: a new green monster is on the rise." Located at: http://www.theage.com.au/national/bag-the-bag-a-new-green-monster-is-on-the-rise-20100123-mrqo.html

[9] CalRecycle, "At-Store Recycling Program – 2009 Statewide Recycling Rate for Plastic Carryout Bags", Available at: http://www.calrecycle.ca.gov/plastics/AtStore/AnnualRate/2009Rate.htm

[10] Green Cities California, "Master Environmental Assessment on Single-Use and Reusable Bags" (MEA) March 2010. Page 18. The MEA assumes that 20% of paper bags are recycled and 80% are disposed in the landfill.

2.9% of Pre Ban plastic carryout bags recycled multiplied by 11.6[11] times the weight of a single plastic carryout bag or 0.140708 lbs. per bag.

Post Ban/Pre Ban Ratio. The ratio of material deposited in the landfill Post Ban compared to the material deposited in the landfill Pre Ban is calculated as follows:

$$Post\ Ban\ /\ Pre\ Ban\ Ratio\ = \frac{Post\ Ban\ Landfill\ Weight\ Deposited}{Pre\ Ban\ Landfill\ Weight\ Deposited}$$

The Post Ban/Pre Ban Ratio as described in the above equation provides a figure of merit comparing the Post Ban verses the Pre Ban amount that is deposited in the landfill. The Post Ban/Pre Ban Ratio for City of Los Angeles is 4.25 in table 1 and for Santa Barbara and Ventura Counties is also 4.17 in Table 2.

	Quantity	Weight per bag (lbs.)	Weight (lbs.)	Weight (tons)
Pre-Ban				
Plastic Carryout Bags	1,972,326,958	0.01213	23,924,326.01	**11,962.16**
Post Ban				
Plastic Carryout Bags	101,561,635	0.01213	1,231,942.64	615.97
Reusable Bags	25,390,409	0.42500	10,790,923.76	5,395.46
Paper Bags	481,402,152	0.14875	71,608,570.04	35,804.29
Replacement Bags	812,493,083	0.01213	9,855,541.09	4,927.77
Other Plastic	58,905,749	0.140708	8,288,510.06	4,144.26
Total				**50,887.74**
Post Ban /Pre Ban Ratio				**4.25**

Table 1. City of Los Angeles Landfill Impacts

Santa Barbara and Ventura County Landfill Impacts. A total of 658,241,406 plastic carryout bags were assumed Pre Ban. Post Ban it was assumed that 5% of plastic carryout bags or 32,912,070 would remain; 30%, would be replaced by 197,472,422 paper bags; and 65%, would be replaced by 8,228,018 reusable bags. 79% of paper bags were assumed to be landfilled with 21% recycled[12]. 97.1% of plastic carryout bags were assumed to be landfilled with 2.9% recovered by recycling. The Post Ban "other plastic" is calculated from the 2.9% of Pre Ban plastic carryout bags recycled multiplied by 11.6[13] times the weight of a single plastic carryout bag or 0.140708 lbs. per bag and multiplied by 76% to account for Ventura County only based upon population.

[11] CalRecycle, "At-Store Recycling Program – 2009 Statewide Recycling Rate for Plastic Carryout Bags", Available at: http://www.calrecycle.ca.gov/plastics/AtStore/AnnualRate/2009Rate.htm

[12] Green Cities California, "Master Environmental Assessment on Single-Use and Reusable Bags" (MEA) March 2010. Page 18. The MEA assumes that 20% of paper bags are recycled and 80% are disposed in the landfill.

[13] CalRecycle, "At-Store Recycling Program – 2009 Statewide Recycling Rate for Plastic Carryout Bags", Available at: http://www.calrecycle.ca.gov/plastics/AtStore/AnnualRate/2009Rate.htm

Summary of Landfill Impacts. Both Table 1 and Table 2 show that for both for the City of Los Angeles and for Santa Barbara and Ventura counties that the amount deposited in landfill after the ban and as a direct consequence of the ban in more than four times as much as before the ban. It should be understood that the quantities in Table 1 and Table 2 have not been adjusted for loss and other factors that reduce the actual amounts that end up in the landfill. Table 1 and Table 2, clearly show that the perverse unintended consequence of the plastic carryout bag ban is more material in the landfill and not less.

	Quantity	Weight per bag (lbs.)	Weight (lbs.)	Weight (tons)
Pre-Ban				
Plastic Carryout Bags	639,152,405	0.01213	7,752,918.68	**3,876.46**
Post Ban				
Plastic Carryout Bags	32,912,070	0.01213	399,223.41	199.61
Reusable Bags	8,228,018	0.42500	3,496,907.84	1,748.45
Paper Bags	156,003,213	0.14875	23,205,477.97	11,602.74
Replacement Bags	263,296,562	0.01213	3,193,787.30	1,596.89
Other Plastic (Ventura County)	14,507,641	0.140708	2,041,341.09	1,020.67
Total				**16,168.37**
Post Ban /Pre Ban Ratio				**4.17**

Table 2. Santa Barbara and Ventura County Landfill Impacts

Even if you change some assumptions, you will still have more material in landfill Post Ban:

- Even if one were to assume that the lifespan of reusable bag is two years vice one year, the Post Ban/Pre Ban Ratio will not change substantially.
- If you ignore paper bags and consider only the remaining material, you still will have more material going into the landfill after the ban than before.
- If you consider the potential impact of double bagging paper bags and reusable bag proliferation the amount of material going to the landfill would be much more!

Since the plastic carryout bag ban intended to reduce the amount of material going to the landfill, the opposite has occurred instead. This is clearly a perverse unintended consequence.

Recommendations. While Table 1 and Table 2 contain raw numbers, these tables are instructive in they can help us to identify strategies to reduce landfill amounts and mitigate the effects of the proposed ordinance. For Example, the following strategies could be initiated:

- Set a recycling goal for paper carryout bags at 60% vice the national average of 21%. An public education program will be needed.

- Modify the ordinance so that the Reusable Bags sold by retail stores in the Study Area must have an existing recycling infrastructure.
- For Ventura County, modify the curbside recycling program to allow for collection of clean plastic bags and wraps in the curbside recycling bin (material may have to be put in a bag and secured). Requires an education program.

It should be noted that in evaluating the proposed ordinance and all of the alternatives, only Alternative #2 (Status Quo) has the lowest amount of material headed to the landfill. **Therefore, it is recommended that the Plastic Carryout Bag Ban be dropped.**

LANDFILL AND RECYCLING IMPACTS

	LANDFILL			RECYCLING		
	Pre-Ban Weight (tons)	Post Ban Weight (tons)	Ratio	Pre-Ban Weight (tons)	Post Ban Weight (tons)	Ratio
Proposed Ban	3,876.46	16,168.37	4.17	1,458.76	3,406.59	2.34
Alternative #2	3,876.46	17,555.71	4.53	1,458.76	3,817.83	2.62
Alternative #3	3,876.46	7,531.76	1.94	1,458.76	939.17	0.64
Alternative #4	3,876.46	5,507.10	1.42	1,458.76	322.32	0.22
Alternative #5	3,876.46	10,292.28	2.66	1,458.76	1760.25	1.21

ASSUMPTIONS:

In-Store Recycling Program shut down with Plastic Carryout Bag Ban (The ULS Report,"A qualitative Study of Grocery Bag Use in San Francisco")
Plastic Carryout Bag Recycling Rate of 2.9% based on CalRecycle "2009 Statewide Recycling Rate for Plastic Carryout Bags"
"Other Plastic" is by multiplying the weight of 2.9% of plastic carryout bags recycled by 11.6 (CalRecycle, 2009)
21% of all paper bags are recycled and 79% are disposed in the landfill. (Geen Cities MEA, 2010)
No reusable bags recycling facilities in Ventura and Santa Barbara Counties (Herrera Environmental Consultants, Inc. 29 January 2008.)
Alternative #1 represents the Pre-Ban condition of the Proposed Ban.
The Ratio represents a figure of merit comparing the Post Ban Condition to the Pre Ban Condition.

Proposed Ordinance

Study Area Population	1,239,626
Study Area Households	413,209
Study Area Plastic Carry Out Bag Quantity	658,241,406
Post Ban Plastic Carry Out Bag Quantity (5%)	32,912,070
Paper Bags (30%)	197,472,422
Reusable bags (65%/52)	8,228,018
Plastic Carryout Bag Recycling Rate	2.9%
Paper Carryout Bag Recycling Rate	21.0%

Proposed Ordinance

NOTE: Numbers are raw and not adusted for losses, weights, and other factors.

	Pre Ban				Post Ban			
	Quantity	Weight Per Bag	Weight (lbs.)	Weight (tons)	Quantity	Weight Per Bag	Weight (lbs.)	Weight (tons)
LandFill								
Plastic Carryout Bags	639,152,405	0.01213	7,752,918.68	3,876.46	32,912,070	0.01213	399,223.41	199.61
Paper Carryout Bags	0	0.14875			156,003,213	0.14875	23,205,477.97	11,602.74
Reusable Carryout Bags	0	0.42500			8,228,018	0.42500	3,496,907.47	1,748.45
Replacement Bags (40%)	0	0.01213			263,296,562	0.01213	3,193,787.30	1,596.89
"Other Plastic"	0	0.140708			14,507,641	0.140708	2,041,341.09	1,020.67
Total Weight Deposited in Landfill				**3,876.46**				**16,168.37**
Post Ban / Pre Ban Ratio								**4.17**
Recycling								
Plastic Carryout Bags	19,089,001	0.01213	231,549.58	115.77	0	0.01213	0	0.00
Paper Carryout Bags	0	0.14875	-	-	41,469,209	0.14875	6,168,544.78	3,084.27
Reusable Carryout Bags	0	0.42500	-	-	0	0.42500	-	-
Replacement Bags (40%)	0	0.01213	-	-	0	0.01213	-	-
"Other Plastic"	19,089,001	0.140708	2,685,975.12	1,342.99	4,581,360	0.140708	644,634.03	322.32
Total Weight of Material Recycled				**1,458.76**				**3,406.59**
Post Ban / Pre Ban Ratio								**2.34**

Proposed Ordinance

Study Area Population	1,239,626
Study Area Households	413,209
Study Area Plastic Carry Out Bag Quantity	658,241,406
Post Ban Plastic Carry Out Bag Quantity (1%)	6,582,414
Paper Bags (34%)	223,802,078
Reusable bags (65%/52)	8,228,018
Plastic Carryout Bag Recycling Rate	2.9%
Paper Carryout Bag Recycling Rate	21.0%

ALTERNATIVE #2

Ban plastic carryout bags in all retail establishments

	Pre Ban				Post Ban			
	Quantity	**Weight Per Bag**	**Weight (lbs.)**	**Weight (tons)**	**Quantity**	**Weight Per Bag**	**Weight (lbs.)**	**Weight (tons)**
LandFill								
Plastic Carryout Bags	639,152,405	0.01213	7,752,918.68	3,876.46	6,582,414	0.01213	79,844.68	39.92
Paper Carryout Bags	0	0.14875			176,803,642	0.14875	26,299,541.70	13,149.77
Reusable Carryout Bags	0	0.42500			8,228,018	0.42500	3,496,907.47	1,748.45
Replacement Bags (40%)	0	0.01213			263,296,562	0.01213	3,193,787.30	1,596.89
"Other Plastic"	0	0.140708			14,507,641	0.140708	2,041,341.09	1,020.67
Total Weight Deposited in Landfill				**3,876.46**				**17,555.71**
Post Ban / Pre Ban Ratio								**4.53**
Recycling								
Plastic Carryout Bags	19,089,001	0.01213	231,549.58	115.77	0	0.01213	0	0.00
Paper Carryout Bags	0	0.14875	-	-	46,998,436	0.14875	6,991,017.41	3,495.51
Reusable Carryout Bags	0	0.42500	-	-	0	0.42500	0	0.00
Replacement Bags (40%)	0	0.01213	-	-	0	0.01213	0	0.00
"Other Plastic"	19,089,001	0.140708	2,685,975.12	1,342.99	4,581,360	0.140708	644,634.03	322.32
Total Weight of Material Recycled				**1,458.76**				**3,817.83**
Post Ban / Pre Ban Ratio								**2.62**

Proposed Ordinance

Study Area Population	1,239,626
Study Area Households	413,209
Study Area Plastic Carry Out Bag Quantity	658,241,406
Post Ban Plastic Carry Out Bag Quantity (5%)	32,912,070
Paper Bags (6%)	39,494,484
Reusable bags (89%/52)	11,266,055
Plastic Carryout Bag Recycling Rate	2.9%
Paper Carryout Bag Recycling Rate	21.0%

ALTERNATIVE #3

25 cents per paper bag

	Pre Ban				Post Ban			
	Quantity	**Weight Per Bag**	**Weight (lbs.)**	**Weight (tons)**	**Quantity**	**Weight Per Bag**	**Weight (lbs.)**	**Weight (tons)**
LandFill								
Plastic Carryout Bags	639,152,405	0.01213	7,752,918.68	3,876.46	32,912,070	0.01213	399,223.41	199.61
Paper Carryout Bags	0	0.14875			31,200,643	0.14875	4,641,095.59	2,320.55
Reusable Carryout Bags	0	0.42500			11,266,055	0.42500	4,788,073.30	2,394.04
Replacement Bags (40%)	0	0.01213			263,296,562	0.01213	3,193,787.30	1,596.89
"Other Plastic"	0	0.140708			14,507,641	0.140708	2,041,341.09	1,020.67
Total Weight Deposited in Landfill				**3,876.46**				**7,531.76**
Post Ban / Pre Ban Ratio								**1.94**
Recycling								
Plastic Carryout Bags	19,089,001	0.01213	231,549.58	115.77	0	0.01213	0	0.00
Paper Carryout Bags	0	0.14875	-	-	8,293,842	0.14875	1,233,708.96	616.85
Reusable Carryout Bags	0	0.42500	-	-	0	0.42500	0	0.00
Replacement Bags (40%)	0	0.01213	-	-	0	0.01213	0	0.00
"Other Plastic"	19,089,001	0.140708	2,685,975.12	1,342.99	4,581,360	0.140708	644,634.03	322.32
Total Weight of Material Recycled				**1,458.76**				**939.17**
Post Ban / Pre Ban Ratio								**0.64**

Proposed Ordinance

Study Area Population	1,239,626
Study Area Households	413,209
Study Area Plastic Carry Out Bag Quantity	658,241,406
Post Ban Plastic Carry Out Bag Quantity (5%)	32,912,070
Paper Bags (0%)	-
Reusable bags (100%/52)	12,658,489
Plastic Carryout Bag Recycling Rate	2.9%
Paper Carryout Bag Recycling Rate	21.0%

ALTERNATIVE #4

Ban Plastic and Paper Carryout Bags

	Pre Ban				Post Ban			
	Quantity	Weight Per Bag	Weight (lbs.)	Weight (tons)	Quantity	Weight Per Bag	Weight (lbs.)	Weight (tons)
LandFill								
Plastic Carryout Bags	639,152,405	0.01213	7,752,918.68	3,876.46	32,912,070	0.01213	399,223.41	199.61
Paper Carryout Bags	0	0.14875			-	0.14875	-	-
Reusable Carryout Bags	0	0.42500			12,658,489	0.42500	5,379,857.65	2,689.93
Replacement Bags (40%)	0	0.01213			263,296,562	0.01213	3,193,787.30	1,596.89
"Other Plastic"		0.140708	0		14,507,641	0.140708	2,041,341.09	1,020.67
Total Weight Deposited in Landfill				**3,876.46**				**5,507.10**
Post Ban / Pre Ban Ratio								**1.42**
Recycling								
Plastic Carryout Bags	19,089,001	0.01213	231,549.58	115.77	0	0.01213	0	0.00
Paper Carryout Bags	0	0.14875	-	-	-	0.14875	-	0.00
Reusable Carryout Bags	0	0.42500	-	-	0	0.42500	0	0.00
Replacement Bags (40%)	0	0.01213	-	-	0	0.01213	0	0.00
"Other Plastic"	19,089,001	0.140708	2685975.121	1,342.99	4,581,360	0.140708	644,634.03	322.32
Total Weight of Material Recycled				**1,458.76**				**322.32**
Post Ban / Pre Ban Ratio								**0.22**

BEACON FINAL EIR
SANTA BARBARA AND VENTURA COUNTIES
SINGLE-USE CARRYOUT BAG ORDINANCE

Proposed Ordinance

Study Area Population	1,239,626
Study Area Households	413,209
Study Area Plastic Carry Out Bag Quantity	658,241,406
Post Ban Plastic Carry Out Bag Quantity (22%)	144,813,109
Paper Bags (14%)	92,153,797
Reusable bags (64%/52)	8,101,433
Plastic Carryout Bag Recycling Rate	2.9%
Paper Carryout Bag Recycling Rate	21.0%

ALTERNATIVE #5

Charge 10 cents for plastic and paper bags

	Pre Ban				Post Ban			
	Quantity	**Weight Per Bag**	**Weight (lbs.)**	**Weight (tons)**	**Quantity**	**Weight Per Bag**	**Weight (lbs.)**	**Weight (tons)**
LandFill								
Plastic Carryout Bags	639,152,405	0.01213	7,752,918.68	3,876.46	140,613,529	0.01213	1,705,642.11	852.82
Paper Carryout Bags	0	0.14875			72,801,500	0.14875	10,829,223.05	5,414.61
Reusable Carryout Bags	0	0.42500			8,101,433	0.42500	3,443,108.89	1,721.55
Replacement Bags (40%)	0	0.01213			207,051,151	0.01213	2,511,530.46	1,255.77
"Other Plastic"	0	0.140708			14,889,421	0.140708	2,095,060.59	1,047.53
Total Weight Deposited in Landfill				**3,876.46**				**10,292.28**
Post Ban / Pre Ban Ratio								**2.66**
Recycling								
Plastic Carryout Bags	19,089,001	0.01213	231,549.58	115.77	4,199,580	0.01213	50,940.91	25.47
Paper Carryout Bags	0	0.14875	-	-	19,352,297	0.14875	2,878,654.23	1439.33
Reusable Carryout Bags	0	0.42500	-	-	0	0.42500	0	0.00
Replacement Bags (40%)	0	0.01213	-	-	0	0.01213	0	0.00
"Other Plastic"	19,089,001	0.140708	2,685,975.12	1,342.99	4,199,580	0.140708	590,914.53	295.46
Total Weight of Material Recycled				**1,458.76**				**1760.25**
Post Ban / Pre Ban Ratio								**1.21**

Reclama of Issues Previously Raised

By Anthony van Leeuwen, 18 April 2013

Letter Dated 4 March 2013

1. Page 2-10, 1st Paragraph and Table 2-2. The EIR assumes that 5% of plastic carryout bags remain, 30% are replaced by paper carry bags, and 65% is replaced by reusable carryout bags. The impact of the proposed ordinance will also increase the consumption of single-use plastic garbage bags that will replace the up to 40% of plastic carryout bags previously used as wastebasket liners and trash bags. Because the increased consumption of plastic trash bags is a direct consequence of the proposed ordinance, the environmental impact of manufacturing and disposal of those bags should be accounted for in the environmental calculations throughout this EIR.

   Beacon Response 1.47
   The commenter suggests that the analysis should take into account the increase of plastic trash liners and the associated impacts that may occur since area residents won't be able to reuse plastic bags as trash liners. Regarding the commenter's opinion that plastic bags are reused, the Draft Program EIR acknowledges that single-use plastic bags can be used more than once. As discussed in Section 2.0, Project Description, single-use plastic bags can be re-used by customers and are recyclable. There may likely be an increase in plastic trash liners used in the Study Area. However, these types of trash bags are intended for such use and are not the type of bags that generally end up as litter (which impact biological resources, clog storm drains, and enter the marine environment). The objective of the Proposed Ordinance is intended to reduce existing impacts associated with plastic carryout bags including those impacts related to biological resources (plastic bag litter affecting wildlife species and habitat) and water quality (plastic bag litter clogging storm drains and entering creeks and waterways within the Study Area).

   Response to Beacon by Anthony van Leeuwen . Approximately 40% or plastic carryout bags that consumers receive as “free” bags at retail stores are reused as small trash can liners, trash bags, and to pick up pet litter (UK Environment Agency, “Lifecycle assessment of supermarket carrier bags available in 2006”, Report SC030148. Page 61). The reuse of the plastic carryout bags as trash bags is beneficial to the environment in that it avoids the purchase of plastic bags. By banning plastic carryout bags, local agencies are creating a new market and demand for a product seldom bought. The purchase by consumers of so called “replacement plastic trash bags” impacts the environment in the increased manufacturing of these bags, truck trips to deliver these bags to local stores, and disposal of the plastic in the landfill. The purchase of “replacement plastic trash bags” is a direct consequence of the proposed ordinance that impacts the environment by their manufacture, transport to the local area, and disposal in the landfill. The environmental impact of these “replacement bags” was not addressed in the Final EIR.

2. Page 4.3-15, Table 4.3-5. The item on “Zero Waste – High Recycling” mentions limited availability for consumers to access plastic bag facilities. Currently all retail stores subject to the requirements of California State Law AB 2449 and SB 1219 are required to have recycle bins for the recycling plastic carryout bags and other plastic bags and plastic wraps. In the event, that the proposed ordinance is adopted, and that plastic carryout bags are banned, the retail store will no longer be

required to retain a recycle bin. As a result, consumers will no longer be able to recycle "other" plastic bags and plastic wraps resulting in more plastic going to the landfill. See my paper titled "Plastic Carryout Bag Ban – More Plastic Headed Towards The Landfill" located in the Draft EIR Appendix A, page 242.

Beacon Response 1.85

The commenter states a concern that the Proposed Ordinance would result in the loss of plastic bag recycling bins at stores, which also collect other recyclable products such as other plastic bags and plastic wraps. He further states concern that if these bins are removed, recyclable material would be sent to landfills.

This comment is speculative. The Proposed Ordinance would ban plastic bags and would therefore eliminate the need for customers to return plastic bags to the stores for recycling, in regard to the concern about other recyclable materials being sent to the landfill, the AB 2449 plastic bag recycle bins are intended for plastic carryout bag recycling and is not the only recycling infrastructure in the Study Area. The cities and counties within the Study Area provide curbside recycling in private recycling bins for both residents and businesses, in addition, each jurisdiction provides drop-off centers where the public can recycle products such as plastic wraps and other plastic bags. The Proposed Ordinance would not eliminate recycling of other materials. The commenter has provided no evidence to support the contention that bins for recyclable materials other than plastic bags would be removed or that higher amounts of such materials would be sent to landfills as a result of the Proposed Ordinance. In addition, see Response 1.66.

Response to Beacon by Anthony van Leeuwen . The potential that retail stores that no longer issue plastic carryout bags, and therefore no longer legally required to maintain a recycle bin for plastic carryout bags, will remove the recycle bin is real. In San Francisco, a number of stores removed those recycle bins after a plastic carryout bag ban was implemented (Brown, Nat, 29 March 2011. "Bag the Plastic Ban". National Review Online; and The ULS Report. "A Qualitative Study of Grocery Bag Use in San Francisco". Use Less Stuff.) in Ventura County, consumers are not allowed to place clean plastic bags, newspaper bags, bread bags, dry cleaning bags, and plastic wraps from various products in the curbside recycle bin. The only place we have available is the local retail store recycle bin that will accept these products for recycling. Since, the cost to maintain the recycle bins is shouldered by the store's customers in terms of higher prices, and the fact that grocery stores are in competition with one another, more than likely will result in decisions to remove the plastic carryout bag recycling bins when plastic carryout bags are banned. Again, this occurred in San Francisco.

Beacon states that each jurisdiction provides drop off centers where plastic bags and wraps can be turned in for recycling. Beacon should provide a list of such centers, other than retail stores, for Ventura County that are willing to accept this type of material for recycling. It should be stated that for Ventura, the drop off center at Gold Coast Recycling and Transfer station does not accept plastic bags and wraps.

Furthermore, even if drop off centers exist, the probability that someone would drive across town to drop off plastic bags and wraps is very unlikely. More than likely this material will end up in the trash can instead.

3. Page 4.5-12, Tables 4.5-11 and 4.5-12, 2nd To Last Paragraph. It appears from the information presented on this page, that all of the waste generated by the different type of bags, end up in the landfill. There needs to be a discussion including tables that would show the volume and weight of waste generated for each type of bag and the amounts that would be diverted from the landfill by recycling. The EIR includes several estimates and projections for recycling e.g. 5% for plastic carryout bags, and 40% for paper bags. More information needs to be supplied. Decision makers need to know the volume and weight of material projected to go to the landfill and how much material is expected to be diverted as a result of recycling.

   Beacon Response 1.117
   The commenter opines that more information needs to be supplied related to recycling and that decision makers need to know the volume and weight of material projected to go to the landfill and how much material is expected to be diverted as a result of recycling. As described in Section 4.5, Utilities and Service Systems, on 4.5-7, the estimated solid waste generation rate for each type of bag utilizes EPA recycling rates to estimate the amount of solid waste that could eventually be sent to a landfill. In regard to the amount of material diverted, the volume of recyclable material is not pertinent to the impact of the Proposed Ordinance. The salient question is whether the Proposed Ordinance would generate solid waste exceeding the capacity of local solid waste disposal facilities. As discussed in Section 4.5, future solid waste generation changes associated with the Proposed Ordinance would remain within the capacity of regional landfills.

   Response to Beacon by Anthony van Leeuwen. One objective of the Proposed Ordinance is: "Reducing the amount of single-use bags in trash loads to reduce landfill volumes". The EIR should address the impacts to the landfill as a direct consequence of the proposed ordinance and should not be limited to the impacts of single-use bags. While the Final EIR uses Ecobilan and Boustead models to calculate the impact to the landfill. Table 4.5-11 shows a decrease of about 2500 tons and Table 4.5-12 shows an increase of about 1800 tons. These Tables give the decision maker a false picture of landfill impacts. Data in table 4.5-11 is not only suspect but is the only data in the EIR that shows solid waste impact from Reusable bags. There is no discussion in the EIR about the different bag types and which ones are recyclable in the local area not a discussion of mitigation efforts that must be undertaken to reduce amounts deposited in landfill as a result of the proposed ordinance. Please see enclosures (1), (2), and (3) to this letter.

Letter dated 15 March 2013

4. Page ES-5, Table ES-1, Impact U-3. The Impact Statement is incomplete in that it does not identify disposal of reusable bags. In addition, diversion to recycling activities is not mentioned at all. It should be noted that diversion of bags to recycling activities is an important method to decrease material dumped in a landfill.

   Beacon Response 2.14
   The commenter states that the impact statement for Impact U-3 does not identify disposal of reusable bags and does not discuss diversion/recycling of carryout bags. In regard to diversion and recycling of carryout bags, please see Response 1.117. In regard to Impact U-3, the statement in Section 4.5, Utilities and Service Systems, and in the Executive Summary has been revised as follows:

Impact U-3. The Proposed Ordinance would alter the solid waste generation rates in the Study Area due to an increase in paper bag and reusable bag use and reduction in plastic carryout bag use. However, projected future solid waste generation would remain within the capacity of regional landfills. Impacts would therefore be Class III, less than significant.

The Draft EIR analysis does consider disposal of reusable bags (as discussed in greater detail in responses 1.116 and 2.32). The estimate of solid waste discussed in Impact U-3 utilizes two different life cycle assessment studies to quantify the estimated amount of solid waste that would be deposited into local landfills. The life cycle assessment models used for Impact U-3 have some variability associated within them. For this analysis, the Ecobilan Data would represent a more likely scenario for the Study Area as it takes into account reusable bag solid waste in addition to plastic and paper bags. Therefore, impact U-3 does in fact consider the disposal of reusable bags. As described above, under the Ecobilan Data, the Proposed Ordinance would actually reduce solid waste compared to the existing conditions. However, the Boustead Data, which although unlikely for the Study Area as this study does not take into consideration reusable bags (only plastic and paper bags), represents a conservative worst case scenario under CEQA and therefore is included in this analysis. Nevertheless, even using the worst case scenario, the impact to solid waste facilities as a result of the Proposed Ordinance (due to the estimated increase in solid waste in the Boustead study) would be less than significant.

Response to Beacon by Anthony van Leeuwen. See # 6 below.

5. Page 4.5-7, 1st Paragraph. Since solid waste is calculated on an annual basis, the estimated solid waste generated from reusable bags should be calculated based upon the lifespan of reusable bags (the Draft EIR assumes a reusable bag is used weekly for 52 weeks with a lifespan of 1 year) and calculated by multiplying the estimated weight of a reusable bag times the quantity of bags. So based upon the Draft EIR, the number of 8,228,018 reusable bags each weighing 6.8 ounces would generate 1,749.45 tons of solid waste per year. In comparison the 658,241,406 plastic carryout bags generates 4,733 tons (Draft EIR Table 4.5-8) of solid waste per year. Because the quantity of plastic carryout bags and reusable bags are overstated actual amounts will be far less. Nevertheless, diversion of plastic carryout bags, paper bags, and reusable bags to recycling activities should be a priority in the proposed ordinance and alternatives because diversion to recycling activities is a stated goal and in order to reduce tipping fees at the landfill.

   Beacon Response 2.32
   The commenter reiterates that the amount of solid waste associated with reusable bags in Section 4.5 appears to be low and should be reevaluated. The commenter also suggests that the Draft EIR should assume that the weight of all reusable bags (approximately 8.2 million bags at 6.8 ounces per bag) is deposited into a landfill each year. The Draft EIR assumes that a reusable bag is used 52 times per year. Nevertheless, using the commenter's suggested rate of solid waste from reusable bags (6.8 ounces per bag x 8.2 million reusable bags per year) that would be deposited into a landfill, the Proposed Ordinance would result in an increase of approximately 1,748.45 tons of solid waste per year from reusable bags. Adding this total to the solid waste generated from paper bags (1,900 tons) and the waste from the remaining single use plastic carryout bags in the Study Area (237 tons) as shown in Table 4.5-11, the Proposed Ordinance would result in approximately 3,885 tons per year of solid waste. The current amount of solid waste associated with the approximately 658 million single

use plastic carryout bags is estimated at 4,733 tons per year (as shown in Table 4.5-11). Thus, using the commenter's suggested rate, the Proposed Ordinance would result in a net decrease of approximately 848 tons per year of solid waste compared to existing conditions. This is less than the 2,596 tons per year reduction identified in the Draft EIR, but there would still be a reduction as compared to existing conditions. In addition, the significance determination is based on the Boustead data, which shows an incremental increase in solid waste generation as compared to existing conditions. Even based on this "worst case" scenario, the impact would not be significant.

Response to Beacon by Anthony van Leeuwen. See # 6 below.

6. Page 4.5-11, Last Paragraph. The information in this paragraph is bogus. See comment **5** above. Table 4.5-11 has erroneous data for reusable bags and table 4.5-12 does not account for reusable bags hence conclusions cannot be drawn for the solid waste generated. Both numeric values in this paragraph are wrong. Please correct.

   Beacon Response 2.34
   The commenter suggests that tables 4.5-11 and 4.5-12 may have errors and that Table 4.15-12 does not consider reusable bags. In regard to potential calculation errors for reusable bags in Table 4.5-11, see Response 2.32. In regard to Table 4.5-12 not considering reusable bags, see Response 2.14.

   Response to Beacon by Anthony van Leeuwen.

   Page 4.5-12, Table 4.5-11 and 4.5-12. Both tables fail to approximate the waste that will go to the landfill. Table 4.5-11 would imply a reduction in landfill amounts by 2596 tons of solid waste per year, and Table 4.5-12 would imply an increase in landfill amounts by 1814 tons of solid waste. Table 4.5-11 includes “reusable bags” and table 4.5-12 does not. The following are some detailed discussion points:

   - Table 4.5-11, column on Solid Waste per Bag per day (kg). Where do the numbers come from and how are they calculated? I thought I found the number in Appendix E but it states 0.01 vice 0.0087 for Paper bags. Same with reusable bags. Beacon needs to adjust decimal points in appendix E for more precision so that the amounts track with what is in tables.
   - Table 4.5-11, column on Solid Waste per Year (tons). The solid waste per year for reusable bags shows 0.075 tons or 150 lbs. per year or approximately 353 reusable bags. At 353 reusable bags per year it would take more than 20,000 years to landfill the 8,228,018 reusable bags since the majority of these bags are not recyclable.
   - Table 4.5-11, column on Solid Waste per Year (tons). The 0.075 tons or 150 lbs. per year does not compare well with Table 4.5-9 from the Draft EIR for the County of San Mateo. The County of San Mateo shows 6,911,642 reusable bags with 3.29 tons of solid waste or approximately 15,482 bags. Why would San Mateo which has approximately 1.3 million less reusable bags have 42 times the amount waste production using Ecobilan data? It appears that Table 4.5-11 has erroneous data.

- Table 4.5-11, Ecobilan Model Is The Wrong Model. Using Ecobilan data to estimate Solid Waste for Reusable Bags is the wrong model. Ecobilan data uses the Low Density Polyethylene (LDPE) Reusable Bags which is recyclable. The reusable bags in the Study area are made from non-woven polypropylene (PP) and or cotton for which there is no recycling infrastructure meaning that at end of life these bags are disposed of in the landfill. The Ecobilan model does not model the type of bags used in the Study Area.
- Reusable Bag Lifespan. The EIR makes a conservative estimate that reusable bags are used once per week for 52 weeks with a lifespan on 1 year. The EIR also indicates that they can be used as many as 104 times or about two years. Once you make this conservative estimate of a lifespan of 1 year, it follows that the 8,228,018 reusable bags are disposed of in each calendar year.
- Reusable Bag Waste Generated. Since the majority of reusable bags are not recyclable, it can be safely assumed that at the end of life, the entire lot of 8,228,018 reusable bags weighing 1748.45 tons, using the weight of 6.8 ounces per bag as weighed by Rincon Consultants 0n 8/10/2010, would be disposed of as solid waste. The Ecobilan data in Table 4.5-11 shows the "Solid Waste per Year" of 0.075 tons or 150 lbs. or approximately 353 reusable bags per year. It would take over twenty thousand years just to dispose of 8,228,018 reusable bags. This demonstrates that this is the wrong model. No other information is provided in the FEIR to show projected amounts of solid waste that are realistic.
- Ecobilan Data is Suspect. In Table 4.5-11 the total Solid Waste per Year for Paper Carryout Bags is shown as 1900 tons. This is amount equal to approximately 13% of the 197,472,422 paper bags. This would assume a very high recycle rate or loss rate that is not explained or justified in the EIR. The validity of the data is questioned.
- Ecobilan Data is Suspect. In Table 4.5-11 the total Solid Waste per Year for 8,228,018 reusable bags is shown as 0.075 tons or 150 lbs. or about 353 bags. In a similar table, table 4.5-9 of the County of San Mateo Draft EIR, for 6,911,642 reusable bags the Solid Waste per Year was 3.29 tons, or 6580 lbs. or about 15,482 bags. The discrepancy is revealing in that it shows the data in one or both EIRs is bogus. Beacon needs to validate the data.
- EIR Misleads Decision Makers. The results in Tables 4.5-11 and 4.5-12 would lead a decision maker to assume that the impact to the landfill is minimal. When the exact opposite is true as shown in the Table 1:

	Quantity	Weight per bag (lbs.)	Weight (lbs.)	Weight (tons)
Pre-Ban				
Plastic Carryout Bags	639,152,405	0.01213	7,752,918.68	**3,876.46**
Post Ban				
Plastic Carryout Bags	32,912,070	0.01213	399,223.41	199.61
Reusable Bags	8,228,018	0.42500	3,496,907.84	1,748.45
Paper Bags	157,977,937	0.14875	23,499,218.19	11,749.61
Replacement Bags	263,296,562	0.01213	3,193,787.30	1,596.89
Other Plastic	14,507,641	0.140708	2,041,341.09	1,020.67
Total				**16,168.37**
Post Ban /Pre Ban Ratio				**4.17**

Table 1. Landfill Impacts in Santa Barbara and Ventura Counties

- County Landfill Impacts. Table 1 clearly shows that more than 4 times as much material is put into the landfill after a ban and as a direct result of the ban and before the ban. These numbers are raw number and are not adjusted for losses, or for varying weights of different manufactured items. For assumptions and detailed information please see my paper titled "Fact Sheet – Landfill Impacts".
- Impact to Landfill By Replacement Bags. Table 1 shows an item called "Replacement Bags". These are the plastic trash bags consumers will purchase to replace the "free" plastic carryout bags formerly used as waste can liners and to pick up pet litter. By banning plastic carryout bags, the ordinance will create a new market for small trash can liners and small plastic bags to pick up pet litter. The environmental impact of that new industry, which is a direct result of the ban, should be identified and analyzed in the EIR even though these bags are not a litter problem. Note: The Ecobilan Summary Report (page 9) identifies that bin liners were included in the Scottish report and included in the analysis and analyzed with the same life cycle impacts as plastic carryout bags from manufacture to disposal.
- Other plastic and Wraps. Table 1 shows an item called "other plastic" which is the material other than plastic carryout bags deposited and recycled through the in-store recycle bins. This material consists of the following: clean produce bags, bread bags, newspaper bags, dry-cleaning bags, and various plastic wraps such as from toilet paper, paper towels, diapers, etc. Since a ban on plastic carryout bags, has a very strong potential to shut down the in-store recycling program. If this occurs, this "other plastic" will be disposed of in the landfill. In Santa Barbara County, other plastic bags and wraps are allowed in the curbside recycling bin. In Ventura county, other plastic bags and wraps are not allowed in the curbside recycling bin and must be recycled through the In-Store Recycling Bins.

7. Appendix E, (Final EIR Page 567 of 615). On this page in the upper right hand corner is a box that shows the 2007 **recycling rate for plastic bags at 11.90% and paper Bags at 36.80%**. In the

text of the EIR in numerous places the recycling rate for plastic bags is less than 5% and paper bags is 21%. Could you explain where these numbers come from and why they are different than the numbers in the text of the EIR? Why would the rates in the calculations be different from what is disclosed in the text of the document?

8. Page ES-1, 2nd Paragraph, Line 12. Allowing a regulated retail establishment to distribute reusable bags free of charge, other than for a short term promotion, will result a proliferation of reusable bags since customers would be issued a new reusable bag every time they forget to bring reusable bags to the store. In an article titled "*Bag the bag: a new green monster is on the rise*" the author identifies Australia's growing mountain of green reusable bags which end up in the landfill and are causing a concern. It turns out that stores profit from the sale of reusable bags and sell more than required by the public. Since the majority of reusable bags are not recyclable, except for LDPE or HDPE bags, they end up in the landfill. It follows that free giveaways unless limited to a short term promotion would result in a worse environmental problem than the use of plastic carryout bags. It is recommended, that the proposed ordinance limit reusable bag giveaways and modify language in the proposed ordinance to reflect that.

Beacon Response 5.2

The commenter speculates that the Proposed Ordinance would result in a proliferation of reusable bags since customers would be issued new reusable bags when they forget reusable bags and this would increase solid waste. The commenter recommends that the Proposed Ordinance limit reusable bag giveaways and limit the promotion and **sale** of reusable bags. The commenter does not provide any data to support this claim; therefore, the comment is speculative. The Draft EIR does analyze impacts to solid waste from carryout bags as a result of the Proposed Ordinance in Section 4.5, Utilities.

Response to Beacon by Anthony van Leeuwen. The problem with proliferation of reusable bags was documented and a reference was given via a footnote. The reference is as follows: *Munro, Peter. 24 January 2010. "Bag the bag: a new green monster is on the rise." Located at: http://www.theage.com.au/national/bag-the-bag-a-new-green-monster-is-on-the-rise-20100123-mrqo.html*.

The commenter recommended that there be very strict limits on promotions where free bags are provided in order to prevent proliferation of reusable bags. It is recommended that customers pay for reusable bags in order to deter reusable bag proliferation.

In addition, the Final EIR in Section 4.5, Utilities does not adequately analyze the impacts to solid waste from carryout bags. Ecobilan data analyzes a reusable bag made from Low Density Polyethylene (LDPE) which is recyclable. The bags in the Study Area are mostly made from non-woven polypropylene (PP) or cotton, neither of which has a recycling infrastructure, and will be disposed of in the landfill. There is no information provided that is satisfactory related to Solid Waste disposal.

SAVE THE PLASTIC BAG COALITION

PUBLIC HEARING ON FINAL EIR
ON SINGLE USE CARRYOUT BAG ORDINANCE
APRIL 19, 2013

(This document is being submitted
to BEACON on April 17, 2013)

RESPONSES TO BEACON'S RESPONSES TO STPB'S OBJECTIONS TO EIR

STPB OBJECTION TO CERTIFICATION OF FINAL EIR

NOTICE OF INTENT TO LITIGATE

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
11693 San Vicente Blvd. #150
Los Angeles, CA 90049

Phone: (310) 266-6662
Fax: (310) 694-9067

E-mail: savetheplasticbag@earthlink.net

Website: www.savetheplasticbag.com

SUMMARY OF OBJECTIONS AND CEQA VIOLATIONS

Note: The objections have been renumbered for the purpose of this document.	**Page(s)**
A. Failure to cite and base analysis on Santa Monica High School survey. **COMMENT**: (It was a separately submitted objection.) The Santa Monica High School survey is the ***only*** pre-ban and post-ban survey ever conducted. It is the ***only*** empirical data that is available for determining the impact of a 10-cent fee on paper bag and reusable bag usage in a city that has banned plastic bags. It is an unbiased and well-documented study based on ***50,400 transactions***. The authors conclude: "The upward drift in paper bag use at regular stores in 2012 warrants further investigation….. If undercharging is not occurring, a steeper fee of more than 10 cents may need to be considered." The evaluation of the impact of the 10-cent fee must be based on this survey. ***BEACON has ignored this objection and not even attached the objection to the Final EIR.*** **CEQA VIOLATIONS:** CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.	5-8
B. Unjustified, unreasonable, and misleading use of LDPE reusable bags as basis for entire reusable bag impact analysis. **COMMENT**: LDPE reusable bags are the best reusable bags for the environment as they only need to be used 2.6 times to offset their greater impacts compared to a plastic carryout bags. In contrast, a cotton bag must be used 173 times. However, LDPE (i.e. polyethylene) reusable bags are rarely provided or used. Nevertheless, BEACON uses LDPE reusable bags and the 2.6 multiplier as the basis for all of its reusable bag calculations in the Final EIR in order to falsely and misleadingly make the environmental footprint of all types of reusable bags appear to be far more favorable than the reality. (In contrast, the Los Angeles County EIR used a multiplier of 104, which is reasonable acceptable.) ***BEACON has failed to correct the Final EIR.*** **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151.	9-13

C. Unjustified, unreasonable, and misleading assumption that each reusable bag will be used on average 52 times. **COMMENT**: BEACON uses the 52 multiplier to manipulate the metrics to show no negative environmental impact. When a lower figure is used, the negative environmental impacts of the proposed ordinance are very significant. If the 52 figure is replaced by 2, the CO_2E per year from the production, distribution, and disposal of reusable bags distributed and used in Santa Barbara and Ventura County would be equivalent to: • CO2 emissions from 90,510,387 gallons of gasoline consumed • CO2 emissions from 1,877,564 barrels of oils consumed • CO2 emissions from the electricity use of 120,861 homes for one year • CO2 emissions from burning 3,469 railcar's worth of coal ***BEACON has failed to address this objection.*** **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.	14-15
D. False and misleading assertion that non-woven polypropylene reusable bags are recyclable. **COMMENT:** Non-woven polypropylene bags are ***not*** recyclable in Santa Barbara or Ventura Counties. In contrast, plastic carryout bags are fully recyclable at plastic bag recycling bins at supermarkets and other large stores with pharmacies, pursuant to AB 2449. Bags placed in those bins are actually recycled. ***BEACON asserts that a resin code printed on the bottom of such bags makes them recyclable. That is not true. The code only indicates the type of resin used, not recyclability.*** **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151.	16-17
E. Failure to disclose that stormwater capture devices and trash excluders prevent plastic bags from reaching the watershed, waterways, and the ocean. **COMMENT:** The EIR states "plastic bag litter enters Santa Barbara and Ventura County rivers, creeks, and watersheds via storm drains," which is either untrue or partially true and highly misleading. The impact of existing and planned stormwater capture devices, such as the ones that have been or will be installed in the City of	18-22

Ventura, must be fully disclosed in the EIR. ***BEACON has failed to address this objection. BEACON has used a transparent and cynical ploy to avoid making any response.*** **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.	
F. False and grossly misleading statements regarding marine impacts. **COMMENT:** BEACON has totally failed to address this objection. This is critically important, because the Draft EIR makes false, exaggerated, grossly misleading, and inflammatory claims that may be highly influential with decisionmakers and citizens. **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617 and *Save The Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 175.	23-24
G. False and misleading assertion that plastic bags are made of petroleum or natural gas. **COMMENT:** BEACON has used ambiguous wording in its response to obfuscate this issue. BEACON has refused to make the necessary correction. Plastic bags are made of ***waste byproducts*** of oil and natural gas refining, that is ethane or naphtha. Plastic bags are not made of oil or natural gas. **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Save The Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 175.	25
H. Failure to prepare and recirculate revised draft EIR. **CEQA VIOLATION:** CEQA Guidelines § 15088.5 states: "A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification." Recirculation is also required if : "The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."	26

NOTE: The foregoing are only summaries. No waivers of any objections asserted in previous documents or this document are intended. All rights are reserved.

OBJECTION A

FAILURE TO BASE EVALUATION OF IMPACT OF 10-CENT FEE ON PAPER AND REUSABLE BAG USAGE ON SANTA MONICA HIGH SCHOOL SURVEY

SUMMARY OF OBJECTION: In March 2013, Santa Monica High School issued a report on bag choice at Santa Monica grocery stores based on pre-ban and post-nab extensive surveys. (Doc # 306.) The report contains these charts:

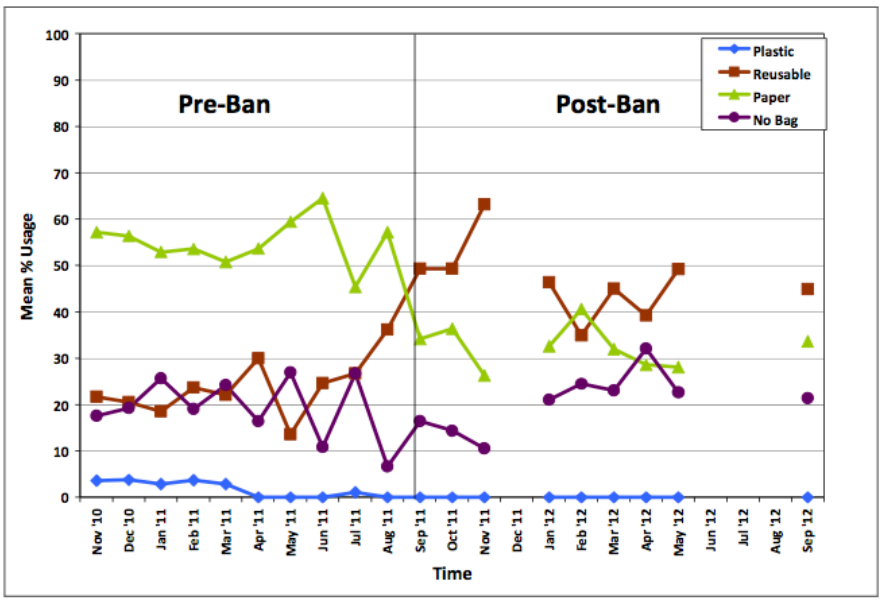


Figure 3. Mean percent usage of different bag choices per month (eco-friendly stores pooled) before and after the plastic bag ban. Gaps represent months no data were collected (see Table 1 below).

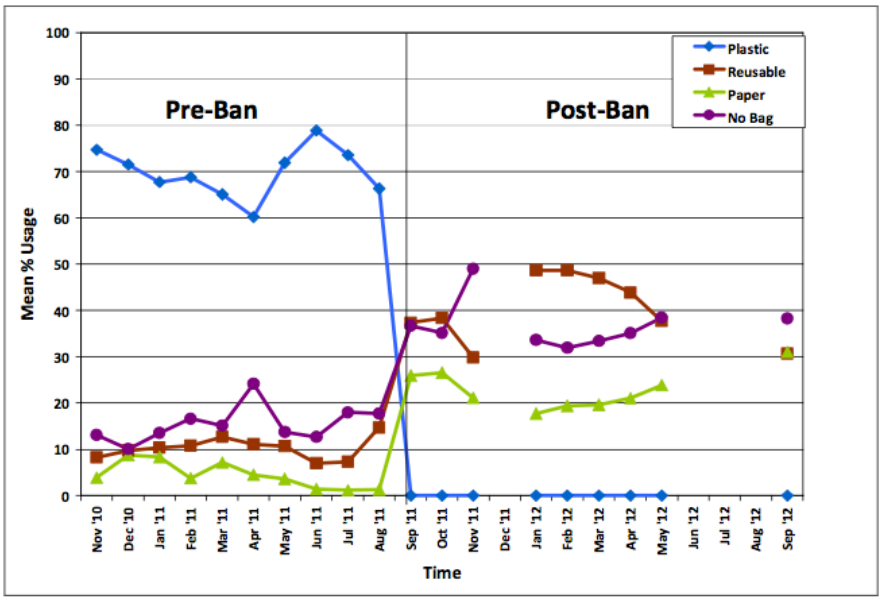


Figure 4. Mean percent usage of different bag choices per month (regular stores pooled) before and after the plastic bag ban. Gaps represent months no data were collected (see Table 1 below).

Figure 3 shows a timeline for Whole Foods and Trader Joe's, which are described in the report as "eco-friendly" stores. Customers at these stores are generally quite affluent and would take steps that they have been told are good for the environment.

Figure 4 shows a timeline for Albertsons, Vons, and Ralphs, which are described in the report as "regular" stores. Customers at these stores are more representative of the general public, and include less affluent customers. There are far more regular-type stores in Santa Barbara and Ventura Counties than eco-friendly stores. Eco-friendly stores would be a tiny percentage of the stores that would be covered by the proposed ordinances.

The Santa Monica report figures are supported by extensive pre-ban and post-ban surveys and constitute substantial evidence. The survey lasted for 19 months and is based on the observation of 50,400 customers. In contrast, Los Angeles County's claims about paper bag reduction are not based on any pre-ban data or surveys whatsoever and are therefore not substantial evidence.

With respect to "regular" stores, figure 4 is substantial evidence that:

1. Paper bag usage was between 0 and 10% of market share before the Santa Monica ordinance took effect. At times it was very close to zero percent.
2. When the ban took effect in September 2011, paper bag usage increased dramatically to about 27%. It then dropped and rose again to about 30% by September 2012.
3. The paper bag trend line shows that paper bag usage is ***increasing***.
4. When the ban took effect in September 2011, reusable bag usage increased dramatically to about 49%. It then dropped to 30% by September 2012.
5. The reusable bag trend line shows that reusable bag usage is ***decreasing***.

When a ban ordinance takes effect, consumers are initially very responsive. However, over the course of time, the responsiveness wears off. In just one year after the ban took effect, reusable bag usage had ***dropped*** by 20%. As of March 2013, reusable bag usage probably dropped further and paper bag usage probably increased further, based on the trend lines.

The authors of the Santa Monica report reach a similar conclusion. They state as follows:

> The upward drift in paper bag use at regular stores in 2012 warrants further investigation. Specifically, it would be of interest to ensure grocery stores, one year after the ban, are following the law; are they continuing to disincentivize paper bag use by charging 10 cents per paper bag? Other variables could be contributing as well, including patron apathy, regulars stores undercharging for the number of paper bags used, and stores prematurely removing strategic parking lot and store signage reminding customers to bring in their reusable bags. A study comparing the number of paper bag sold to the volume purchased should establish if any undercharging is occurring, and ultimately, whether regular stores are obeying the law. If undercharging is not

> occurring, a steeper fee of more than 10 cents may need to be considered.

Based on the foregoing, an EIR must disclose that the 10-cent fee may not be sufficiently high to prevent significant negative environmental impacts resulting from a substantial increase in paper bag usage.

STPB DEMANDS THAT THE SANTA MONICA REPORT BE DISCUSSED IN A REVISED DRAFT EIR, WITHOUT MISREPRESENTATION OR AMBIGUITY AND IN A TOTALLY NON-MISLEADING WAY. STPB DEMANDS THAT FIGURE 4 OF THE SANTA MONICA REPORT BE INCLUDED IN THE REVISED DRAFT EIR. STPB OBJECTS IF THERE IS A FAILURE TO DO SO.

BEACON'S RESPONSE:

The objection is not attached to or discussed in the Final EIR. The Santa Monica High School survey is not mentioned in the Final EIR.

STPB'S RESPONSE:

STPB objects to the failure to attach the supplemental submission to the Final EIR. STPB objects to the failure to discuss and respond to the supplemental objection. In *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, the court stated:

> The City's obligation under CEQA was to explain in the FEIR "in detail giving reasons why" the City was not considering the sale of the residence with a reduced parcel. The City made no effort to satisfy its obligation. Its effort to conjure up reasons now is too late. The purpose of CEQA is to inform both the public and the decisionmakers, before the decision is made, of any reasonable means of mitigating the environmental impact of a proposed project. The City's failure to respond to this significant comment violated its duty under CEQA, and the ***trial court correctly found that the City's certification of the FEIR was therefore invalid***.

(*Id.* at 616-617.)

BRISTOL FARMS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013
(PLASTIC BAGS BANNED EFFECTIVE FEBRUARY 2013)

A 10-cent fee is not an effective deterrent to ensure a sufficient suppression of paper bag usage. Other cities such as San Jose have opted for a 25-cent fee, which should be more effective.

OBJECTION B

UNJUSTIFIED, UNREASONABLE, AND MISLEADING USE OF LDPE REUSABLE BAGS AS BASIS FOR ENTIRE REUSABLE BAG IMPACT ANALYSIS

SUMMARY OF OBJECTION TO DRAFT EIR:

The Draft EIR asserts that a switch to reusable bags instead of paper bags would have an insignificant or a positive environmental impact, because LDPE (i.e. plastic) reusable bags are "one of the most common types of reusable bags." This is a falsehood. LDPE reusable bags are a tiny percentage of reusable bags. If there is a major switch to reusable bags, it will be primarily PP reusable bags. STPB submitted extensive photographic evidence that few stores carry LDPE reusable bags in areas where plastic bags have been banned. PP, canvas, and cloth reusable bags, which have a much greater negative, impact on the environment that LDPE.

An LDPE reusable bag needs to be used only 2.6 times to offset its greater negative environmental impact compared to a "single-use" plastic carryout bag. Other types of reusable bags must be used between 104 and 173 times. The author of the DEIR ***cynically and deceptively*** chose the best reusable bag for the environment, that is an LDPE reusable bag, as being representative of all or a majority of reusable bags. The DEIR uses the figure of 2.6 for all of the calculations regarding reusable bags throughout the Draft EIR.

BEACON'S RESPONSE:

BEACON acknowledges "the analysis uses the LDPE carryout bag as a representation of reusable bags in evaluating GHG impacts." However, BEACON states: "There is no known available Life Cycle Assessment that evaluates all types of reusable bags (canvas, cotton, calico, etc.) with respect to potential GHG emissions."

STPB'S RESPONSE:

BEACON's assertion that there is no known available Life Cycle Assessment that evaluates all types of reusable bags with respect to potential GHG emissions ***is simply untrue***. STPB provided LCA's including the British Government report (Docs. # 406, 407) and the Los Angeles County EIR (Doc. 1). STPB even included the following table and chart from the British Government LCA in its objections:

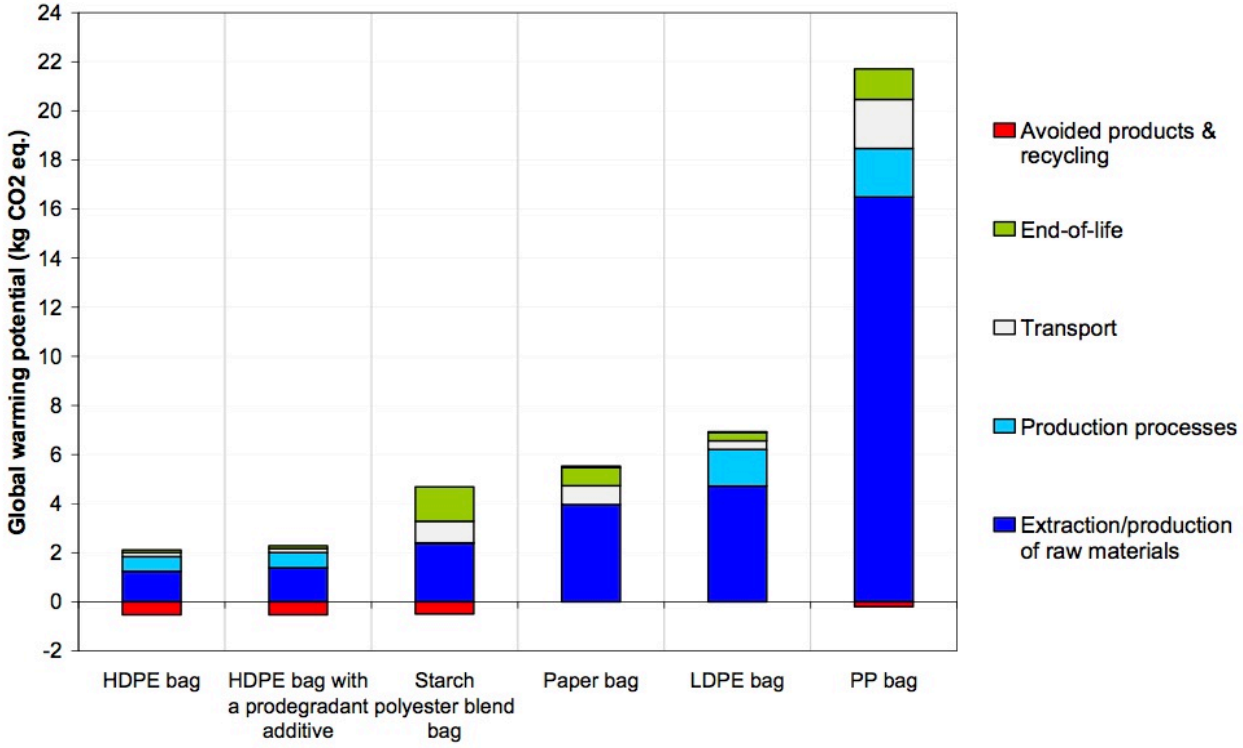
NUMBER OF TIMES THAT ALTERNATIVE BAGS HAVE TO BE USED TO PRODUCE LESS GLOBAL WARMING THAN PLASTIC BAGS

Plastic bag = 1

Type of carrier	HDPE bag (No secondary reuse)	HDPE bag (40.3% reused as bin liners)	HDPE bag (100% reused as bin liners)	HDPE bag (Used 3 times)
Paper bag	3	4	7	9
LDPE bag	4	5	9	12
Non-woven PP bag	11	14	26	33
Cotton bag	131	173	327	393

Based on the above table, if a consumer uses a cotton bag only 130 times and then discard it, more global warning will have been created than if 130 conventional plastic carryout bags had been used. If a consumer has two cotton reusable bags and discards one of them without reusing it, the other would have to be used 262 times.

"The cotton carrier bag is not shown in [the following table], because its [global warming potential] is more than ten times that of any other carrier bag." (British LCA at 33)



BEACON'S RESPONSE:

"Further, the study that utilizes the 2.6 per bag rate assumption is from the Ecobilan (2004) and the Scottish Report (AEA Technology, 2005) that the commenter references in his previous comments (see Comment # 11 and Comment #24) and recommended for use in the Draft EIR analysis. As described in Response 1.77, this methodology is consistent with the greenhouse gas impact analysis contained in other CEQA documents pertaining to bag ordinances. This rate compared to an HDPE single-use plastic bag (2.6 times) is related to an LDPE bag being used once and then disposed."

STPB'S RESPONSE:

This is irrelevant. LDPE reusable bags may be common in Scotland and France. Stephen Joseph is witnessed bag use in Britain and France and the overwhelming majority of reusable bags are LDPE in those counties. However, in California as STPB's photographs many show, LDPE reusable bags are a relative rarity.

BEACON'S RESPONSE:

"In regard to the LDPE reusable bags being a common reusable bag type, the Final EIR has been edited as follows on page 4.1-9 to remove 'one of the most common types.'"

STPB'S RESPONSE:

This change is not sufficient to address and meet the objection. ***The Final EIR still uses the 2.6 figure throughout the document, including with respect to GHG emissions.***

BEACON'S RESPONSE:

In regard to using a GHG impact rate of 104 times that of a HDPE single-use carryout bag, while this rate appears to be unreasonably exaggerated and unreasonable in comparison to the 2.6 rate (as described above), even if it were used as the rate for GHG impact, as shown in the table below, the net increase of GHG emissions in the Study Area as a result of the Proposed Ordinance (approximately 0.0357 metric tons CO2e per person per year) would not exceed the threshold of significance (4.6 metric tons per person per year) and thus the impact would remain less than significant (the same as in the Draft EIR using the rate of 2.6 for LDPE bags).

STPB'S RESPONSE: The assertion is incorrect for three reasons.

First, the Los Angeles County EIR uses the 104 figure, so it is not unreasonably exaggerated and unreasonable

Second, the issue is not emissions in the Study Area. It is emissions anywhere. In *Save The Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, the Supreme Court stated:

> As noted above, it is also established that CEQA review includes the impacts a project may have in areas outside the boundaries of the project itself.

(*Id.* at 175.) The public and decisionmakers must be informed about GHG emissions beyond the outside the boundaries of the project itself. STPB is not asserting that GHG emissions *in the Study Area* will increase beyond some fictional level of significance. Moreover, GHG emissions are cumulative.

Second, the table below provided by BEACON based on a 104 times factor ***assumes that reusable bags will be used on average at least 52 times***. STPB has objected to that baseless and speculative assumption. Based on the 52 times assumption, BEACON's table assumes that

Estimated Greenhouse Gas Emissions from Carryout Bags in Study Area with Implementation of the Proposed Ordinance Using a GHG Impact Rate of 104 for Reusable Bags

Manufacture, Use and Disposal					
Bag Type	**Proposed # of Bags Used per Year[1]**	**GHG Impact Rate per Bag**	**GHG Impact Rate (metric tons CO_2E)**	**CO_2E per year (metric tons)**	**CO_2E per Person (metric tons)[5]**
Single-use Plastic	32,912,070	1	0.04 per 1,500 bags[2]	878	0.0007
Single-use Paper	197,472,422	2.97	0.1188 per 1,000 bags[3]	23,460	0.0189
Reusable	8,228,018	**104**	4.16 per 1,000 bags[4]	34,229	0.276
			Subtotal	*58,567*	*0.047*
Washing					
Bag Type	**# of Loads per Year[6]**	**Electricity Use Per Load (kW)[7]**	**Total Electricity Use Per Year (kW)**	**CO_2E per year (metric tons)[8]**	**CO_2E per Person (metric tons)**
Reusable	2,598,321	3.825	9,938,578	3,279	0.0026
			Subtotal	3,279	*0.0026*
Total GHG Emissions from Proposed Ordinance				**61,846**	**0.05**
Existing GHG Emissions				**17,553**	**0.0142**
Net Change (Total minus Existing)				**44,293**	**0.0357**

If each and every reusable bag distributed to the public is used on average twice instead of 52 times, the number of reusable bags would increase from 8,228,018 to 213,928,468. That is 889,954 CO_2E per year (metric tone) just from reusable bags. According to the U.S. Environmental Protections Agency, this is equivalent to:

- **CO_2 emissions from 90,510,387 gallons of gasoline consumed**
- **CO_2 emissions from 1,877,564 barrels of oils consumed**
- **CO_2 emissions from the electricity use of 120,861 homes for one year**
- **CO_2 emissions from burning 3,469 railcar's worth of coal**

(See Doc. #423 submitted herewith.) The assertion that this is not significant is absurd. Even if each and every reusable bag distributed to the public is used on average 20 times, meaning that the above impacts are reduced by 90%, the impacts are still huge and significant.

Finally, the Final EIR still uses the 2.6 figure in every table where impacts of reusable bags are measured. The figures have not been changed to 104. Therefore, STPB objects.

BRISTOL FARMS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013
(PLASTIC BAGS BANNED EFFECTIVE FEBRUARY 2013)

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.
LDPE reusable bags are a relative rarity in places where plastic bags have been banned.

OBJECTION C

UNJUSTIFIED, UNREASONABLE, AND MISLEADING ASSUMPTION THAT EACH REUSABLE BAG WILL BE USED ON AVERAGE 52 TIMES

SUMMARY OF OBJECTION TO DRAFT EIR:

The Draft EIR states: **"**Although a reusable bag is designed to be used up to hundreds of times, it is conservatively assumed that a reusable bag would be used by a customer once per week for one year (52 times)." There is no basis for such an assertion. It is just guesswork. The analysis must be based on a reasonable worst case scenario, which is that reusable bags may not be used on average a sufficient number of times to offset their greater negative environmental impacts compared to a plastic or paper carryout bag.

An assumption of two uses per reusable bag would be the highest reasonable worst-case scenario number for reusable bag usage. STPB objects to any higher multiplier that two being used for the purpose of determining the *possible* significant environmental impacts of the proposed ordinance. If a reusable bag can be used 125 times, that does not mean that it *will* be used 125 times, or 52 times per year. In fact, reusable bags are difficult or impossible to wash, except for LDPE and HDPE reusable bags which can be easily wiped clean and cloth bags which can be put in a washing machine. PP bags cannot be washed in a washing machine. See photo below.

BEACON'S RESPONSE:

"Further, in regard to the number of assumed uses of a reusable bag in the Draft EIR, please see Response 1.21 which describes why approximately 52 uses for a reusable bag is considered a conservative and reasonable assumption for the Draft EIR analysis."

STPB note: Response 1.21 does why approximately 52 uses for a reusable bag is considered a conservative and reasonable assumption address why approximately 52 uses for a reusable bag is considered a conservative and reasonable assumption.

Response 1.21 states: "The assumption that reusable bags would replace 65% of plastic bags resulting from the Ordinance, and that bags are used 52 times per year is a conservative estimate. Please see responses 1.17 and 1.18 regarding these estimates."

Responses 1.17 and 1.18 do not address the issue at all.

STPB'S RESPONSE:

BEACON has simply pulled the 52 times figure out of the air, so as to have a high enough number to justify its assertion that the ordained would not result in great negative environmental impacts. This is cynical manipulation of the metrics by BEACON. There is absolutely no substantial evidence supporting the 52 times assumption.

A polypropylene (PP) reusable bag after it has been washed in a washing machine. A PP reusable bag cannot be kept clean and reused more than a handful of times.

OBJECTION D

FALSE AND MISLEADING ASSERTION THAT NON-WOVEN POLYPROPYLENE REUSABLE BAGS ARE RECYCLABLE

SUMMARY OF OBJECTION TO DRAFT EIR:

The Draft EIR asserts that non-woven polypropylene reusable bags are recyclable. reusable bags" are "recyclable products." With the exception of plastic reusable bags (i.e. LDPE and HDPE), reusable bags are ***not*** recyclable. This is a major deception on an issue of great importance, especially as plastic carryout bags which the proposed ordinance would ban are totally recyclable. The public must be told in the DEIR that all reusable bags, with the exception of LDPE and HDPE reusable bags, are ***not*** recyclable. In contrast, plastic carryout bags are recyclable at plastic bag recycling bins at supermarkets and large retail stores with pharmacies, as required by AB 2449. This is a significant environmental impact that must be disclosed in the EIR.

BEACON'S RESPONSE:

The commenter objects to the description of reusable bags as recyclable products. The commenter is mistaken in his assumption that the Draft EIR claims that all reusable bags are recyclable. The only reference to recyclability for reusable bags is related to non-woven polypropylene bags on page 2-6 of the Draft EIR as these types of bags are made of generally a form of Polypropylene which is rated a "5" on the Society of Plastics Industry's (SPI) spectrum of recycled codes.

STPB'S RESPONSE:

BEACON's response is unresponsive. The issue is whether decisionmakers and the public must be told in the EIR (i) that plastic carryout bags are recyclable at plastic bag recycling bins at supermarkets and large retail stores with pharmacies in Santa Barbara and Ventura Counties, as required by AB 2449; and (ii) that reusable bags, with the exception of LDPE and HDPE reusable bags, are not recyclable in Santa Barbara and Ventura Counties. The Final EIR does not make any such disclosure.

The fact that non-woven polypropylene bags are rated 5 on the SPI spectrum of recycled codes is irrelevant. They cannot be recycled anywhere in Santa Barbara or Ventura Counties. They are not accepted for recycling in any recycling bin or in curbside recycling Santa Barbara or Ventura Counties. The burden is on BEACON to prove that they are accepted for recycling, if

that is what BEACON maintains. "CEQA places the burden of environmental investigation on government rather than the public." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d 296, 311.) SPI has issued a guide to correct use of the resin codes, which is submitted herewith. (Doc # 424.) SPI states in that document:

> ***The RICs are used solely to identify the plastic resin used in a manufactured article***….
>
> ***The code was not intended to be - nor was it ever promoted as - a guarantee to consumers that a given item bearing the code will be accepted for recycling in their community.*** Much of the recent legal and regulatory activity surrounding use of the code has focused on uses that have been construed as making such a guarantee. This scrutiny is part of a larger effort by the FTC and State Attorneys General to crack down on the use of "false and misleading environmental claims" in product marketing.

As we can see, BEACON is clearly wrong about the resin code.

FTC regulations state that it is deceptive to misrepresent, directly or by implication, that a product or package is recyclable. (16 C.F.R. § 260.12(a).) The FTC addresses the issue of confusion about the resin code as follows 16 C.F.R. § 260.12(d):

> Example 2: A nationally marketed plastic yogurt container displays the Resin Identification Code (RIC) 6 (which consists of a design of arrows in a triangular shape containing a number in the center and an abbreviation identifying the component plastic resin) on the front label of the container, in close proximity to the product name and logo. This conspicuous use of the RIC constitutes a recyclable claim. ***Unless recycling facilities for this container are available to a substantial majority of consumers or communities, the manufacturer should qualify the claim to disclose the limited availability of recycling programs.*** If the manufacturer places the RIC, without more, in an inconspicuous location on the container (e.g., embedded in the bottom of the container), it would not constitute a recyclable claim.

OBJECTION E

FAILURE TO DISCLOSE THAT STORMWATER CAPTURE DEVICES AND TRASH EXCLUDERS WILL PREVENT PLASTIC BAGS FROM REACHING THE WATERSHED, WATERWAYS, AND THE OCEAN

SUMMARY OF OBJECTION TO DRAFT EIR:

The Draft EIR states "plastic bag litter enters Santa Barbara and Ventura County rivers, creeks, and watersheds via storm drains," which is not true. Full capture devices and trash excluders prevent plastic bags from entering Santa Barbara and Ventura County rivers, creeks, and watersheds. This is a very significant issue for the public. They are being told by BEACON that plastic bags are entering the river and marine environments, but it's a false assertion.

BEACON'S RESPONSE:

"The commenter states that the Draft EIR does not disclose that stormwater capture devices are preventing and will prevent plastic bags from reaching the "LA River, Ballona Creek and the Ocean". The Los Angeles River and Ballona Creek are not located within the Study Area. Please see Response 1.28 related to stormwater capture devices and trash excluders in the Study Area."

STPB'S RESPONSE:

This objection was designated as Objections ## 4 and 8 in STPB's March 25, 2013 objections.

STPB concedes that Objection # 4 was mistitled in that it referred to the Los Angeles area, but the content and substance of the objection relates to Ventura and Santa Barbara Counties. To the extent that the title requires correction, it is hereby corrected. ***Objection # 8 which is substantially identical was not mistitled.*** In its response to Objection #8, BEACON's response was to refer to its response to Objection # 4. ***This is a purely dishonest and cynical attempt by BEACON to avoid the issue.*** These are the words used by STPB in its March 25, 2013 objections:

> **OBJECTION # 4:** DEIR at 4.4-5 identifies programs and regulations in place to reduce trash and pollution in local waterways including the following:

1. The Ventura River Trash Total Maximum Daily Load (TMDL), (Los Angeles-RWQCB Resolution No. R4-2007-007),
2. The Revolon Slough/Beardsley Wash Trash TMDL (LA-RWQCB Resolution No. R4-2007- 008),
3. The Malibu Creek Watershed Trash TMDL (LA-RWQCB Resolution No. R4-2008-007),
4. The Santa Monica Bay Nearshore and Offshore Debris TMDL (LA-RWQCB Resolution No. R10-010), and
5. The Waste Discharge Requirements for Storm Water and Non-stormwater Discharges from the Municipal Separate Storm Sewer Systems within the Ventura County Watershed Protection District, County of Ventura and the Incorporated Cities Therein (Ventura MS4 Permit), LA-RWCQB Order R4-2010-0108, NPDES Permit No. CAS004002.

Despite identification of TMDL programs in Ventura and Santa Barbara Counties, STPB objects to the fact that nowhere in the DEIR is it disclosed that plastic bags will be prevented from entering county rivers and creeks and the ocean due to the installation of trash excluders on storm drain outfalls.

OBJECTION # 8: The Watershed Protection District in a presentation to the Calleguas Creek Watershed Steering Committee regarding the Ventura County Stormwater Quality Management Program and the Ventura County Municipal Stormwater Permit on 15 July, 2009 showed the following slide:

According to the U.S. Environmental Protection Agency, the Ventura River, the Revolon Slough/Beardsley Wash, and Malibu Creek in Ventura County are examples of water ways that have been designated as an impaired water bodies due to the large volume of trash it receives from the watershed. To address this problem a Total Maximum Daily Load (TMDL), which establishes baseline trash loads to the river from the watershed, has been incorporated into the area stormwater permits.

As STPB pointed out in its March 25, 2013 objections, full capture devices prevent any plastic bags reaching a watershed, rivers, or the ocean through a storm drain system ***as in*** Los Angeles.

The Final EIR deceives decision-makers and the public into believing that "plastic bag litter enters Santa Barbara and Ventura County rivers, creeks, and watersheds via storm drains." They must be told in the EIR that existing and planned full capture devices and trash excluders are preventing or will prevent this from happening.

Further, at the March 13, 2012 Santa Barbara City Council meeting, City staff admitted that they find plastic bags only occasionally and that the litter data is "inconclusive." Plastic bag litter is not a significant problem in the City of Santa Barbara.

STPB strongly objects to the failure to disclose these facts in the EIR.

A full capture device protecting a stormdrain system.

The above two photographs are of the same City of Los Angeles capture device.
It has a mechanical clearing mechanism.
(Photos taken by Stephen Joseph in Century City on 2-27-12)

CITY OF VENTURA TRASH EXCLUDER

This is the type of trash excluder that has been installed and is being installed inside catch basins along city streets in the City of Ventura. The devices are made of stainless steel and are custom built for each location. Plastic bags cannot slip through the screens. (Information and photograph provided by Chris Palmier, Public Works Supervisor, Environmental Sustainability, City of Ventura.) This must be disclosed in the EIR.

OBJECTION F
FALSE AND GROSSLY MISLEADING STATEMENTS REGARDING MARINE IMPACTS

SUMMARY OF OBJECTION TO DRAFT EIR:

The DEIR makes false and misleading statements about the marine impacts of plastic bags. The statement will cause decisionmakers and citizens to believe allegation that are not true. STPB submitted a huge amount of substantial evidence that the allegations are untrue.

BEACON'S RESPONSE:

This is BEACON's response in its entirety:

> The commenter opines that the Draft EIR contains false and misleading statements regarding marine impacts as plastic bags are not responsible for the "entire universe of plastic debris in the ocean". The commenter states an opinion that these statements are incorrect and that it is important that the EIR be accurate and informative. The commenter also opines that there is no evidence that any wildlife ingest or become entangled in plastic bags, "other than a handful of photographs on the Internet".
>
> The Draft EIR provides detailed information related to how litter from carryout bags (including single-use plastic bags, single-use paper bags and reusable bags) impact the marine environment. The purpose of the Draft EIR is to disclose the impacts associated with the Proposed Ordinance including how the decrease in the number of single-use plastic bags and the increase in the number of recyclable paper and reusable bags would impact biological resources. As shown in the Draft EIR, single-use plastic bags are more likely to become litter than paper and reusable bags and thus have a greater potential to enter creeks, storm drains and ultimately the marine environment. As such, reducing the number of plastic bags and thus reducing the potential for plastic bag litter would result in beneficial impacts related to biological resources. The commenter does not provide any evidence to suggest otherwise.

STPB'S RESPONSE:

BEACON has failed to respond in any meaningful way to STPB's objection. Essentially, BEACON has ignored STPB's comments on the marine impacts issue. BEACON has therefore forfeited its right to respond at a later date.

In *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, the court stated:

> The City's obligation under CEQA was to explain in the FEIR "in detail giving reasons why" the City was not considering the sale of the residence with a reduced parcel. The City made no effort to satisfy its obligation. Its effort to conjure up reasons now is too late. The purpose of CEQA is to inform both the public and the decisionmakers, before the decision is made, of any reasonable means of mitigating the environmental impact of a proposed project. The City's failure to respond to this significant comment violated its duty under CEQA, and the trial court correctly found that the City's certification of the FEIR was therefore invalid.

(Id. at 616-617, emphasis added.) As in *Flanders Foundation*, the City's "effort to conjure up reasons" why its allegations are based on substantial evidence after certification will be too late.

OBJECTION G

OBJECTION TO ASSERTION THAT PLASTIC BAGS ARE MADE OF PETROLEUM OR NATURAL GAS

SUMMARY OF OBJECTION TO DRAFT EIR:

The DEIR states: "Single use carryout bags are defined in the Proposed Ordinance as bags made predominantly of plastic derived from either petroleum or biologically-based sources, such as corn or other plant sources, which is provided to a customer at the point of sale." The statement is untrue. Domestic plastic bags are made of ethylene, which is made of ethane which is a ***waste by-product*** obtained from domestic natural gas refining.

Approximately 69.3% of plastic bags used in the USA are made in the USA. (The figure was about 85%, but imports have replaced some domestic manufacturing to some extent.)

BEACON'S RESPONSE:

"In regard to the manufacture of plastic bags, the commenter contradicts his assertion about what plastic bags are made of as his description cites both oil and natural gas use in production process (whether domestically using ethylene, which is formed from natural gas, or internationally using naphtha, which is derived from oil or petroleum) of plastic bags."

STPB'S RESPONSE:

BEACON is confusing the issue with ambiguous wording. The public must be told that plastic bags are made from ***waste-byproducts*** of oil (imported bags) and natural gas (domestic bags) refining, not from oil and natural gas.

OBJECTION H

FAILURE TO PREPARE AND RECIRCULATE REVISED DRAFT EIR

Pursuant to § 15088.5, STPB demands that the DEIR be revised in accordance with STPB's objections and recirculated. The DEIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded. Further, a new and revised DEIR that is responsive to the objections must new significant negative environmental impacts that would result from the project, including the reasonable possibility of huge increases in the number of paper bags and non-LDPE and non-HDPE reusable bags that are far worse for the environment than plastic carryout bags.

CONCLUSION

STPB wants an honest and complete EIR. Decisionmakers and the public are entitled to the truth. At a Santa Barbara City County meeting in 2012, we offered to work with BEACON on developing an EIR, but our proposal was ignored.

CEQA Guidelines § 15151 states in part: "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." The Final EIR unquestionably fails to meet this standard. The Final EIR is disingenuous, intellectual dishonest, deceptive, and grossly misleading. The Final EIR is intended to lead citizens, City Councils, and Board of Supervisors to falsely conclude that the project will have no significant environmental impacts and to falsely conclude that plastic bags are worse for the environment than they are in reality.

STPB remains willing to work with BEACON on making the necessary corrections to the EIR to ensure that decisionmakers and the public are presented with a truthful and complete document. STPB wishes to avoid litigation if possible.

If the Final EIR is certified, or if STPB's objections are not met and corrections made to the EIR, STPB will file a petition for writ of mandate and other relief in Superior Court.

All rights are reserved. No rights are waived by any statement or omission herein.

DATE: April 17, 2013

SAVE THE PLASTIC BAG COALITION

By: STEPHEN L. JOSEPH, Counsel

SAVE THE PLASTIC BAG COALITION

PUBLIC HEARING ON REVISED FINAL EIR ON SINGLE USE CARRYOUT BAG ORDINANCE MAY 17, 2013

(This document is submitted by e-mail to BEACON on May 14, 2013)

OBJECTIONS TO REVISED FINAL EIR

NOTICE OF INTENT TO LITIGATE

Stephen L. Joseph, Counsel
SAVE THE PLASTIC BAG COALITION
11693 San Vicente Blvd. #150
Los Angeles, CA 90049

Phone: (310) 266-6662
Fax: (310) 694-9067

E-mail: savetheplasticbag@earthlink.net

Website: www.savetheplasticbag.com

SUMMARY OF OBJECTIONS AND CEQA VIOLATIONS

	Page(s)
A. (1) Failure to base evaluation of impact of 10-cent fee on paper and reusable bag usage on Santa Monica High School survey; and (2) failure to factor into metrics prospective purchases of plastic bin-liners and other plastic bags to replace plastic carryout bags **COMMENT**: (1) The Santa Monica High School survey is the ***only*** pre-ban and post-ban survey ever conducted. It is the ***only*** empirical data that is available for determining the impact of a 10-cent fee on paper bag and reusable bag usage in a city that has banned plastic bags. It is an unbiased and well-documented study based on ***50,400 transactions***. The authors conclude: "The upward drift in paper bag use at regular stores in 2012 warrants further investigation….. If undercharging is not occurring, a steeper fee of more than 10 cents may need to be considered." The evaluation of the impact of the 10-cent fee must be based on this survey. (2) The Draft and Revised Final EIRs fail to factor into the environmental calculations prospective purchases of plastic bags for use as bin-liners and other uses **CEQA VIOLATIONS:** Pub. Res. Code § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.	6
B. Unjustified, unreasonable, and misleading use of LDPE reusable bags as basis for entire reusable bag impact analysis. **COMMENT**: LDPE reusable bags are the best reusable bags for the environment as they only need to be used 2.6 times to offset their greater impacts compared to a plastic carryout bags. In contrast, a cotton bag must be used 173 times. However, LDPE (i.e. polyethylene) reusable bags are rarely provided or used. Nevertheless, BEACON uses LDPE reusable bags and the 2.6 multiplier as the basis for all of its reusable bag calculations in the Draft and Revised Final EIR in order to falsely and misleadingly make the environmental footprint of all types of reusable bags appear to be far more favorable than the reality. (In contrast, the Los Angeles County EIR used a multiplier of 104, which is reasonable acceptable.) ***BEACON has failed to correct the Revised Final EIR.*** **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2), § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151.	12

C. Unjustified, unreasonable, and misleading assumption that each reusable bag will be used on average 52 times. **COMMENT**: BEACON uses the 52 multiplier to manipulate the metrics to show no negative environmental impact. When a lower figure is used, the negative environmental impacts of the proposed ordinance are very significant. If the 52 figure is replaced by 2, the CO_2E per year from the production, distribution, and disposal of reusable bags distributed and used in Santa Barbara and Ventura County would be equivalent to: • CO2 emissions from 90,510,387 gallons of gasoline consumed • CO2 emissions from 1,877,564 barrels of oils consumed • CO2 emissions from the electricity use of 120,861 homes for one year • CO2 emissions from burning 3,469 railcar's worth of coal ***BEACON has failed to address this objection.*** **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2), § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.	17
D. False and misleading assertion that non-woven polypropylene reusable bags are recyclable. **COMMENT:** Non-woven polypropylene bags are ***not*** recyclable in Santa Barbara or Ventura Counties. In contrast, plastic carryout bags are fully recyclable at plastic bag recycling bins at supermarkets and other large stores with pharmacies, pursuant to AB 2449. Bags placed in those bins are actually recycled. ***BEACON asserts that a resin code printed on the bottom of such bags makes them recyclable. That is not true. The code only indicates the type of resin used, not recyclability.*** **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2)), § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151.	19

E. Failure to disclose that stormwater capture devices and trash excluders prevent plastic bags from reaching the watershed, waterways, and the ocean. **COMMENT:** The Draft and Revised Final EIRs state: "plastic bag litter enters Santa Barbara and Ventura County rivers, creeks, and watersheds via storm drains," which is either untrue or partially true and highly misleading. The impact of existing and planned stormwater capture devices, such as the ones that have been or will be installed in the City of Ventura, must be fully disclosed in the EIR. ***BEACON has failed to address this objection. BEACON has used a transparent and cynical ploy to avoid making any response.*** **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2), § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.	21
F. False and grossly misleading statements regarding marine impacts. **COMMENT:** BEACON has totally failed to address this objection. This is critically important, because the Revised Final EIR makes false, exaggerated, grossly misleading, and inflammatory claims that may be highly influential with decisionmakers and citizens. **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2)), § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617 and *Save The Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 175.	26
G. False and misleading assertion that plastic bags are made of petroleum or natural gas. **COMMENT:** BEACON has used ambiguous wording in its response to obfuscate this issue. BEACON has refused to make the necessary correction. Plastic bags are made of ***waste byproducts*** of oil and natural gas refining, that is ethane or naphtha. Plastic bags are not made of oil or natural gas. **CEQA VIOLATIONS:** Pub. Res. Code § 21080(e)(1) and (2), § 21091(d); CEQA Guidelines, including but not limited to §§ 15088.5, 15120, 15124, 15126, 15126.1, 15144, and 15151 and applicable judicial decisions including *Save The Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, 175.	28

H. Failure to prepare and recirculate revised draft EIR. **<u>CEQA VIOLATION:</u>** CEQA Guidelines § 15088.5 states: "A lead agency is required to recirculate an EIR when significant new information is added to the EIR after public notice is given of the availability of the draft EIR for public review under Section 15087 but before certification." Recirculation is also required if: "The draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded."	29
I. Failure to attach STPB's responses to BEACON's responses to Final Revised EIR **<u>CEQA VIOLATION:</u>** Pub. Res. Code § 21091(d); *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.	30

NOTE: The foregoing are only summaries. No waivers of any objections asserted in previous documents or this document are intended. All rights are reserved.

OBJECTION A

(1) FAILURE TO BASE EVALUATION OF IMPACT OF 10-CENT FEE ON PAPER AND REUSABLE BAG USAGE ON SANTA MONICA HIGH SCHOOL SURVEY; AND (2) FAILURE TO FACTOR INTO METRICS PROSPECTIVE PURCHASES OF PLASTIC BIN-LINERS AND OTHER PLASTIC BAGS TO REPLACE PLASTIC CARRYOUT BAGS

SUMMARY OF OBJECTION: In March 2013, Santa Monica High School issued a report on bag choice at Santa Monica grocery stores based on pre-ban and post-nab extensive surveys. (Doc # 306.) The report contains these charts:

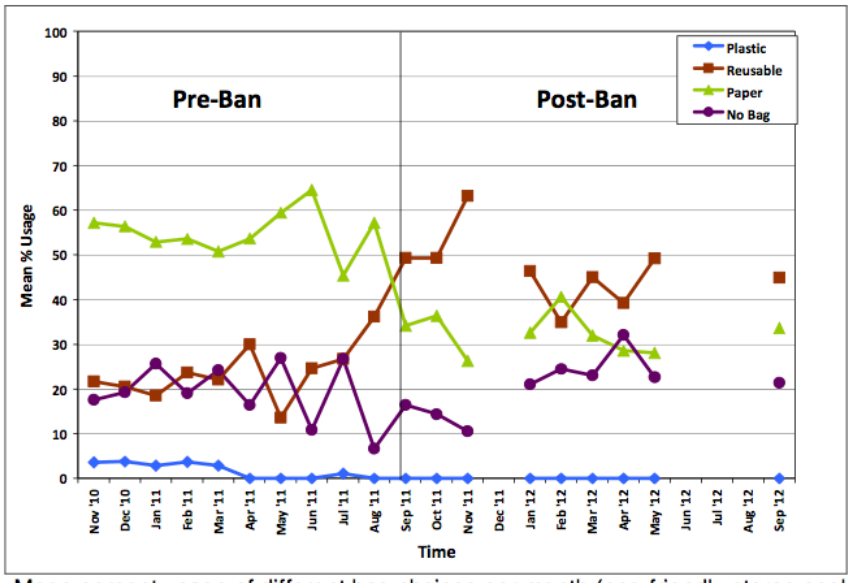


Figure 3. Mean percent usage of different bag choices per month (eco-friendly stores pooled) before and after the plastic bag ban. Gaps represent months no data were collected (see Table 1 below).

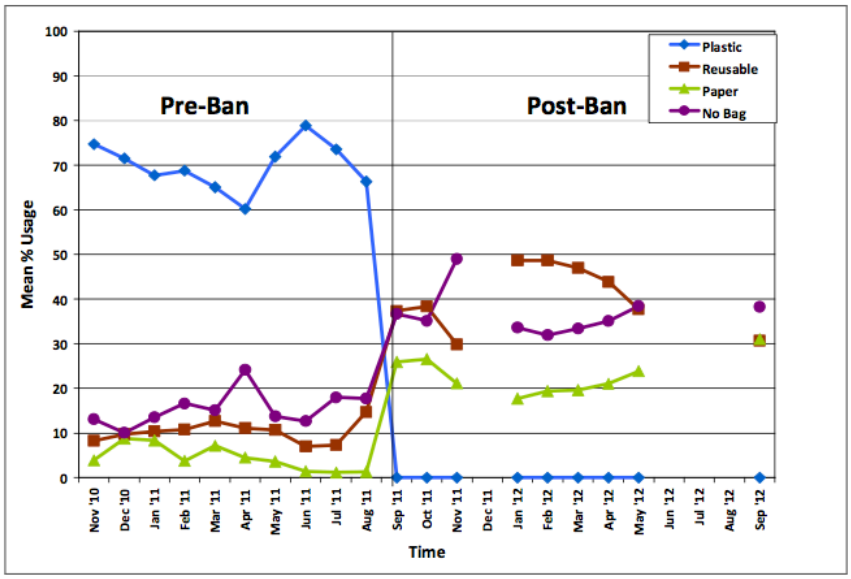


Figure 4. Mean percent usage of different bag choices per month (regular stores pooled) before and after the plastic bag ban. Gaps represent months no data were collected (see Table 1 below).

Figure 3 shows a timeline for Whole Foods and Trader Joe's, which are described in the report as "eco-friendly" stores. Customers at these stores are generally quite affluent and would take steps that they have been told are good for the environment.

Figure 4 shows a timeline for Albertsons, Vons, and Ralphs, which are described in the report as "regular" stores. Customers at these stores are more representative of the general public, and include less affluent customers. There are far more regular-type stores in Santa Barbara and Ventura Counties than eco-friendly stores. Eco-friendly stores would be a tiny percentage of the stores that would be covered by the proposed ordinances.

The Santa Monica report figures are supported by extensive pre-ban and post-ban surveys and constitute substantial evidence. The survey lasted for 19 months and is based on the observation of 50,400 customers. In contrast, Los Angeles County's claims about paper bag reduction are not based on any pre-ban data or surveys and are therefore not substantial evidence.

With respect to "regular" stores, figure 4 is substantial evidence that:

1. Paper bag usage was between 0 and 10% of market share before the Santa Monica ordinance took effect. At times it was very close to zero percent.
2. When the ban took effect in September 2011, paper bag usage increased dramatically to about 27%. It then dropped and rose again to about 30% by September 2012.
3. The paper bag trend line shows that paper bag usage is ***increasing***.
4. When the ban took effect in September 2011, reusable bag usage increased dramatically to about 49%. It then dropped to 30% by September 2012.
5. The reusable bag trend line shows that reusable bag usage is ***decreasing***.

When a ban ordinance takes effect, consumers are initially very responsive. However, over the course of time, the responsiveness wears off. In just one year after the ban took effect, reusable bag usage had ***dropped*** by 20%. As of March 2013, reusable bag usage probably dropped further and paper bag usage probably increased further, based on the trend lines.

The authors of the Santa Monica report reach a similar conclusion. They state as follows:

> The upward drift in paper bag use at regular stores in 2012 warrants further investigation. Specifically, it would be of interest to ensure grocery stores, one year after the ban, are following the law; are they continuing to disincentivize paper bag use by charging 10 cents per paper bag? Other variables could be contributing as well, including patron apathy, regulars stores undercharging for the number of paper bags used, and stores prematurely removing strategic parking lot and store signage reminding customers to bring in their reusable bags. A study comparing the number of paper bag sold to the volume purchased should establish if any undercharging is occurring, and ultimately, whether regular stores are obeying the law. If undercharging is not occurring, a steeper fee of more than 10 cents may need to be considered.

Based on the foregoing, an EIR must disclose that the 10-cent fee may not be sufficiently high to prevent significant negative environmental impacts resulting from a substantial increase in paper bag usage.

SAVE THE PLASTIC BAG COALITION ("STPB") DEMANDS THAT THE SANTA MONICA REPORT BE DISCUSSED IN A REVISED DRAFT EIR, WITHOUT MISREPRESENTATION OR AMBIGUITY AND IN A TOTALLY NON-MISLEADING WAY. STPB DEMANDS THAT FIGURE 4 OF THE SANTA MONICA REPORT BE INCLUDED IN THE REVISED DRAFT EIR. STPB OBJECTS IF THERE IS A FAILURE TO DO SO.

BEACON'S RESPONSE:

BEACON responds at page 8-289 of the Revised Final EIR.

STPB'S RESPONSE TO BEACON RESPONSE:

BEACON response: "The commenter provides data from a study from the City of Santa Monica that states that paper bag usage after a bag ordinance was implemented increased to approximately 30% and that reusable bag usage initially rose to 49% but then dropped to 30%. The commenter further states that the 10-cent fee for paper bags associated with the Proposed Ordinance may not be sufficiently high to prevent environmental impacts related to the increase in paper bag usage."

STPB response:

BEACON has misrepresented STPB's comments in order to make it easier for BEACON to respond. This is what STPB ***actually*** said:

With respect to "regular" stores, figure 4 is substantial evidence that:

1. Paper bag usage was between 0 and 10% of market share before the Santa Monica ordinance took effect. At times it was very close to zero percent.
2. When the ban took effect in September 2011, paper bag usage increased dramatically to about 27%. It then dropped and rose again to about 30% by September 2012.
3. The paper bag trend line shows that paper bag usage is ***increasing***.
4. When the ban took effect in September 2011, reusable bag usage increased dramatically to about 49%. It then dropped to 30% by September 2012.
5. The reusable bag trend line shows that reusable bag usage is ***decreasing***.

When a ban ordinance takes effect, consumers are initially very responsive. However, over the course of time, the responsiveness wears off. In just one year after the ban took effect, reusable bag usage had ***dropped*** by 20%. As of March 2013, reusable bag usage probably dropped further and paper bag usage probably increased further, based on the trend lines.

The authors of the Santa Monica report reach a similar conclusion. They state as follows:

> The upward drift in paper bag use at regular stores in 2012 warrants further investigation. Specifically, it would be of interest to ensure grocery stores, one year after the ban, are following the law; are they continuing to disincentivize paper bag use by charging 10 cents per paper bag? Other variables could be contributing as well, including patron apathy, regulars stores undercharging for the number of paper bags used, and stores prematurely removing strategic parking lot and store signage reminding customers to bring in their reusable bags. A study comparing the number of paper bag sold to the volume purchased should establish if any undercharging is occurring, and ultimately, whether regular stores are obeying the law. If undercharging is not occurring, a steeper fee of more than 10 cents may need to be considered.

BEACON response: "The study the commenter provides and the statement that the paper bag usage once a bag ordinance is implemented would actually increase to approximately 30% is consistent with the bag use assumptions in the Draft EIR and confirms the reasonableness of the assumption that approximately 30% of the plastic bags currently used in the Study Area would be replaced by recyclable paper bags (see Table 2-2 in Section 2.0, *Project Description*, of the Draft EIR). In regard to reusable bags, the commenter fails to mention the statistic provided in the comment letter (see Figure 4 in the comment letter) that approximately 35% of customers chose to use no bag at all after the ordinance went into effect (an increase of approximately 25% from pre-ordinance conditions). The Draft EIR assumes that approximately 65% of plastic bags would be replaced by approximately 65% reusable bags after implementation of the Proposed Ordinance (see Table 2-2 of the Draft EIR). As described in Response 1.21, this is considered a reasonable assumption and is intended to provide a worst-case scenario related to environmental impacts. As such, if approximately 35% of the customers did not use any type of carryout bag, impacts would actually be reduced compared to the analysis in the Draft EIR. This confirms that the Draft EIR provides a reasonable, worst case approach to evaluating impacts related to switching from plastic carryout bags to either reusable or recyclable paper bags."

STPB response:

The following table approximately summarizes the changes in Santa Monica caused by the ban and the 10-cent paper bag fee at Figure 4 stores.

TYPE OF BAG	BEFORE BAN	AFTER BAN	CHANGE
Plastic	79%	0	-79%
Paper	1%	24%	+23% **and increasing**
Reusable	8%	38%	+30% **and decreasing**
No bag	12%	38%	+26%

The Draft and Revised Final EIRs do not show the ***net increase*** in paper and reusable bag usage and the changes that are continuing to occur: paper bag usage ***increasing*** and reusable bag usage ***decreasing***. STPB objects to those omissions. The Santa Monica tables must be included in the EIR, so that the public and decision-makers can see the percentage changes and the trend lines.

Paper bag and reusable bag usage combined increased by a whopping 53%! Paper bags are underused reusable bags are much worse for the environment than plastic bags. We recognize that the 79% drop in plastic bag usage and the 26% increase in no bag usage must be offset against the 53% increase in combined paper ands reusable bag usage. However, this is subject to a counter-offset for the increase in purchases of plastic bags for bin liners and other purposes, as occurred in Ireland and South Africa, which is a calculation that never appears in the Draft or Final Revised EIR. (Docs. ## 901 and 307.) STPB objects to that omission.

Once the foregoing facts are taken into account, will the ordinance result in significant negative environmental impacts? That depends on the assumptions made about the impacts of reusable bags compared to "single-use" plastic bags for which the Draft and Revised Final EIR dishonestly use a ratio of 2.6, as discussed on Objection B below, and how many times each reusable bag is reused, as discussed in Objection C below. ***By using false and unreasonable assumptions, BEACON has manufactured a response that supports its predetermined goals of showing that the proposed ordinances will not result in significant negative environmental impacts.***

BEACON response: "The commenter provides a South African report and states that by banning plastic bags, there would be an increase in the number of trash bin liners purchased as people would no longer be able to use plastic carryout bags to line their trash cans at home. The commenter further states that impacts that result from the increase of plastic trash liners needs to be included in the EIR. See Response 1.47. As stated above, there may likely be an increase in plastic trash liners used in the Study Area. However, these types of trash bags are intended for such use and are not the type of bags that generally end up as litter (which impact biological resources, clog storm drains, and enter the marine environment). The objective of the Proposed Ordinance is intended to reduce existing impacts associated with plastic carryout bags including those impacts related to biological resources (plastic bag litter affecting wildlife species and habitat) and water quality (plastic bag litter clogging storm drains and entering creeks and waterways within the Study Area)."

STPB response: The fact that such replacement bags are less likely to end up as litter is an insufficient response. Litter is only one aspect of the environmental picture. What about greenhouse gases and other non-litter environmental impact metrics? The impact of increase plastic bag purchases for bin liners and other purposes must be factored into those metrics. STPB objects to the failure to do so.

A 10-cent fee is not an effective deterrent to ensure a sufficient suppression of paper bag usage. Other cities such as San Jose have opted for a 25-cent fee, which should be more effective.

Photo taken at Bristol Farms in the City of West Hollywood on March 7, 2013. The plastic bag ban in West Hollywood took effect in February 2013.

OBJECTION B

UNJUSTIFIED, UNREASONABLE, AND MISLEADING USE OF LDPE REUSABLE BAGS AS BASIS FOR ENTIRE REUSABLE BAG IMPACT ANALYSIS

SUMMARY OF OBJECTION TO DRAFT EIR:

The Draft EIR asserts that a switch to reusable bags instead of paper bags would have an insignificant or a positive environmental impact, because LDPE (i.e. plastic) reusable bags are "one of the most common types of reusable bags." This is a falsehood. LDPE reusable bags are a tiny percentage of reusable bags. If there is a major switch to reusable bags, it will be primarily PP reusable bags. STPB submitted extensive photographic evidence that few stores carry LDPE reusable bags in areas where plastic bags have been banned. PP, canvas, and cloth reusable bags, which have a much greater negative, impact on the environment that LDPE.

An LDPE reusable bag needs to be used only 2.6 times to offset its greater negative environmental impact compared to a "single-use" plastic carryout bag. Other types of reusable bags must be used between 104 and 173 times. The author of the DEIR ***cynically and deceptively*** chose the best reusable bag for the environment, that is an LDPE reusable bag, as being representative of all or a majority of reusable bags. The DEIR uses the figure of 2.6 for all of the calculations regarding reusable bags throughout the Draft EIR.

BEACON'S RESPONSE:

BEACON acknowledges "the analysis uses the LDPE carryout bag as a representation of reusable bags in evaluating GHG impacts." However, BEACON states: "There is no known available Life Cycle Assessment that evaluates all types of reusable bags (canvas, cotton, calico, etc.) with respect to potential GHG emissions."

STPB'S RESPONSE:

BEACON's assertion that there is no known available Life Cycle Assessment that evaluates all types of reusable bags with respect to potential GHG emissions ***is simply untrue***. STPB provided LCA's including the British Government report (Docs. # 406, 407) and the Los Angeles County EIR (Doc. 1). STPB even included the following table and chart from the British Government LCA in its objections:

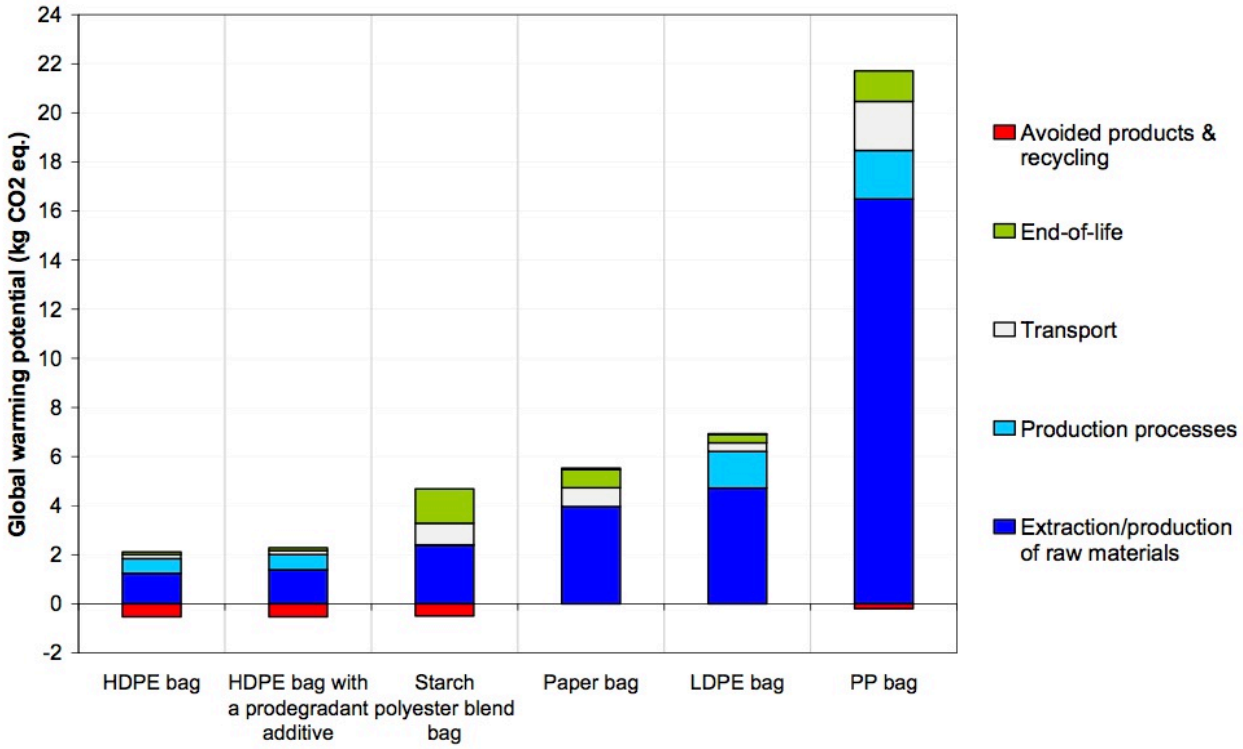
NUMBER OF TIMES THAT ALTERNATIVE BAGS HAVE TO BE USED TO PRODUCE LESS GLOBAL WARMING THAN PLASTIC BAGS

Plastic bag = 1

Type of carrier	HDPE bag (No secondary reuse)	HDPE bag (40.3% reused as bin liners)	HDPE bag (100% reused as bin liners)	HDPE bag (Used 3 times)
Paper bag	3	4	7	9
LDPE bag	4	5	9	12
Non-woven PP bag	11	14	26	33
Cotton bag	131	173	327	393

Based on the above table, if a consumer uses a cotton bag only 130 times and then discard it, more global warning will have been created than if 130 conventional plastic carryout bags had been used. If a consumer has two cotton reusable bags and discards one of them without reusing it, the other would have to be used 262 times.

"The cotton carrier bag is not shown in [the following table], because its [global warming potential] is more than ten times that of any other carrier bag." (British LCA at 33)



BEACON'S RESPONSE:

"Further, the study that utilizes the 2.6 per bag rate assumption is from the Ecobilan (2004) and the Scottish Report (AEA Technology, 2005) that the commenter references in his previous comments (see Comment # 11 and Comment #24) and recommended for use in the Draft EIR analysis. As described in Response 1.77, this methodology is consistent with the greenhouse gas impact analysis contained in other CEQA documents pertaining to bag ordinances. This rate compared to an HDPE single-use plastic bag (2.6 times) is related to an LDPE bag being used once and then disposed."

STPB'S RESPONSE:

This is irrelevant. LDPE reusable bags may be common in Scotland and France. Stephen Joseph is witnessed bag use in Britain and France and the overwhelming majority of reusable bags are LDPE in those counties. However, in California as STPB's photographs many show, LDPE reusable bags are a relative rarity.

BEACON'S RESPONSE:

"In regard to the LDPE reusable bags being a common reusable bag type, the Final EIR has been edited as follows on page 4.1-9 to remove 'one of the most common types.'"

STPB'S RESPONSE:

This change is not sufficient to address and meet the objection. ***The Final EIR still uses the 2.6 figure throughout the document, including with respect to GHG emissions.***

BEACON'S RESPONSE:

In regard to using a GHG impact rate of 104 times that of a HDPE single-use carryout bag, while this rate appears to be unreasonably exaggerated and unreasonable in comparison to the 2.6 rate (as described above), even if it were used as the rate for GHG impact, as shown in the table below, the net increase of GHG emissions in the Study Area as a result of the Proposed Ordinance (approximately 0.0357 metric tons CO2e per person per year) would not exceed the threshold of significance (4.6 metric tons per person per year) and thus the impact would remain less than significant (the same as in the Draft EIR using the rate of 2.6 for LDPE bags).

STPB'S RESPONSE: The assertion is incorrect for three reasons.

First, the Los Angeles County EIR uses the 104 figure, so it is not unreasonably exaggerated and unreasonable

Second, the issue is not emissions in the Study Area. It is emissions anywhere. In *Save The Plastic Bag Coalition v. City of Manhattan Beach* (2011) 52 Cal.4th 155, the Supreme Court stated:

> As noted above, it is also established that CEQA review includes the impacts a project may have in areas outside the boundaries of

the project itself.

(*Id.* at 175.) The public and decisionmakers must be informed about GHG emissions beyond the outside the boundaries of the project itself. STPB is not asserting that GHG emissions *in the Study Area* will increase beyond some fictional level of significance. Moreover, GHG emissions are cumulative.

Second, the table below provided by BEACON based on a 104 times factor ***assumes that reusable bags will be used on average at least 52 times***. STPB has objected to that baseless and speculative assumption. Based on the 52 times assumption, BEACON's table assumes that

Estimated Greenhouse Gas Emissions from Carryout Bags in Study Area with Implementation of the Proposed Ordinance Using a GHG Impact Rate of 104 for Reusable Bags

Manufacture, Use and Disposal					
Bag Type	**Proposed # of Bags Used per Year**[1]	**GHG Impact Rate per Bag**	**GHG Impact Rate (metric tons CO_2E)**	**CO_2E per year (metric tons)**	**CO_2E per Person (metric tons)**[5]
Single-use Plastic	32,912,070	1	0.04 per 1,500 bags[2]	878	0.0007
Single-use Paper	197,472,422	2.97	0.1188 per 1,000 bags[3]	23,460	0.0189
Reusable	8,228,018	**104**	4.16 per 1,000 bags[4]	34,229	0.276
			Subtotal	*58,567*	*0.047*
Washing					
Bag Type	**# of Loads per Year**[6]	**Electricity Use Per Load (kW)**[7]	**Total Electricity Use Per Year (kW)**	**CO_2E per year (metric tons)**[8]	**CO_2E per Person (metric tons)**
Reusable	2,598,321	3.825	9,938,578	3,279	0.0026
			Subtotal	3,279	*0.0026*
Total GHG Emissions from Proposed Ordinance				**61,846**	**0.05**
Existing GHG Emissions				**17,553**	**0.0142**
Net Change (Total minus Existing)				**44,293**	**0.0357**

If each and every reusable bag distributed to the public is used on average twice instead of 52 times, the number of reusable bags would increase from 8,228,018 to 213,928,468. That is 889,954 CO_2E per year (metric tone) just from reusable bags. According to the U.S. Environmental Protections Agency, this is equivalent to:

- **CO_2 emissions from 90,510,387 gallons of gasoline consumed**
- **CO_2 emissions from 1,877,564 barrels of oils consumed**
- **CO_2 emissions from the electricity use of 120,861 homes for one year**
- **CO_2 emissions from burning 3,469 railcar's worth of coal**

(See Doc. #423 submitted herewith.) The assertion that this is not significant is absurd. Even if each and every reusable bag distributed to the public is used on average 20 times, meaning that the above impacts are reduced by 90%, the impacts are still huge and significant.

Finally, the Final EIR still uses the 2.6 figure in every table where impacts of reusable bags are measured. The figures have not been changed to 104. Therefore, STPB objects.

BRISTOL FARMS
CITY OF WEST HOLLYWOOD
MARCH 7, 2013
(PLASTIC BAGS BANNED EFFECTIVE FEBRUARY 2013)

These are not LDPE or HDPE reusable bags.
No LDPE or HDPE reusable bags were available anywhere in the store.
LDPE reusable bags are a relative rarity in places where plastic bags have been banned.

OBJECTION C

UNJUSTIFIED, UNREASONABLE, AND MISLEADING ASSUMPTION THAT EACH REUSABLE BAG WILL BE USED ON AVERAGE 52 TIMES

SUMMARY OF OBJECTION TO DRAFT EIR:

The Draft EIR states: **"**Although a reusable bag is designed to be used up to hundreds of times, it is conservatively assumed that a reusable bag would be used by a customer once per week for one year (52 times)." There is no basis for such an assertion. It is just guesswork. The analysis must be based on a reasonable worst case scenario, which is that reusable bags may not be used on average a sufficient number of times to offset their greater negative environmental impacts compared to a plastic or paper carryout bag.

An assumption of two uses per reusable bag would be the highest reasonable worst-case scenario number for reusable bag usage. STPB objects to any higher multiplier that two being used for the purpose of determining the *possible* significant environmental impacts of the proposed ordinance. If a reusable bag can be used 125 times, that does not mean that it *will* be used 125 times, or 52 times per year. In fact, reusable bags are difficult or impossible to wash, except for LDPE and HDPE reusable bags which can be easily wiped clean and cloth bags which can be put in a washing machine. PP bags cannot be washed in a washing machine. See photo below.

BEACON'S RESPONSE:

"Further, in regard to the number of assumed uses of a reusable bag in the Draft EIR, please see Response 1.21 which describes why approximately 52 uses for a reusable bag is considered a conservative and reasonable assumption for the Draft EIR analysis."

STPB note: Response 1.21 does not address why approximately 52 uses for a reusable bag is considered a conservative and reasonable assumption.

Response 1.21 states: "The assumption that reusable bags would replace 65% of plastic bags resulting from the Ordinance, and that bags are used 52 times per year is a conservative estimate. Please see responses 1.17 and 1.18 regarding these estimates."

Responses 1.17 and 1.18 do not address the issue at all.

STPB'S RESPONSE:

BEACON has simply pulled the 52 times figure out of the air, so as to have a high enough number to justify its assertion that the ordained would not result in great negative environmental impacts. This is cynical manipulation of the metrics by BEACON. There is absolutely no substantial evidence supporting the 52 times assumption.

A polypropylene (PP) reusable bag after it has been washed in a washing machine. A PP reusable bag cannot be kept clean and reused more than a handful of times.

OBJECTION D

FALSE AND MISLEADING ASSERTION THAT NON-WOVEN POLYPROPYLENE REUSABLE BAGS ARE RECYCLABLE

SUMMARY OF OBJECTION TO DRAFT EIR:

The Draft EIR asserts that non-woven polypropylene reusable bags are recyclable. reusable bags" are "recyclable products." With the exception of plastic reusable bags (i.e. LDPE and HDPE), reusable bags are ***not*** recyclable. This is a major deception on an issue of great importance, especially as plastic carryout bags which the proposed ordinance would ban are totally recyclable. The public must be told in the DEIR that all reusable bags, with the exception of LDPE and HDPE reusable bags, are ***not*** recyclable. In contrast, plastic carryout bags are recyclable at plastic bag recycling bins at supermarkets and large retail stores with pharmacies, as required by AB 2449. This is a significant environmental impact that must be disclosed in the EIR.

BEACON'S RESPONSE:

The commenter objects to the description of reusable bags as recyclable products. The commenter is mistaken in his assumption that the Draft EIR claims that all reusable bags are recyclable. The only reference to recyclability for reusable bags is related to non-woven polypropylene bags on page 2-6 of the Draft EIR as these types of bags are made of generally a form of Polypropylene which is rated a "5" on the Society of Plastics Industry's (SPI) spectrum of recycled codes.

STPB'S RESPONSE:

BEACON's response is unresponsive. The issue is whether decisionmakers and the public must be told in the EIR (i) that plastic carryout bags are recyclable at plastic bag recycling bins at supermarkets and large retail stores with pharmacies in Santa Barbara and Ventura Counties, as required by AB 2449; and (ii) that reusable bags, with the exception of LDPE and HDPE reusable bags, are not recyclable in Santa Barbara and Ventura Counties. The Final EIR does not make any such disclosure.

The fact that non-woven polypropylene bags are rated 5 on the SPI spectrum of recycled codes is irrelevant. They cannot be recycled anywhere in Santa Barbara or Ventura Counties. They are not accepted for recycling in any recycling bin or in curbside recycling Santa Barbara or Ventura Counties. The burden is on BEACON to prove that they are accepted for recycling, if that is what BEACON maintains. "CEQA places the burden of environmental investigation on government rather than the public." (*Sundstrom v. County of Mendocino* (1988) 202 Cal.App.3d

296, 311.) SPI has issued a guide to correct use of the resin codes, which is submitted herewith. (Doc # 424.) SPI states in that document:

> ***The RICs are used solely to identify the plastic resin used in a manufactured article***….
>
> ***The code was not intended to be - nor was it ever promoted as - a guarantee to consumers that a given item bearing the code will be accepted for recycling in their community.*** Much of the recent legal and regulatory activity surrounding use of the code has focused on uses that have been construed as making such a guarantee. This scrutiny is part of a larger effort by the FTC and State Attorneys General to crack down on the use of "false and misleading environmental claims" in product marketing.

As we can see, BEACON is clearly wrong about the resin code.

FTC regulations state that it is deceptive to misrepresent, directly or by implication, that a product or package is recyclable. (16 C.F.R. § 260.12(a).) The FTC addresses the issue of confusion about the resin code as follows 16 C.F.R. § 260.12(d):

> Example 2: A nationally marketed plastic yogurt container displays the Resin Identification Code (RIC) 6 (which consists of a design of arrows in a triangular shape containing a number in the center and an abbreviation identifying the component plastic resin) on the front label of the container, in close proximity to the product name and logo. This conspicuous use of the RIC constitutes a recyclable claim. ***Unless recycling facilities for this container are available to a substantial majority of consumers or communities, the manufacturer should qualify the claim to disclose the limited availability of recycling programs.*** If the manufacturer places the RIC, without more, in an inconspicuous location on the container (e.g., embedded in the bottom of the container), it would not constitute a recyclable claim.

OBJECTION E

FAILURE TO DISCLOSE THAT STORMWATER CAPTURE DEVICES AND TRASH EXCLUDERS WILL PREVENT PLASTIC BAGS FROM REACHING THE WATERSHED, WATERWAYS, AND THE OCEAN

SUMMARY OF OBJECTION TO DRAFT EIR:

The Draft EIR states "plastic bag litter enters Santa Barbara and Ventura County rivers, creeks, and watersheds via storm drains," which is not true. Full capture devices and trash excluders prevent plastic bags from entering Santa Barbara and Ventura County rivers, creeks, and watersheds. This is a very significant issue for the public. They are being told by BEACON that plastic bags are entering the river and marine environments, but it's a false assertion.

BEACON'S RESPONSE:

"The commenter states that the Draft EIR does not disclose that stormwater capture devices are preventing and will prevent plastic bags from reaching the "LA River, Ballona Creek and the Ocean". The Los Angeles River and Ballona Creek are not located within the Study Area. Please see Response 1.28 related to stormwater capture devices and trash excluders in the Study Area."

STPB'S RESPONSE:

This objection was designated as Objections ## 4 and 8 in STPB's March 25, 2013 objections.

STPB concedes that Objection # 4 was mistitled in that it referred to the Los Angeles area, but the content and substance of the objection relates to Ventura and Santa Barbara Counties. To the extent that the title requires correction, it is hereby corrected. ***Objection # 8 which is substantially identical was not mistitled.*** In its response to Objection #8, BEACON's response was to refer to its response to Objection # 4. ***This is a purely dishonest and cynical attempt by BEACON to avoid the issue.*** These are the words used by STPB in its March 25, 2013 objections:

> **OBJECTION # 4:** DEIR at 4.4-5 identifies programs and regulations in place to reduce trash and pollution in local waterways including the following:

1. The Ventura River Trash Total Maximum Daily Load (TMDL), (Los Angeles-RWQCB Resolution No. R4-2007-007),
2. The Revolon Slough/Beardsley Wash Trash TMDL (LA-RWQCB Resolution No. R4-2007- 008),
3. The Malibu Creek Watershed Trash TMDL (LA-RWQCB Resolution No. R4-2008-007),
4. The Santa Monica Bay Nearshore and Offshore Debris TMDL (LA-RWQCB Resolution No. R10-010), and
5. The Waste Discharge Requirements for Storm Water and Non-stormwater Discharges from the Municipal Separate Storm Sewer Systems within the Ventura County Watershed Protection District, County of Ventura and the Incorporated Cities Therein (Ventura MS4 Permit), LA-RWCQB Order R4-2010-0108, NPDES Permit No. CAS004002.

Despite identification of TMDL programs in Ventura and Santa Barbara Counties, STPB objects to the fact that nowhere in the DEIR is it disclosed that plastic bags will be prevented from entering county rivers and creeks and the ocean due to the installation of trash excluders on storm drain outfalls.

OBJECTION # 8: The Watershed Protection District in a presentation to the Calleguas Creek Watershed Steering Committee regarding the Ventura County Stormwater Quality Management Program and the Ventura County Municipal Stormwater Permit on 15 July, 2009 showed the following slide:

According to the U.S. Environmental Protection Agency, the Ventura River, the Revolon Slough/Beardsley Wash, and Malibu Creek in Ventura County are examples of water ways that have been designated as an impaired water bodies due to the large volume of trash it receives from the watershed. To address this problem a Total Maximum Daily Load (TMDL), which establishes baseline trash loads to the river from the watershed, has been incorporated into the area stormwater permits.

As STPB pointed out in its March 25, 2013 objections, full capture devices prevent any plastic bags reaching a watershed, rivers, or the ocean through a storm drain system ***as in*** Los Angeles.

The Final EIR deceives decision-makers and the public into believing that "plastic bag litter enters Santa Barbara and Ventura County rivers, creeks, and watersheds via storm drains." They must be told in the EIR that existing and planned full capture devices and trash excluders are preventing or will prevent this from happening.

Further, at the March 13, 2012 Santa Barbara City Council meeting, City staff admitted that they find plastic bags only occasionally and that the litter data is "inconclusive." Plastic bag litter is not a significant problem in the City of Santa Barbara.

STPB strongly objects to the failure to disclose these facts in the EIR.

A full capture device protecting a stormdrain system.

The above two photographs are of the same City of Los Angeles capture device.
It has a mechanical clearing mechanism.
(Photos taken by Stephen Joseph in Century City on 2-27-12)

CITY OF VENTURA TRASH EXCLUDER

This is the type of trash excluder that has been installed and is being installed inside catch basins along city streets in the City of Ventura. The devices are made of stainless steel and are custom built for each location. Plastic bags cannot slip through the screens. (Information and photograph provided by Chris Palmier, Public Works Supervisor, Environmental Sustainability, City of Ventura.) This must be disclosed in the EIR.

OBJECTION F
FALSE AND GROSSLY MISLEADING STATEMENTS REGARDING MARINE IMPACTS

SUMMARY OF OBJECTION TO DRAFT EIR:

The DEIR makes false and misleading statements about the marine impacts of plastic bags. The statement will cause decisionmakers and citizens to believe allegation that are not true. STPB submitted a huge amount of substantial evidence that the allegations are untrue.

BEACON'S RESPONSE:

This is BEACON's response in its entirety:

> The commenter opines that the Draft EIR contains false and misleading statements regarding marine impacts as plastic bags are not responsible for the "entire universe of plastic debris in the ocean". The commenter states an opinion that these statements are incorrect and that it is important that the EIR be accurate and informative. The commenter also opines that there is no evidence that any wildlife ingest or become entangled in plastic bags, "other than a handful of photographs on the Internet".
>
> The Draft EIR provides detailed information related to how litter from carryout bags (including single-use plastic bags, single-use paper bags and reusable bags) impact the marine environment. The purpose of the Draft EIR is to disclose the impacts associated with the Proposed Ordinance including how the decrease in the number of single-use plastic bags and the increase in the number of recyclable paper and reusable bags would impact biological resources. As shown in the Draft EIR, single-use plastic bags are more likely to become litter than paper and reusable bags and thus have a greater potential to enter creeks, storm drains and ultimately the marine environment. As such, reducing the number of plastic bags and thus reducing the potential for plastic bag litter would result in beneficial impacts related to biological resources. The commenter does not provide any evidence to suggest otherwise.

STPB'S RESPONSE:

BEACON has failed to respond in any meaningful way to STPB's objection. Essentially, BEACON has ignored STPB's comments on the marine impacts issue. BEACON has therefore forfeited its right to respond at a later date.

In *Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, the court stated:

> The City's obligation under CEQA was to explain in the FEIR "in detail giving reasons why" the City was not considering the sale of the residence with a reduced parcel. The City made no effort to satisfy its obligation. Its effort to conjure up reasons now is too late. The purpose of CEQA is to inform both the public and the decisionmakers, before the decision is made, of any reasonable means of mitigating the environmental impact of a proposed project. The City's failure to respond to this significant comment violated its duty under CEQA, and the trial court correctly found that the City's certification of the FEIR was therefore invalid.

(Id. at 616-617, emphasis added.) As in *Flanders Foundation*, the City's "effort to conjure up reasons" why its allegations are based on substantial evidence after certification will be too late.

OBJECTION G

OBJECTION TO ASSERTION THAT PLASTIC BAGS ARE MADE OF PETROLEUM OR NATURAL GAS

SUMMARY OF OBJECTION TO DRAFT EIR:

The DEIR states: "Single use carryout bags are defined in the Proposed Ordinance as bags made predominantly of plastic derived from either petroleum or biologically-based sources, such as corn or other plant sources, which is provided to a customer at the point of sale." The statement is untrue. Domestic plastic bags are made of ethylene, which is made of ethane which is a ***waste by-product*** obtained from domestic natural gas refining.

Approximately 69.3% of plastic bags used in the USA are made in the USA. (The figure was about 85%, but imports have replaced some domestic manufacturing to some extent.)

BEACON'S RESPONSE:

"In regard to the manufacture of plastic bags, the commenter contradicts his assertion about what plastic bags are made of as his description cites both oil and natural gas use in production process (whether domestically using ethylene, which is formed from natural gas, or internationally using naphtha, which is derived from oil or petroleum) of plastic bags."

STPB'S RESPONSE:

BEACON is confusing the issue with ambiguous wording. The public must be told that plastic bags are made from ***waste-byproducts*** of oil (imported bags) and natural gas (domestic bags) refining, not from oil and natural gas.

OBJECTION H

FAILURE TO PREPARE AND RECIRCULATE REVISED DRAFT EIR

Pursuant to § 15088.5, STPB demands that the EIR be revised in accordance with STPB's objections and recirculated. The EIR is so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment have been precluded. Further, a new and revised EIR that is responsive to the objections must disclose new significant negative environmental impacts that would result from the project, including but not limited to the reasonable possibility of huge increases in the number of paper bags and non-LDPE and non-HDPE reusable bags that are far worse for the environment than plastic carryout bags.

OBJECTION I

FAILURE TO ATTACH STPB'S RESPONSES TO BEACON'S RESPONSES TO EIR

The public and decision-makers should see and are entitled to see STPB's responses to BEACON's responses to STPB's objections. (*Flanders Foundation v. City of Carmel-by-the-Sea* (2012) 202 Cal.App.4th 603, 616-617.) STPB's responses dated April 17, 2013 were submitted to BEACON on April 17 and 18, 2013. Those responses should have been attached to the Final Revised EIR. (STPB is not waiving the objection that a new draft EIR should have been issued and recirculated.)

As things stand, the public and decision-makers will have no idea that BEACON's responses to STPB's objections are incomplete, evasive, intellectually dishonest, and bogus.

At this time, prior to approval by BEACON, STPB demands that ***this*** document, which includes responses to BEACON's responses regarding the Santa Monica High School survey and the South African report, be attached to the EIR. STPB objects to the failure to do so.

CONCLUSION

In response to STPB's responses to BEACON's responses to STPB's objections, BEACON changed nothing in the EIR. By refusing to make the necessary changes and corrections, BEACON is missing an opportunity to avoid litigation about the legality and adequacy of the EIR, which is unfortunate for the cities and counties that will be sued by STPB if they adopt ordinances based on it.

STPB wants an honest and complete EIR. Decisionmakers and the public are entitled to the truth. At a Santa Barbara City County meeting in 2012, we offered to work with BEACON on developing an EIR, but our proposal was ignored.

CEQA Guidelines § 15151 states in part: "An EIR should be prepared with a sufficient degree of analysis to provide decision makers with information which enables them to make a decision which intelligently takes account of environmental consequences." The Revised Final EIR unquestionably fails to meet this standard. The Revised Final EIR is disingenuous, intellectual dishonest, deceptive, and grossly misleading. The Revised Final EIR is intended to lead citizens, City Councils, and Board of Supervisors to falsely conclude that the project will have no significant environmental impacts and to falsely conclude that plastic bags are worse for the environment than they are in reality.

STPB remains willing to work with BEACON on making the necessary corrections to the EIR to ensure that decisionmakers and the public are presented with a truthful and complete document. STPB wishes to avoid litigation if possible.

If the Revised Final EIR is certified, or if STPB's objections are not met and corrections made, STPB will file a petition for writ of mandate and other relief in Superior Court against any city or county that adopts a plastic bag ban or other ordinance based on the EIR.

All rights are reserved. No rights are waived by any statement or omission herein.

DATE: May 14, 2013

SAVE THE PLASTIC BAG COALITION

By: STEPHEN L. JOSEPH, Counsel

17 May 2013

Mr. Gerald Comati, P.E.
Program Manager
Beach Erosion Authority for Clean Oceans and Nourishment
206 East Victoria Street
Santa Barbara, CA 93101

Subj: Comments on the Final Environmental Impact Report (FEIR)

Ref:
(a) Email: Ashley Meyers (Rincon Consultants) to Anthony van Leeuwen, "Notice of Public Hearing – BEACON Single-Use Bag Ordinance", dated 7 may 2013.
(b) "BEACON Single Use Carryout Bag Ordinance, Final Environmental Impact Report", document SCH #2012111093 dated May 2013.
(c) Letter, From Anthony van Leeuwen To Gerald Comati (BEACON) dated 18 April 2013.
(d) "BEACON Single Use Carryout Bag Ordinance, Final Environmental Impact Report", document SCH #2012111093 dated April 2013
(e) BEACON Board of Directors' Meeting Announcement for 17 May 2013.
(f) Staff Report from Executive Director to BEACON Board of Directors, dated 3 May 2013.

1. In reference (a) notification of the availability of reference (b) the Full and Final EIR was made. Reference (c) was submitted in response to reference (d) the Final EIR due to outstanding issues that were not adequately resolved by BEACON as a result of comments on the draft EIR. Reference (c) was not included in reference (b) and no corrections were made to reference (b) as a result of comments supplied in reference (c) and testimony by the undersigned at the 19 April 2013 BEACON Meeting. In reference (c) comments were made and information supplied that showed the final EIR dated April 2013 still had flaws and omitted important data needed by decision makers. In reference (c) we showed the following:
    a. That incorrect modeling was used to calculate the annual weight of reusable bags deposited in the landfill. The final EIR identified 0.075 tons per year or 150 lbs. of reusable bags (or approximately 353 reusable bags out of 8,228,018 reusable bags) deposited in the landfill per year. At this rate it would take more than 20,000 years to dispose of 8,228,018 reusable bags most of which are not recyclable because there is no recycling infrastructure for polypropylene (PP) or cotton bags. Obviously, this is a demonstration that the final EIR is seriously flawed and omits important information.
    b. That landfill quantities of plastic bags pre-ban was at most 3,876.46 tons that would be replaced by up to 16,168.37 tons of remaining plastic bags, paper bags, reusable bags, replacement bags, and other plastic bags and wraps. In other words, more than <u>four times as much</u> material goes to the landfill as a direct result of the ban on plastic carryout bags. <u>No mitigation measures are identified</u> in the Final EIR to reduce the landfill amounts.
    c. An article titled "Fact Sheet - Landfill Impacts" was provided including a document that calculated "Landfill and Recycling Impacts" for the proposed ordinance and each of the alternatives as information that could be used by BEACON to improve the Final EIR.
    d. Comments titled "Reclama of Issues Previously Raised" and not satisfactorily resolved by BEACON was also provided. This included the following issues:
        i. All direct and indirect impacts of the carryout bag ban should be addressed including (1) the environmental impacts associated with the purchase of (including manufacturing, transportation, and disposal) of replacement plastic bags and (2) the

potential loss of the At-Store Recycling Program when plastic carryout bags are banned.

ii. Information presented regarding solid waste disposal is misleading, inaccurate, and incomplete. At the very minimum, supplementary information should be supplied either in the body of the EIR or in an Appendix regarding Solid Waste disposal in the landfill and/or diversion to recycling.

iii. Sufficient information should be provided for all carryout bags types including end-of-life disposal methods including recycling and landfill disposal. The EIR should include mitigation measures and strategies to reduce the quantity of material headed for the landfill as a direct result of the proposed ordinance.

2. In reference (e) and reference (f), BEACON states that they have no intention of certifying the EIR as the Lead Agency as stated in reference (d). Reference (d) was modified in reference (b) to change the role of BEACON from a Lead Agency to a Co-Lead Agency. This means that either a county or municipality would have to certify the Full and Final EIR along with adoption of an ordinance. While it is understandable that this change was made as a result of potential litigation, it would be more desirable for BEACON to avoid litigation by working with interested parties to rewrite the EIR and to ensure that the EIR is complete and factual. The undersigned is willing to assist BEACON in rewriting the EIR to ensure the EIR is complete and factual and present decision makers with information to make a fully informed decision.
3. **Based upon information previously submitted and reiterated in this letter, the undersigned objects to certification or approval of the Final EIR, reference (b) or (d), without substantial revision. In addition, the undersigned objects to distribution of the Final EIR by BEACON to BEACON member agencies and other jurisdictions without substantial revision.** The undersigned reserves the right to take legal action. This memorandum is submitted and should become part of the official record regarding the preparation of this EIR. For more information, please feel free to contact Mr. Anthony van Leeuwen at 805-647-4738 or by email at vanleeuwenaw@roadrunner.com.

Respectfully,

Anthony van Leeuwen

June 1, 2013

re: The Single Use Bags Ordinance

Dear Santa Barbara City Council,

I am glad that I am able to present to you a collection of letters regarding the proposed Single Use Bags Ordinance. We have worked on argument and persuasive writing throughout the year, and it is one of my students' favorite forms of writing. While I am sure you will notice, the students have many ideas about this proposed ordinance. I of course modeled for them some sentence starters to launch them into certain lines of thought—as you can read in the sentences where they reference their phone calls with Penny Owens and Grant House. The great majority of these lines are original, influenced only by the common learning students have explored in sixth grade and by their common experiences. I have had the fortune to work with an excellent group of kids this year, and I am confident that they will move forward shaping their future world with great commitment.

As you can see, the class was quite unanimous on the support for this ban, everything we have learned has led them to support this conclusion. While you will get a great range of opinions on subjects such as gun control or at what age children should be allowed to play "M-Rated" video games, during the discussion of this subject, there was very little controversy. I hope you have the time to read through each of their letters, whether you each do, or you share the task—there are many golden lines in their writing, questions and perspectives unique to a child's view of the world. After all, it is largely for them that we aspire to protect the planet and the creatures in it, perhaps their voices are the most important ones that we need to heed when discussing this type of legislation.

I am optimistic that you will indeed approve the ordinance, and for my students, to see this take effect will be an empowering experience in civic participation. I would like to invite any of you that do not already wholeheartedly support the ban to contact me personally so that I may have another opportunity to discuss the issue with you, that I may understand your perspective, and have another chance to persuade you.

Sincerely,

Michael Macioce
Sixth Grade Teacher
Adelante Charter School
mmacioce@sbsdk12.org

5/15/13

Re The Single Use Bags Ordinance

Dear Santa Barbara city council,

Should we let people use plastic bags on groceries, shops, restaurants or stores? NO! Have you know that customers use 400 million plastic bags in a year. Sixteen cities use 658 million plastic bags in one year. Will it be helpful if we ban plastic and paper bags? I think it will help the animals, the whole world and us too. When we spoke to Councilmember House by telephone, we learned that 4 out of 7-city councilmembers agree on banning the plastic and paper bags. If we were banning the plastic and paper bags, the big store will have 6 months and the small stores have 12 months to ban the plastic and paper bags. We talked with Penny Owens from Channel Keepers, and she is supportive of banning the plastic and paper bags .We asked her questions. Do you think the endangerd animals will increase in population and she said "No" If everybody disagreed with me then the water will be filled with plastic and it wouldn't have water anymore. We wouldn't have plants and that's how we would die. We should take off the plastic bags because it could damage an animal or kill an animal. Some people might say that the reusable bags can make you sick by all the bacteria inside it, but The reusable bags are better because you can reuse, reuse and reuse it again. The plastic bags are useful for dog poop but they rip easier and it can't last longer than the reusable bags. The reusable bags can hold heavy stuff and the plastic bags don't; the plastic bags will rip.

To save the earth,

Alan

Adolfo Chavez
5/21/13

Re: The Single Use Bag Ordinance

Dear Santa Barbara City Council members,

I support the Single Use Bag Ordinace. It will be good if they charge money then people will say that they don't want to pay and they're going to bring their own reuseble bags. It's going to be bad because if you don't have reusable bags then you have to pay more or just take your stuff in your hands. Its going to be good because the people that make plastic are going to see that no more people buy plastic and they will stop making it. That's better for the enviorment. Its going to be bad because nobody is going to buy stuff and that's bad for buisness. Its going to be good because plastic is bad for the enviorment.

We also spoke with Penny Owens from the Santa Barbara Channel Keepers, and I learned that the people that work for the plastic bag coampanies are not going to lose their job because they also make more stuff not only plastic bags.

I think that it's good idea because than the city could get more money and give to poor people. It will be bad because some people that don't have extra money and have to walk home may be stuck; if you dont have anything to carry, than your stuff could fall down. It's going to be good because people that don't want to waste money are going to bring their own bags. In my opinion they should be banned because that's going to help the enviorment. In a report it said "Every year in California, we use 11.9 billion bags". Most adult turtles have plastic in there stomachs. This is going to be a good ordinance.

When we spoke with Councilmember House by telephone, we learned that the big stores get six months to turn in the plastic bags and the small stores have twelve months to turn them in but istill wonder where are they going to take the bags. I really think you should pass the single use bag ordinance.

Sincerely,

Adolfo Chávez

May 15,2013

Re: The Single Use Bag Ordinance

Dear Santa Barbara City Council Members,

I think it would be a good idea to ban plastic bags because it's just cheap plastic and it will rip. Also, the plastic bags can kill animals on the land or in the ocean. Especially plastic bags kill turtles because the turtles think that the bags are jellyfish and they eat the plastic bags and they can die. Also if we ban plastic bags, our future will be wonderful and it won't be full of plastic bags. Most people also complained that plastic bags are bad for our environment because they're killing the animals. Plastic bags can carry fewer things because they rip fast and not many things fit inside. Plastic bags are not like reusable bags because reusable bags can be reused every day and plastic bags get thrown away in the streets or in the ocean. Children under four can choke with the plastic bags or they can put it on their heads and they can't breath and they will die. And plastic bags should be band from Santa Barbara so that our place could be free from plastic bags. Also we spoke with Penny Owens from the Santa Barbara Channel Keepers, and I learned that turtles are the mostly in danger. I urge you to pass this law. Thank you for your time.

Sincerely,

Angel Gonzalez

Question A: When we spoke to the council member house by telephone, we learn that the store people well pass out the plastic bags, but I still wonder where will they pass it out.

Question B: If everyone stopped using plastic bags, do you think that the ocean well get cleaner or it will it stay as dirty as it was?

Ashley Suarez
ACS, 15/5/13
6-grade class

Dear Santa Barbara City Council,

I think that people should use reusable bags instead of plastic bags. It is much better because plastic bags are bad for the animals in the ocean like turtles, seals, birds and other animals.. Turtles get confused with jellyfish because there are a lot of plastic bags and turtles eat a lot of plastic bags. I think that everyone should have reusable bags. The 6th-grade class and others classes are giving out reusable bags after school and they can give us 15 plastic bags and we can give them 1 reusable bag and I know people will start using reusable bags. It well be better if the reusable bags are "mini" because people can carry them wherever they want to go. When people go to the store they can use the reusable bags because they won't forget their reusable bag and know there is not going to be a lot of plastic bags in the ocean. **We spoke with Penny Owens from the Santa Barbara Channel keepers, and I learned that turtle is one of the animals that are more endangered.** But don't listen to the people that say that plastic bags are better because they are not good for animals. Just use reusable bags because reusable bags are better!

Sincerely:

Ashley Suarez

5/15/13

Re: The single use bag ordinance

Dear members of the Santa Barbara City Council,

I support the Single Use Bag Ordinance. I think that in every store they should consider people paying more money for plastic bags at least 25 cents. That way it will encourage or force people to not use plastic bags. It will also make people buy reusable bags and they could use reusable bags over and over again instead of one time. In my class we are learning about our environment. One thing that I learned is that when plastic bags are on the streets it often goes through a drain and then it goes to the ocean. In our class the students want our environment to be safe—without any trash. I also heard that plastic doesn't decompose that fast, I think the first plastic bag in the world still hasn't decomposed!. According to the activist Lupita Perez "Every year in California we use 11.9 billion bags." I wonder if it's true? That is one reason why you the members in the Santa Barbara City Council should ban plastic bags. Single-use bags affect 267 species of animals every year. The Pacific Leatherback Sea Turtle is one of those animals. The Pacific Leatherback Sea Turtle can confuse plastic bags with jellyfish since they consume hundreds of jellyfish each day. Another reason is that plastic bags are the most common type of trash. Only one percent of plastic bags are being recycled! Ten percent of the world's natural gas is wasted on plastic bags. Only 70% of people recycle but that is only because they have organization. I learned that plastic bags use 50% more air and water pollution and it's polluting our water that we drink. Another person said, "I want my future to be clean and not be dirty around me"

Some people think that it's a bad idea to ban the plastic bag. Some people say that. Reusable bags, especially those used for vegetables, meats, and fish become contaminated by high concentration of infection bacteria" but when it comes to saving the earth so it could be perfect for the next generation, so it's worth it. When we spoke to Councilmember House by telephone, we learned that the money it goes to the store for educational purposes or it goes to poor families, but I still wonder if **endangered animals will increase in population because of the ban?** I think that they should put a fee on the paper bags too because they are even worse that the plastic bags. Are you guys going to ban plastic bags and paper bags?

We spoke with Penny Owens from the Santa Barbara Channel Keepers and we spoke about the plastic bags, and I learned that there would be a ban on plastic bags shopping bags but not on produces bags. In conclusion, I believe that the members of the Santa Barbara City Council should ban plastic bags as soon as possible.

Sincerely,

Blanca Huerta

May 21, 2013

re: "The Single Use Bag Ordinance"

Dear Santa Barbara City Council,

I strongly support the "Single Use Bag Ordinance". I agree because it would teach people to use reusable bags so plastic bags won't be harmful to the marine animals and the ocean itself. I also agree because without plastic bags the environment will be much cleaner. Also because I'm going to live on earth for a long time and I want it to be clean while I'm here. I know about the Great Pacific Ocean Garbage Patch and I think that if you actually end up banning plastic bags or putting a fee on them, the Great Pacific Ocean Garbage Patch won't increase so much in size or even may not increase at all.

Some people might say that they need plastic bags to pick up their dog's poop or they need them for their lunch—and that's why they're against the Single Use Bag Ordinance ban, but they're only planning to ban the plastic bags that they give out at the grocery store.

I have a couple questions for you. Do you think endangered animals will increase in population because of the ban? Well, we spoke with Penny Owens, a local environmental activistand she said, I don't think it would make such a big difference because there are so many more types of plastic in the ocean. In conclusion, I strongly urge you to make this ban happen.

For the earth,

Briza

David Palafox
May 13, 2013
Adelante Charter School 6 Grade

Re: The Single Use Bag Ordinance

Dear Santa Barbara City Council members,

I think that banning plastic bags is a very good idea because some people throw them on the ground. They sometimes go into the ocean and turtles can get sick and/or die because the chemicals that the bags absorb can be very harmful to wildlife. The paper bags should cost 10 cents. The paper bag fee will encourage them to buy reusable bags instead of using a paper bags that cost 10 cents per bag.

We use about 11.9 billion bags a day or weeks. I read that "The bags affect 267 of species". The plastic bags may contaminate the fruit, vegetables, and other foods. If we waste less trash it is going to be a better future for our kids. Also our children can choke on the plastic bags and die because of the plastic bags, I think that is very bad. We could also save many children's and animals' lives if we ban the plastic bags. When I spoke to Councilmember House by telephone, I learned that the plastic bags are made by natural gas and not by oil. I also talked to Penny Owens from Channel Keepers.

I still have a few important questions for you, the city council members:

What will Santa Barbara look like if we banned the plastic bag?

Will the ocean get any cleaner than it is now?

If people started a riot because of the banning of the plastic bags what will you city council members do about it?

Sincerely,

David

Adelante Charter School
5/15/2013
Sixth grade

Re: The Single Use Bag Ordinance

Dear Santa Barbara city council members,

I think that it's a good idea to put a fee on, or ban plastic bags because it could get the people to use reusable bags. It could also be another way to raise funds for Santa Barbara to fix the bad things and damage like oil spills in the future. In my opinion, I think that if we ban plastic bags, we could have more leftover oil, natural gas, and energy and we could use some of that to ether make reusable bags or for gasoline and there will be more gas. Since there will be more gasoline, then the price will decrease so people will be more happy. We also spoke with Penny Owens and asked questions. Also if we shutdown the production of the plastic bags factory, it could save lots of money, power, and chemicals. If this law doesn't pass, the ocean will be more polluted. On one of our field trips, we saw a bird trying to eat a plastic bag, and that was sad. Some people might say, "What if people lose their jobs at the plastic bags factory" but, they could get new jobs at a paper bags or the reusable bags factory. If you have kids, and you are against this ban, just think of your kid's future: it would be filled with landfills and trash, and remember, disposable does not mean it disappears forever!

Do you think if Santa Barbara banned plastic bags, we would have more gas, chemicals, and electricity; we could even use some of those chemicals for more reusable bags!

Sincerely

Daniel

Edwin Corona
6th Grade
Adelante Charter School

A letter to SB City council!

I agree that Santa Barbara should charge five cents per plastic bag. Turtles get confused with plastic bags;they think they're jellyfish. Every year we waste about 658 million bags. If they make the bag ban, bag usage will drop by up to 238 million bags per year. Without plastic bags, there will be less contamination. If our water is super dirty no one is going to want to swim at the beach. Every year animals get sick because of what they eat. A lot of animals get sick because of the trash that we throw away. We have to stop using plastic bags, and start using reusable bags. We should also use reusable bottles instead of plastic bottles because plastic makes a lot of trash and it's bad for the ocean.

- I had a question: Will people who work for the plastic bags companies lose their jobs? We called Penny Owens from the Santa Barbara Channel Keepers and she said that the bag companie is gonna make reusable bags instead of plastic bags!
- What do you think?

Sincerely,

Edwin Corona

Re: The Single Use Bag Ordinance

Dear SB City Council,

I strongly support the Single Use Bag Ordinance. You should consider people paying money for plastic bags. One reason why is so people don't litter. First of all, it's bad for the planet and it makes a harder job for everyone else. If you litter, it will eventually go to the ocean and harm animals. If you are shopping and you have something heavy it might fall out because plastic bags can easily rip. Paper bags are more harmful. Also plastic is bad for marine animals. Turtles think that plastic bags are jellyfish and eat them.

If people pay money that will make them change to use cloth bags, then they will know that it is bad and start using there own bags instead of paper or plastic. If they use cloth bags that will teach people a lesson. Also the community would like it if they get money.

The majority of council members support the idea of placing a bag fee on the ballot. One article said that "Assemblymember Das William suggested that such surcharge could raise as much as 3.5 million a year."

We spoke to Penny Owens from the Santa Barbara Channel Keepers, and I learned that people who work for plastic bag companies won't lose there jobs because the companies also make reusable bags, so they can just make more of those. When we spoke to Councilmember House by telephone I learned that paper bags are more harmful then plastic bags, but **I still wonder if everyone stopped using bags, do you think the ocean will get cleaner or stay as dirty as it is?** . I think that you should consider having people pay you.

Sincerely,

Giuliana Artusio

May 30, 2013

Dear Santa Barbara City Council,

Hello, I am Isabel Cardenas. I strongly support the Single Use Bag Ordinance. One of my reason why I think it's a good idea to fee people for plastic bags is because it will put less pollution in the world. My second reason is it will kill less animals and it will keep the food web going. My third reason is that it will make more and more people want to use reusable bags where ever they go. It will also be easier because sometimes some people wont know what to do with plastic bags and with reusable bags can just reuse them over and over again. If right now there is a-lot of trash, imagine it the future. I think there will be a lot more than today. (spell out). One hundred small businesses, including over a dozen local grocers, have banned plastic bags in 7 cities. When we spoke with Councilmember House by telephone, we learned that the money from the plastic bags goes to the people that are poor. I also learned that plastic bags are actually made from natural gas. In California we used 11.9 plastic bags per person? I wonder if its true?

Do you think endangered animals will increase in population beacause of the ban? We spoke with Penny Owens the Santa Barbara Channel Keepers, and I learned that the plastic bags that go to the ocean are mistaken for food sources – like turtles.

Sincerely,

Isabel C.

Isabel Studt
Mr. Macioce
May 21, 2013

Re: "The single use bag ordnance"

Dear Santa Barbara City Council Members,

I think that it would be a good idea for the city of Santa Barbara to put the single use bag ordinance into action. It would encourage people to pick up bags on the street and that would mean less trash going into the ocean. Some people don't know how close we are to the beach, but in fact if someone throws something on the street then when it rains it will go straight to the ocean. We talked to Penny Owens from the Santa Barbara Channel Keepers organization and we asked her questions about the bag ordinance. If the City Council agrees with this ordinance then it will inspire people to not use plastic bags. Did you know that every year in California we use 11.9 billion plastic bags? The Leatherback Turtle (a species of turtle near the channel islands), population has gone down 95% in the last 10 years. Some people might say that it would cost too much money to buy a bunch of reusable bags, but when you are saving the earth for the new generation of children, I think that it is worth it.

Sincerely,

Isabel S.

5/28/13

Re: The Single Use Bag Ordinance

Dear Santa Barbara City Council,

In my opinion I think it is a very good idea to put a fee on plastic and paper bags. One reason is that it would help save the earth because it would make people want to use reusable bags and we would have less plastic bags in the world. Another reason why it is a good idea is that if there are less plastic bags in the world we would have more animals so that the food web keeps going. There would be more animals because if there was more plastic bags, the animals would eat them and die. They affect 267 species every year and one of those animals is a sea turtle and they can mistake jellyfish for the plastic bags, jellyfish for the plastic bags, the sea turtles declined 95% in the last two decades because of them. Another reason why it's good is because their would be much less pollution in the world. People, every year in california use 11.9 billion plastic bags and if we put a fee on plastic bags we would drop so much in plastic bag usage. Reusable bags are better than plastic bags because they can carry more weight and plastic bags most of the time rip. Something amazing is that some volunteers found over 70,000 plastic bags in our California beaches in just one day.

We spoke with Penny Owens from the Santa Barbara Channel Keepers, and she said that probably four out of seven council members will vote yes. Don't you just think it is a good idea to fee the plastic and paper bags and use reusable ones? I really do. I think seven out of seven of you should support this ban.

Sincerely,

Kayla Barreto

Kevin Vasquez
5/15/13
ACS Sixth grade

LETTER TO THE SB CITY COUNCIL

Re: Single Bag Ordinance

Dear Members of SB city council,

I Kevin Vasquez Fernandez strongly agree with the single use bag ordinance proposed bag fee. I think that it's a wonderful idea to put a fee on the bags. People these days throw the bags in the streets. Some go into the ocean. The plastic bags are going to the ocean and the turtles are eating them. It's also a bad idea to use plastic bags because they are not reusable.

We spoke with Penny Owens from the Santa Barbara channel keepers, and I learned that the turtles are in danger. You should increase the use of reusalable bags. Then when they are ripped we could trade the bags into money. The bags that we throw to the floor it probably end up in the Great Pacific Garbage patch. The Garbage Patch is 100 miles far in the North Pacific Ocean. I think that the plastic bags in the ocean are the stuff that holds the Garbage Patch because it floats. You should band the plastic bags.

1) *Question: ¿Where are you going put the plastic bags?*
2) *Question: ¿why don't you band the bags now?*
3) *Question: ¿can you make a machine that can destroy the plastic bags?*

Sincerely,

Kevin Vasquez Fernandez

May 21, 2013

Re: Single Use Bag Ordinance

Dear Santa Barbara city Council,

Not all garbage goes to the dump. It may end up in the ocean; plastic bags end up in the ocean. People say that the plastic gets thrown away, although there is no away. If we use cloth bags it would reduce the amount of trash and the amount of animal deaths. For example, Sea Turtles eat plastic bags thinking they're jellyfish, thinking they're full, and they go on with there day. Although they're going on with their day with no nutrients, which means they will die. While people are making plastic bags in factories they are also polluting our environment. If some factories disappeared it would mean less toxic air in many areas. An activists named Lupita Perez says "Every year in California, we use 11.9 billion bags, nothing that we use for five minutes should pollute the ocean for hundreds of years." We talked with Penny Owens and learned that the people who make plastic bags will not actually lose their jobs because the people who make plastic bags also make reusable bags. H. T Bryan says that there is no evidence that the cities are not being damaged but it is harming our oceans and one day it will affect the cities. In the end of it all, I think we should stop using plastic.

For the earth,

Luz M. Barreto

Michael Cruz
May 15, 2013
ACS

A letter to the city council

Dear Councilmembers,

I think it would be a great idea for you to put charges to buy plastic pags because then it would be the same as buying a regular reusable bag. But there is a good use of plastic bags—they can pick up scat a.k.a. "dog poop". People must use reusable bags because it can help the environment. "dog poop". People must use reusable bags because it can help the environment. When they were not posting that they should pay for plastics bags because their island that is filled with garbage it is in the pacific ocean garbage patch because most garbage does not end up in the dump some end up in the ocean and leads to the island of trash most of it is plastic bags. When we talked to penny Owens one of the Channel Keepers, shesaid that that their will be a turtle day in California to celebrate the endangered turtle soon. Plastic bags also are pollution like single use bags affects 267 species every year. I learned that one third of adult turtles have ingested plastic, according to a recent report by turtle Island Restoration. In the last of the year, over (HOW MANY?) single- use plastic bags were found on are California beaches by volunteer in one day. If you're not already supporting this ban, I hope you change your mind about plastic bags.

Sincerely,

Michael Cruz

Manuel Corona
5/15/13
ACS Sixth Grade

A letter to Santa Barbara City council

re: The Single Use Bag Ordinance

Dear Members of Santa Barbara City Council,

I think that people should use reusable bags because animals are dying. We spoke with Penny Owens from the Santa Barbara Channel Keepers, and I learned that they have a turtle day. If some people go to the store and they forget their bags, people from the store should sell them reusable bags. I agree with the people that think we should ban plastic bags. For the people that don't agree with this idea I think you should consider it because when you throw away a plastic bag the sea turtles mistake it for a jellyfish and they often eat it.

Plastic bags are bad for the ocean because it's hard for the bags to break down. They should ban plastic bags from stores and when people go to the store they should bring a reusable bag with them. Every year plastic pollution affects 267 species. A student member from the Coastal Fund said "Last year, over 70,000 single-use plastic bags were found on our California beaches by volunteers in one day". Another activist, Lupita Perez said "Every year in California we use 11.9 billion bags" and she also said "Is to stop the flow of plastic into our ocean by banning plastic bags and going reusable. In California fourteen municipalities have banned plastic bags—one of the places is Carpinteria and there are 29 more places that have a ban. Over a dozen local grocers have signed on to ban plastic bags in 72 cities. How are paper bags more harmful than plastic bag?

Sincerely,

Manuel

May 20, 2013

RE: The Single use Bag Ordinance

Dear Santa Barbara City Council,

I am writing to support the Single Use Bag Ordinance. I think you should ban plastic bags because they can hurt the ocean, the animals and the environment. Plastic bags can be extremely dangerous even if they don't look like they are. According to natural enviorment blog. About **500,000,000,000 plastic bags used per year**. In other words, that's almost **1 million plastic bags used per minute**.

Plastic bags can also clog waterways and are hazardous for children. Since they are made out of carbon and carbon comes out of petroleum, it will take more than 500 years to actually decompose. Plastic bags are not biodegradable so they can't be composted into a worm farm. Plastic bags are killing the leatherback turtle, which is in danger of extinction. When plastic bags are out in the sun for a long time they break into very small pieces with does very small pieces a chemical called bisphenol-A which can lead to various of problems in a marine environment. . When we spoke with Councilmember House I learned that paper bags can be more harmful then plastic bags but I still wonder if people who work to make plastic bags are going be made redundant at their job? What if there's still as much plastic bags? Would you eliminated the law? Please consider this letter for the animals and the ocean.

Sincerely,

Miaki Fukuhara

5/15/13

A letter to the Santa Barbara City Council

"Re: the single use bag ordinance"

Dear SB city council,

I think you should make a new rule: *no plastic bags allowed*. The plastic affects the ocean and also some of the animals. If you still want us to be allowed to use plastic bags, just sell them for twenty-five cents. You could also sell reusable bags for three dollars. We should try to use as many reusable things as we can, like water bottles or Tupperware when you pack your lunch.

When you go food shopping you could bring reusable bags and if you don't have some you could buy some at that store. Plastic pollution affects 267 species every year. There was one year when 70,000 plastic bags were found on California beaches in one day. There are 72 cities that have already banned plastic. It should be 73 because I want California/United States to ban plastic.

Some of the turtles confuse the plastic bags with jellyfish. Some penguins eat plastic handles from the 6-pack soda cases. Plastic affects any animal that finds it. Sometimes plastic bags end up in the ocean and seals get stuck inside and sometimes they drown and they also go through the plastic bags and get stuck. The fish choke on plastic and other animals eats it and get sick and die.

There's a problem with the plastic going everywhere. Plastic only helps if your going to pick up your dog's scat or when you don't eat every thing in the restaurant and they give you a plastic plate and bag to save it. Some people do want plastic to exist but some people don't. Please make a good decision on this.

When you get plastic or when you finish you using it where do you put it?
Do like you using plastic yes or no? Do you ever use plastic?

We spoke with Penny Owens from the Santa Barbara Chanel keepers, and I learned that people that work for plastic bags won't lose there job because those same companies often make reusable bags.

Sincerely,

Michelle Pérez

Nicolas Corona
May 15, 2013
Sixth grade

Re: The Single Use Bag Ordinance

Dear members of Santa Barbara city council

I think that it a good idea to charge for the plastic and paper bags. If they charge for the bags then they will save the ocean and the animals in the ocean. If we use the plastic bags then they will go to the ocean and the animals in the ocean will confuse them with their prey and they will eat them and then they might die. It will be better if we use the reusable bags because it would not hurt the animals in the ocean. I think if they ban the plastic it will save the ocean. If they don't ban the plastic bags then the ocean will be full with a lot of trash. If they don't ban plastic bags then the animals will eat it and then there will be no more of that species. In my opinion I think that they should ban plastic bags. If they change to paper bags it will be more harmful. When we spoke with Councilmember House by telephone, we learned that the money would go back to the store, go to poor families and be used for educational purposes. We spoke with Penny Owens from the Santa Barbara Channel Keepers, and I learned that if they ban bags that if a species is in danger that their species will not necessarily increase.

Sincerely,

Nicolás Corona

5/31/13 1:58 PM

Re: Single Use Bag Ordinance

Dear Santa Barbara City Council,

In my opinion I think it's a good idea to charge for plastic bags in the city of Santa Barbara because it could make a change in our envierment—like making our world a cleaner place. Also the animals might stop dying from the plastic bags. Did you know that one third of adult turtles have ingested a lot of plastic bags? I heard that 267 animals are dying because of plastic bags and they take long to decompose. I also heard that some volunteers went to clean up the beach one day they said that they found and saw over 70,000 plastic bags. Also if they get rid of plastic bags the stores will have more money and they can spend the money on charity or on something useful. In my opinion I think it's a excellent idea to tax paper bags but I think it should be more money like let's say 25 cents so it could encourage more people to buy reusable bags instead of getting plastic bags over and over again and what so they will just be saving them. It's not like you can use them over and over again—they will rip but non-reusable bags—you can use them for as long as you want. A women named Lupita Perez said, "Every year in California we use 11.9 billion plastic bags"—that is really a lot. Just imagine the poor animal and they are innocent and you're in a deserted island full of plastic it will take a long time to decompose. The people who agree with me know they are making the right decision but the people who disagree please consider agreeing with me. The children or Adelante Charter School are depending on you please. Please help us save our world—we spoke to Penny Owens from the Santa Barbara Channel Keepers and I learned that she said that they will not reverse the plastic an bag even if it doesn't work because it's helpful. I hope you pass this law soon because it will be actually really helpfull**.**

For the Santa Barbara city council members that disagree why do you disagree what is so good about plastic bags? When we spoke with councilmember House by telephone, we learned that paper bags are more harmful than plastic bags but I still wonder why is that?

Sincerely,

NANCY

Serena Santana
May 15,2013
6th Grade
Adelante Charter School

Dear SB City Council Members,

I believe doing a ban on plastic bags is good. The reasons that it is a good idea are many. First, it will help with our environment. Also, we won't need plastic bag factories. Additionally, it will encourage people to use reusable bags. The only reason people might use plastic bags (if you approve the bag ban) is to pick up their dog's poop. We spoke with Penny Owens from the Santa Barbara Channel Keepers, and learned that it could help clean our beaches. Also, she told us not to over-exaggerate what it will help with, or how much it will help. According to a newspaper article that was published on April 18, 2013 it said "The bag ban will begin ***next week*** " it is currently May 15, 2013. The bag ban will be beneficial to our environment. The Pacific Leatherback Turtle has been reduced in population because of plastic bags. This beautiful creature is being harmed by the second, every minute you wait, another animal will eat another piece of plastic. Think about the future of your children when they grow up and have kids of their own they won't be able to swim at the beach because the water would be just plastic bags unless we do something right now. Sure, some people say the plastic bag is better than a paper bag but paper bags take up more material and time to make. Plastic bags are dangerous , they suffocate children, pets and wildlife. Plastic doesn't just go away, it takes thousands of years to decompose a little bit. We, the children of Santa Barbara need a promising future for our people and our wildlife.

For the earth,

Serena Santana

Re: The single Use Bag Ordinance

Dear Santa Barbara city council,

I agree that the plastic bags should be banned from Santa Barbara because if the plastic keeps on killing the animals there will be no more marine animals left in Santa Barbara. I also agree because the people will be used to using reusible bags instead of plastic bags. This will help me and Ihope it helps someone else because I want the earth to be clean for the time while I am living. I think that if we use reusable bags it would make things easier because the plastic bags will rip and reusable bags will be easier to use and carry. I have seen lots of trash near the ocean and plastic bags,that's why I agree with Santa Barbara City Council about charging for plastic bags and demand that we use reusable bags instead of disposible plastic bags. The teacher hooked us up and we spoke to Penny Owens from the Santa Barbara Channel Keepers and we asked her some questions. We learned that the workers who work at making plastic bags might not lose their jobs because they can make reusable bags instead of plastic bags. In conclusion, I strongly urge you to pass this ordinance so that it will happen soon.

For the earth,

Vanessa

May 21, 2013

Re: The Single Use Bag Ordinance

Dear SB CITY COUNCIL,

I strongly agree with the Single Use Bag Ordinance. I believe you should ban plastic bags because the animals in the ocean can die from consuming plastic bags. Our ocean will be dirty with plastic bags, andsome animals in the ocean think that plastic bags are jelly fish. They say that they use 658 million plastic bags a year in the world. That's too much plastic for the world! When will the bag ban start? They should ban plastic bags because the ocean is going to be full of trash. If my friends grow up and have kids, and if we don't stop littering the ocean is going to be filled of trash. Not all trash goes to the ocean right away. Some trash goes to the the river or the ocean. Plastic bags should be banned because plastic is almost inmposible to break down. Any thing that is plastic sticks around for a long time. Plastic was made almost 80 years ago and some of the plastic still sticks around. When we went to the channel islands we saw a gull that was trying to eat a bag of sun chip. Everybody was screaming, "No, no, no, don't eat it. When we spoke with Councilmember House by telephone, we learned that the big stores have to get rid of the plastic bags in 6 months little stores have 12 months to get rid of the plastic bags

Sincerely,

Vicente Reyes

RECEIVED
2013 AUG 19 AM 9:40
CITY OF SANTA BARBARA
CITY CLERK'S OFFICE

17 August 2013

Ms. Gwen Pierce, City Clerk
City of Santa Barbara
735 Anacapa Street
Santa Barbara, CA 93101

Subj: Failure To Provide Notification In the Matter Regarding Certification of the BEACON Final Environmental Impact Report (FEIR) and Informal Appeal of EIR Certification

Ref: (a) Planning Commission Meeting, 8 August 2013. Agenda Item IV, Environmental Hearing: Proposed Single-Use Carryout Bag Ordinance Final Environmental Impact Report Certification
(b) "BEACON Single Use Carryout Bag Ordinance, Final Environmental Impact Report" (SCH #2012111093), dated May 2013
(c) City of Santa Barbara **Addition To Final Environmental Impact Report** (SCH#2012111093) Single Use Carryout Bag Ordinance, dated 1 August 2013

Encl: (1) Objections to Certification of BEACON Final Environmental Impact Report

1. At the Planning Commission meeting, reference (a), the Commissioners voted to certify BEACON EIR, reference (b), and an Addition, reference (c). [Resolution No 011-13]
2. As one of two parties, who provided substantial comments to reference (b) and objected to approval of said document at the May 17, 2013 Beacon Board Meeting held in Santa Barbara, the City of Santa Barbara **failed to notify me** of the reference (a) public meeting where the Planning Commission intended to certify the said document including an addition, reference (c), developed by the City of Santa Barbara.
   a. In reference (c), the City of Santa Barbara stated that it has assumed the role of Lead Agency. This role was previously held by BEACON. In so doing, the City of Santa Barbara, as the successor agency assumes all duties and responsibilities of the predecessor agency under the California Environmental Quality Act (CEQA) including the duty to provide notification to all parties who commented on or objected to reference (b).
   b. The City of Santa Barbara failed to inform me by mail or Email of the public meeting, reference (a), where it intended to certify references (b) and (c). Because the City of Santa Barbara failed to provide notice, I was deprived of my right to appear before the planning commission and voice my objection to certification of the EIR, as well as answer questions about my previous comments included in reference (b).
3. While I understand that I can Appeal the Planning Commission's certification of the EIR, with payment of a $465 filing fee, I object to payment of such a fee because of the city's failure to provide notification as required by law. Therefore, I am submitting an informal appeal without payment of fees. Enclosure (1) contains my objections and I am requesting that the decision by the Planning Commission be set aside by the City Council and that the matter be reheard with proper notification of all parties.

4. For more information, please feel free to contact Mr. Anthony van Leeuwen at 805-647-4738 or by email at vanleeuwenaw@roadrunner.com.

Respectfully,

Anthony van Leeuwen

Anthony van Leeuwen

Objections to Certification
of BEACON Final Environmental Impact Report

1. During the public comment period for the BEACON Final EIR, I submitted a total of four letters containing substantial comments. In addition, I submitted two letter after the public comment period to respond to some of the BEACON responses to my comments. While, my comments were successful in making some technical corrections to the EIR, more substantial comments that would require substantial investigation and analysis were simply dismissed for one phony reason or another. [*The real reason is that the budget for preparation of the EIR did not include sufficient funds to do the necessary investigation and analysis required to produce a satisfactory EIR. I base this on my years of professional experience in employing hundreds of contractors on a variety of projects while working for the federal government.*]
2. The BEACON Final EIR is a political document with a predetermined outcome. In the EIR pages 8-5 through 8-7, I challenged the EIR objectives and recommended that they be reformulated on the grounds that they are overly restrictive and in order to expand the universe of potential solutions. For example, I recommended the inclusion of a project alternative with no charge for paper bags. I recommended this alternative because members of the public will ask the question "If plastic bags are banned, why can't we just use paper?" By including this analysis, decision makers will have the information to answer one of the most obvious question residents will ask (EIR Page 8-27, Comment 1.145). BEACON's response was that it did not meet the EIR objectives (EIR Page 8-60, Response 1.145).
    a. When BEACON refused to include an all paper bag alternative in the EIR it deprived the public of an important environmental analysis. This analysis would have shown whether using paper bags instead of plastic bags would result in a significant environmental impact that **requires mitigation by "deterring paper bag use"** and imposing a fee on paper bags in order coerce shoppers into using an alternative product (i.e. reusable bags). (*See pages 8-5 through 8-7 of the BEACON Final EIR*)
    b. The EIR cleverly **avoids** this analysis by stating its objectives as (1) **"Deterring paper bag use by retail customers" and (2) "Promoting a shift to the use of** reusable carryout bags by retail customers" and (3) "Reducing the amount of single-use bags in trash loads to reduce landfill volume". The first two objectives, (1) and (2) are arbitrary and capricious and without foundation. The third objective (3) is also arbitrary in calling out single-use bags, but the reduction of landfill volumes is a valid objective. (*See pages 8-5 through 8-7 of the BEACON Final EIR*).
    c. The EIR, by using arbitrary and capricious objectives promotes a "desired" outcome and hides outcomes it does not want to consider, rather than an <u>honest</u> examination of alternatives. In so doing it deprives the public of alternative solutions that may have greater public support and acceptance. The EIR is a political document and not an honest evaluation of alternatives.

3. The BEACON EIR, does not contain a valid and suitable methodology to analyze solid waste generation. The fact that the Ecobilan and Boustead models are traditionally used in EIRs that support Single-Use Carryout Bag ordinances is totally irrelevant if they do not produce reasonable results. In the EIR, these models are used to the analyze solid waste generation in Tables 4.5-11 and 4.5-12. It should be obvious to the casual observer that these models produce disparate results. For example, only Table 4.5-11 has an entry for reusable bags and the total waste generated by reusable bags is shown as 0.075 tons or 150 lbs. per year for both Santa Barbara and Ventura Counties. This represents only 353 reusable bags of solid waste per year for the two counties. Because the most common reusable bags, non-woven polypropylene and cotton, have no recycling or composting infrastructure, these bags would be put into the landfill at end of life. It would take more than 20,000 years to dispose of the 8 million reusable bags at the rate called out in the EIR! This fact alone should have alerted Planning Commissioners that the EIR is inadequate!
    a. This comment clearly demonstrates that the methodology relied on by the EIR does not produce reasonable and valid results. (See EIR page 8-26 Comment 1.117, EIR page 8-56 BEACON Response 1.117, EIR page 8-72 Comment 2.34, EIR page 8-82 Response 2.34, Post Public Comment Letter Anthony van Leeuwen to BEACON dated 18 April 2013 Enclosure 4 page 5 Comment 6)
    b. In the Addendum or Addition the Planning Commission claims to have reviewed the EIR, including the public comments and BEACON responses. In viewing the video of the public meeting, the Commissioners appear to have performed a detailed review of public comments for which I want to give them credit. However, the Planning Commission should have noted the issue raised by the commenter that the data supplied is not reasonable, and requested staff to perform an independent analysis of solid waste generation. That analysis should then have been included in the Addition. By failing to perform due diligence, the Planning Commission is putting its Stamp Of Approval on a document that knowingly contains invalid and questionable data. A precedent the Planning Commission should not want to establish.

Bag Bans: Wrong Way To Control Litter

BAG BANS CREATE A LARGER NEGATIVE ENVIRONMENTAL IMPACT, COST A FORTUNE, AND HAVE A NEGLIGIBLE IMPACT ON LITTER

By Anthony van Leeuwen, 10 September 2013

Bag Bans provide a sense of accomplishment to public officials who believe that they have taken a giant step forward to making their community more attractive. Certainly, as time goes on, they see fewer plastic carryout bags in the environment bolstering that sense of accomplishment.

But like the proverbial ostrich, these officials have buried their head in the sand and failed to see that they took a step backward instead of forward. You see, these officials should have taken the time to understand that plastic bags make up only 0.6% of all litter, and that a bag ban would still leave the remaining 99.4% of litter waiting to be picked up! (Stein, 2012)

More importantly, had these officials done a cost benefit analysis and implemented one or more of the recommendations in this paper, they could have avoided the environmental and economic damage done to their communities and to their citizens by a bag ban! The impacts that could have been avoided are as follows:

- A Greater Negative Environmental Impact - due to changing carryout bag usage
- A Greater Landfill Impact - due to higher volume of material deposited Post Ban
- A Greater Financial Cost To Local Jurisdictions - to implement and administer the bag ban
- A Greater Financial Cost to Residents - due to out-of-pocket costs and the value of one's personal time

The above impacts could have been avoided by using traditional solutions to clean up litter. For example, by hiring people to clean up litter, not only would the 0.6% of plastic bag litter be cleaned up, but the other 99.4% of all litter could have been cleaned up too and at a far smaller financial outlay to the local jurisdictions. Not only would jobs have been created for the unemployed but a cleaner and more beautiful city would be the result.

Greater Negative Environmental Impact

The environmental impact for Santa Barbara and Ventura Counties is documented in the Beacon Single-Use Carryout Bag Ordinance Final Environmental Impact Report and summarized in Table 1 below. (BEACON, 2013)

Table 1 contains columns for Line number, Environmental Impact parameter, Units, Pre Ban value, Post Ban value, and the Delta or difference between Pre Ban and Post Ban values. Some environmental impact parameters are shown as Not Calculated (N/C) because they were not provided in the Chapter 4

of the BEACON EIR. All numeric values shown in Table 1 are directly from the BEACON EIR. (BEACON, 2013)

Table 1 shows that five (5) parameters that have a greater value Post Ban and that three (3) parameters have a lower value. For an overall higher Post Ban environmental impact!

Table 1. Environmental Impacts from BEACON EIR

Line	Environmental Impact	Units	Pre Ban	Post Ban	Delta
1	Ozone Emissions	kg	15,140	6,944	(8196)
2	Atmospheric Acidification	kg	713,534	469,227	(244,307)
3	Green House Gas Emissions:				
4	Per Year	Metric Tons	17,553	28,472	10919
5	Per Person	Metric Tons	0.0142	0.0230	0.0088
6	Water Consumption (Ecobilan Data)	Million gallons/year	14.23	N/C	N/C
7	Water Consumption (Boustead Data)	Million gallons/year	25.45	N/C	N/C
8	Water Consumption (Wash Reusable Bags)	Million gallons/year	0	153.3	153.3
9	Waste Water Generation (Ecobilan Data)	Million gallons/year	13.52	N/C	N/C
10	Solid Waste (Ecobilan Data)	Short tons	4,733	2137	(2596)
11	Solid Waste (Boustead Data)	Short tons	3000	4814	1814
12	Energy - Ecobilan	Million KWh/Day	N/C	N/C	N/C
14	Energy - Boustead	Million KWh/Day	N/C	N/C	N/C
15	Energy Consumption (Wash Reusable Bags)	Million KWh/Year	0	9.94	9.94

While some of the missing information was located in Appendix E of the BEACON EIR, the information was not included in Table 1, because of other discrepancies that were discovered. In fact, in Appendix A the author recreated the spreadsheet to calculate the missing environmental parameters and to correct several numeric values. These discrepancies were found after the public comment period and therefore not included in the authors public comments in the Final BEACON EIR. The BEACON EIR and EIRs from the Counties of San Mateo and Los Angeles and the City of Los Angeles were consulted to develop Appendix A. This data is shown in Table 2, titled "Corrected Table of Environmental Impacts".

Table 2. Corrected Table of Environmental Impacts

Line	Environmental Impact	Units	Pre Ban	Post Ban	Delta
1	Ozone Emissions	kg	15,140	6,944	(8196)
2	Atmospheric Acidification	kg	713,534	469,227	(244,307)
3	Green House Gas Emissions:				
4	Per Year	Metric Tons	17,553	28,472	10919
5	Per Person	Metric Tons	0.0142	0.0230	0.0088
6	Water Consumption (Ecobilan Data)	Million gallons/year	14.23	22.47	8.24
7	Water Consumption (Boustead Data)	Million gallons/year	25.45	199.53	174.08
8	Water Consumption (Wash Reusable Bags)	Million gallons/year	0	153.3	153.3
9	Waste Water Generation (Ecobilan Data)	Million gallons/year	13.52	17.41	3.89
10	Solid Waste (Ecobilan Data) w/recycling	Short tons	4,730.39	1442.46	(3287.93)
11	Solid Waste (Boustead Data)	Short tons	2902.34	4716.31	1813.97
12	Energy - Ecobilan	Million KWh/Day	0.22	0.12	(0.10)
14	Energy - Boustead	Million KWh/Day	0.25	0.40	0.15
15	Energy Consumption (Wash Reusable Bags)	Million KWh/Year	0	9.94	9.94
16	Eutrophication - Ecobilan	Kg Phosphate/Year	204.4	880.05	675.65

Table 2 is similar to Table 1 and includes the omitted information. In some cases the values are slightly different due to several corrections that were made. One environmental parameter not calculated in the BEACON EIR is Eutrophication. Eutrophication is the pollution of water by nitrates and phosphates which causes algae blooms. This parameter was added in Line 16 of Table 2.

Note that the Delta column shows a total of ten (10) environmental parameters that are greater and four (4) that are smaller Post Ban. It should be noted that these impacts occur both inside and outside the study area and are measured over the complete life cycle of carryout bags. These impacts will last as long as a plastic bag ban is in place. It should also be noted, that the values Pre Ban are much lower overall than the values Post Ban!

Greater Landfill Impact

The BEACON EIR evaluates the generation of solid waste from carryout bags using Ecobilan and Boustead methodologies. It should be noted that Ecobilan methodology predicts a decrease of 3,287.93 tons and Boustead predicts an increase of 1814 tons. It should be noted that only the Ecobilan methodology includes solid waste from reusable bags, while Boustead does not. The value of solid waste attributed to reusable bags calculated in Ecobilan data in the BEACON EIR is wrong as asserted by the author. (BEACON, 2013, p. 8-25) The BEACON EIR shows only 150 lbs. or about 353 reusable bags of solid waste for the two county area per year. It would take more than 20,000 years to dispose of the more than 8 million reusable bags. Therefore, neither the Ecobilan and Boustead methodologies predict reasonable values for quantities of material going to the landfill.

In a paper titled "FACT SHEET – LANDFILL IMPACTS" the author calculates the amount of material going to the landfill Pre Ban and Post Ban. This data is summarized in Table 3 below and shows that the amount of material going to the landfill Post Ban is more than four times as much.

Table 3. Independent Analysis of Landfill Impacts

	Quantity	Weight per bag (lbs.)	Weight (lbs.)	Weight (tons)
Pre-Ban				
Plastic Carryout Bags	639,152,405	0.01213	7,752,918.68	**3,876.46**
Post Ban				
Plastic Carryout Bags	32,912,070	0.01213	399,223.41	199.61
Reusable Bags	8,228,018	0.42500	3,496,907.84	1,748.45
Paper Bags	156,003,213	0.14875	23,205,477.97	11,602.74
Replacement Bags	263,296,562	0.01213	3,193,787.30	1,596.89
Other Plastic (Ventura County)	14,507,641	0.140708	2,041,341.09	1,020.67
Total Post Ban				**16,168.37**
Post Ban /Pre Ban Ratio				**4.17**

In Table 3, the weight of material is calculated from the quantities of plastic, paper, and reusable bags, adjusted for recycling and multiplied by the average weight of each bag to produce the total contribution of each bag to the landfill. For further information, the reader is referred to the author's original article. (van Leeuwen, Fact Sheet - Landfill Impacts LASBVTA, 2013)

Greater Financial Cost to Local Jurisdictions

The Local Jurisdiction incurs a onetime implementation cost and also annual recurring costs to administer the ordinance. Onetime implementation costs include all those costs to roll out a new program, including educating local businesses and the public about the ordinance and may include promotions such as reusable bag giveaways. Recurring annual costs include the cost of staff time to collect and analyze retailer reports, prepare reports for the city council or board of supervisors, make store inspections, and handle complaints by citizens and investigate reported allegations of non-compliance by retail stores. Collectively the local jurisdictions in Santa Barbara and Ventura Counties are estimated to spend more than a million dollars or two to implement bag bans and hundreds of thousands of taxpayer dollars to administer the ordinances on an annual basis.

In addition, under the Federal Clean Water Act, many communities are required to install trash capture devices in storm drain inlets, catch basins, and outfalls to trap trash, including plastic bags, to prevent trash from entering creeks and rivers and making its way to the ocean. Communities are already spending hundreds of thousands of dollars to do this. By doing this, communities will prevent plastic debris from reaching the ocean and coastal areas and causing harm to wildlife.

Greater Financial Cost to Residents

In a previous article titled "*Plastic Bag Alternatives Much More Costly to Consumers*" the authors analyze the annual cost per household of different bag alternatives. Not only are out of pocket costs estimated but also the value of one's personal time to handle bags and wash reusable bags is estimated and monetized at $12 per hour or about half of the California Average Labor Rate. (van Leeuwen & Williams, Plastic Bag Alternatives Much More Costly to Consumers, 2013) These costs are summarized in Table 4 below:

Table 4, Cost of Different Bag Alternatives

Bag Type	Option	Annual Cost
plastic	Store Provided	$ 20.80
plastic	Self-Purchased	$ 45.80
Paper	**Store Provided at 10-cents each**	**$ 78.00**
Paper	Store Provided at 25-cents each	$ 195.00
Reusable	Durable Machine Washable Bags	$ 262.00
Reusable	**Cheap Hand Washable Bags**	**$ 300.00**

As can be seen from Table 4, above, the cost of store provided plastic bags is much lower than self-purchased plastic bags, store provided paper bags, or reusable bags.

In a follow on article titled "*What Will A Plastic Carryout Bag Ban Cost Your Community?*" the author calculates the cost of carryout bags to residents of local jurisdictions in Santa Barbara and Ventura Counties Pre Ban and Post Ban. These results are summarized in Table 5.

Table 5 shows the total annual Pre Ban cost of **$19,353,989.34** and a total annual Post Ban cost of **$48,911,699.31** for a net increase of **$29,557,709.97**. However, some people are already using reusable bags, and because it is doubtful and highly unlikely that retail prices will be reduced after a bag ban, therefore the **Pre Ban Total Reusable Bag Cost** of $12.6 million (see original article) should be subtracted from the **Post Ban Total Cost** of $48.9 million for a **Total Post Ban Net Increase of $36.3 million**. (van Leeuwen, What Will A Plastic Carrout Bag Ban Cost Your Community, 2013)

Table 5. Cost to Residents in Santa Barbara and Ventura Counties

Area	Public Cost Pre Ban	Public Cost Post Ban	Public Cost Delta
Santa Barbara County			
Unincorporated Areas	$ 2,083,899.77	$ 5,266,463.52	$ 3,182,563.75
Buelton	$ 74,423.35	$ 188,083.84	$ 113,660.49
Carpenteria*	$ 200,467.10	$ 506,623.53	$ 306,156.43
Goleta	$ 458,538.45	$ 1,158,825.41	$ 700,286.96
Guadalupe	$ 108,658.40	$ 274,603.18	$ 165,944.78
Lompoc	$ 653,939.92	$ 1,652,647.02	$ 998,707.10
Santa Barbara	$ 1,372,478.02	$ 3,468,547.56	$ 2,096,069.53
Santa Maria	$ 1,535,083.02	$ 3,879,485.41	$ 2,344,402.39
Solvang	$ 80,988.77	$ 204,676.06	$ 123,687.29
Total Santa Barbara County	**$ 6,568,476.80**	**$ 16,599,955.52**	**$ 10,031,478.72**
Ventura County			
Unincorporated Areas	$ 1,477,662.42	$ 3,734,371.17	$ 2,256,708.75
Camarillo	$ 1,016,614.11	$ 2,569,202.81	$ 1,552,588.70
Fillmore	$ 232,238.20	$ 586,915.95	$ 354,677.75
Moorpark	$ 534,170.82	$ 1,349,964.70	$ 815,793.88
Ojai*	$ 115,514.59	$ 291,930.25	$ 176,415.66
Oxnard	$ 3,073,884.92	$ 7,768,369.21	$ 4,694,484.29
Port Hueneme	$ 337,055.30	$ 851,811.32	$ 514,756.03
Santa Paula	$ 458,400.71	$ 1,158,477.32	$ 700,076.61
Simi Valley	$ 1,921,539.63	$ 4,856,144.49	$ 2,934,604.86
Thousand Oaks	$ 1,961,100.47	$ 4,956,123.25	$ 2,995,022.78
Ventura	$ 1,657,331.38	$ 4,188,433.32	$ 2,531,101.95
Total Ventura County	**$ 12,785,512.54**	**$ 32,311,743.80**	**$ 19,526,231.25**
Total	**$ 19,353,989.34**	**$ 48,911,699.31**	**$ 29,557,709.97**

Recommendations

Since plastic bag litter is only about 0.6% of all litter, officials should consider some or all of the following solutions that avoid the negative environmental and economic impacts discussed above:

- Create jobs and hire more people to clean up **all** litter
- Improve street sweeping in problem areas

- Require more frequent cleaning of retail parking lots
- Empty trash receptacles in public areas on weekends to prevent overflowing
- Install trash capture devices in storm drain inlets, catch basins, and outfalls
- Require residents to bag trash that could become airborne litter during hauling
- Making sure that trash and recycle trucks are fully enclosed when driving on major roadways
- Require stores to provide a paper bag to people who buy only snacks that are consumed outside the store which results in the majority of plastic bag trash
- Continue to use volunteer groups to clean up litter
- Make litter cleanup a community service for teens, adults, and lawbreakers

The above solutions are simple, effective, and will assist in maintaining a clean and beautiful community. These solution will avoid the greater negative environmental impact, the greater amount of material deposited in the landfill, the expenditure of public funds to implement and sustain a bag ban, and the increased financial cost to residents.

Conclusion

Using a bag ban to reduce plastic carryout bag litter is clearly the wrong solution to the litter problem. By using a bag ban instead of traditional methods to eliminate litter, unavoidable consequences occur including a greater negative impact to the environment, more material will go to landfills, local jurisdictions will incur one time and recurring annual costs, and residents of Santa Barbara and Ventura counties will incur annual costs of $36.3 million. And all for cleaning up less than 0.6% of litter.

The other 99.4% of litter still needs to be cleaned up. Hiring a few unemployed people to clean up litter in the community is a far more cost effective solution to cleaning up plastic bag litter.

Public Officials, are encouraged to put the issue of bag bans to a vote of the people. Don't shove it down the throats of the people like what happened with Obama Care.

About The Author

*Anthony van Leeuwen is the founder of the **Fight The Plastic Bag Ban** website and writes extensively on the subject. He holds a bachelors and Master's degree in Electronics Engineering and has over 40 years of experience working in the federal government.*

Bibliography

BEACON. (2013, May). *BEACON Single Use Carryout Bag Ordinance Final Environmental Impact Report.* Retrieved from BEACON website: http://www.beacon.ca.gov/assets/PDFs/Bag-Ordinance/BEACON%20Single%20Use%20Carryout%20Bag%20Ordinance%20Final%20EIR_updated%20May1.pdf

Stein, S. R. (2012). *ER Planning Report Brief: Plastic Retail Bags in Litter.* Retrieved from Environmental Resources Planning, LLC: http://www.erplanning.com/uploads/Plastic_Retail_Bags_in_Litter.pdf

van Leeuwen, A. (2013, April 16). *Fact Sheet - Landfill Impacts LASBVTA.* Retrieved from Fight The Plastic Bag Ban: http://fighttheplasticbagban.files.wordpress.com/2013/04/fact-sheet-landfill-impacts-lasbvta.pdf

van Leeuwen, A. (2013, July 15). *What Will A Plastic Carrout Bag Ban Cost Your Community.* Retrieved from Fight The Plastic Bag Ban: http://fighttheplasticbagban.files.wordpress.com/2013/04/what-will-a-plastic-carryout-bag-ban-cost-your-community2.pdf

van Leeuwen, A., & Williams, D. (2013, June 5). *Plastic Bag Alternatives Much More Costly to Consumers.* Retrieved from Fight The Plastic Bag Ban: http://fighttheplasticbagban.files.wordpress.com/2013/04/plasticbagalternativesmuchmorecostlytoconsumers.pdf

Appendix A - **Attached**

Conversions	
liters to gallons	0.26417205
Kg to short tons	0.00110231
MJ to kWh	0.27777778

2007 Recycle Rate	
plastic bags	11.90%
paper bags	36.80%

	9000 Liters of Groceries - # of bags
Plastic	643
paper	439
Reusable	243

Plastic Bag Size (liters)	14
Paper Bag Size (liters)	20.48
Reusable Bag Size (liters)	37
Number of plastic bags used in participating jurisdictions per year	658,241,406
Number of plastic bags used in participating jurisdictions per day	1,803,401

Ordinance - Assume 95% switch to paper and Reusable Bags	Per Day	Per Year
Number of Plastic bags still in (5% of existing)	90,170	32,912,070
Number of Paper Bags per day with 30% conversion	541,020	197,472,422
Number of Reusable Bags per day with 65% conversion	22,543	8,228,018

Eutrophication - Ecobilan	Existing Plastic Bag Use	Proposed Plastic bag Use (5%)	Proposed Paper Bag Use	Proposed Reusable Bag Use
Grams phosphate per 9000 liters groceries	0.2	0.2	2.35	0.55
Grams phosphate per bag	0.00031	0.00031	0.00535	0.00226
Grams phosphate per day	561.06	28.05	2,893.14	50.97
Kilograms phosphate per day	0.56	0.03	2.89	0.05
Proposed phosphate per day (Kg)	2.97			
Increase in phosphate per day (Kg)	2.41			
Increase as a result of Ordinance - Kilograms Phosphate per year	880.05			

Eutrophication was added based on other EIRs

Water Use - Ecobilan	Existing Plastic Bag Use	Proposed Plastic bag Use (5%)	Proposed Paper Bag Use	Proposed Reusable Bag Use
Liters water per 9000 liters groceries	52.6	52.6	173	137
Liters water per bag per day	0.08182	0.08182	0.39367	0.56322
Liters water per day	147,558.29	7,377.91	212,984.08	12,696.44
Gallons per day	38,980.78	1,949.04	56,264.44	3,354.05
Millions gallons per day (MGD)	0.0390	0.0019	0.0563	0.0034
Millions gallons per year	14.23	0.71	20.54	1.22
Proposed Water Use. Millions gallons per year	22.47			
Increase - Million gallons per year	8.24			

Water Use - Washing Reusable Bags	Hand Washing Reusable Bags	Machine Washing Reusable Bags
# of Reusable Bags - Machine Washed (50%)	4,114,009	4,114,009
Number of times washed per year (Monthly)	12	12
# of Bags per Wash Load		19
# Loads per Year		2,598,321
Gallons of Water per Wash Load	1	40
Total Water Use (gallons per year)	49,368,105	103,932,854
Total Water Use (gallons per year)	153,300,959	
Total Water Use Million Gallons per Year	153.30	

Energy Use - Washing Reusable Bags	Hand Washing Reusable Bags	Machine Washing Reusable Bags
# of Reusable Bags - Machine Washed (50%)	4,114,008.79	4,114,008.79
Number of times washed per year (Monthly)	12	12
# of Bags per Wash Load		19
# Loads per Year		2,598,321
Electricity Use per Wash Load (KWh)		3.825
Electricity Use (KWh) per year		9,938,579
Electricity Use (KWh) per year	9,938,579	
Millions of KWh per year	9.94	

Wastewater - Ecobilan	Existing Plastic Bag Use	Proposed Plastic bag Use (5%)	Proposed Paper Bag Use	Proposed Reusable Bag Use
Liters wastewater per 9000 liters groceries	50.00	50.00	130.7	136.614
Liters wastewater per bag per day	0.078	0.078	0.297	0.562
Liters wastewater per day	140,264.53	7,013.23	160,907.62	12,660.67
Gallons per day	37,053.97	1,852.70	42,507.30	3,344.60
Millions gallons per day	0.0371	0.0019	0.0425	0.003
Millions gallons per year	13.52	0.68	15.52	1.22
Proposed wastewater. Millions gallons per year	17.41			
Increase of wastewater per Day (MGD)	0.011			
Increase of wastewater. Millions gallons per Year	3.89			

Solid Waste - Ecobilan (w/EPA recycling)	Existing Plastic Bag Use	Proposed Plastic bag Use (5%)	Proposed Paper Bag Use	Proposed Reusable Bag Use
Kg waste per 9000 liters groceries (w/EPA recycling)	4.19	4.19	2.42	0.24
Kg waste per bag per day	0.007	0.007	0.005	0.001
Kg waste per day	11,757.09	587.85	2,974.75	22.54
Tons per day	12.96	0.65	3.28	0.02
Tons per year	4,730.39	236.52	1,196.87	9.070
Proposed waste (w/EPA recycling)	1,442.46			
Increase waste. Tons per Year	(3,287.93)			

Solid Waste - Ecobilan	Existing Plastic Bag Use	Proposed Plastic bag Use (5%)	Proposed Paper Bag Use	Proposed Reusable Bag Use
Kg waste per 9000 liters groceries (No Recycling)	4.76	4.76	3.82	0.24
Kg waste per bag per day	0.007	0.007	0.009	0.001
Kg waste per day	13,345.17	667.26	4,706.88	22.54
Tons per day	14.71	0.74	5.19	0.02
Tons per year	5,369.34	268.47	1,893.78	9.070
Proposed waste. Tons per Year	2,171.32			
Increase waste. Tons per Year. (No Recycling)	(3,198.02)			

Energy - Ecobilan	Existing Plastic Bag Use	Proposed Plastic bag Use (5%)	Proposed Paper Bag Use	Proposed Reusable Bag Use
MJ Energy per 9000 liters groceries	286.00	286.00	295.00	268.33
MJ Energy per bag per day	0.445	0.445	0.671	1.103
MJ Energy per day	802,313.12	40,115.66	363,180.94	24,867.42
KWh per day	222,864.76	11,143.24	100,883.59	6,907.62
Millions KWh per year	0.22	0.01	0.10	0.01
Proposed Energy. Millions KWh per year	0.12			
Increase in Energy. Millions KWh per year	(0.10)			
Increase in Energy. KWh per day	(103,930.31)			

Water Use - Boustead	Existing Plastic Bag Use	Proposed Plastic bag Use (5%)	Proposed Paper Bag Use
Gallons per 1000 paper bags (1500 plastic bags)	58	58	1004
Gallons of water per bag per day	0.03867	0.03867	1.00400
Gallons of water per day	69,731.51	3,486.58	543,184.42
Millions gallons per day	0.0697	0.0035	0.5432
Millions gallons per year	25.45	1.27	198.26
Proposed Water use per year	199.53		
Proposed Increase in Water use per year	174.08		
Increase water use - Millions of gallons per Day	0.48		

Solid Waste - Boustead	Existing Plastic Bag Use	Proposed Plastic bag Use (5%)	Proposed Paper Bag Use
Kg waste per 1000 paper bags (1500 plastic bags)	6.00	6.00	21.00
Kg waste per bag per day	0.004	0.004	0.021
Kg waste per day	7,213.60	360.68	11,361.43
Tons per day	7.95	0.40	12.52
Tons per year	2,902.34	145.12	4,571.19
Proposed solid waste per Year. Tons per year	4,716.31		
Increase in solid waste per Year. Tons per year	1,813.97		
Increase as a result of ordinance. Tons per day	4.97		

Energy - Boustead	Existing Plastic Bag Use	Proposed Plastic bag Use (5%)	Proposed Paper Bag Use
MJ Energy per 1000 paper bags (1500 plastic bags)	763.00	763.00	2622.00
MJ Energy per bag per day	0.509	0.509	2.622
MJ Energy per day	917,330.03	45,866.50	1,418,555.31
KWh per day	254,813.90	12,740.69	394,043.15
Millions KWh per day	0.25	0.01	0.39
Proposed Energy. Millions KWh per day	0.41		
Increase in Energy. Millions KWh per day	0.15		
Increase in KWh per day	151,969.94		

References Used to Complete Information
[1] BEACON, April 2013, “Single Use Carryout Bag Ordinance, Final Environmental Impact Report”, Document SCH #2012111093, Appendix E.
[2] County of Los Angeles Department of Public Works, 2 June 2010, "Ordinances To Ban Plastic Carryout Bags in Los Angeles County Final Environmental Impact Report", Document SCH #2009111104. Appendic C. pp 750-794.
[3] County of San Mateo Planning and Building Department, August 2012, "County of San Mateo Reusable Bag Ordinance Final Program Environmental Impact Report", Document SCH #2012042013.
[3] County of San Mateo Planning and Building Department, June 2012, "County of San Mateo Single Use Bag Ordinance Draft Program Environmental Impact Report", Document SCH #2012042013. pp. 248-252
[5] City of Los Angeles Bureau of Sanitation, May 2013, "Final environmental Impact Report Single-Use Carryout Bag Ordinance", State Clearinghouse No. 201209053, Chapter 3.

City of Santa Barbara
California

CITY OF SANTA BARBARA PLANNING COMMISSION

RESOLUTION NO. 011-13
CITYWIDE
CERTIFICATION OF FINAL ENVIRONMENTAL IMPACT REPORT
FOR THE SINGLE-USE CARRYOUT BAG ORDINANCE
AUGUST 8, 2013

PROPOSED SINGLE-USE CARRYOUT BAG ORDINANCE FINAL ENVIRONMENTAL IMPACT REPORT CERTIFICATION

The proposed ordinance would prohibit stores selling food and pharmacies from providing plastic carryout bags, and would assess a 10-cent charge on recyclable paper bags provided by the stores at the point of sale, with the intent of reducing existing environmental impacts from plastic bag use. The Environmental Impact Report analyzed effects associated with air quality, biological resources, greenhouse gas emissions, hydrology and water quality, water, wastewater, solid waste, and storm water systems, and concluded that no significant environmental effects would result, and no measures to reduce impacts are required.

The Planning Commission received a staff presentation, conducted a public hearing, and considered certification of the Final Environmental Impact Report for the proposed Single-Use Carryout Bag Ordinance.

WHEREAS, the Planning Commission has held the required public hearing on the above application, and the Applicant was present.

WHEREAS, one person appeared to speak in favor of the certification, and no one appeared to speak in opposition thereto, and the following exhibits were presented for the record:

1. Staff Report with Attachments, August 1, 2013
2. Correspondence received in opposition to the certification:
   a. Save the Plastic Bag Coalition, via email
   b. Anthony van Leeuwen, via email
   c. Paula Westbury, Santa Barbara, CA

NOW, THEREFORE BE IT RESOLVED that the City Planning Commission certified the proposed Environmental Impact Report (EIR) for the Single-Use Carryout Bag Ordinance making the following findings:

1. The proposed Final Environmental Impact Report for the City of Santa Barbara Single- Use Carryout Bag Ordinance, comprised of the Draft Environmental Impact Report, comments on the Draft Environmental Impact Report, responses to comments on the Draft Environmental Impact Report, minor changes to the Draft Environmental Impact Report, and the City of Santa Barbara addition to the Final Environmental Impact Report, was presented to the Planning Commission of the City of Santa Barbara. The Planning Commission reviewed and considered the information contained in the proposed Final Environmental Impact Report, including the City addition, public comment, and responses to comments, and determined that the document constitutes a complete, accurate, and good faith effort toward full disclosure of the project's impacts and is an adequate environmental analysis of the project.

2. The proposed Final Environmental Impact Report for the Single-Use Carryout Bag Ordinance has been completed in compliance with the California Environmental Quality Act and Guidelines.

3. The proposed Final Environmental Impact Report for the Single-Use Carryout Bag Ordinance reflects the City of Santa Barbara Planning Commission's independent judgment and analysis.

4. The location and custodian of documents and materials that constitute the record of proceedings upon which this decision is based is the City of Santa Barbara Community Development Department, Planning Division, 630 Garden Street, Santa Barbara, CA.

5. The Final Environmental Impact Report for the Single-Use Carryout Bag Ordinance will be presented to the City Council before Council decides whether to adopt the Single-Use Carryout Bag Ordinance.

This motion was passed and adopted on the 8th day of August, 2013 by the Planning Commission of the City of Santa Barbara, by the following vote:

AYES: 6 NOES: 1(Thompson) ABSTAIN: 0 ABSENT: 0

I hereby certify that this Resolution correctly reflects the action taken by the city of Santa Barbara Planning Commission at its meeting of the above date.

Julie Rodriguez

Julie Rodriguez, Planning Commission Secretary

September 5, 2013

Date

PLEASE BE ADVISED:

THIS ACTION OF THE PLANNING COMMISSION CAN BE APPEALED TO THE CITY COUNCIL WITHIN TEN (10) CALENDAR DAYS AFTER THE DATE THE ACTION WAS TAKEN BY THE PLANNING COMMISSION.

RESOLUTION NO. ___

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA BARBARA MAKING CERTAIN FINDINGS REQUIRED BY THE CALIFORNIA ENVIRONMENTAL QUALITY ACT CONCERNING THE CITY'S SINGLE-USE BAG ORDINANCE AND DENYING AN APPEAL OF THE CITY PLANNING COMMISSION DECISION TO CERTIFY A FINAL ENVIRONMENTAL IMPACT REPORT FOR THE CITY'S PROPOSED SINGLE-USE BAG ORDINANCE.

WHEREAS, the City of Santa Barbara's proposed "Single-use Bag ordinance" would prohibit certain stores which sell food and pharmacies from providing plastic carryout bags, and would also require such stores to charge 10-cents for each recyclable paper bags provided by the stores to their customers at the point of sale;

WHEREAS, as currently proposed, the City's Single-use Bag Ordinance would apply to two categories of retail establishments that are located within or doing business within the geographic limits of Santa Barbara. The ordinance would both prohibit the free distribution of single use carryout paper and plastic bags and require retail establishments to charge customers for recyclable paper bags provided to those customers at the point of sale. The regulated retail establishments would also be allowed to sell reusable bags or to distribute them free of charge within certain limitations. The Ordinance sets forth that the minimum charge for single use recyclable paper bags would be ten cents ($0.10). The Ordinance would not apply to restaurants and other food-service providers, thus allowing them to continue to provide plastic bags to customers for prepared take-out food intended for consumption off of the food provider's premises;

WHEREAS, the intent of the City's Single-use Bag ordinance is to reduce the adverse environmental impacts related to the use of single use carryout bags, whether paper or plastic, and to promote a shift by grocery store customers towards the greater use of reusable bags. It is anticipated that by prohibiting single use plastic carryout bags and by requiring stores to impose a mandatory charge for each paper bag distributed by stores, the Ordinance will provide a disincentive to customers to request paper bags when shopping at regulated stores and thereby promote a greater use of reusable bags by retail customers;

WHEREAS, the intent of the City in enacting the Single-use Bag Ordinance is to reduce the existing known negative environmental impacts from the widespread manufacture and use of plastic and paper bags, such as those negative impacts which may relate to our local biological and ocean resources (including the Santa Barbara marine estuary and creek environments), an increase in litter, local water

quality (such as storm water quality impacts), and for those negative impacts on City and quasi-public facilities (such as on solid waste disposal facilities) particularly with respect to how these impacts effect a smaller beachfront community such as Santa Barbara;

WHEREAS, the final Environmental Impact Report, dated as of May 2013, was prepared at the request of the City, as one of the members of the joint powers authority public entity known as the "Beach Erosion and Clean Ocean Nourishment Authority (BEACON), in order to consider the possible environmental effects of the draft Single-use Bag Ordinance;

WHEREAS, the preparation of the EIR by BEACON has resulted in a comprehensive public process for comments on the draft EIR and for the full public review and disclosure of the potential environmental consequences of a City Single-use Bag Ordinance within the context of a model Single-use Bag Ordinance for possible enactment within the Santa Barbara and Ventura county areas as required by the California Environmental Quality Act;

WHEREAS, the Single-Use Bag Ordinance EIR has, among other things, thoroughly analyzed such an Ordinance for its potential negative effects possible associated with air quality, biological resources, greenhouse gas emissions, hydrology and water quality, water, wastewater, solid waste, and storm water systems;

WHEREAS, the final EIR has concluded that no significant adverse environmental effects would result from the adoption of the proposed model Single-use Bag Ordinance and, as a result, no mitigation measures to reduce environmental impacts are necessary or required by CEQA in order to address such impacts and to reduce them to a level of less than significant;

WHEREAS, the Santa Barbara City Planning Commission scheduled a public hearing for the possible City certification of the final EIR for the model Single-use Bag Ordinance prepared by BEACON on behalf of its member agencies and the Planning Commission received a full City staff presentation and staff report, including a nine (9) page "Santa Barbara Addition" to the EIR dated as of August 1, 2013 (attached hereto as Exhibit A), conducted a public hearing, received and responded to comments from members of the public and the Commission considered the certification of the Final Environmental Impact Report as required for CEQA for the proposed Single-Use Carryout Bag Ordinance on August 8, 2013.

WHEREAS, the City Planning Commission duly certified the Final EIR (together with the August 1, 2013 Santa Barbara Addition to the EIR) on August 8, 2013 – making the certification findings required by CEQA Guideline Section 15090 (as stated in Commission Resolution No. 011-13 and this certification was appealed to the Santa Barbara City Council pursuant to CEQA Guideline Section 15090(b); and

WHEREAS, after receiving and responding to additional public comments and after conducting an October 1, 2013 public hearing "de novo" on the certification of the Final EIR, as supplemented by the Santa Barbara Addition and the Staff Response to Comments dated as of October 1, 2013, the Santa Barbara City Council has decided to certify the Final EIR and to use it as the appropriate form of environmental review for the enactment of the City's Single-Use Bag Ordinance;

NOW, THEREFORE, be it resolved that the Santa Barbara City Council does find and determine as follows:

I. **Certification Findings**:

1. The proposed Final Environmental Impact Report for the City of Santa Barbara Single-use Bag Ordinance is, comprised of the Draft Environmental Impact Report, the comments on the Draft Environmental Impact Report, the responses to comments on the Draft Environmental Impact Report, and minor changes to the Draft Environmental Impact Report, as well as the City of Santa Barbara Addition (the "Santa Barbara Addition" dated as of August 1, 2013 and attached hereto as Exhibit A) to the Final Environmental Impact Report, and including the Staff Response to Comments dated as of October 1, 2013 (attached hereto as Exhibit B), and the October 1, 2013 Council Agenda Report, all of which were presented to the City Council of the City of Santa Barbara as part of a duly-noticed public hearing on the proposed Ordinance and its environmental review held on October 1, 2013.

2. The City Council reviewed and considered the information contained in the proposed Final Environmental Impact Report, including the Santa Barbara Addition, Staff Comments, and Staff Response, the public comment, and all other responses to comments, and has determined that the final EIR, (with its twp attachments, the Santa Barbara Addition and the Staff Response dated as of October 1, 2013) constitutes a complete, accurate, and good faith effort toward full disclosure of the possible environmental impacts which might result from the City's enactment of a Single-use Bag Ordinance and, as such, is an adequate environmental analysis of the Ordinance as a discretionary City "Project."

3. The Council, upon completion of a "de novo" certification appeal hearing on October 1, 2013, rejects the appeal of the City Planning Commission's August 8, 2013 certification of the Final EIR for the Single-use Bag Ordinance filed by attorney Stephen L. Joseph on behalf of the "Save the Plastic Bag Coalition" and finds that proposed Final Environmental Impact Report for the Single-Use Bag Ordinance (together with the Santa Barbara Addition, the Staff Response to Comments dated as of October 1, 2013, and the other attachments, materials, and documents provided to the Council and available to the public for the October 1, 2013 hearing) have

been prepared and completed in full compliance with the California Environmental Quality Act and Guidelines, both with respect to the public procedural and substantive requirements of CEQA and the CEQA Guidelines.

4. The proposed Final Environmental Impact Report (together with the Santa Barbara Addition, the Staff Response to Comments dated October 1, 2013, and the other EIR attachments and materials in the Council record) for the City's Single-use Bag Ordinance reflects independent judgment and analysis and conclusions of the Santa Barbara City Council, both individually and collectively.

5. The location and custodian of all Environmental Review documents and materials for the City's proposed Single-use Bag Ordinance that constitute the record of proceedings upon which the decision to enact the City's Single-use Bag Ordinance is based is at the City of Santa Barbara Community Development Department, Planning Division, located at 630 Garden Street, Santa Barbara, California, 93101 Attention: Dan Gullet, Project Planner, or Barbara Shelton, Environmental Analyst.

II. Study of Project Alternatives.

1. As required by CEQA and without pre-determining whether the proposed Single-use Bag Ordinance had any possible Class I Impacts, the EIR for the Single-use Bag Ordinance examined a range of reasonable regulatory alternatives to the proposed ordinance that might feasibly attain most of the basic project objectives originally set by the City Council which range of alternatives also included an examination of the "no [ordinance] project" alternative. These alternatives are described and evaluated in Section 6.0 of the EIR, in the "*Alternatives"* portion of the Final EIR. The City Council fully considered and evaluated the relative merits of these possible alternatives in terms of effectuating the goals of the City Council established for this Project, as well as other possible legislative alternatives, as part of the City Council's normal legislative process for the proposed Ordinance within the context of what CEQA refers to as the "rule of reason" under CEQA Guideline Section 15126.6(f.) The Council finds that the EIR, when combined with the Santa Barbara Addition and the Staff Response to Comments, contains sufficient information about each alternative necessary to allow a meaningful evaluation, analysis, and comparison with the proposed Project of the model Single-use Bag Ordinance.

2. Notwithstanding having fully considered a broad range of possible alternatives, the City Council expressly finds that the proposed Single-use Bag Ordinance being enacted concurrently with the adoption of this Resolution is the most appropriate and potentially most effective way to address the concerns apparent to the Council with the commonplace use of plastic and paper carry-out bags within Santa Barbara. This is true despite that the EIR ultimately concluded that the proposed Single-use Bag Ordinance is not actually likely to cause any

possible Class I or Class II adverse environmental impacts and, consequently, it was not necessary or legally required that the City consider alternatives which avoid or substantially lessen any potential significant adverse impacts. The Council agrees that the rationale given in the EIR for selecting the Project alternative is appropriate and warranted.

III. Council Findings Concerning Potentially Significant Impacts and Mitigation Measures.

1. Table ES-1 of the Final EIR includes a description of the environmental issues relative to the proposed Single-use Bag Ordinance, the identified possible environmental impacts, any necessary proposed mitigation measures, and any residual impacts. Impacts are categorized by classes. As Table ES-1 of the FERI indicates, all possible impacts from the proposed Single-use Bag Ordinance were identified as either Class III Impacts (impacts which are considered less than significant impacts and not in need of mitigation), or Class IV Impacts (impacts which are beneficial impacts.) The City Council finds that the impact conclusions shown in Table ES-1 are correct and that it is clear to the Council that that the proposed Ordinance will not engender any significant adverse environmental impacts, whether mitigated or unmitigated. Consequently, the Council also finds and determines that, pursuant to CEQA Guidelines Section 15097 no mitigation measures are required in connection with the enactment of the proposed Ordinance

IV. **Required Environmental Findings:**

1. The Council finds that it is not necessary to make changes or alterations in the proposed City project in order to avoid or substantially lessen possible significant environmental effects because the Project's Final EIR (including the Santa Barbara Addition attached hereto as Exhibit A, and the Staff Response to Comments dated as of October 1, 2013 attached hereto as Exhibit B - along with the other supplemental attached materials contained within the Administrative Record herein) readily and convincingly show substantial evidence that the proposed Single –use Bag Ordinance will not, in the Council's opinion, have a potentially significant adverse environmental impact.

2. The City Council also finds that no required mitigation measures are needed nor is any mitigation measure monitoring necessary in order to avoid or lessen potentially significant environmental impacts from the proposed City Single-use Bag Ordinance nor is it necessary for some other public entity to act to mitigate a potentially adverse environmental impact which might be caused by the proposed Ordinance.

3. The information and responses contained within the Santa Barbara Addition (Exhibit A hereto) and the Staff Response to Comments (Exhibit B hereto), have also been thoroughly reviewed and considered by the City Council prior to the Council's enactment of the proposed Ordinance; these supplemental documents were prepared in response to comments/demands made by the "Save the Plastic Bag Coalition" (and

others) after the completion of the final EIR and, together with the final EIR, these additional materials constitute an appropriate comprehensive EIR with an Addendum prepared for a Program EIR such as this. This is true, in part, because the City has not been (and is not) proposing substantial changes to the proposed Single-use Bag Ordinance from that which was considered by BEACON in May 2013 in the final EIR nor have there been substantial changes to the circumstances under which the proposed City Ordinance is being undertaken such that the changes require major revisions of the EIR. For example, nothing in the Santa Barbara Addition warrants a conclusion that there may be a new potentially significant environmental effect or a substantial increase in the severity of a previously identified effect; as a result, there is substantial evidence supporting the City Council's decision to not prepare a supplemental EIR and to, instead, prepare an Addendum (in this form) to the Final EIR.

4. The above-stated findings are supported by substantial evidence in the record of the Council proceedings on the proposed Single-use Bag Ordinance.

5. The City's Single-use Bag Ordinance, as approved and enacted by the City Council concurrently with the adoption of this Resolution, will not have a significant effect on the environment.

6. The location and custodian of all Environmental Review documents and materials for the City's proposed Single-use Bag Ordinance that constitute the record of proceedings upon which the decision to enact the City's Single-use Bag Ordinance is based is at the City of Santa Barbara Community Development Department, Planning Division, located at 630 Garden Street, Santa Barbara, California, 93101 Attention: Dan Gullet, Associate Planner, or Barbara Shelton,
Environmental Analyst.

Swiley/ord/single-use bag/CEQA findings reso. 001

CITY OF SANTA BARBARA ADDITION TO FINAL ENVIRONMENTAL IMPACT REPORT (SCH#2012111093)

SINGLE USE CARRYOUT BAG ORDINANCE
August 1, 2013

INTRODUCTION

This document is a City-prepared addition to the Final Environmental Impact Report (EIR) for the Single-Use Carryout Bag Ordinance ("Study Area Ordinance") that was prepared for jurisdictions within Santa Barbara and Ventura counties by the Beach Erosion Authority for Clean Ocean and Nourishment (BEACON) in May 2013 (SCH #2012111093).

The City of Santa Barbara is the Lead Agency and proposes an ordinance to ban plastic carryout bags that is consistent with the ordinance analyzed in the Final EIR. This City addition to the Final EIR clarifies environmental effects associated with adoption of the ordinance within the City of Santa Barbara. The City of Santa Barbara Ordinance would prohibit the free distribution of single-use carryout paper and plastic bags and require certain retail establishments to charge customers ten cents ($0.10) for single-use recyclable paper bags at the point of sale.

The Final EIR evaluation concludes that no substantial adverse environmental effects would result from the Ordinance and no mitigation is required. Beneficial environmental effects were identified in the areas of biological and marine resources, water quality and storm water systems, solid waste, and visual aesthetics. The new information contained in this City addition to the Final EIR involves only minor modifications to the Final EIR to clarify impacts within the City of Santa Barbara jurisdiction. There have been no substantial changes in existing environmental conditions since preparation of the Final EIR (SCH#2012111093).

The EIR was circulated for public review from February 12, 2013 to March 28, 2013. Written responses to comment are provided in the Final EIR. A lead agency recirculates an EIR for comment prior to its certification only when significant new information involving significant impacts is added to the Final EIR (Section 15088.5 of the California Environmental Quality Act (CEQA) Guidelines). New information is not "significant" unless the EIR is changed in such a way that that deprives the public of meaningful opportunity to comment on a substantial adverse environmental effect of the project or a feasible way to mitigate such an effect. Recirculation of

the EIR is not necessary for this City addition to the Final EIR since the new information contained in this addition merely clarifies and makes insignificant modifications to the EIR. The opportunity for public comment is provided prior to and at the City Planning Commission hearing on Final EIR certification.

PROJECT DESCRIPTION

The proposed City of Santa Barbara Single-Use Carryout Bag Ordinance ("City Ordinance") would prohibit the free distribution of plastic and paper carryout bags and impose a minimum ten cent charge on recyclable paper carryout bags at regulated stores. Reusable bags could be sold or given out by a retailer without charge. The stores that would be affected are located within the City limits and include grocery stores, pharmacies, convenience stores, and other similar retail stores which sell a limited line of grocery items. Restaurants and fast food providers would be exempt from the City Ordinance.

Consistent with the EIR analysis with a ban on single-use plastic carryout bags and a minimum charge of ten cents for recycled paper bags, it is assumed that 65% of plastic bag use would be switched to reusable bags (each assumed to be re-used 52 times), and 30% would switch to recycled paper bags, and 5% of plastic bags would remain to account for exempt retailers. An estimated 47,302,542 plastic bags are currently used annually within the City of Santa Barbara. With the City Ordinance, as shown in Table 1, it is estimated that total single-use carryout bag usage would be reduced to approximately 16,555,890 bags per year.

Table 1: Existing and Proposed Carryout Bag Use

Area	Existing Total Plastic Bags Used Annually	Proposed Reusable Bags (65% Switch to Reusable)[1]	Proposed Paper Bags (30% switch to paper)[1]	Proposed Plastic Bags (5% Remain)[2]	Proposed Total Carryout Bags Used Annually
BEACON Study Area	658,241,406	8,228,018	197,472,422	32,912,070	238,612,510
City of Santa Barbara	47,302,542	591,282	14,190,763	2,365,127	17,147,172

[1] Rates used in the City of San Jose Final EIR, SCH # 2009102095, October 2010.
[2] Rate used in the City of Sunnyvale Final EIR, SCH # 2011062032, November 2011.
Source: BEACON Single Use Bag Final EIR, May 2013, Appendix C.

As discussed in Section 6.0 Alternatives, the Final EIR includes an Alternative (Alternative 4) that considers a ban on both single-use plastic and paper bags. Alternative 4 was considered to be "environmentally superior" to the Proposed Study Area Ordinance (with a $0.10 fee on paper bags), because Alternative 4 is expected to result in the use of fewer recyclable paper bags (and more reusable bags).

Nevertheless, as discussed in Section 6.0 Alternatives of the Final EIR, the Proposed Study Area Ordinance would not have any significant adverse impacts; therefore, adopting an environmentally superior alternative rather than the Proposed Study Area Ordinance would not avoid any significant adverse environmental effects.

The City objectives for the City Ordinance would be the same as the objectives for the Study Area Ordinance as described in the Final EIR:

- 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)
- Deterring the use of paper bags by retail customers
- Promoting a shift toward the use of reusable carryout bags by retail customers
- Reducing litter and the associated adverse impacts to storm water systems, aesthetics, and marine and terrestrial environments

ENVIRONMENTAL IMPACTS

This section addresses each of the environmental issues studied in the Final EIR, comparing the effects of the City Ordinance within the City of Santa Barbara with the effects on the larger Study Area evaluated in the Final EIR.

The City Ordinance would not change the level of significance of any of the impacts identified as less than significant or beneficial in the EIR or Initial Study (Appendix A of the Final EIR). Each of those impacts would remain less than significant for the City Ordinance.

Air Quality

The City Ordinance impacts related to air quality would be the same as identified in the Final EIR. The City's existing and proposed bag use was considered in the Final EIR analysis, which analyzed bag use in unincorporated Santa Barbara and Ventura counties and within 16 municipalities in those two counties. The City Ordinance does not involve any construction activities; therefore there would be no regional or localized construction impacts. Operational impacts include emissions associated with bag manufacture, transportation, and use as well as emissions resulting from increased delivery trips.

Emissions from Manufacture, Transportation and Use

As described in Section 4.1 of the Final EIR, the City Ordinance is 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 the Counties of Santa Barbara and Ventura and cities in the Study Area (including Santa Barbara) were to implement a plastic bag ban ordinance similar to the City Ordinance. The emissions related to converting from plastic to paper and reusable bags as a result of the City Ordinance are shown in Table 2. Ozone and atmospheric acidification emissions would be expected to decrease in Santa Barbara. Therefore, as determined in the Final EIR, air quality impacts from the manufacture, transportation, and use of carryout bags would be beneficial compared to existing conditions.

Table 2: Estimated Changes in Ozone and Atmospheric Acidification Emissions

Ordinance Jurisdiction	Existing Emissions from Carryout Bags		Change in Emissions from Ordinance	
	Ozone Emissions (kg/year)	AA Emissions (kg/year)	Ozone Emissions (kg/year)	AA Emissions (kg/year)
BEACON Study Area	15,140	713,534	(8,195)	(244,306)
City of Santa Barbara	1,088	51,276	(589)	(17,556)

() Denotes a decrease in emissions compared to existing conditions.
Source: BEACON Single Use Bag Final EIR, May 2013, Appendix D.

Emissions Resulting From Increased Delivery Trips

Similar to the effects identified area-wide in the EIR, the City Ordinance would be expected to potentially result in incrementally more delivery truck trips to transport paper and reusable carryout bags to affected stores. The EIR identified an overall increase of approximately 1.87 truck trips per day throughout the Study Area. Using the EIR methodology to determine truck trips, the City of Santa Barbara's contribution to this increase would be approximately 0.13 truck trips per day.[1]

As shown in Table 3, the increase of truck trips expected area-wide would not result in exceeding any air pollution thresholds of impact significance set by the Santa Barbara County Air Pollution Control District (SBCAPCD) and used by local jurisdictions. The City Ordinance would account for approximately 7% of the increase in the number of truck trips from the larger EIR Study Area, resulting in emissions in reactive organic gases (ROG), nitrogen oxides (NO_X), and particulate matter (PM_{10}) emissions much less than SBCAPCDs thresholds. Therefore, impacts related to mobile emissions from the City Ordinance would be less than significant.

Table 3: Study Area Ordinance-Generated Operational Emissions from Truck Deliveries

Emissions	Emissions (lbs/day)		
	ROG	NO_x	PM_{10}
BEACON Study Area	0.08	0.41	0.04
Thresholds	25	25	80
Threshold Exceeded?	No	No	No

Source: BEACON Single Use Bag Final EIR, May 2013, Appendix D.

Biological Resources

The City of Santa Barbara's General Plan identifies Mission, Arroyo Burro, San Roque, and Sycamore creeks as the major creek systems within the City that provide drainage from the mountains and hills and states that these creeks are largely natural in appearance. These creeks contribute substantially to the aesthetic quality of the City, function as important ecological resources, provide connecting linear open space links from the hillsides to the shoreline, and aesthetic enhancement of recreational, residential, and commercial areas.

As identified in the Final EIR for the Study Area Ordinance, the City 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 Ordinance would incrementally reduce the amount of single-use plastic bag litter that could enter the marine and terrestrial environments and affect sensitive species. The City Ordinance would also be anticipated to increase consumer

[1] Existing bag use in the City of Santa Barbara is estimated to be 47,302,542 plastic bags per year. Assuming that 30% of existing plastic bag use would switch to paper (14,190,783 paper bags), 65% would switch to reusable bags (591,282 reusable bags assuming 52 uses a year) and 5% would remain (2,365,127 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.

use of recycled paper and reusable carryout bags, which, as discussed in the Final EIR, have not been widely noted to have adverse impacts on biological resources. Although reusable bags may eventually be disposed of as solid waste, they are heavier than plastic carryout bags, can be reused multiple times, and the number of reusable bags that would likely end up as litter and impact biological resources would therefore be lower. 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 Final EIR, the City Ordinance would result in beneficial effects on sensitive wildlife species and habitats.

Greenhouse Gas Emissions

Carryout bags have the potential to contribute to the generation of greenhouse gas emissions (GHGs) either through emissions associated with the manufacturing process of carryout bags, truck trips delivering carryout bags to retailers or through disposal during landfill degradation. The SBACPCD does not have adopted GHG emissions thresholds or a GHG emissions reduction plan.

The City of Santa Barbara's Climate Action Plan was adopted in September 2012. Past, present, and forecasted future citywide greenhouse gas emissions were analyzed in the Plan and associated Addendum to the 2010 Final Program EIR for the Plan Santa Barbara General Plan Update in comparison to the State and City greenhouse gas emissions targets (year 2020 total emissions at 1990 level; 2020 and 2035 per capita vehicle emissions at 2005 level). The analysis demonstrates that citywide emissions are decreasing. With continued implementation of existing State and City legislative measures, citywide emissions associated with growth under the General Plan would meet and surpass these State and City emissions targets. The City Climate Action Plan constitutes a citywide mitigation program for greenhouse gas emissions in accordance with SB 97. Regardless, consistent with the Final EIR analysis, the City Ordinance is evaluated based on the project-level threshold of 4.6 metric tons CO_2e per service population per year based on the County of Santa Barbara's interim approach for evaluating GHG emissions. Based on existing population and employment data provided by the California Department of Finance, the existing population in the City of Santa Barbara used for this analysis is 89,082.[2]

Manufacturing, Transportation, Washing and Disposal

As discussed in the Final EIR, the manufacture, transport, and disposal of a single-use paper bag generates 3.3 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 carryout bag results in 2.6 times the GHG emissions of a single-use HDPE 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. Washing and cleaning of reusable bags would use electricity or natural gas and therefore would incrementally increase energy production-related GHG emissions.

The Final EIR estimates that the Study Area Ordinance would contribute indirectly to an overall increase of approximately 10,919 metric tons of CO_2e emissions per year for manufacturing, transportation, washing, and disposal, or 0.0088 metric tons CO_2e per person per year, as shown in Table 4. Thus, the Final EIR determined that the Study Area Ordinance would not exceed

[2] California Department of Finance, "City/County Population and Housing Estimates" (May 2012)

GHG thresholds and therefore impacts related to a shift toward use of paper and reusable bags would be less than significant. Similarly, for the City Ordinance, the shift from plastic carryout bags to paper and reusable bags could be estimated to increase GHG emissions in the City by approximately 785 metric tons per year as shown in Table 4. As such, the City Ordinance would have a less than significant impact related to GHG emissions, consistent with the findings of the Final EIR.

Table 4: Estimated Increase in GHG Emissions from City Ordinance and Study Area Ordinance

Ordinance Jurisdiction	Total CO_2e Emissions (metric tons/year)[1]	Emissions per Capita (metric tons/year)
BEACON Study Area	10,919	0.0088
City of Santa Barbara	785	0.0088

[1] *Represents a net change in GHG emissions compared to existing plastic bag use.*
Source: BEACON Single Use Bag Final EIR, May 2013, Appendix D.

Consistency with Applicable GHG Plans and Policies

The City Ordinance would be consistent with the City of Santa Barbara General Plan climate policies, the City Climate Action Plan, the City Climate Action Team strategies, and measures suggested in the Attorney General's Greenhouse Gas Reduction Report as discussed in Tables 4.3-4, 4.3-5 and 4.3-6 of the Final EIR. Therefore, the City Ordinance would be consistent with the objectives of AB 32, SB 97, and SB 375. There would not be significant impacts associated with inconsistency with plans and policies.

Hydrology and Water Quality

Hydrology and water quality impacts would be similar to those identified in the Final EIR. The following discusses the impacts related to drainage and surface water quality that would result from implementation of the City Ordinance.

Drainage

Consistent with the findings of the Final EIR, the City 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 City Ordinance is expected to improve the existing drainage capacity by removing a substantial source of trash that can clog features of the system and reduce its capacity. Therefore, consistent with the findings of the Final EIR, the City Ordinance would not result in significant adverse impacts to hydrology and water quality related to drainage.

Surface Water Quality

As noted in the Final EIR, the manufacturing processes for single-use plastic, single-use paper, and reusable bags use various chemicals and materials. The City Ordinance is estimated to reduce plastic bag use by 95% and increase the use of recycled paper and reusable bags.

With implementation of the City Ordinance, approximately 17.1 million carryout bags (including single-use paper, single-use plastic, and reusable bags) would be manufactured for use in the City annually—a decrease of approximately 65% compared to existing conditions. Consequently, the City 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 Ordinance would not be significant, which is consistent with the Final EIR analysis.

Utilities and Service Systems

Impacts to utilities and service systems as a result of the City Ordinance would be similar to impacts discussed in the Final EIR. The following summarizes the impacts related to water supply, wastewater collection and treatment, and solid waste for the City Ordinance compared to the findings contained in the BEACON Final EIR.

Water Supply

Carryout bags would indirectly result in water use through the manufacturing process of carryout bags. As discussed in the Final EIR, 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. No manufacturing facilities of carryout bags are known to be located within either the County of Santa Barbara or the County of Ventura. Therefore, carryout bag manufacturing facilities would not use water supplies of either county or the City of Santa Barbara.

In addition to water use from manufacturing carryout bags, the City Ordinance may result in increased water use as reusable bags would be washed. The Final EIR determined that the area-wide water demand from washing reusable bags would increase by 470.5 acre-feet per year (AFY) under the assumption that all new reusable carryout bags would require monthly cleaning in either a washing machine or by rinsing.

The City's portion of the expected 470.5 AFY water demand increase would be 44.2 AFY as a result of the City Ordinance. Total average year water demand in the City of Santa Barbara is estimated to be 14,000 AFY[3]. The estimated increase of water demand associated with the City Ordinance would represent approximately 0.32% of the total City water demand. This increase would not have significant impacts. Any increase in water supply necessary for paper carryout bag manufacturing would not impact Santa Barbara City or County water supplies. Consistent with the findings in the Final EIR, the City Ordinance would not necessitate new or expanded entitlements for water, and water supply impacts would be less than significant.

Wastewater Generation

As noted above and in the Final EIR, no manufacturing facilities for paper carryout bags appear to be located within the Study Area or City of Santa Barbara. Therefore, any increase in wastewater generation due to paper carryout bag manufacturing would not affect local wastewater treatment providers. The Final EIR assumed that 100% of the water used to wash reusable bags would become wastewater, identifying an increase in wastewater of approximately

[3] City of Santa Barbara Long-Term Water Supply Plan, 2011

470.5 acre-feet per year (AFY). This is equivalent to 153,300,948 gallons per year, or approximately 420,002 gallons per day. The City's portion would be 44.2 AFY, which is equivalent to 14,402,633 gallons per year, or approximately 39,433 gallons per day.

The El Estero Wastewater Treatment Plant, which serves the City of Santa Barbara, has a remaining capacity of 3.3 million gallons per day (MGD) and therefore has capacity to treat the potential incremental increase in wastewater resulting from the City Ordinance. The estimated increase of wastewater and impacts related to wastewater generation for the City Ordinance would be less than significant.

Solid Waste

The Final EIR provided two analyses for solid waste impacts, using EPA recycling estimates with two separate data sets: Ecobilan (2004) and Boustead (2007). Using the Ecobilan data, it was determined that a single-use plastic bag would generate 0.0065 kilograms (kg) of solid waste per bag per day, a paper bag would generate 0.0087 kg of waste per bag per day, and a reusable bag (used 52 times) would generate 0.001 kg of waste per bag per day. Using the Boustead data, it was determined that a single-use plastic bag would produce 0.004 kg waste per bag per day, while a paper bag would result in 0.021 kg of waste per bag. The Boustead analysis did not estimate the solid waste from reusable bags. Based on the Ecobilan data, the Final EIR estimated that the Study Area Ordinance would reduce solid waste by 2,596 tons per year. Based on the Boustead data, the Final EIR estimated that the Study Area Ordinance would result in an increase of approximately 1,814 tons of solid waste per year.

As shown in Table 5, the Study Area Ordinance would result in a reduction of approximately 2,596 tons of solid waste per year and the City Ordinance would result in a reduction of 222 tons of solid waste per year using the Ecobilan data. Using the Boustead data, the Study Area Ordinance would result in an increase of approximately 1,814 tons of solid waste per year and the City Ordinance would result in an increase of approximately 155.14 tons of solid waste per year, or 0.43 tons per day. As stated in the Final EIR, the permitted daily maximum throughput of the Tajiguas Sanitary Landfill, which serves the City of Santa Barbara, is 1,500 tons per day. Using the worst case scenario (the Boustead data) the potential increase of 0.43 tons of solid waste per day would represent approximately 0.029% of the daily capacity of the landfill. Thus, existing waste disposal facilities could accommodate estimated increases in solid waste related to the City Ordinance, and impacts related to solid waste would be less than significant.

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

Ordinance Jurisdiction	Solid Waste Generation (tons/year)	
	Ecobilan	Boustead
BEACON Study Area	-2,596.27	1,813.50
City of Santa Barbara	-222.11	155.14

CONCLUSION

Based on analysis in the Final EIR and discussion in the City of Santa Barbara addition to the Final EIR, impacts from the proposed City of Santa Barbara Single-Use Carryout Bag Ordinance related to air quality, biological resources, greenhouse gas emissions, hydrology and water quality, and utilities and service systems were determined to be less than significant (Class 3) impacts or beneficial (Class 4).

Based on the above review of the project, in accordance with State CEQA Guidelines Section 15088.5, recirculation of the Environmental Impact Report prior to certification is not required, because new information and changes in project description, circumstances, impacts and mitigations are not substantial and do not involve new significant impacts or a substantial increase in the severity of previously identified impacts. The Final EIR (SCH#2012111093), including this City of Santa Barbara addition to the Final EIR constitute adequate environmental documentation in compliance with CEQA for the current project.

Prepared by: _____ **Date:** July 24, 13
Daniel Gullett, Associate Planner

Reviewed by: Barbara R. Shelton **Date:** 7-25-13
Barbara Shelton, Environmental Analyst

Staff Responses to Appeal Issues dated as of October 1, 2013

A1. Save the Plastic Bag Coalition asserts that the EIR should consider post-ban paper bag use trends from Santa Monica High School survey data.

The Santa Monica High School report is based on a survey of five grocery stores before and after implementation of the City of Santa Monica single-use carryout bag ordinance. Like the proposed City of Santa Barbara Ordinance, the Santa Monica Ordinance banned single-use carryout plastic bags and required a 10 cent charge on paper bags. The report shows that paper bag use from Albertsons, Vons, and Ralphs (stores that typically offer plastic carryout bags) increased 23% after the ban, and paper bag use at Whole Foods and Trader Joes (stores that typically do not offer plastic carryout bags) dropped 23% after the ban.

This comment by the appellant was made in a previous letter and was responded to in the Final EIR on page 8-289 (Response 12.1). The EIR response noted that the Santa Monica study supports the EIR analysis that assumes an initial increase in paper carryout bag use following the plastic bag ban. Due to the short duration of the Santa Monica High School survey, it is not clear that the study is indicative of longer-term bag use trends following the plastic bag ban. It is also not clear whether there would be any differences in bag usage by customers in Santa Barbara compared to Santa Monica.

The proposed Santa Barbara Ordinance includes a 10-cent charge for carryout paper bags, intended as a disincentive for their use and an incentive to shift toward use of reusable bags. The proposed City ordinance also requires monitoring and a report to City Council on its effectiveness in reducing the number of plastic and paper bags used at regulated stores. Based on information from the monitoring reports, the City Council would have the opportunity to adjust the regulations as needed, including the amount of the paper bag charge.

A.2 Save the Plastic Bag Coalition asserts that purchases of trash/recycling can liners and other bags to replace plastic carryout bags that are used multiple times should be evaluated.

The appellant has cited an article from the *Irish Examiner* from January 2003 that reports increases in trash can liner and plastic diaper bag sales at various retailers following implementation of a fee on plastic carryout bags by the government of Ireland (see Final EIR page 8-117) and a South Australian report from 2013 that indicates an increase in post-ban purchases of can liners, from 15% of all consumers before the ban to 80% of consumers after the plastic carryout bag ban (see Final EIR page 8-289) . The appellant also references a 2007 survey by the American Chemistry Council that asked the question "Do you or does anyone in your household ever reuse plastic shopping bags?" to which 92% of respondents said yes (see Final EIR page 8-118).

This comment by the appellant was made in a previous letter and responded to in the Final EIR on page 8-42 (Response 1.47) and page 8-289 (Response 12.2). The EIR states that some plastic carryout bags are currently used more than once, and that there may be an increase in purchased trash/recycling can liners and other plastic bags to replace the plastic carryout bags currently reused as can liners or for other uses.

The EIR also notes that plastic bags sold to contain waste, including can liners, do not typically end up as litter since they are more often properly disposed of with trash or recycling. Therefore, plastic bags purchased for containing waste are much less likely than plastic carryout bags to impact biological resources, clog storm drains, and enter the marine environment. Increased manufacture and use of plastic waste bags (including can liners, diaper and dog waste bags, etc.) to replace reused plastic carryout bags would, however, partially offset reductions of air quality, solid waste, and greenhouse gas emissions impacts due to the ban on plastic carryout bags.

Following ordinance implementation, paper carryout bags will still be available and some can be expected to be reused for the secondary uses, replacing some plastic bags currently reused. In addition, since much of the volume of material carried out from grocery stores is consumed, the disposal volume of food waste and packaging is much less than the original grocery volume, requiring less plastic or paper to contain the waste than the original product. Substantially less overall plastic material waste and litter is expected when using specific bag types designed for dog waste, diaper disposal, and trash/recycling can liners compared with plastic carryout bags used for these secondary uses. Further analysis is provided below to augment the EIR analysis in response to this comment.

The 2010 United States Census reports that City of Santa Barbara had an average household size of 2.47 persons. With the Final EIR's estimate for current average annual bag use of 531 plastic carryout bags per person (page 2-7 of the Final EIR), 1,312 plastic bags would be used annually per household on average in the City of Santa Barbara, or approximately 25 plastic carryout bags per household per week for the City's population of 89,082. A comment letter from Anthony van Leeuwen received following the close of the public comment period suggests that the total number of replacement bags for secondary uses would be the equivalent of 40% of the existing plastic carryout bags, citing the 2011 United Kingdom Environment Agency study "Life cycle assessment of supermarket carrier bags: a review of the bags available in 2006". For the City of Santa Barbara, 40% of all existing plastic bags would be 10 bags on average per household per week. Using this assumption, no significant environmental impacts would be expected to result, as demonstrated by the discussions below.

Air Emissions: As shown in the table below, estimated ozone emissions would be reduced in comparison with existing emissions, still resulting in a beneficial air quality effect. Estimated Atmospheric Acidification Emissions would slightly increase above existing emissions from plastic carryout bags by 5.76%, a less than significant increase. This increase is primarily related to the increased number of recyclable paper carryout bags that are anticipated to initially result from the Proposed Ordinance.

City of Santa Barbara Estimated Yearly Ground Level Ozone and Atmospheric Acidification (AA) Emissions from Proposed Ordinance with 40% Secondary Use Replacement for Plastic Carryout Bags

Bag Type	# of Bags Used per Year[1]	Ozone Emission Rate/ Bag[2]	Ozone Emissions (kg) per 1,000 bags[3]	Ozone Emissions/ year (kg)	AA Emission Rate/ Bag[2]	AA Emissions (kg)/ 1,000 bags[4]	AA Emissions/ year (kg)

Plastic Carryout	2,365,127	1.0	0.023	**54**	1.0	1.084	**2,564**
Paper Carryout	14,190,763	1.3	0.03	**426**	1.9	2.06	**29,233**
Reusable	591,282	1.4	0.032	**19**	3.0	3.252	**1,923**
Replacement for Plastic Carryout	**18,921,017**	**1.0**	**0.023**	**435**	**1.0**	**1.084**	**20,510**
Total				**934**	**Total**		**54,230**
Existing				**1,088**	**Existing**		**51,276**
Net Change (Total minus Existing)				**(154)**	**Net Change**		**2,954**

[1] Refer to Appendix C of the Final EIR and discussion in A.2 response above.
[2] Impact rate per bag as stated in Stephen L. Joseph, 2009; Ecobilan, 2004; FRIDGE, 2002; and Green Cities California MEA, 2010; Santa Monica Single use Carryout Bag Ordinance Final EIR, January 2011.
[3] Emissions per 1,000 bags from Ecobilan, 2004; Santa Monica Single use Carryout Bag Ordinance Final EIR, January 2011.
[4] Emissions per 1,000 bags from FRIDGE, 2002 and Green Cities California MEA, 2010; Santa Monica Single use Carryout Bag Ordinance Final EIR, January 2011.

Water and Wastewater Effects: The Final EIR analyzes the proposed ordinance with two life cycle assessment methods [Ecobilan (2004) and Boustead (2007)] for water and wastewater. In the tables below, the EIR analysis is augmented to include 40% replacement of plastic carryout bags with equivalent purchased bags for secondary uses. The City's water demand increase from the proposed ordinance along with 40% replacement secondary use bags would be 48.3 acre feet per year (AFY). With total average year water demand in the City of Santa Barbara estimated to be 14,000AFY , the estimated increase of water demand associated with the City Ordinance would represent approximately 0.35% of the total City water demand (up from 0.32% from the previous analysis). This increase in water demand would be an insignificant impact. The City's wastewater demand increase from the proposed ordinance and including 40% replacement bags would be approximately 1,889 gallons per day. The El Estero Wastewater Treatment Plant, which serves the City of Santa Barbara, has a remaining capacity of 3.3 million gallons per day and, therefore, has capacity to treat the potential incremental increase in wastewater resulting from the City Ordinance. The estimated increase of wastewater and impacts related to wastewater generation for the City Ordinance would remain less than significant.

Solid Waste Effects. Based on the Ecobilan method and including the 40% secondary use replacement bags, solid waste would decrease in the City of Santa Barbara by 60 tons per year. Based on the Boustead data and including the secondary use replacement bags, solid waste in the City of Santa Barbara would increase by approximately 258 tons of solid waste per year (0.71 tons per day). As stated in the Final EIR, the permitted daily maximum throughput of the Tajiguas Landfill, which serves the City of Santa Barbara, is 1,500 tons per day. Using the higher end of the range (the Boustead data) the potential increase of 0.71 tons of solid waste per day would represent approximately 0.047% of the daily

capacity of the landfill. Thus, the existing waste disposal facility can accommodate estimated increases in solid waste related to the City Ordinance, including secondary effects, and impacts related to solid waste would be less than significant. See additional discussion of the solid waste analysis in the response to appeal issue L below.

See response to appeal issue B below for an analysis of greenhouse gas emissions with an additional 40% replacement bags for secondary plastic carryout bag uses.

Area Wide and City of Santa Barbara Estimated Water, Wastewater, and Solid Waste Impacts With a 40% Secondary Use Replacement for Plastic Carryout Bags Using Ecobilan Method

Bag Type	Population	Percent of Total Bag Use	Water Use (million gallons per year)	Wastewater Generated (million gallons per year)	Solid Waste (tons per year)
Study Area	1,041,302	100%	12.73	8.11	(703)
City of Santa Barbara	89,082	8.55%	1.08	0.69	(60)

Area Wide and City of Santa Barbara Estimated Water and Solid Waste Impacts With a 40% Secondary Use Replacement for Plastic Carryout Bags Using Boustead Method

Bag Type	Population	Percent of Total Bag Use	Water Use (million gallons per year)	Solid Waste (tons per year)
Study Area	1,041,302	100%	184.26	3,014
City of Santa Barbara	89,082	8.55%	15.75	258

Response to Appellant's Assertion of CEQA Violations: The appellant's comment lists CEQA Statute and Guidelines sections, but does not specify how the EIR is thought to violate the provisions of those sections.

Comments received during the Draft EIR public comment period, including these comments, have been considered and evaluated, and written responses were provided in the Final EIR, as required by CEQA statute §21091 (d), CEQA Guidelines §15088, and judicial decisions including Flanders Foundation v. City of Carmel by the Sea. CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144

(forecasting), and 15151 (standards for adequacy of an EIR), have been met by this EIR. [There is no Guidelines section 15126.1.]

The EIR analysis uses reasonable assumptions on the topics raised in these comments, and the EIR meets the CEQA test of adequacy, completeness, and a good faith effort at full disclosure. As made clear by Guidelines §15151, differing opinions about analytic assumptions used do not make an EIR inadequate. An evaluation of environmental impacts need not be exhaustive, but the sufficiency of an EIR is to be reviewed in light of what is reasonably feasible. The appellant's opinions are part of the record and available for consideration by decisionmakers and the public.

B. Save the Plastic Bag Coalition asserts that it is improper to assume that lifetime greenhouse gas emissions from Low Density Polyethelene (LDPE) reusable bags are representative of all reusable bags. The appeal states that a reasonable assumption for greenhouse gas emissions would be 104 single-use plastic bag equivalents per reusable bag rather than the 2.6 emissions multiplier used in the Final EIR.

This comment was made previously and responded to in the Final EIR on page 8-209 (Response 4.25). The following are excerpts from the EIR response:

> …the Draft EIR utilizes the best available information to disclose environmental impacts associated with the Proposed Ordinance. The analysis uses the LDPE carryout bag as a representation of reusable bags in evaluating GHG impacts. There is no known available Life Cycle Assessment that evaluates all types of reusable bags (canvas, cotton, calico, etc.) with respect to potential GHG emissions. Further, the study that utilizes the 2.6 per bag rate assumption is from the Ecobilan (2004) and the Scottish Report (AEA Technology, 2005) that the commenter references in his previous comments (see Comment # 11 and Comment #24) and recommended for use in the Draft EIR analysis. As described in Response 1.77, this methodology is consistent with the greenhouse gas impact analysis contained in other CEQA documents pertaining to bag ordinances. This rate compared to an HDPE single-use plastic bag (2.6 times) is related to an LDPE bag being used once and then disposed. Given the high rate of reuse for all types of reusable bags (125 times or more as required by the Proposed Ordinance), the greenhouse gas emissions associated with the reusable bags, are expected to be comparable to an LPDE reusable bag or lower. As stated by CEQA Guidelines Section 15144, EIRs are to use the "rule of reason" with respect to content. The analysis contained in the Draft EIR satisfies the rule of reason.
>
> In regard to using a GHG impact rate of 104 times that of a HDPE single-use carryout bag, while this rate appears to be unreasonably exaggerated and unreasonable in comparison to the 2.6 rate (as described above), even if it were used as the rate for GHG impact, as shown in the table below, the net increase of GHG emissions in the Study Area as a result of the Proposed

Ordinance (approximately 0.0357 metric tons CO2e per person per year) would not exceed the threshold of significance (4.6 metric tons per person per year) and thus the impact would remain less than significant (the same as in the Draft EIR using the rate of 2.6 for LDPE bags).

This EIR response to comment provides a table using the appellant's suggested multiplier for the BEACON area-wide study. The EIR analysis is further augmented with the table showing estimated greenhouse gas emissions considering manufacturing, transportation, washing, and disposal for the proposed ordinance in the City of Santa Barbara using the appellant's suggested 104 multiplier for reusable bags and including the replacement of 40% of plastic carryout bags with equivalent bags for secondary uses as discussed in A.2 above. The resulting greenhouse gas emissions would be 0.290 Carbon Dioxide Equivalents per person, which is substantially below the EIR's project-level threshold of significance of 4.6 Carbon Dioxide Equivalents per person per year.

City of Santa Barbara Estimated Greenhouse Gas Emissions from Proposed Ordinance with 40% Secondary Use Replacement for Plastic Carryout Bags and a 104 GHG Impact Rate for Reusable Bags

Manufacture, Use and Disposal					
Bag Type	**Proposed # of Bags Used per Year**[1]	**GHG Impact Rate per Bag**	**GHG Impact Rate (metric tons CO_2E)**	**CO_2E per year (metric tons)**	**CO_2E per Person (metric tons)**[5]
Plastic Carryout	2,365,127	1	0.04 per 1,500 bags[2]	63	0.0007
Paper Carryout	14,190,763	2.97	0.1188 per 1,000 bags[3]	1,686	0.0189
Reusable	591,282	**104**	4.16 per 1,000 bags[4]	2,460	0.2762
Replacements for Secondary Uses	**18,921,017**	**1**	**0.04 per 1,500 bags[2]**	**505**	**0.0057**
			Subtotal	*4,714*	*0.3015*
Washing					
Bag Type	**# of Loads per Year**[6]	**Electricity Use Per Load (kW)**[7]	**Total Electricity Use Per Year (kW)**	**CO_2E per year (metric tons)**[8]	**CO_2E per Person (metric tons)**
Reusable	186,721	3.825	714,208	231.6	0.0026
			Subtotal	231.6	0.0026
			Total GHG Emissions from Proposed Ordinance	**4,946**	**0.3041**
			Existing GHG Emissions	**1,261**	**0.0142**
			Net Change (Total minus Existing)	**3,685**	**0.290**

CO_2E = Carbon Dioxide Equivalent units

[1] Refer to Appendix C of the Final EIR and discussion in A.2 response above.
[2] Based on Boustead Report, 2007; Santa Monica Single use Carryout Bag Ordinance Final EIR, January 2011.
[3] 10% reduction (from a rate of 3.3 or 1.32) based on Santa Clara County Negative Declaration, October 2010 based on Environmental Defense Fund's Paper Calculator.
[4] Based on AEA Technology "Scottish Report, 2005; Santa Monica Single use Carryout Bag Ordinance Final EIR, Jan. 2011.
[5] Emissions per person are divided by the existing population in the Study Area – 89,082 (Dept. of Finance, May 2012)
[6] Assumes that half of all reusable bags would be machine washed. Assumes that each bag is washed once a month. Assumes an average load capacity of 8 pounds per load and 6.8 ounces per bag (as measured on 8/10/2010 by Rincon Consultants, Inc.). See Table 4.5-10 in Section 4.5, Utilities and Service Systems.

[7] *US Department of Energy: Energy Efficiency and Renewable Energy, 2010.*
[8] *See Appendix D of the Final EIR for calculations*

Response to Appellant's Assertion of CEQA Violations: The appellant's comment lists CEQA Statute and Guidelines sections, but does not specify how the EIR is thought to violate the provisions of those sections.

CEQA Statute §21080 (e)(1) and (2) states the following: "(1)…substantial evidence includes facts, a reasonable assumption predicated upon fact, or expert opinion supported by fact. (2) Substantial evidence is not argument, speculation, unsubstantiated opinion or narrative, evidence that is clearly inaccurate or erroneous, or evidence of social or economic impacts that do not contribute to, or are not caused by, physical impacts on the environment." The appellant does not indicate in what way the EIR is thought to violate this section. The EIR analysis was based on facts, and reasonable assumptions and expert opinion supported by fact.

Comments received within the DEIR public review period, including the appellant's comments, were considered and evaluated, and written responses were provided in the FEIR, in accordance with CEQA Statute §21091 (d) and judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea*. CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144 (forecasting), and 15151 (standards for adequacy of an EIR, have been met by this EIR. [There is no Guidelines section 15126.1.]

C. Save the Plastic Bag Coalition asserts that the Final EIR's assumption that each reusable bag will be used 52 times, on average, is unjustified and inappropriate. The appeal states that the assumption should be that each reusable bag will be used two times, on average.

This comment was made previously and was responded to in the Final EIR on page 8-209 (Response 4.26). The Final EIR response states that proposed ordinance requires that reusable bags have a minimum lifetime of 125 uses. Assuming an average of 52 uses for a single reusable bag is a conservative estimate, which results in a higher impact assessment and reasonable worst-case scenario. No substantial evidence has been provided to support the appellant's assertion that reusable bags would on average be used only two times.

Response to Appellant's Assertion of CEQA Violations: The appellant's comment lists CEQA Statute and Guidelines sections, but does not specify how the EIR is thought to violate the provisions of those sections.

Per CEQA Statute §21080 (e)(1) and (2), the Final EIR analysis is based on substantial evidence, including facts, reasonable assumptions predicated on fact, and expert opinion supported by facts. Comments received within the DEIR public review period, including the appellant's comments, were considered and evaluated, and written responses were provided in the FEIR in accordance with CEQA Statute §21091 (d) and judicial decisions, including *Flanders Foundation v. City of Carmel-by-the-Sea*. CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no

new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144 (forecasting), and 15151 (standards for adequacy of an EIR), have been met by this EIR. [There is no Guidelines section 15126.1.]

D. Save the Plastic Bag Coalition asserts that the statement that non-woven polypropylene reusable bags are recyclable is incorrect.

This comment was made by the appellant in a previous letter and responded to in the Final EIR on page 8-210 (see Response 4.28). The Final EIR analysis of reusable bags assumes as a reasonable worst-case scenario that all reusable bags are landfilled (not recycled). The only reference to the recyclability of non-woven polypropylene is on page 2-6 in the EIR's description of reusable bags where it states that non-woven polypropylene bags are 100% recyclable. Non-woven polypropylene has a recycle code and is recyclable, but is not currently being recycled in Santa Barbara County. This fact does not affect the impact conclusions of the Final EIR.

Response to Appellant's Assertion of CEQA Violations: The appellant's comment lists CEQA Statute and Guidelines sections, but does not specify how the EIR is thought to violate the provisions of those sections.

Per CEQA Statute §21080 (e)(1) and (2), the FEIR analysis is based on substantial evidence, including facts, reasonable assumptions predicated on fact, and expert opinion supported by facts. In accordance with CEQA Statute §21091 (d), comments received within the DEIR public review period, including these comments, were considered and evaluated, and written responses were provided in the FEIR. CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144 (forecasting), and 15151 (standards for adequacy of an EIR, have been met by this EIR. [There is no Guidelines section 15126.1.]

E. Save the Plastic Bag Coalition asserts that the Final EIR fails to disclose that stormwater capture devices and trash excluders prevent bags from entering waterways.

This comment was made previously and responded to in the Final EIR on page 8-38 (Response 1.28). The Final EIR notes that storm water capture devices and trash excluders help reduce the amount of litter entering storm drains. It also notes that plastic carryout bags that become litter can enter storm drains and watersheds from surface water runoff or may be blown directly into drainages or the ocean by the wind.

The City of Santa Barbara installed storm drain screens on the front of most catch basin inlets within City limits from 2009 to 2011. Since then, monitoring results have shown a reduction in the amount of trash/litter in a sample of catch basins and creek sections. The screens are designed to keep trash/litter from entering the storm drains only during dry weather. The screens keep trash/litter on the street so it can be picked up by street sweeping. In order to avoid the potential for street flooding, the storm drain screens are designed to open during rainstorms to allow stormwater runoff to flow unobstructed into

the catch basins and the storm drain system. Because of this, bags can be carried past the open screens during rainstorms and into the storm drain system. The City of Santa Barbara also installed a CDS (Continuous Deflective Separation) unit on Haley Street at Mission Creek to capture pollutants including trash and street litter before entering Mission Creek. These stormwater devices prevent trash/litter including plastic bags from entering waterways, but they do not capture the trash/litter in places where the storm drain system is made of open swales that drain directly to the waterways, at catch basin inlets where it was infeasible to install the storm drain screens, or outside the City limits.

Response to Appellant's Assertion of CEQA Violations: The appellant's comment lists CEQA Statute and Guidelines sections, but does not specify how the EIR is thought to violate the provisions of those sections.

Per CEQA Statute §21080 (e)(1) and (2), the FEIR analysis is based on substantial evidence, including facts, reasonable assumptions predicated on fact, and expert opinion supported by facts. Comments received within the DEIR public review period, including these comments, were considered and evaluated, and written responses were provided in the FEIR in accordance with CEQA Statute §21091 (d) and judicial decisions including Flanders Foundation v. City of Carmel-by-the-Sea.

CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144 (forecasting), and 15151 (standards for adequacy of an EIR), have been met by this EIR. [There is no Guidelines section 15126.1.]

F. Save the Plastic Bag Coalition asserts that the Final EIR contains misleading statements regarding marine impacts.

This comment was made previously and responded to in the Final EIR on page 8-211 (Response 4.31). The Final EIR demonstrates that single-use plastic bags are more likely to become litter than paper bags or reusable bags and, therefore, have a greater potential for litter that could enter the marine environment, where they could affect marine life through ingestion or entanglement. As such, reducing the potential of plastic bag litter by reducing the number of plastic carryout bags would be expected to result in beneficial impacts to biological resources.

Response to Appellant's Assertion of CEQA Violations:

Per CEQA Statute §21080 (e)(1) and (2), the Final EIR analysis is based on facts, reasonable assumptions predicated on fact, and expert opinion supported by facts. The commenter has not provided substantial evidence to suggest otherwise, but the commenter's opinion is included in the Final EIR as part of the Section 8 Comments and Responses.

Comments received within the DEIR public review period, including these comments, were considered and evaluated, and written responses were provided in the FEIR in accordance with CEQA Statute §21091 (d), and judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea* and *Save the Plastic Bag Coalition v. Manhattan Beach*.

CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144 (forecasting), and 15151 (standards for adequacy of an EIR), have been met by this EIR. [There is no Guidelines section 15126.1.]

G. Save the Plastic Bag Coalition asserts that the definition of Plastic Carryout Bag is inaccurate since it does not state that some bags are derived from waste byproducts of oil and natural gas refining.

This comment was made previously and responded to in the Final EIR on page 8-211 (Response 4.33). The previous version of the draft ordinance did not include reference natural gas as a source of material for some plastic bags. The draft ordinance definition of plastic bag was revised in response to this comment to read as follows:

> *Any bag made predominantly of plastic derived from either petroleum, natural gas, or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale. "Plastic carryout bag" includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags.*

Response to Appellant's Assertion of CEQA Violations: The appellant's comment lists CEQA Statute and Guidelines sections, but does not specify how the EIR is thought to violate the provisions of those sections.

Per CEQA Statute §21080 (e)(1) and (2), the FEIR analysis is based on substantial evidence, including facts, reasonable assumptions predicated on fact, and expert opinion supported by facts. Comments received within the DEIR public review period, including the appellant's comments, were considered and evaluated, and written responses were provided in the FEIR in accordance with CEQA Statute §21091 (d) and judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea.*

CEQA Guidelines §15088.5, pertaining to recirculation of an EIR prior to certification, does not apply here as there is no new information involving new or substantially increased significant impacts. CEQA Guidelines §§15120 (general content requirements of EIRs), 15124 (project description), 15126 (consideration and discussion of environmental impacts), 15144 (forecasting), and 15151 (standards for adequacy of an EIR, and judicial decisions, have been met by this EIR. [There is no Guidelines section 15126.1.]

H. Save the Plastic Bag Coalition asserts that the City must prepare and recirculate a revised Draft EIR.

Changes to the Final EIR clarify and amplify, but do not involve new significant impacts, or a substantial increase in the severity of impacts. The public has not been deprived of the opportunity to comment on any significant impacts. All impacts have been identified as less than significant or beneficial. Therefore, there is no requirement to recirculate a revised document.

Response to Appellant's Assertion of CEQA Violations: The City's EIR process complies with CEQA Guidelines §15088.5 regarding criteria for recirculation of an EIR prior to certification. Comments received within the DEIR public review period, including the appellant's comments, were considered and

evaluated, and written responses were provided in the FEIR in accordance with CEQA Statute §21091 (d) and judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea.*

I. Save the Plastic Bag Coalition requests that the Save the Plastic Bag Coalition's correspondence submitted after the close of public review period be attached to the Final EIR.

The appellant's letters received during the Draft EIR public review period are included in the Final EIR along with responses. The appellant's letters, including letters received following the Draft EIR public review process and the appeal letter, are part of the public record provided to City Council with the Council Agenda Report and are available to the public. Save the Plastic Bag Coalition's letters, including this appeal letter and these responses, will also be included in the City's record of the Final EIR.

Response to Appellant's Assertion of CEQA Violations: CEQA Statute §21091 (d) provides that public comments on the EIR received after the close of the Draft EIR public comment period *may* be responded to, but there is no requirement for written responses. The City EIR process has provided responses to Save the Plastic Bag Coalition letters, which are part of City record and is compliant with CEQA requirements and judicial decisions including *Flanders Foundation v. City of Carmel-by-the-Sea.*

J. Save the Plastic Bag Coalition asserts that Save the Plastic Bag Coalition and Anthony van Leeuwen were entitled to notice of the Planning Commission EIR certification hearing.

Individual mailed notices for EIR certification hearings are not required by the CEQA statues, State CEQA Guidelines, City CEQA guidelines, or the Municipal Code, except to public agencies that commented on the Draft EIR, which were provided. The City published a display ad in the Santa Barbara News-Press for the Planning Commission certification hearing, consistent with the CEQA and the City's practice for noticing projects under consideration that involve citywide issues and effects. It is the City's practice to provide mailed notices to interested parties for EIR certification hearings when requested and when address information is provided. Notices for the Planning Commission hearing were provided to the addresses included on the mailing list provided by BEACON, including Save the Plastic Bag Coalition. Mr. Leeuwen's letters did not contain a mailing address, and no request for notification was received from him. Notices were provided to Save the Plastic Bag Coalition and Anthony van Leeuwen for the City Council EIR certification appeal hearing.

Response to Appellant Assertion of CEQA Violations: The City EIR process is compliant with CEQA and case law noticing requirements.

K. Anthony van Leeuwen asserts in his letter dated August 17, 2013 that the EIR should include an alternative that considers a ban on single use plastic bags and no charge for paper bags.

This comment was made previously and responded to as follows in the Final EIR on page 8-60 (Response 1.145):

> The commenter suggests that an alternative for a "No Charge for Paper Bags" should have been considered in the Draft EIR, as evaluating this alternative would have provided decision makers

specific information as to how this option differs from the proposed ordinance or other alternatives.

As described in Section 6.0, Alternatives, on page 6-26, a "No Charge for Paper Bags" alternative was considered but ultimately rejected. CEQA Guidelines § 15126.6 requires that an EIR consider a range of reasonable alternatives to a proposed project, which would feasibly obtain most of the basic objectives of the project but would avoid or substantially lessen any of the significant effects of the project. This alternative was rejected because it would not deter customers from using paper bags, which have greater impacts related to air quality, GHG emissions, and water quality than plastic bags on a per bag basis. Therefore, this alternative would not avoid or substantially lessen any of the impacts from the Proposed Ordinance and may increase certain environmental impacts. In addition, this alternative would not achieve the Proposed Ordinance's objective of promoting a shift toward the use of reusable carryout bags by retail customers to as great a degree as would occur with the Proposed Ordinance as customers would simply switch from "no fee" plastic bags to "no fee" paper bags as there would be no financial disincentive to utilize reusable bags.

L. Anthony van Leeuwen asserts in his letter dated August 17, 2013 that the solid waste analysis is inaccurate.

This comment was made previously and responded to as follows in the Final EIR on page 8-82 (Response 2.32):

The commenter reiterates that the amount of solid waste associated with reusable bags in Section 4.5 appears to be low and should be reevaluated. The commenter also suggests that the Draft EIR should assume that the weight of all reusable bags (approximately 8.2 million bags at 6.8 ounces per bag) is deposited into a landfill each year. The Draft EIR assumes that a reusable bag is used 52 times per year. Nevertheless, using the commenter's suggested rate of solid waste from reusable bags (6.8 ounces per bag x 8.2 million reusable bags per year) that would be deposited into a landfill, the Proposed Ordinance would result in an increase of approximately 1,748.45 tons of solid waste per year from reusable bags. Adding this total to the solid waste generated from paper bags (1,900 tons) and the waste from the remaining single use plastic carryout bags in the Study Area (237 tons) as shown in Table 4.5-11, the Proposed Ordinance would result in approximately 3,885 tons per year of solid waste. The current amount of solid waste associated with the approximately 658 million single use plastic carryout bags is estimated at 4,733 tons per year (as shown in Table 4.5-11). Thus, using the commenter's suggested rate, the Proposed Ordinance would result in a net decrease of approximately 848 tons per year of solid waste compared to existing conditions. This is less than the 2,596 tons per year reduction identified in the Draft EIR, but there would still be a reduction as compared to existing conditions. In addition, the significance determination is based on the Boustead data, which shows an incremental increase in solid waste generation as compared to existing conditions. Even based on this "worst case" scenario, the impact would not be significant.

As shown in the table in A.2 above, the Boustead method's solid waste impact for the City of Santa Barbara is expected to be approximately 258 tons per year as a reasonable worst case scenario. Adding the approximately 1,748 tons of solid waste per year from reusable bags (since the Boustead analysis does not calculate solid waste from reusable bags) in addition to the approximately 258 tons of solid waste, which included secondary use replacement bags, solid waste in the City of Santa Barbara would increase by approximately 2,006 tons per year or approximately 5.50 tons per day. As discussed above in A.2, the permitted daily maximum throughput of the Tajiguas Landfill, which serves the City of Santa Barbara, is 1,500 tons per day. Using the Boustead data along with the commenter's reusable bag solid waste assumptions, the potential increase of 5.50 tons of solid waste per day would represent approximately 0.37% of the daily capacity of the landfill. Thus, the existing waste disposal facility can accommodate estimated increases in solid waste related to the City Ordinance, including secondary effects. This incremental increase in solid waste generation would be less than significant.

Further, the commenter previously suggested a separate alternative methodology and assumptions to estimate solid waste generated by the Proposed Ordinance. Under these assumptions, the net increase of solid waste that would be generated by the City's Proposed Ordinance would be approximately 1,102 tons per year or approximately 3.02 tons per day. Similar to the impacts using either the Ecobilan or the Boustead method, the potential increase of 3.02 tons of solid waste per day would represent approximately 0.20% of the daily capacity of Tajiguas Landfill. Thus, based on the commenter's suggested alternative methodology, the existing waste disposal facility could accommodate estimated increases in solid waste related to the City Ordinance and impacts related to solid waste would be less than significant.

Solid Waste Generation in the City of Santa Barbara Using Van Leeuwen's Suggested Methodology and Assumptions

Bag Type	Weight (lbs/bag)	Current Conditions				With Bag Ordinance			
		Quantity	Weight (lbs)	Weight (tons/ year)	Weight (tons/ day)	Quantity	Weight (lbs)	Weight (tons/ year)	Weight (tons/ day)
Plastic Carryout Bags	0.01213	47,302,542	573,780	287	0.79	2,365,127	28,689	14.34	0.039
Paper Carryout Bags	0.14875	-	-	-		14,190,763	2110876	1,055.44	2.89
Reusable Carryout Bags	0.42500	-	-	-		591,282	251,295	126	0.345
Replacement Bags (40%)	0.01213	-	-	-		19,486,114	236,267	118	0.323
"Other	0.140708	-	-	-		1,073,685	151,076	75.5	0.207

Plastic"									
Totals			**573,780**	**287**	**0.79**			**1,389**	**3.81**
Net change (with ordinance minus existing)								**+1,102**	**+3.02**

M. Anthony van Leeuwen asserts the Final EIR utility data in Appendix E is incorrect and provides alternative solid waste, water, energy and wastewater data and new data on eutrophication in his paper dated September 10, 2013.

Mr. van Leeuwen states that discrepancies exist in the EIR data and provides information without explicitly identifying what the discrepancies were or why the changes were suggested. He suggests increased water and wastewater use for reusable bags and decreased plastic carryout bag waste due to recycling compared to the Final EIR data. Water, wastewater, and solid waste effects using Mr. van Leeuwen's data are presented in his paper dated September 10, 2013. The tables below were generated from Mr. van Leeuwen's data and include the additional 40% plastic carryout bag replacement rate discussed in A.2 above. The alternative assumptions result in impacts similar to the impacts identified in the Final EIR, which are less than significant impacts as described below.

Water and Wastewater Effects: Using Mr. van Leeuwen's suggested assumptions for water use, with an additional 40% secondary use replacement bags, the City's water demand increase from the proposed ordinance using the worst case analysis (Boustead) would be 48.3 AFY, equal to the analysis in A.2 above. As discussed above, this increase in water demand would constitute an insignificant impact.

Using Mr. van Leeuwen's suggested assumptions for wastewater, with an additional 40% secondary use replacement bags, the City's wastewater demand increase from the proposed ordinance would be approximately 2,190 gallons per day (301 more gallons than in A.2 above). The El Estero Wastewater Treatment Plant, which serves the City of Santa Barbara, has a remaining capacity of 3.3 million gallons per day (MGD) and, therefore, has capacity to treat this potential incremental increase in wastewater. The estimated increase of wastewater and impacts related to wastewater generation for the City Ordinance would thus remain a less than significant impact under this scenario.

Solid Waste Effects: Using Mr. van Leeuwen's Ecobilan solid waste assumptions with an additional 40% secondary use replacement bags, solid waste would decrease in the City of Santa Barbara by 119 tons per year (more beneficial than the 60 ton per year decrease expected with the Final EIR Ecobilan data). Using Mr. van Leeuwen's data for the worse case Boustead assumptions with an additional 40% secondary use replacement bags, solid waste in the City of Santa Barbara would increase by approximately 254 tons of solid waste per year, slightly less than the 258 tons per year expected with the Final EIR data. The impacts related to solid waste would be less than those identified in A.2 above, and less than significant.

Area Wide and City of Santa Barbara Estimated Water, Wastewater, and Solid Waste Impacts with 40% Secondary Use Replacement for Plastic Carryout Bags Using Ecobilan Method and Van Leeuwen Data

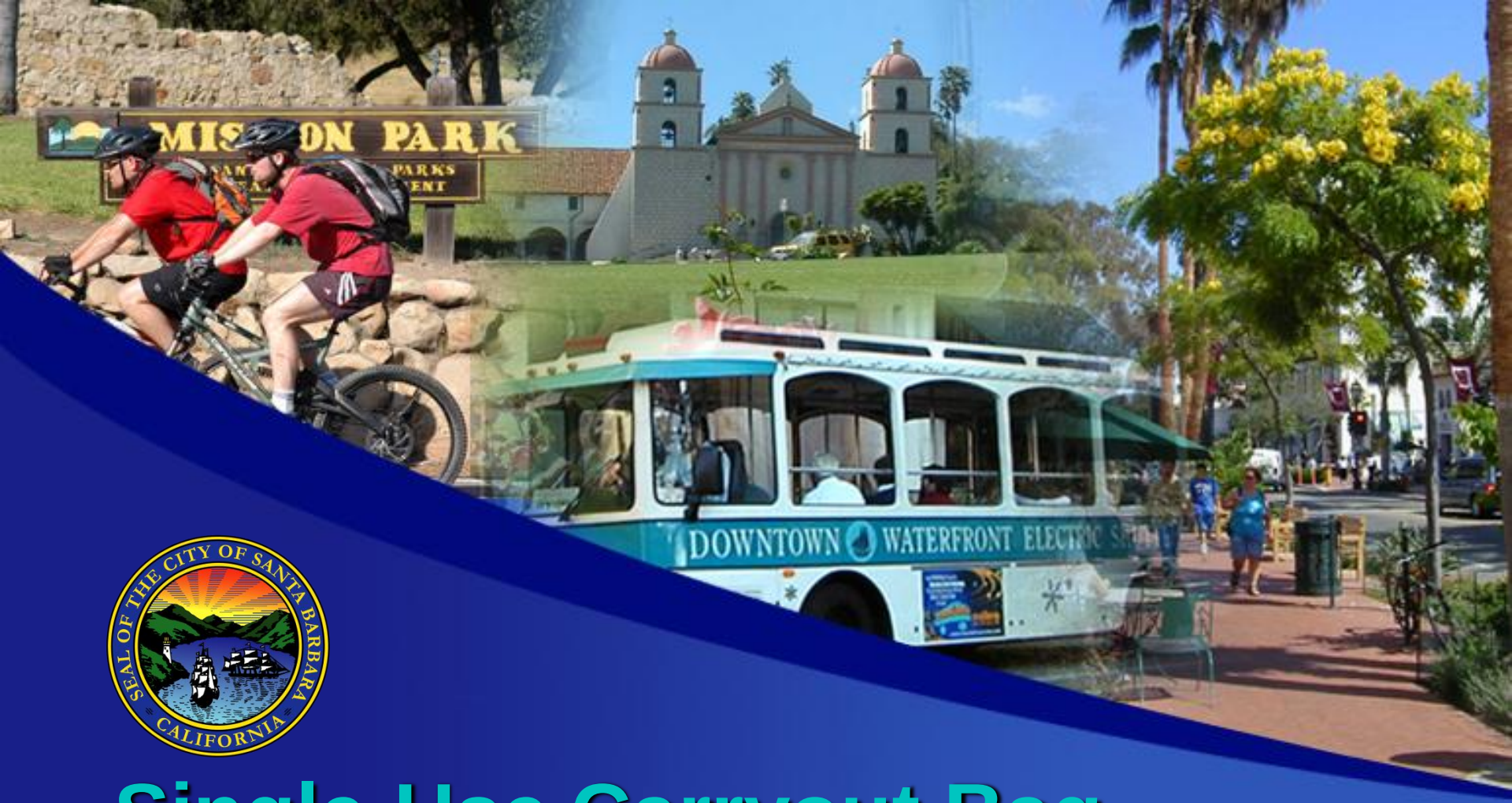
Bag Type	Population	Percent of Total Bag Use	Water Use (million gallons per year)	Wastewater Generated (million gallons per year)	Solid Waste (tons per year)
Study Area	1,041,302	100%	13.93	9.31	(1,396)
City of Santa Barbara	89,082	8.55%	1.19	0.80	(119)

Area Wide and City of Santa Barbara Estimated Water and Solid Waste Impacts with 40% Secondary Use Replacement for Plastic Carryout Bags Using Boustead Analysis and Van Leeuwen Data

Bag Type	Population	Percent of Total Bag Use	Water Use (million gallons per year)	Solid Waste (tons per year)
Study Area	1,041,302	100%	184.26	2,974
City of Santa Barbara	89,082	8.55%	15.75	254

Energy: Mr. van Leeuwen provides alternative Ecobilan and Boustead data on energy use related to bag manufacturing. The Final EIR estimates energy use in the form of electricity associated with washing reusable bags to calculate greenhouse gas emissions associated with that washing. Those emissions were added to emissions associated with bag manufacturing, including emissions from energy use at manufacturing facilities. Impacts from energy use were analyzed in the Final EIR with regard to greenhouse gas emissions resulting from energy use. As demonstrated in the Final EIR, the impacts from greenhouse gas emissions would be less than significant.

Eutrophication: Mr. van Leeuwen provides new data on eutrophication based on the Ecobilan method. Eutrophication occurs when high levels of nutrients, such as fertilizers, enter a water body and cause excessive growth of plants, such as algae, resulting in a reduction in water quality. Eutrophication is qualitatively discussed on pages 4.4-10 and 11 of the Final EIR. Any direct increase in pollutant discharge from manufacturing plants would be regulated and controlled by local, regional, and federal water quality laws, including National Pollutant Discharge Elimination System requirements and permits, applicable to each manufacturing plant. Therefore, indirect impacts to water qualify from eutrophication due to the potential increase in bag manufacturing would be less than significant.



Single-Use Carryout Bag Ordinance

City Council Meeting

October 1, 2013

Background

- August 2009: City launched WYB Campaign
  - Voluntary program
  - Limited success
- March 2012
  - Council Directed Staff to:
    - Develop an ordinance to promote the shift toward reusable bags
    - Work with BEACON to prepare the EIR for the regional "model ordinance"

Background

- April 2012
  - Staff presented a draft Single-Use Carryout Bag ordinance modeled after Los Angeles County to Ordinance Committee
  - Ordinance Committee referred the draft ordinance to the City Council
  - Council referred the draft ordinance to BEACON to serve as the "Project" for study in the EIR

Background

- April 2013
  - Ordinance Committee voted unanimously to refer the model ordinance reviewed in the EIR to Council for consideration

Proposed Ordinance

- Bans single-use plastic bags and requires stores to charge a $.10 fee on single-use paper bags
- Stores could only provide recyclable paper bags or reusable bags
- Allows stores to use revenue from the fee on paper bags to comply with the ordinance, to provide reusable bags and to encourage consumers to use reusable bags

Proposed Ordinance

- Requires stores to report annually on the number of paper bags distributed, monies collected and any educational efforts undertaken by the store
- Requires stores to provide free reusable or recyclable paper bags or both to participants of the CA Special Supplemental Food Program for Women, Infants and Children or the Supplemental Food Program

Proposed Ordinance

- Who Is Regulated?
  - Tier 1 Stores: At least 10,000 square feet and sells a line of dry grocery, canned goods, or non-food items, or have a pharmacy
  - Tier 2 Stores: A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart or other retail store that sells a limited line of grocery items (e.g. milk, bread, soda, and snack foods)

Proposed Ordinance

- When Does the Ordinance Take Effect?
  - Tier 1 Stores - 6 months after ordinance effective date
  - Tier 2 Stores - 12 months after ordinance effective date

Environmental Review

- BEACON was the City's agent
- Notice of Preparation – Nov 2012
- Public Scoping Meetings – Dec 2012
- Draft EIR – Feb/Mar 2013
- Draft Final EIR – May 2013
- City Addition – Aug 2013
- PC Certification – Aug 2013

EIR Approach

- Reasonable worst-case analysis req'd
- EIR assumptions:
  - Shift toward paper and reusable bag use from current plastic bags
  - Reusable bags used once a week for a year only
  - Current paper bag users don't switch to reusable bags
  - All recyclable paper bags landfilled

EIR Analysis

- EIR focused on 5 areas:
  - Air Quality
  - Biological Resources
  - Greenhouse Gas Emissions
  - Hydrology/Water Quality
  - Utilities and Service Systems
- Initial Study addressed other effects

Summary of Impacts (1 of 2)

Impact	Significance
AIR QUALITY AQ-1 Reduction in single-use plastic bag manufacturing reduces air pollutants.	BENEFICIAL
AQ-2 Increase in paper bags used increases transportation emissions.	LESS THAN SIGNIFICANT
BIOLOGICAL RESOURCES BIO-1 Reduction in single-use plastic bags used reduces litter affecting wildlife and habitat.	BENEFICIAL
GREENHOUSE GAS EMISSIONS GHG-1 Increase in paper and reusable bags increases GHG emissions.	LESS THAN SIGNIFICANT
GHG-2 Ordinance does not conflict with GHG-related plans, policies, or regulations.	LESS THAN SIGNIFICANT

Summary of Impacts (2 of 2)

Impact	Significance
HYDROLOGY/WATER QUALITY	
HWQ-1 Reduction in single-use plastic bags reduces litter entering waterways.	BENEFICIAL
HWQ-2 Increase in paper bag manufacturing degrades water quality.	LESS THAN SIGNIFICANT
UTILITIES/SERVICE SYSTEMS	
U-1, U-2 Increase in reusable bags increases water and wastewater use from bag washing.	LESS THAN SIGNIFICANT
U-3 Increase in paper and reusable bag use increases solid waste generation.	LESS THAN SIGNIFICANT

EIR Alternatives

1. No Project
2. Ban on all retail single-use plastic bags, except at restaurants
3. $.25 charge for paper bags
4. Ban on plastic & paper bags
5. $.10 charge for plastic & paper bags

EIR Alternatives

- Ban on both single-use plastic and paper carryout bags (Alternative 4) found to be environmentally superior
- Alternative 4 would not avoid any significant impacts

Appeal of EIR Certification

- Planning Commission certified the EIR August 8
- Save the Plastic Bag Coalition (STPB) appealed EIR certification August 19
- City Council hearing is *de novo* for EIR certification

Additional EIR Comments

- STPB Appeal letter provides additional comments on the Final EIR
- Other issues raised in correspondence by Anthony van Leeuwen since the PC review
- Comments addressed in Exhibit B of the Draft Findings Resolution

Summary of Issues (1 of 4)

Appellant's Claim		Response
A1	Post-ban trends in paper bag use should be analyzed.	Study confirms initial trend and doesn't establish long-term trend. Ordinance to be reviewed for effectiveness.
A2	Substitute bags will be purchased to replace plastic bags for secondary uses.	Suggested analysis provided and impacts from replacing 40% of plastic carryout bags with other bags are less than significant.
B	Reusable bags have higher GHG emissions/bag than analyzed.	Using suggested GHG assumption, impacts still less than significant.
C	Lifespan of reusable bags (52 uses) is inappropriate. Two uses/reusable bag suggested.	52 uses/reusable bag is a reasonable and conservative estimate.

Summary of Issues (2 of 4)

Appellant's Claim		Response
D	Non-woven polypropylene reusable bags are not recyclable.	EIR does not assume that any reusable bags would be recycled.
E	Stormwater capture devices would prohibit bags from entering waterways.	Stormwater capture devices do not prevent all bags from entering waterways.
F	Discussion of marine impacts is inaccurate.	Plastic bags have greater potential to detrimentally affect marine life.
G	Plastic Carryout Bag definition doesn't acknowledge some bags are derived from oil and natural gas.	Draft ordinance revised to include natural gas as a source of material for some plastic bags.

Summary of Issues (3 of 4)

Appellant's Claim		Response
H	City must revise and recirculate the Draft EIR.	Changes clarify and amplify but do not involve new significant impacts. EIR recirculation is not required.
I	SPBC correspondence submitted after close of public review should be attached to Final EIR.	STPB letters are included in the City's record of the Final EIR.
J	STPB and Anthony van Leeuwen were entitled to notice of PC hearing.	Courtesy notices were sent. Individual noticing for citywide issues not required per CEQA or City rules.

Summary of Issues (4 of 4)

Mr. van Leeuwen's Claim		Response
K	EIR should include alternative with a ban on plastic bags and no charge for paper bags.	Alternative considered but rejected since it would not deter the use of paper bags.
L	Solid waste impacts don't fully account for landfilling reusable bags.	Impacts from landfilling reusable bags each year are less than significant .
M	Project utility data is inaccurate.	Alternative data provided by commenter still results in less than significant impacts.

Appeal of EIR Certification

- Issues raised do not change the impact significance conclusions of the EIR
- City has fully complied with all provisions of CEQA

Staff Recommendations

- Deny the appeal and uphold PC certification of the Final EIR; and,
- Introduce and subsequently adopt the proposed Single-Use Carryout Bag Ordinance