



BOARD OF SUPERVISORS
AGENDA LETTER

Agenda Number:

Clerk of the Board of Supervisors
105 E. Anapamu Street, Suite 407
Santa Barbara, CA 93101
(805) 568-2240

Department Name: Board of Supervisors
Department No.: 011
For Agenda Of: June 25, 2013
Placement: Departmental
Estimated Tme: 1 hour
Continued Item: No
If Yes, date from:
Vote Required: Majority

TO: Board of Supervisors

FROM: Board Member(s) Salud Carbajal (805) 568-2186
Janet Wolf (805) 568-2191
Contact Info: Eric Friedman (805) 568-2186
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SUBJECT: Single Use Carryout Bag Ordinance

County Counsel Concurrence

As to form: Yes

Other Concurrence: N/A

Auditor-Controller Concurrence

As to form: N/A

Recommended Actions:

That the Board of Supervisors direct County staff to use the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON) Single Use Carryout Bag Ordinance Final Environmental Impact Report (EIR) to:

- 1) Develop a draft Single Use Carryout Bag Ban Ordinance for the County unincorporated areas;
- 2) Determine how the Single Use Carryout Bag Ban Ordinance would be enforced;
- 3) Provide a budget for modifying the BEACON EIR to reflect the County as the Lead Agency; and,
- 4) Return to the Board at the end of Summer 2013 to report on the above items and to consider initiating CEQA review on the Single Use Carryout Bag Ban Ordinance.

Summary Text:

As a member of the Beach Erosion Authority for Clean Oceans and Nourishment (BEACON), Santa Barbara County contributed to the funding of a Regional Environmental Impact Report (EIR), prepared by BEACON, to study the impacts of a ban on single use carryout bags. The study area of the EIR included all of Ventura and Santa Barbara County with the exception of Ojai and Carpinteria both of which previously implemented single use bag bans. At its May 17, 2013 meeting, BEACON unanimously approved releasing the EIR to member agencies for their use in drafting their own local single use bag ban ordinances. This item is to direct Santa Barbara County staff to develop a draft

ordinance banning single use plastic bags in Santa Barbara County and return to the Board at the end of the summer with the draft ordinance as well the mechanism for enforcing the ordinance and a budget for modifying and processing the EIR to reflect the County's role as the Lead Agency for the proposed ordinance.

Background:

Statewide an estimated 20 billion single use plastic grocery bags (approximately 531 bags per person) are consumed annually in California. Based upon this per capita consumption, approximately 658 million of these bags are used annually within Santa Barbara and Ventura Counties. With such a high number of single use bags being consumed both locally and throughout the state, there are a number of impacts relating to biological resources (including marine resources and wildlife), water quality, solid waste, storm water systems, and litter.

In the effort to address impacts from single use bags, the California State Legislature enacted AB 2449 in 2006 which requires retail stores over 10,000 square feet that include a licensed pharmacy and supermarkets with gross annual sales over \$2 million to provide a plastic bag collection bin for eventual recycling. AB 2449 also required carryout bag manufacturers to develop educational materials to encourage the reducing, reusing, and recycling of plastic carryout bags. In addition, AB 2449 restricted the ability of cities and counties to impose a fee on single use plastic bags. To date, only 5% of plastic bags are estimated to be recycled.

With no statewide structure in place for restrictions on single use bags and an inability to impose fees to discourage their use, local municipalities throughout the state have implemented local bans on single use plastic bags. As of April 2013, approximately 76 jurisdictions, including cities and counties, have adopted ordinances restricting single use bags. In the Tri-County region the San Luis Obispo County Integrated Waste Management Authority adopted a plastic bag ban with a 10 cent minimum price requirement on paper bags in January of 2012. It went into effect on October 1, 2012 in all seven incorporated cities as well as unincorporated areas of the County. The cities of Carpinteria and Ojai have also implemented their own ordinances.

In looking at a regional approach to implementing a potential single use bag ban that is consistent across multiple jurisdictions, the member agencies of the Beach Authority for Clean Oceans and Nourishment (BEACON), of which the County is a member, jointly funded a Regional Environmental Impact Report based upon the City of Santa Barbara's proposed ordinance. This ordinance (1) prohibits the free distribution of single use carryout paper and plastic bags and (2) requires retail establishments to charge customers for recyclable paper bags at the point of sale (minimum charge of ten cents). Regulated retail establishments would be allowed to sell reusable bags or distribute them free of charge. The proposed ordinance would apply to two categories of retail establishments:

- 1) A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law which sells a line of dry grocery or canned goods, or non-food items and some perishable food items for sale or a store that has a pharmacy licensed pursuant to Chapter 9 of Division 2 of the Business and Professions Code;
or

- 2) A drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other similar retail store or entity engaged in the retail sale of a limited line of grocery items or goods which typically includes, but is not limited to milk, bread, soda and snack foods ...

The proposed ordinance would not apply to restaurants and other food service providers.

The study area of the EIR includes all areas within the two counties, with the exception of Carpinteria and Ojai which previously adopted bans. On May 17, 2013 the BEACON Board unanimously supported providing the EIR to all jurisdictions within the study area for their use should they consider implementing a single use bag ban.

Subsequent to the BEACON hearing on May 17, SB 405 which would have created a state wide structure banning single use plastic bags in supermarket and drug stores in 2015 was defeated. SB 405 also included a provision that would have prevented local ordinances from taking effect after September 2013. With the defeat of SB 405, the municipalities within Santa Barbara and Ventura Counties may now move forward to consider adopting their own ordinances using the BEACON EIR as a basis.

We understand that in order for the Board to use the EIR prepared by BEACON, it will be necessary for staff to modify and process the EIR to reflect the County's role as Lead Agency for the proposed ordinance including issuing a Notice of Preparation, modifying the EIR, filing Notice of Completion and providing Notice of Availability of the Draft EIR for public review, responding to comments, and ultimately preparing a Final Draft EIR for certification by the Board of Supervisors. It is anticipated that this process will take a minimum of five months.

If your Board is interested in pursuing a single use bag ban ordinance in the County unincorporated areas, the recommendation is to direct staff to come back to the Board for consideration of the following at the end of the summer:

- Draft Single Use Carryout Bag Ban Ordinance for the County unincorporated areas;
- Identification of mechanism for enforcing the ordinance;
- Budget for modifying the BEACON EIR to reflect the County as the Lead Agency for the EIR; and
- Timeline for next steps.

Performance Measure:

None

Fiscal and Facilities Impacts:

The Board has approved \$35,000 from the General Fund for Fiscal Year 2013/2014 to develop the draft ordinance and modify the EIR prepared by BEACON to reflect the County's role as lead agency.

Staffing Impacts:

Legal Positions:

0

FTEs:

0

Special Instructions:

None

Attachments:

Link to BEACON's Final EIR for a Single Use Carryout Bag Ordinance (found on their Website):

[http://www.beacon.ca.gov/assets/PDFs/Bag-](http://www.beacon.ca.gov/assets/PDFs/Bag-Ordinance/BEACON%20Single%20Use%20Carryout%20Bag%20Ordinance%20Final%20EIR_update%20May1.pdf)

[Ordinance/BEACON%20Single%20Use%20Carryout%20Bag%20Ordinance%20Final%20EIR_update%20May1.pdf](http://www.beacon.ca.gov/assets/PDFs/Bag-Ordinance/BEACON%20Single%20Use%20Carryout%20Bag%20Ordinance%20Final%20EIR_update%20May1.pdf)

Authored by:

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