

2011 Council Study Issue

DPW 11-01 Ban the Use of Expanded Polystyrene (EPS) Food Containers

Lead Department Public Works

History **1 year ago** None **2 years ago** None

1. What are the key elements of the issue? What precipitated it?

At the January 29, 2010 Study Issues and Budget Issues Workshop, Councilmember Chu sponsored a study issue to ban the use of Styrofoam (more correctly called "expanded polystyrene," or EPS) containers in the City. Councilmember Griffith co-sponsored the study issue.

EPS cups, plates and takeout containers are commonly used in local food service establishments. Due to its low density, EPS is easily carried into the environment by the wind as litter or at locations where refuse is stored and collected. Of special concern is EPS that makes its way directly, or by way of storm water systems, into creeks and channels that lead into San Francisco Bay and the Pacific Ocean.

A number of coastal cities, including most in Santa Cruz and San Mateo counties, have banned the use of EPS food containers. This study would identify in more detail:

- issues surrounding EPS use
- EPS-related actions taken by other jurisdictions
- Council's options with regard to banning EPS
- potential pros or cons of an EPS ban
- whether it is better to simply ban EPS and let market forces decide what material types replace EPS, or if an EPS ban should attempt to predict various potential future alternatives to landfill disposal and specify replacement materials (e.g. compostable paper, "compostable" plastics, "biodegradable" plastics, recyclable plastics) that are compatible with those potential future alternatives
- necessary CEQA processes and potential costs

2. How does this relate to the General Plan or existing City Policy?

Muni Code

Enacted in 1990, Section 8.18.010 states the City's intent to reduce the amount of chlorofluorocarbon (CFC)-processed EPS food packaging products purchased and used within and by the city and people of Sunnyvale, in order to reduce, to the greatest extent possible, the health hazards created by the release of CFCs into the atmosphere. Around the time this ordinance was passed, the blowing agents used to produce EPS were changed to eliminate use of ozone-damaging CFCs.

Zero Waste Policy

(see Section 8)

Solid Waste Sub-element Policy 3.2B.1. Reduce generation of solid waste by providing

source reduction programs and promoting source reduction behavior.

Surface Runoff Sub-element Policy A.3. Ensure that Best Management Practices are implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable.

LAP 3.0 (1) Support incentives to limit all types of pollution at their source. (see Section 8) Reduce generation of solid waste by providing source reduction programs and promoting source reduction behavior. Ensure that Best Management Practices are implemented to reduce the discharge of pollutants in storm water to the maximum extent practicable. Support incentives to limit all types of pollution at their source.

3. Origin of issue

Council Member(s) Chu, Griffith

4. Staff effort required to conduct study Major

5. Multiple Year Project? Yes **Planned Completion Year** 2012

6. Expected participation involved in the study issue process?

Does Council need to approve a work plan? No
Does this issue require review by a Board/Commission? Yes
If so, which? Sustainability Commission
Is a Council Study Session anticipated? No

7. Briefly explain cost of study, including consultant hours, impacted budget program, required budget modifications, etc. and amounts if known.

Study will require a significant amount of work by the Solid Waste and Environmental Divisions (stormwater) to research actions taken by other jurisdictions, develop draft ordinance language and conduct community outreach. The CEQA Initial Study may require consultant assistance at a cost estimated at \$40,000 for preparation of a Negative Declaration.

8. Briefly explain potential fiscal impact of implementing study results (consider capital and operating costs, as well as potential revenue).

Depending on the content of the ordinance adopted, staff time may be required to enforce the ordinance, respond to public complaints about non-compliant stores, etc. A ban may result in small savings in the cost of litter cleanup performed by City staff.

9. Staff Recommendation

Staff Recommendation None

If 'For Study' or 'Against Study', explain

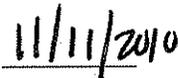
Existing City policies imply that a ban on use of expanded polystyrene food and beverage (EPS) containers would be an operational issue.

However, given the level of controversy and community interest on the topic of an EPS ban, staff recommends that this topic be addressed as a Study Issue.

Reviewed by



Department Director

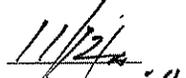


Date

Approved by



City Manager



Date