



City of Santa Clara – Environmental Programs

Proposed Foam Food Ware Ordinance Community Outreach Plan

Expanded Polystyrene (EPS) Ordinance Community Outreach Plan

Problem Statement:

The City of Santa Clara needs to reduce litter by 40% by 2014 to meet National Pollutant Discharge Elimination System (NDPES) stormwater permit requirements. According to a study conducted by the Bay Area Stormwater Management Agencies Association (BASMAA), 6% of the litter found in storm drains is expanded polystyrene (EPS) food ware. EPS, commonly known as Styrofoam, is a pollutant frequently found in waterways and public spaces. EPS is a lightweight material that can be easily blown by wind and carried by urban runoff, making it a challenging pollutant to manage. Once EPS reaches our waterways, it tends to break up into smaller pieces that allow it to spread over wider areas, posing a threat to wildlife that can mistake it for food.

Stage I: Decision Analysis

As part of the effort to reduce litter to meet NDPES permit requirements, the City of Santa Clara is considering the adoption of an ordinance that prohibits the use of Expanded Polystyrene food ware products.

Although there are some concerns regarding the increased cost of EPS food ware alternatives, the cost of disposable food ware can be passed on to the consumer. Several alternatives are available, and as more businesses continue to use them, the cost will keep decreasing. Adopting an EPS ordinance will create a level playing field, since jurisdictions surrounding the City have already adopted or are in the process of adopting such ordinances as part of their litter management plan.

Stage II: Pre-ordinance community engagement (December 2013 – February 25, 2014)

WHO?

1. Stakeholders and their interests
 - a. Food vendors in Santa Clara – directly impaired by the increase in costs to operate business
 - b. Residents – main beneficiaries of a cleaner environment, better aesthetics, and landfill life extension. Might have to assume the cost of alternative food ware.
 - c. [California Restaurant Association](#) – opposed EPS ordinances as they increase costs to operate business. They favor implementation of EPS recycling programs instead.
 - d. Chamber of Commerce – acts on legislative issues that will affect businesses. Possibly against EPS ordinance.
2. Community groups that could potentially get involved
 - a. Nextdoor.com in Santa Clara – community based social network
 - b. South of Forest Neighborhood Association (SOFNA)
 - c. Santa Clara Green Action group
 - d. Neighborhood Watch captains
 - e. Neighborhood University Relations Committee (NURC)
 - f. Staff will continue to identify other potential community groups
3. Non-stakeholder interest groups that could potentially get involved
 - a. American Chemistry Council – They produce plastic products, including EPS
 - b. DART Container Corporation – They produce EPS food ware



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- c. Californians Against Waste – decreased amount of litter and waste being landfilled
- d. Clean Water Action – Decreased impact of EPS in waterways
- e. Save our Shores – Decreased impact of EPS litter on wildlife and water quality in shore habitats
- f. Save the Bay – Decreased impact of EPS litter going into the bay

WHAT?

1. Provide residents and businesses with information so they can understand the benefits and drawbacks of each strategy.
 - a. Information about meeting NDPES permit requirements.
 - b. Explain alternatives considered (See ATTACHMENT A)
 - c. Impacts of EPS on public health and the environment
 - i. EPS is a source of litter that can have impacts on public health and the environment
 - ii. Common pollutant found in streets, parks and other public places
 - iii. Not biodegradable – it persists in the environment
 - iv. Not practical to recycle because material must be clean and sufficient markets do not exist to recycle it for profit, therefore it either ends up in the landfill or as litter.
 - v. EPS breaks into smaller pieces that are usually mistaken for food by local wildlife
 - vi. When EPS is digested by wildlife, it enters the food chain
 - d. Benefits of a EPS ordinance
 - i. Eradicating EPS food ware can help extend landfill life if substitutes are recycled or composted.
 - ii. Recyclable and biodegradable alternatives exist and are comparable in terms of price and performance
 - iii. An EPS ordinance would be a one-time expense and cheaper compared to ongoing interception and cleanup methods
 - iv. Food vendors will be allowed to pass on the cost to the consumer (i.e. charge for takeout containers).
 - v. There will be a grace period to allow businesses to use up existing inventory
 - vi. Many cities in CA have successfully banned polystyrene and reduced their overall amount of litter. For example, EPS ordinances have reduced litter by 36% in San Francisco and 61% in Santa Cruz.
 - e. Possible drawbacks:
 - i. Increased costs to businesses
 - ii. Increases in other types of litter – paperboard, PLA, recyclable plastic.
 - f. Other actions being taken by the city of Santa Clara to reduce litter in the near future, independently of an EPS ordinance
 - i. Increased sweeping frequency in commercial and industrial zones
 - ii. Earlier sweeping hours to avoid parked vehicles
 - iii. Installation of full trash capture devices
 - iv. Develop a volunteer database to conduct additional on-land and creek cleanups



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- v. Develop “adopt a spot” program, including sections of creek trails, streets, etc.

HOW?

1. Outreach materials to inform and gather feedback. These will be developed in English and Spanish
 - a. Letters/postcards to businesses
 - b. Public meetings
 - c. Post information on website
 - vi. What the potential ordinance would entail
 - vii. Important links
 - viii. Updates
 - d. Press releases
 - e. EPS information incorporated in stormwater education visits to schools
 - f. Surveys for businesses - surveys will not be used to identify whether or not businesses and residents are for or against this type of ordinance; instead, the surveys will be used to identify concerns and barriers to adopting the ordinance. By obtaining this information, we will be able to tailor a community outreach plan that can help overcome their concerns. (See ATTACHMENT B)
2. Challenges of engagement:
 - a. Stakeholders delaying the process.
 - i. Informational meetings will explain the issue at hand and explore the possibilities the City took into account
 - b. No stakeholders getting involved in the process.
 - i. Provide adequate notice of informational meetings
 - ii. Choose a place that is familiar to most people that provides
 - Parking availability
 - Accessibility
 - Physical comfort
 - Enough space to accommodate people
 - Have materials needed for presentation (Computer, projector, microphone)
 - iii. Schedule varied meeting times.

Stage III: Present to council for consideration (February 25, 2014)

1. Analyze public input to prepare a sound and fair recommendation for City Council.
2. If council decides to move forward, the City will have coverage under San Jose’s regional CEQA effort.

Stage IV: Adoption of an ordinance (February 25, 2014)

1. Ordinance to take effect starting June 1, 2014

Stage V: Post-ordinance community outreach – If applicable (February 2014 – June 2014)

1. Welcome packet for new businesses
2. Mailers notifying affected businesses of the ordinance and any necessary information
3. One-on-one visits to eateries with food ware alternative samples by appointment



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4. Alternative food ware fair to connect businesses with product vendors – City of Santa Clara may be able to partner with other cities in the area that will be adopting EPS ordinances
5. Provide additional information on where to purchase alternatives and make it available on the website – including the [GreenTown Los Altos Business Co-Op](#).
6. Educational campaign for the general public
7. Offer a “unique packaging” or “financial hardship” exemption for businesses that can demonstrate no reasonably feasible alternative for their EPS packaging

Stage VI: Evaluate ordinance effectiveness

1. Enforcement of ordinance
 - a. Complaint-based enforcement
 - b. Additional education to stores that don't comply
 - c. Administrative citations to be issued to stores if educational efforts are not successful

City Departments and their roles

Public Works Department

- Develop ordinance
- Design and implement community outreach plan
- Develop and distribute educational materials
- Provide technical assistance to businesses through site visits
- Coordinate and host public meetings
- Draft resolution
- Track input and provide feedback to participants and decision-makers
- Develop a sound and fair recommendation for City Council

Planning Department

- Prepare Negative Declaration? We are covered under SJ's regional initial study, but I am not sure whether or not we would still have to draft our own ND.
- Review ordinance

City Attorney's Office

1. Finalize resolution and ordinance



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ATTACHMENT A - LITTER REDUCTION STRATEGIES TO MEET NPDES PERMIT REQUIREMENTS

Measure	Type	Cost	Reduces EPS/Plastic bag Pollution?	Reduces litter reaching waterways?
Educational campaign	Prevention	Continuous to reinforce positive behavior	Maybe. Campaign will not guarantee behavior change	Maybe. Campaign will not guarantee behavior change
Policy – EPS ordinance	Prevention	\$30,000 Outreach costs	Yes, it eliminates the source	Yes
Policy – Plastic bag ordinance	Prevention	\$50,000 CEQA work + \$30,000 outreach costs	Yes, it eliminates the source	Yes
Policy – anti-litter law	Prevention	\$5,000 to develop and prepare necessary reports + \$100,000 to hire additional staff for enforcement	Maybe. It does not specifically target EPS or plastic bags	Maybe. It is not always possible to identify the perpetrator.
Increase # of trash cans in public spaces	Prevention	\$250 per container + \$29,000 per year for ongoing trash collection	Maybe. Only effective if people use them and containers are maintained sufficiently	Yes, as long as containers are maintained sufficiently
Recycling/take-back programs	Prevention	N/A for EPS since it is not recycled in our program and bags are already accepted.	Maybe. Only if people are disposing of bags in a garbage or recycling container	Maybe. Only if people are disposing of bags in a garbage or recycling container
Trash capture devices in inlets	Interception	\$700 per unit + maintenance costs (\$50/inlet) + device cleaning twice/year	Yes but only what goes into the inlets. Other public spaces will remain unaffected	Yes.
Increased parking enforcement on sweeping days	Interception	Cost of parking signage @ \$170/each + \$100,000 to hire additional staff for enforcement	Yes	Yes
Enhanced creek cleanups	Cleanup	\$6.10/ft	Yes, but only at cleanup site.	Yes.



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ATTACHMENT B - POTENTIAL SURVEY QUESTIONS FOR BUSINESSES

1. What disposable food ware do you currently use for dine-in or take-out? Check all that apply:

- | | | |
|-----------------------------------|-------------------------------------|---|
| <input type="radio"/> Foam boxes | <input type="radio"/> Paper bowls | <input type="radio"/> Plastic plates |
| <input type="radio"/> Foam bowls | <input type="radio"/> Paper plates | <input type="radio"/> Plastic cups |
| <input type="radio"/> Foam plates | <input type="radio"/> Paper cups | <input type="radio"/> Don't use disposables |
| <input type="radio"/> Foam cups | <input type="radio"/> Plastic boxes | <input type="radio"/> Other: _____ |
| <input type="radio"/> Paper boxes | <input type="radio"/> Plastic bowls | |

2. How long does your disposable food ware supply typically last?

- | | |
|----------------------------------|-----------------------------------|
| <input type="radio"/> 1-3 months | <input type="radio"/> 6-12 months |
| <input type="radio"/> 3-6 months | <input type="radio"/> Over 1 year |

3. If you use foam food ware, have you considered switching to alternative food ware products that are recyclable, compostable, or reusable (e.g. plastics labeled 1-5, paper, cardboard, etc.)?

- | | |
|---------------------------|--|
| <input type="radio"/> Yes | <input type="radio"/> Currently identifying alternatives |
| <input type="radio"/> No | <input type="radio"/> Already use alternative food ware |

4. If you answered No to the previous question, please identify your concerns. Check all that apply:

- | | |
|---|---|
| <input type="radio"/> Durability/quality | <input type="radio"/> Do not want to incur additional costs |
| <input type="radio"/> Do not know where to purchase | <input type="radio"/> Other: _____ |

5. What would your concerns be if the City adopted a food ware ordinance as described above?

- | | |
|--|--|
| <input type="radio"/> Not using existing inventory | <input type="radio"/> Increased costs to my business |
| <input type="radio"/> Other: _____ | |

6. What could the City do to help your business transition to alternative disposable food ware?

- | |
|---|
| <input type="radio"/> Provide information on alternative products (e.g. options available, where to purchase, etc.) |
| <input type="radio"/> Provide a grace period to use up existing inventory and to identify best alternatives |
| <input type="radio"/> Implement an educational campaign for the general public |
| <input type="radio"/> Other: _____ |

7. If you would like us to keep you informed, please provide the information below:

Business name: _____ E-mail: _____

Address: _____ Phone: _____

For further questions or comments, contact us at (408)615-3080 or environment@santaclaraca.gov