

2.0 PROJECT DESCRIPTION

This section describes the proposed project, including information about the project applicant, project location, a description of the major project characteristics, project objectives, and a list of discretionary approvals needed for project approval.

2.1 PROJECT APPLICANT

City of Huntington Beach
2000 Main Street
Huntington Beach, CA 92648

2.2 PROJECT LOCATION

The Single-Use Carryout Bag Ordinance would apply to three specified categories of retail establishments, as described in Section 2.4, located within the City of Huntington Beach's corporate limits. Huntington Beach is located in Orange County and is approximately 32 square miles in size. The City is bordered by the Pacific Ocean to the southwest, by Seal Beach to the northwest, by Costa Mesa to the east, by Newport Beach to the southeast, by Westminster to the north, and by Fountain Valley to the northeast. Huntington Beach contains a variety of land uses, including residential (single- and multi-family), commercial, industrial, office, and public facilities. Figure 2-1 illustrates the location of Huntington Beach in its regional context, and Figure 2-2 shows an aerial of the City and surrounding communities.

2.3 EXISTING CHARACTERISTICS

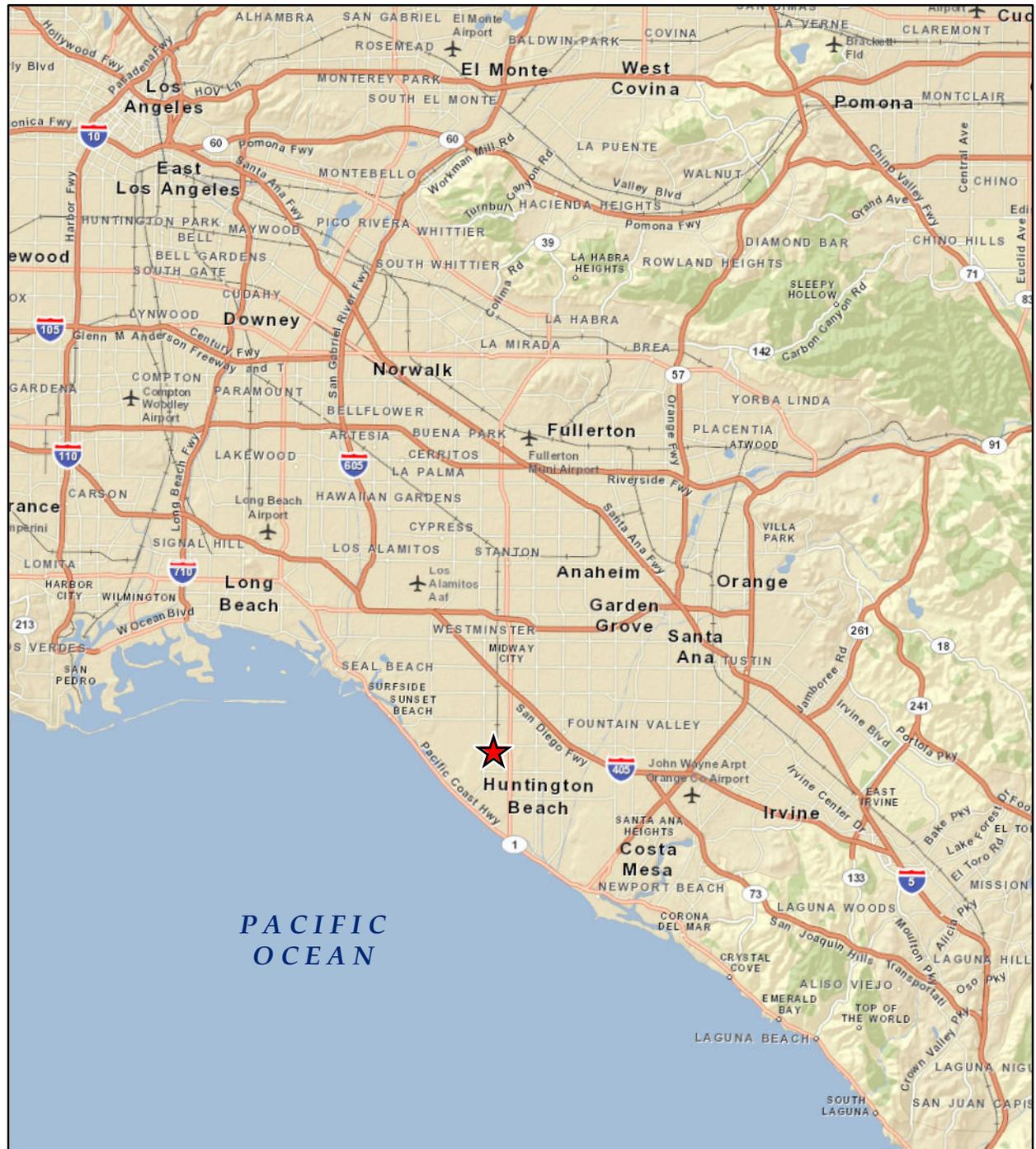
2.3.1 Carryout Bags in Huntington Beach

In response to concerns regarding the environmental impacts related to single-use carryout bags, the Huntington Beach City Council directed City staff to prepare a Single-Use Carryout Bag Ordinance. Based on existing conditions, it is expected that the proposed Ordinance would apply to approximately 133 retailers in Huntington Beach. A list of stores that the Ordinance would potentially pertain to is included in Appendix D. The following describes the various types of carryout bags currently used in Huntington Beach.

Types of Carryout Bags. Single-use disposable plastic grocery bags are typically made of thin, lightweight high density polyethylene (HDPE) (Hyder Consulting, 2007). For consumers, they offer a hygienic, odorless, waterproof and sturdy carrying sack, but are intended for one use before disposal. According to recent estimates, almost 20 billion of these plastic grocery bags are consumed annually in California (CIWMB, 2007). Conventional single-use plastic bags are a product of the petrochemical industry. It is also claimed that conventional single-use plastic bags are manufactured by independent manufacturers who purchase virgin

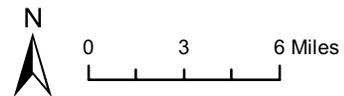


Huntington Beach Single-Use Carryout Bag Ordinance EIR
Section 2.0 Project Description



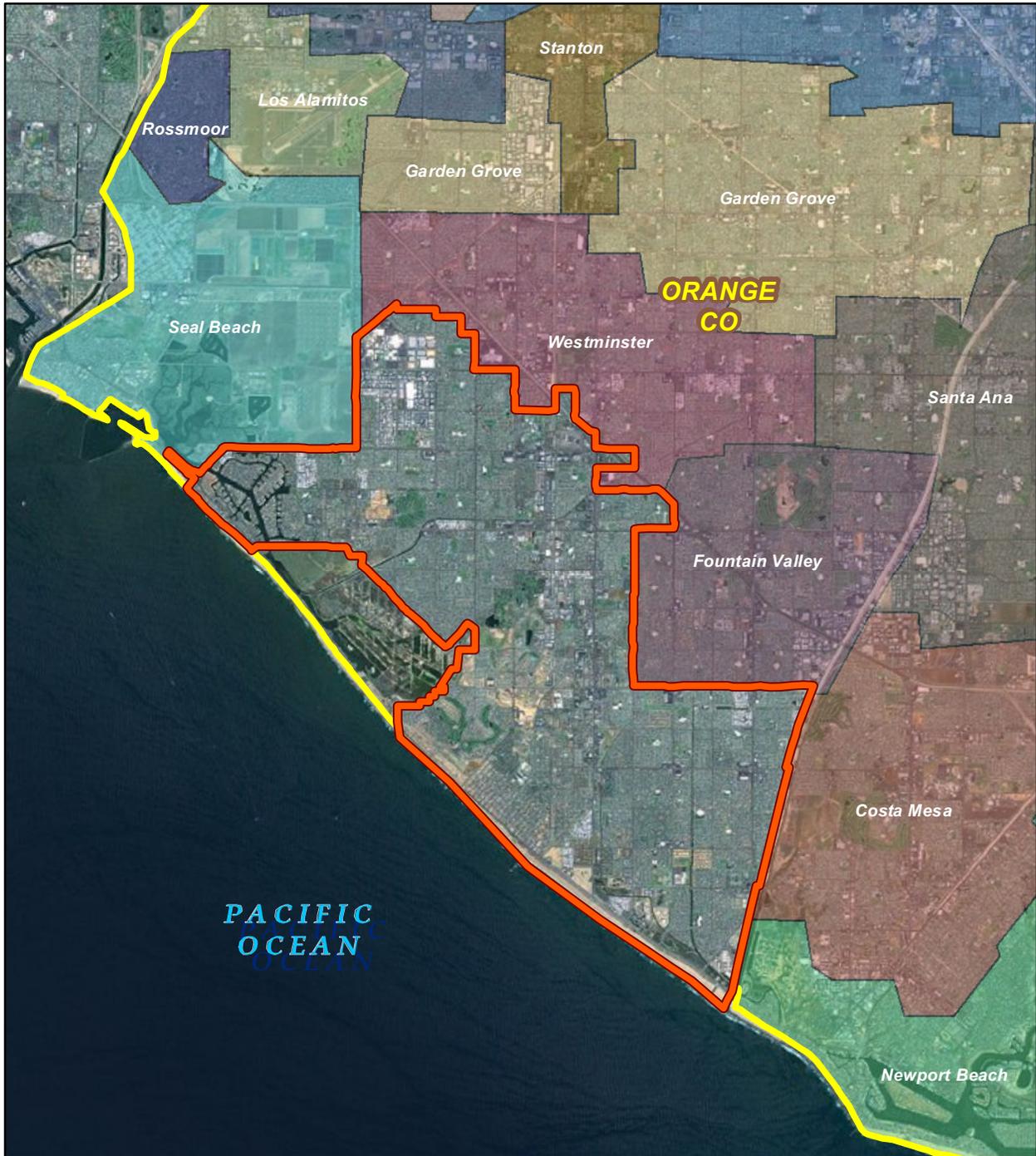
Imagery provided by ESRI and its licensors, 2011.

★ Project Location



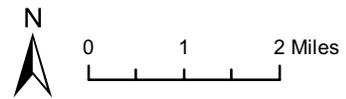
Regional Location

Figure 2-1



Imagery provided by ESRI and its licensors, 2011.

 City of Huntington Beach



resin from petrochemical companies or obtain non-virgin resin from recyclers or other sources and that 85% of plastic bags used in the United States are made in the United States (Stephen L. Joseph, July 22, 2010). Their life cycle begins with the conversion of crude oil or natural gas into hydrocarbon monomers, which are then further processed into polymers (Herrera et al, 2008; County of Los Angeles, 2009). These polymers are connected with heat to form plastic resins, which are then blown through tubes to create the air pocket of the bag. Once cooled, the plastic film is stretched to the desired size of the bag and cut into individual bags. Typical single-use plastic bags are approximately five to nine grams in weight, and can be purchased in bulk for approximately two to five cents per bag (AEA Technology, 2009). Single-use plastic bags can be reused by customers and are recyclable. Approximately 5% of single-use plastic bags in California are recycled (US EPA, 2005; Green Cities California MEA, 2010; and Boustead, 2007).

Like plastic grocery shopping bags, single-use paper bags are usually distributed free of charge to customers at grocery stores, and are intended for one use before disposal. However, paper bags are recyclable and can be reused by customers. Approximately 21% of paper bags nationwide are recycled (CIWMB, 2009). Paper grocery bags are typically produced from kraft paper and weigh between 50 and 100 grams, depending on whether or not the bag includes handles (AEA Technology, 2009). These bags can be purchased in bulk for approximately 15 to 25 cents per bag (City of Pasadena, 2008). Kraft paper bags are manufactured from a pulp that is produced by digesting a material into its fibrous constituents via chemical and/or mechanical means (FRIDGE, 2002). Kraft pulp is produced by chemical separation of cellulose from lignin (Environmental Paper Network, 2007). Chemicals used in this process include caustic sodas, sodium hydroxide, sodium sulfide, and chlorine compounds (Environmental Paper Network, 2007). Processed and then dried and shaped into large rolls, the paper is then formed into bags, baled, and then distributed to grocery stores.

Multiple types of single-use biodegradable bags are currently available, distinguished by their material components. Biodegradable bags are composed of thermoplastic starch-based polymers, which are made with at least 90% starch from renewable resources such as corn, potato, tapioca, or wheat, or from polyesters, manufactured from hydrocarbons, or starch-polyester blends (James and Grant, 2005). These bags are approximately the same size and weight as HDPE plastic bags, but are more expensive. They can be purchased in bulk for approximately 12 to 30 cents per bag (www.ecoproducts.com, 2009).

Reusable bags can be made from plastic or a variety of cloths such as vinyl or cotton. These bags differ from the single-use bags in their weight and longevity. Built to withstand many uses, they typically cost approximately three dollars wholesale, weigh at least ten times what an HDPE plastic bag weighs and two times what a paper bag weighs, and require greater material consumption on a per bag basis than HDPE plastic bags (ExcelPlas Australia, 2004; City of Pasadena, 2008). Many types of reusable bags are available today. These include: (1) non-woven polypropylene (100% recyclable) ranging from \$1-\$2.50 per bag; (2) cotton canvas bags, which are approximately \$5.00 per bag; (3) bags made from recycled water/soda bottles, which are approximately \$6.00 per bag; (4) polyester and vinyl, which are approximately \$10.00 per bag; and (5) 100% cotton, which are approximately \$10.00 per bag.



The production stages in reusable bag life cycles depend on the materials used. Once used, these bags are reused until worn out through washing or multiple uses, and then typically disposed either in a landfill or recycling facility.

Huntington Beach Carryout Bag Consumption. As shown in Table 2-1, based on the statewide data that almost 20 billion plastic grocery bags (or approximately 533 bags per person) are consumed annually in California (Green Cities California MEA, 2010; and CIWMB, 2007), retail customers in Huntington Beach currently use about 102 million plastic bags per year. Retail customers in Huntington Beach may include residents of other communities and residents of Huntington Beach may not necessarily be customers of retailers in the City. However, for this analysis, in order to estimate the existing number of plastic bags used annually in Huntington Beach, the statewide data was utilized to apply the number of bags used per person per year rate to the number of residents in Huntington Beach. This estimate is considered reasonable for the purpose of analyzing the impacts of the proposed Ordinance.

**Table 2-1
 Estimated Single-Use Plastic Bag Use in Huntington Beach**

Area	Population*	Number of Plastic Bags Used per Person**	Total Bags Used Annually
City of Huntington Beach	191,677	533.18	102,198,343
Total			102,198,343

** California Department of Finance, "City/County Population and Housing Estimates" (2011). Please note that this total also includes approximately 1,300 residents of Sunset Beach which was annexed into the City in August 2011.*

***Based on annual statewide estimates of plastic bag use from the CIWMB (2007) - 533 bags per person = 20 billion bags used statewide per year (CIWMB, 2007) / 37,510,766 people statewide (California's current population according to the State Department of Finance, 2011).*

2.3.2 Regulatory Setting

In 2006, California enacted AB 2449 (Chapter 845, Statutes of 2006), which became effective on July 1, 2007. The statute states that stores providing plastic carryout bags to customers must provide at least one plastic bag collection bin in an accessible location to collect used bags for recycling. The store operator must also make reusable bags available to shoppers for purchase. AB 2449 applies to retail stores of over 10,000 square feet that include a licensed pharmacy and to supermarkets with gross annual sales of \$2 million or more that sell dry groceries, canned goods, nonfood items or perishable goods. Stores are required to maintain records of their AB 2449 compliance and make them available to the California Integrated Waste Management Board (CIWMB) or local jurisdiction.

AB 2449 further requires the manufacturers of plastic carryout bags to develop educational materials to encourage the reducing, reusing, and recycling of plastic carryout bags, and to make the materials available to stores. Manufacturers must also work with stores on their at-store recycling programs to help ensure the proper collection, transportation and recycling of the plastic bags.



Finally, AB 2449 restricts the ability of cities (including charter cities) and counties to regulate single-use plastic grocery bags through imposition of a fee. Public Resources Code Section 42254(b) provides as follows:

Unless expressly authorized by this chapter, a city, county, or other public agency shall not adopt, implement, or enforce an ordinance, resolution, regulation, or rule to do any of the following:

- (1) Require a store that is in compliance with this chapter to collect, transport, or recycle plastic carryout bags.*
- (2) Impose a plastic carryout bag fee upon a store that is in compliance with this chapter.*
- (3) Require auditing or reporting requirements that are in addition to what is required by subdivision (d) of Section 42252, upon a store that is in compliance with this chapter.*

AB 2449 expires under its own terms on January 1, 2013, unless extended. There are no other California statutes that directly focus on carryout bags.

2.4 PROPOSED ORDINANCE CHARACTERISTICS

The City of Huntington Beach proposes to adopt a Single-Use Carryout Bag Ordinance that would prohibit distribution of plastic carry-out bags in commercial point of sale purchases within Huntington Beach, and establish a ten (10) cent charge on the issuance of recyclable paper carry-out bags at all stores that meet at least one of the criteria listed below. All stores affected by the proposed ordinance would be required to provide reusable bags to customers either for sale or at no charge, and each store would be strongly encouraged to promote the use of reusable bags through staff education and customer outreach.

Stores located within Huntington Beach that would be affected include the following:

1. Full-line, self-service retail stores with gross annual sales of two million dollars (\$2,000,000), or more, that sell a line of dry goods, canned goods, or nonfood items and some perishable items;
2. Stores of at least ten thousand (10,000) square feet of retail space that generate sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Business and Professions Code) and that have a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
3. Drug stores, pharmacies, supermarkets, grocery stores, convenience food stores, food marts, or other entities engaged in the retail sale of a limited line of goods that includes milk, bread, soda, snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.



The Ordinance would prohibit the distribution of compostable and biodegradable plastic carry-out bags, as they are included in the definition of a plastic carry-out bag. The Ordinance would impose a ten (10) cent charge on recyclable paper carry-out bags, and requires that the paper bags be one hundred percent (100%) recyclable overall, contain a minimum of forty percent (40%) post-consumer recycled material, and be accepted for recycling in curbside programs within the City, among other criteria. The Ordinance further requires that reusable bags be specifically designed and manufactured for a minimum lifetime of 125 uses, be machine washable or made from a material that can be cleaned or disinfected, does not contain lead, cadmium, or other heavy element in toxic amounts, among other criteria. Plastic bags that are a minimum of 2.25 mils thick are considered to be reusable bags per the definition in the Ordinance.

The Ordinance would exempt from the ten (10) cent charge those customers who are participating in either the California Special Supplemental Food Program for the Women, Infants, and Children or the Supplemental Food Program. All applicable stores must provide at the point of sale, free of charge, either reusable bags or recyclable paper carry-out bags or both, to these customers, at the store's option. Customers would have the option to use their own reusable bags, or no bag at all.

The intent of the Ordinance is to reduce the environmental impacts related to the use of single-use carryout bags, and to promote a shift toward the use of reusable bags. It is anticipated that by prohibiting single-use plastic carryout bags and creating a mandatory charge for each paper bag distributed by retailers, the proposed Ordinance would reduce the number of single-use bags consumed within the City while promoting a shift to the use of reusable bags by Huntington Beach retail customers.

Under the proposed Ordinance, single-use plastic carryout bags are defined as bags made from petroleum or bio-based plastic (i.e., bags made with at least 90% starch from renewable resources such as corn, potato, tapioca, or wheat, or from polyesters, manufactured from hydrocarbons, or starch-polyester blends) that are less than 2.25 mils thick. The proposed Single-Use Carryout Bag Ordinance would prohibit retailers from distributing both petroleum and bio-based single-use carryout plastic bags at the point of sale. The proposed Ordinance would not prohibit the distribution of plastic "product bags," as defined, which include bags without handles provided to a customer to carry produce, meats, or other food items to the point of sale inside a store or to prevent such food items from coming into contact with other purchased items.

The Ordinance would not apply to stores of less than 10,000 square feet that are not included in one of the three specified categories. It also would not apply to restaurants and other food service providers; therefore, it would allow these retailers to continue to provide plastic bags to customers for prepared take-out food intended for consumption off of the food provider's premises.

The Single-Use Carryout Bag Ordinance would also impose a mandatory charge of ten cents (\$0.10) for paper carryout bags at Huntington Beach stores covered by the Ordinance. The mandatory charge is intended to provide a disincentive to customers to request paper bags



when shopping at regulated stores and is intended to promote a shift toward the use of reusable bags by Huntington Beach consumers.

The mandatory charge would bill customers for each paper carryout bag provided by the affected stores. Revenues generated from the charge would be used to compensate the affected stores for increased costs related to compliance with the Ordinance, actual costs associated with providing recyclable paper carryout bags or reusable bags, or costs associated with a store's educational materials or education campaign encouraging the use of reusable bags. All stores would be required to keep complete and accurate records or documents, for a minimum period of three years from the date of sale, of the total number of recyclable paper carryout bags provided, and the total amount of monies collected for providing recyclable paper carryout bags. The records completed by the store would be available for inspection at no cost to the City during regular business hours by any City employee authorized to enforce the Ordinance.

The complete draft Ordinance is contained in Appendix C.

2.5 PROJECT OBJECTIVES

The City's objectives for the proposed Ordinance include:

- Reducing the number of single-use plastic bags distributed by retailers and used by customers in Huntington Beach
- Deterring the use of paper bags by customers in Huntington Beach
- Promoting a shift toward the use of reusable carryout bags by retail customers in Huntington Beach
- Reducing the environmental impacts related to single-use plastic carryout bags, such as impacts to biological resources (including marine environments) and water quality
- Avoiding litter and the associated adverse impacts to stormwater systems, aesthetics and the marine environment (Pacific Ocean and Bolsa Chica Ecological Reserve)

2.6 REQUIRED APPROVALS and PERMITS

The Single-Use Carryout Bag Ordinance would require an amendment to the Huntington Beach Municipal Code (Chapter 5.90) with discretionary approval by the Huntington Beach City Council. The following approvals would be required:

- Certification of the Final EIR (City Council)
- Adoption of an Ordinance amending the Municipal Code (City Council)

No other agencies have discretionary approval authority over any aspect of the proposed Single-Use Carryout Bag Ordinance.

