

FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT

SCH No. 2020120099

SUBJECT: SINGLE USE PLASTIC REDUCTION ORDINANCE

Applicant: City of San Diego Environmental Services Department

FINAL DOCUMENT – July 20, 2022:

In response to comments received during public review, no revisions or clarifications have been made to the document and no changes to the conclusions of the Draft Program Environmental Impact Report (PEIR) regarding the project's potential environmental impacts and required mitigation are required.

PROJECT DESCRIPTION:

The City is proposing an ordinance that would amend the San Diego Municipal Code (SDMC) to restrict the use of polystyrene products throughout the City. The proposed ordinance includes a ban of the distribution of egg cartons, food service ware, or food trays that are made, in whole or in part, from polystyrene foam. Items that are made, in whole or in part, from polystyrene foam that is not wholly encapsulated or encased within a non-polystyrene foam material (e.g., coolers, ice chests, or similar containers; pool or beach toys; or dock floats, mooring buoys, or anchor or navigation markers) will also be banned from distribution. Products that are made, in whole or in part, from polystyrene foam will be banned from distribution in or at facilities within the City. The proposed ordinance will allow the distribution of prepared food that is packaged in food service ware or that uses food trays made, in whole or in part, from polystyrene foam, if the prepared food is packaged outside of the City and is provided to the consumer as originally packaged. The proposed ordinance would limit the distribution of food service ware products such as, utensils and straws, for takeout orders of prepared food, and will only allow the provision of utensils upon the request of the person ordering the prepared food.

The ordinance will also include a process for obtaining a waiver of the provisions regarding food service ware and food trays if the applicant or City official seeking the waiver demonstrates that adherence to the ordinance would result in the following: 1) a feasibility-based hardship; 2) a financial hardship; and/or 3) a violation of a contractual requirement.

PROJECT LOCATION:

The City of San Diego is located within San Diego County in the southwestern corner of California. The City is generally bounded by the Cities of Del Mar and Escondido to the north; the Cities of La Mesa, Santee, and El Cajon to the east; the Cities of Chula Vista, National City, and Imperial Beach to the south; and the Pacific Ocean to the west, encompassing an area of approximately 372 square miles.

ENVIRONMENTAL DETERMINATION:

The purpose of this document is to inform decision-makers, agencies, and the public of the significant environmental effects that could result if the project is approved and implemented, identify possible ways to minimize the significant effects, and describe a reasonable range of alternatives to the project.

Based on the analysis conducted for the project described above, the City of San Diego has prepared the following Draft PEIR in accordance with CEQA. The analysis conducted identified that the proposed project could result in significant and unavoidable impacts in the areas of **Greenhouse Gas Emissions**. **All other impacts analyzed in this PEIR were found to be less than significant.**

This document has been prepared by the City of San Diego's Planning Department and is based on the City's independent analysis and determinations made pursuant to Section 21082.1 of the California Environmental Quality Act (CEQA) and Section 128.0103(a) and (b) of the San Diego Municipal Code.

- () No comments were received during the public input period.
- () Comments were received but did not address the accuracy or completeness of the draft environmental document. No response is necessary and the letters are incorporated herein.
- (X) Comments addressing the accuracy or completeness of the draft environmental document were received during the public input period. The letters and response are incorporated herein.



Rebecca Malone, AICP
Program Manager
Planning Department

December 10, 2021
Date of Draft Report

July 20, 2022
Date of Final Report

Analyst: Tara Ash-Reynolds, Associate Planner, Planning Department

PUBLIC REVIEW DISTRIBUTION:

The following agencies, organizations, and individuals received a copy or notice of the Draft PEIR and were invited to comment on its accuracy and sufficiency. Copies of the Draft PEIR and any technical appendices may be reviewed in the office of the Planning Department or purchased for the cost of reproduction.

Federal Government

U.S. Environmental Protection Agency (19)

State of California

CalRecycle (35)

California Environmental Protection Agency (37A)

Department of Toxic Substances Control (39)

Regional Water Quality Control Board (44)

Water Resources (45)

State Clearing House (46A)

California Coastal Commission (47)

County of San Diego

Planning and Land Use (68)

Water Authority (73)

Department of Environmental Health (75)

City of San Diego

Office of the Mayor (91)

Councilmember LaCava, District 1

Councilmember Campbell, District 2

Council President Pro Tem Whitburn, District 3

Councilmember Montgomery Steppe, District 4

Councilmember von Wilpert, District 5

Councilmember Cate, District 6

Councilmember Campillo, District 7

Councilmember Moreno, District 8

Council President Elo-Rivera, District 9

City Attorney's Office

Corrine Neuffer, Chief Deputy City Attorney

Noah Brazier, Deputy City Attorney

Nicole Denow, Deputy City Attorney

Environmental Services Department

Jennifer Ott, Recycling Specialist

Planning Department

Mike Hansen, Director

Tom Tomlinson, Assistant Director

Heidi Vonblum, Deputy Director

Rebecca Malone, AICP, Program Manager

Elena Pascual, Senior Planner

Tara Ash-Reynolds, Associate Planner

Library Department

Library Department-Gov. Documents (81)

Other Governments

City of Chula Vista (94)
City of Coronado (95)
City of Del Mar (96)
City of El Cajon (97)
City of Escondido (98)
City of Imperial Beach (99)
City of La Mesa (100)
City of Lemon Grove (101)
City of National City (102)
City of Poway (103)
City of Santee (104)
City of Solana Beach (105)
San Diego Association of Governments (108)
San Diego Unified Port District (109)

Community Planning Groups

Community Planning Committee (194)
Balboa Park Committee (226A)
Black Mountain Ranch-Subarea I (226C)
Otay Mesa-Nestor Planning Committee (228)
Otay Mesa Planning Committee (235)
Barrio Logan Planning Group (240)
Downtown Community Planning Council (243)
Clairemont Mesa Planning Committee (248)
Greater Golden Hill Planning Committee (259)
Serra Mesa Planning Committee (263A)
Kearney Mesa Community Planning Group (265)
Linda Vista Community Planning Committee (267)
La Jolla Community Planning Association (275)
City Heights Area Planning Committee (287)
Kensington-Talmadge Planning Committee (290)
Normal Heights Community Planning Committee (291)
Eastern Area Planning Committee (302)
Midway/Pacific Highway Community Planning Group (307)
Mira Mesa Community Planning Committee (310)
Mission Beach Precise Planning Board (325)
Mission Valley Planning Group (331)
Navajo Community Planners, Inc. (336)
Carmel Valley Community Planning Board (350)
Del Mar Mesa Community Planning Board (361)
North Park Planning Committee (363)
Ocean Beach Planning Board (367)
Old Town Community Planning Board (368)
Pacific Beach Community Planning Committee (375)
Pacific Highlands Ranch-Subarea III (377A)

Rancho Peñasquitos Planning Board (380)
Peninsula Community Planning Board (390)
Rancho Bernardo Community Planning Board (400)
Sabre Springs Community Planning Group (406B)
San Pasqual-Lake Hodges Planning Group (426)
San Ysidro Planning and Development Group (433)
Scripps Miramar Ranch Planning Group (437)
Miramar Ranch North Planning Committee (439)
Skyline Paradise Hills Planning Committee (443)
Torrey Hills Community Planning Board (444A)
Southeastern San Diego Planning Committee (449)
Encanto Neighborhoods Community Planning Group (449A)
College Area Community Planning Board (456)
Tierrasanta Community Council (462)
Torrey Highlands – Subarea IV (467)
Torrey Pines Community Planning Board (469)
University City Community Planning Group (480)
Uptown Planners (498)

Town and Community Councils

Town Council Presidents Association (197)
Barrio Station, Inc. (241)
Downtown Community Council (243)
Harborview Community Council (245)
Clairemont Town Council (257)
Serra Mesa Community Council (264)
La Jolla Town Council (273)
Rolando Community Council (288)
Oak Park Community Council (298)
Darnell Community Council (306)
Mission Beach Town Council (326)
San Carlos Area Council (338)
Carmel Mountain Ranch Community Council (344)
Pacific Beach Town Council (374)
Rancho Peñasquitos Town Council (383)
Rancho Bernardo Community Council, Inc. (398)
San Dieguito Planning Group (412)
United Border Community Town Council (434)
Murphy Canyon Community Council (463)
Mission Valley Community Council (328C)
Ocean Beach Town Council, Inc. (367A)

Native American

Native American Heritage Commission
Kuumeyaay Cultural Heritage Preservation (223)
Kuumeyaay Cultural Repatriation Committee (225)
Barona Group of Capitan Grande Band of Mission Indians (225A)
Campo Band of Mission Indians (225B)
Ewiiapaayp Band of Mission Indians (225C)
Inaja Band of Mission Indians (225D)
Jamul Indian Village (225E)

La Posta Band of Mission Indians (225F)
Manzanita Band of Mission Indians (225G)
Sycuan Band of Mission Indians (225H)
Viejas Group of Capitan Grande Band of Mission Indians (225I)
Mesa Grande Band of Mission Indians (225J)
San Pasqual Band of Mission Indians (225K)
Ipai Nation of Santa Ysabel (225L)
La Jolla Band of Mission Indians (225M)
Pala Band of Mission Indians (225N)
Pauma Band of Mission Indians (225O)
Pechanga Band of Mission Indians (225P)
Rincon Band of Luiseno Indians (225Q)
San Luis Rey Band of Luiseno Indians (225R)
Los Coyotes Band of Mission Indians (225S)

Other Interested Agencies, Organizations and Individuals

Daily Transcript (135)
San Diego Chamber of Commerce (157)
Environmental Health Coalition (169)
San Diego Coastkeeper, Matt O'Malley (173)
Endangered Habitat League (182)
Citizens Coordinate for Century 3 (189)
League of Women Voters (192)
National City Chamber of Commerce (200)
Carmen Lucas (206)
South Coastal Information Center (210)
Ron Chrisman (215)
Frank Brown - Inter-Tribal Cultural Resource Council (216)
Jim Peugh (167A)
Clint Linton (215B)
Haydar Bolunmez
Daniel Brunton
Brian Macdonald
Friars Village HOA
Sierra Club SD
Terry Grill
Heather Buonomo
Daniel Brunton
Rubi Baricuatro
Brady Bradshaw
Brian Macdonald
Alexandra Ferron
Mitch Silverstein
Laura Minna-Choe
Bill Mattos

JULY 2022 | Final Program Environmental Impact Report
State Clearinghouse No. 2020120099

CITY OF SAN DIEGO SINGLE USE PLASTIC REDUCTION ORDINANCE

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**SINGLE USE PLASTIC REDUCTION ORDINANCE
FINAL PROGRAM ENVIRONMENTAL IMPACT REPORT**

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1.0 Introduction

This Final Program Environmental Impact Report (PEIR) has been prepared in accordance with the California Environmental Quality Act (CEQA) as amended (Public Resources Code [PRC] Section 21000 et seq.) and the CEQA Guidelines (California Code of Regulations [CCR] Section 15000 et seq.). Together with the Draft PEIR (State Clearinghouse No. 2020120099), published December 10, 2021, this document constitutes the Final PEIR for the proposed Single Use Plastic Reduction Ordinance and associated discretionary actions (collectively referred to as the “project”). This Final PEIR contains responses to comments received on the Draft PEIR during the public review period, which began December 10, 2021, and closed January 24, 2022. The primary purpose of the Final PEIR is to revise and refine the environmental analysis in the Draft PEIR in response to comments received during the public review period.

This document represents the independent judgment of the Lead Agency. The City of San Diego is the Lead Agency responsible for ensuring that the project complies with CEQA. “Lead Agency” is defined by CEQA Statute Section 21067 as “the public agency which has the principal responsibility for carrying out or approving a project which may have a significant effect upon the environment.”

1.1 CEQA Requirements

1.1.1 Certification of the Final PEIR

Before the City may approve the project it must certify that the Final PEIR adequately discloses the environmental effects of the project, that the Final PEIR has been completed in conformance with CEQA, and that the decision-making body of the Lead Agency independently reviewed and considered the information contained in the Final PEIR. Certification of the Final PEIR would indicate the City's determination that the Final PEIR adequately evaluates the environmental impacts associated with the project.

For impacts identified in the Final PEIR that cannot be reduced to a level that is less than significant, the City must make findings and prepare a Statement of Overriding Considerations for approval of the project if specific social, economic, or other factors justify the project's unavoidable adverse environmental effects. If the City decides to approve the project for which the Final PEIR has been prepared, it will issue a Notice of Determination.

The City of San Diego has prepared this document pursuant to CEQA Guidelines Section 15132, which specifies that the Final PEIR shall consist of:

- The Draft PEIR or a revision of the Draft;
- A list of persons, organizations, and public agencies commenting on the Draft PEIR;
- Comments and recommendations received on the Draft PEIR;
- The response of the Lead Agency to significant environmental points raised in the review process; and
- Any other information added by the Lead Agency.

This Final PEIR incorporates comments from public agencies and the general public. It also contains the Lead Agency's responses to those comments. Copies of the Final PEIR have been provided to agencies and other parties that commented on the Draft PEIR or have requested the Final PEIR. The Final PEIR

can also be accessed through the City of San Diego's CEQA website: <https://www.sandiego.gov/ceqa>.

1.1.2 New Information in the Final PEIR

If significant new information is added to an EIR after notice of public review has been given, but before final certification of the EIR, the Lead Agency must issue a new notice and recirculate the EIR for further comments and consultation (CEQA Guidelines Section 15088.5). Significant new information is that which discloses that:

- A new significant environmental impact would result from the project or from a new mitigation measure proposed to be implemented;
- A substantial increase in the severity of an environmental impact would result unless mitigation measures are adopted that reduce the impact to a level of insignificance;
- A feasible project alternative or mitigation measure considerably different from others previously analyzed would clearly lessen the significant environmental impacts of the project, but the project's proponents decline to adopt it; or
- The Draft EIR was so fundamentally and basically inadequate and conclusory in nature that meaningful public review and comment were precluded.

Although the City received comments addressing the accuracy or completeness of the Draft PEIR, no new significant information was received which required corrections or clarifications to the Draft PEIR.

1.1.3 Comments and Responses

CEQA Guidelines Section 15204(a) outlines parameters for submitting comments and reminds persons and public agencies that the focus of review and comment of Draft PEIRs should be "on the sufficiency of the document in identifying and analyzing possible impacts on the environment and ways in which significant effects of the project might be avoided or mitigated. Comments are most helpful when they suggest additional specific alternatives or mitigation measures that would provide better ways to avoid or mitigate the significant environmental effects. At the same time, reviewers should be aware that the adequacy of an EIR is determined in terms of what is reasonably feasible. ...CEQA does not require a lead agency to conduct every test or perform all research, study, and experimentation recommended or demanded by commenters. When responding to comments, lead agencies need only respond to significant environmental issues and do not need to provide all information requested by reviewers, as long as a good faith effort at full disclosure is made in the EIR."

CEQA Guidelines Section 15204(c) further advises, "Reviewers should explain the basis for their comments, and should submit data or references offering facts, reasonable assumptions based on facts, or expert opinion supported by facts in support of the comments. Pursuant to CEQA Guidelines Section 15064, an effect shall not be considered significant in the absence of substantial evidence." CEQA Guidelines Section 15204(d) also states, "Each responsible agency and trustee agency shall focus its comments on environmental information germane to that agency's statutory responsibility." CEQA Guidelines Section 15204(e) states, "This section shall not be used to restrict the ability of reviewers to comment on the general adequacy of a document or of the lead agency to reject comments not focused as recommended by this section."

In accordance with CEQA (PRC Section 21092.5), copies of the written responses to public agencies will be forwarded to those agencies at least 10 days prior to certifying the environmental impact report. The responses will be forwarded with copies of this Final PEIR, as permitted by CEQA, and will conform to the legal standards established for response to comments on Draft PEIRs.

1.2 Format of the Final PEIR

The Final PEIR for the project is comprised of the circulated Draft PEIR, dated December 10, 2021, and this Final PEIR document. This Final PEIR is organized as follows:

1. Final PEIR

- **Section 1.0: Introduction.** This section describes CEQA requirements and content of this Final PEIR.
- **Section 2.0: Response to Comments.** This section provides a list of agencies and interested persons commenting on the Draft PEIR; copies of comment letters received during the public review period, and individual responses to written comments.

2. Draft PEIR

2.0 Response to Comments

CEQA Guidelines Section 15088 requires the Lead Agency to evaluate comments on environmental issues received from public agencies and interested parties who reviewed the Draft PEIR and prepare written responses. This chapter provides all written responses received on the Draft PEIR and the City of San Diego's responses to each comment.

2.1 Comments Received

A total of three comment letters were received during the 45-day comment period. Comments received are listed in Table 2-1.

Comment letters and specific comments are given letters and numbers for reference purposes (e.g. "LetterA1"). Specific comments within each letter are identified by a designator in the page margin that reflects the sequence of the specific comment within the correspondence (e.g. "A1-1" for the first comment in Letter A1). Comments are organized by organizations (Section A) and individuals (Section B).

Table 2-1: Comment Letters Received on Draft PEIR

<i>Letter Number</i>	<i>Commenter</i>	<i>Agency/Organization</i>	<i>Date of Comment</i>	<i>Page Number</i>
<i>Section A: Organizations</i>				
A1	Dr. Ronald Askeland, Chair San Diego Sierra Club Zero Waste Subcommittee	Sierra Club San Diego Chapter	January 23, 2022	FEIR 2-2 through 2-6
A2	Mitch Silverstein, San Diego County Chapter and Lucero Sanchez Community Policy Coordinator	Surfrider Foundation San Diego County and San Diego Coastkeeper	January 24, 2022	FEIR 2-7 through 2-12
<i>Section B: Individuals</i>				
B1	Craig W. Cadwallader		January 24, 2022	FEIR 2-13

2.2 Lead Agency Responses

This section includes responses to each comment, in the same order as presented in Table 2-1. The responses are marked with the same number-letter designator as the comment to which they respond. Responses focus on comments that raise important environmental issues or pertain to the adequacy of analysis in the Draft PEIR or to other aspects pertinent to the potential effects of the project on the environment pursuant to CEQA. Comments that address policy issues, opinions or other topics beyond the purview of the Draft PEIR or CEQA are noted as such for the public record.

Where appropriate, the information and/or revisions suggested in the comment letters have been incorporated into the Final EIR. Where sections of the Draft PEIR are excerpted in this document, the sections are shown indented.



Sierra Club San Diego Chapter
8304 Clairemont Mesa Blvd., suite 101
San Diego, CA 92111-1315

January 23, 2022

Single Use Plastic Reduction Ordinance Draft EIR Comments

The Sierra Club supports the City of San Diego Single Use Plastics ordinance and offers the following comments to improve this proposed law.

A1-1

Executive Summary

The Single Use Plastic Reduction Ordinance Draft EIR should be revised to:

A1-2

- 1) Apply a more realistic threshold of significance for greenhouse gas (GHG) emissions that is more in line with other types of City of San Diego projects.
- 2) Recalculate the net increase in GHG emissions for the proposed ordinance based on more accurate and current data on the amount of polystyrene service ware containers currently used in San Diego and the number of truck trips used to transport service ware containers.

Introduction

While we applaud the well-intentioned efforts of AECOM and City of San Diego staff, the Single Use Plastic Reduction Ordinance Draft EIR incorrectly concludes that GHG emissions has a significant impact.

First, the criteria stated in the draft EIR that “the City considers any net increase in GHG emissions to be potentially significant” is unreasonable. Second, the draft EIR is too conservative and greatly overestimates the actual net increase in emissions associated with implementation of the proposed ordinance. A more reasonable, accurate and data driven analysis will almost certainly find that GHG emissions have a less than significant impact.

Unrealistic Significant Impact Criteria

The draft EIR states “However, in the absence of an applicable significance threshold for this type of project, the City considers any net increase in GHG emissions to be potentially significant. It is not the intent of this CEQA document to cause the adoption of this net zero

A1-3

threshold as a limit for other projects, but rather conservatively analyze the proposed ordinance's emissions in absence of an applicable adopted threshold. In addition, this analysis also qualitatively evaluated the implementation of the proposed ordinance as it relates to the strategies of the City's CAP and ARB's 2017 Climate Change Scoping Plan."

The Single Use Plastic Reduction Ordinance Draft EIR states that adopting the proposed ordinance would result in a net GHG Emissions increase of 105 MT CO₂e /year. According to the draft EIR, total GHG emissions from the City of San Diego in 2018 were approximately 9,800,000 MT CO₂e. An additional 105 MT CO₂e/year would be approximately 1/100,000 of the City's total 2018 GHG emissions.

In contrast, section 5.6 of the EIR for the 536 housing units Junipers residential development project located in Rancho Peñasquitos, states that the project will produce 1,745 MT CO₂e /year (<https://files.ceganet.opr.ca.gov/142262-2/attachment/U7ANGX9gVI82GNlrp8NM8fKHcMPkloBEmJ-2hFZFsa1Y8vKtT0qaMT8WZqvftjPMjd7KF0ONmjEvYDg0>). The Junipers EIR goes on to state "As demonstrated in this report, the project would be consistent with the CAP and, therefore, the project would result in a less than significant cumulative impact regarding GHG emissions." So, we have a residential housing project EIR that has 16 times greater GHG emissions concluding that project would result in a less than significant cumulative impact on GHG emissions. It is unacceptable to have a double standard for housing projects vs. a City ordinance that greatly reduces plastic pollution.

Overestimation of Increased GHG Emissions

The draft EIR states "The net increase in GHG emissions associated with implementation of the proposed ordinance is attributed to the potential increase in truck trips for delivery and disposal of the replacement products, due to the heavier weight of plastic and paper products compared to polystyrene." The number of increased trips is overestimated due to two primary factors:

- 1) Use of outdated information to estimate the pounds of polystyrene service ware containers that are currently used in San Diego.
- 2) Estimating the number of truck trips using the assumption that all service ware containers are transported in separate, dedicated truck loads.

Current polystyrene use in San Diego

The estimate that 6,270,000 pounds of polystyrene service ware containers are currently used per year in San Diego is based on old data using the midpoint of the national average (which ranges from 1.8 to 7 pounds per person per year). The Resin Review article which was used as a basis for this estimate was published in 2011 and is an extension of a life cycle inventory (LCI) completed in 2006 for the Polystyrene Foodservice Packaging Council (https://www.plasticfoodservicefacts.com/wp-content/uploads/2017/12/Peer_Reviewed_Foodservice_LCA_Study-2011.pdf). The data on per capita polystyrene disposal rates in Mountain View and Sunnyvale was from 2010.

A1-4

The bulk of the transition from polystyrene service ware containers to other materials has already taken place in San Diego. As a 38-year City of San Diego resident, it is very clear that the amount of polystyrene service ware containers used in our city has dramatically decreased in the past 5 - 10 years. Ten years ago, restaurants and coffee shops commonly served coffee and other hot beverages in polystyrene cups. In the past several years, polystyrene cups have virtually disappeared. The same for take-out containers which were commonly made of polystyrene 10 years ago; they are now almost always paper-based or a rigid plastic. The estimate that 6,270,000 pounds of polystyrene service ware containers are currently used per year in San Diego is clearly incorrect and is likely 5 -10 times too high.

Number of truck trips to transport service ware containers

The draft EIR states “Further, the estimates of the future truck trips associated with implementation of the proposed ordinance as well as the estimate of truck trips currently associated with existing polystyrene use **assume that all containers are delivered in separate, dedicated truck loads.** However, containers may be delivered to retailers and to landfills as part of larger mixed loads scheduled for delivery regardless of the replacement product type; thus, **there may not be an actual net increase in truck traffic from the replacement products.**”

In the draft EIR, the annual number of truck trips calculated for delivery of service ware containers with implementation of the proposed ordinance is 327 vs. a baseline of 131. For disposal, it is 560 annual trips under the proposed ordinance vs. a baseline of 224 trips. This equates to a 150% increase for both delivery and disposal using the assumption that all containers are delivered in separate, dedicated truck loads. In reality, most service ware containers are delivered in mixed loads with other products and disposed of in mixed loads with other trash. The actual amount of GHG emissions due to replacing polystyrene service ware containers with heavier paper-based or rigid plastic alternatives will be much less than the 150% increase used to calculate GHG emissions in the draft EIR.

Sample GHG calculation

Until more accurate data is obtained on per capita use of polystyrene service ware containers and actual mixed load transportation, we can do a sample GHG calculation using the following, more reasonable, assumptions:

- 1) Current polystyrene service ware container usage in San Diego equal to 1,254,000 pounds/year (20% of the value used in the draft EIR).
- 2) A 75% increase in GHG due to transportation of heavier polystyrene service ware containers (half of the 150% increase used in the draft EIR).

Table 1. Net Increase in Emissions Associated with Implementation of the Proposed Ordinance

Description/Source	GHG Emissions (MT CO ₂ e/year)	
	Draft EIR	Sample Calculation*
Existing Emissions (Polystyrene)		
Delivery to Local Retailers	42	8.4
Disposal/Transportation to the Landfill	28	5.6
Total Emissions	70	14
Proposed Ordinance		
Delivery to Local Retailers	106	14.7
Disposal/Transportation to the Landfill	69	9.8
Total Emissions	176	24.5
Net Increase in Emissions	105	10.5

*** Sample Calculation Assumptions:**

- Current polystyrene use is 20% of the value used in the draft EIR
- Increase in truck trips is 50% of the value used in the draft EIR

If the sample calculation in Table 1 is correct, then:

- The net increase in GHG emissions from implementing the ordinance would be approximately 1/1,000,000 of the City's total 2018 GHG emissions.
- GHG emissions from the aforementioned City-approved Junipers project would be 166 times greater than the net increase in GHG emissions from implementing the ordinance.
- While the sample calculation in Table 1 is for GHG, there would also be a tenfold reduction in the net increase of emissions for air pollutants such as ROG_s, NO_x, CO, SO_x, PM₁₀ and PM_{2.5}.

Conclusion

The statement in the Single Use Plastic Reduction Ordinance Draft EIR that "The analysis conducted identified that the proposed project could result in significant and unavoidable impacts in the area of Greenhouse Gas Emissions (GHG Emissions) the net increase in GHG emissions from implementing the ordinance" is invalid for three reasons:

- 1) It is unreasonable to state that "the City considers any net increase in GHG emissions to be potentially significant". The lack of a GHG emission threshold of significance in the EIR creates a double standard for an ordinance that greatly reduces plastic pollution vs. other types of projects such as residential developments.
- 2) The EIR uses outdated information to estimate the pounds of polystyrene service ware containers that are currently used in San Diego. Most of the transition from polystyrene service ware containers to other materials has already taken place.
- 3) The assumption that all service ware containers are transported in separate, dedicated truck loads is incorrect, leading to an overestimate of incremental annual truck trips.

A1-5

Sincerely,
Dr. Ronald Askeland
Chair San Diego Sierra Club Zero Waste Subcommittee



24 January 2022

Delivered via Email

To: Tara Ash-Reynolds

Assistant Planner, City of San Diego Planning Department

9485 Aero Drive, MS 413, San Diego, CA 92123

RE: DRAFT ENVIRONMENTAL IMPACT REPORT (EIR) FOR CITYWIDE SINGLE-USE PLASTIC REDUCTION ORDINANCE

The Surfrider Foundation is a non-profit, environmental organization dedicated to the protection and enjoyment of the world's ocean, waves and beaches for all people, through a powerful activist network. The Surfrider Foundation boasts over 50,000 members nationwide, approximately 2,500 of whom reside in San Diego County and are affiliated with the San Diego County Chapter. The majority of our local chapter membership resides in the City of San Diego.

San Diego Coastkeeper is a non-profit organization whose mission is to protect and restore swimmable, fishable, and drinkable water in San Diego County. Coastkeeper believes a strategic combination of science, advocacy, education, and community engagement is the most effective way to address existing and emerging water-related issues.

On behalf of The Surfrider Foundation, San Diego Coastkeeper, our respective San Diego County supporters, and the entire coalition of organizations and businesses who joined us to champion the Single Use Plastic (SUP) Reduction ordinance, we submit the following comments regarding the Draft EIR and in support of full implementation of the ordinance as soon as possible.

A stakeholder since day one

Expanded polystyrene (EPS) foam has consistently ranked as a top item that Surfrider and Coastkeeper volunteers find at San Diego County beach cleanups since 2012, the year our respective organizations began tracking volunteer beach cleanup data. In [2018](#)¹ and [2019](#)², EPS foam ranked second only to cigarette butts as the most common item found at San Diego beaches. Our volunteers removed a total of 53,327 pieces of EPS foam debris in 2018 and 2019. As shocking as that number is, it represents only a tiny fraction of the total amount of foam debris that ends up on our beaches and in our ocean each year in San Diego.

¹ San Diego County Beach Cleanup Data Report 2018, Surfrider San Diego and San Diego Coastkeeper, Jan 2019

² San Diego County Beach Cleanup Report 2019, Surfrider San Diego and San Diego Coastkeeper, Jan 2020

A2-1



Surfrider San Diego has been a stakeholder in the City's SUP Reduction Ordinance since early 2018, when our chapter activists worked closely with the office of former City Councilmember Chris Ward (D3) - with additional support from former City Councilmember Barbara Bry (D1) - on its initial concept and drafting in the Environment Committee. We assembled support from a large coalition of local environmental organizations and business groups to advocate for the ordinance's passage, and counted it as an important environmental victory when the City Council gave final approval to the ordinance on January 8, 2019.

The CRA is *grasping at straws*

A2-2

When the California Restaurant Association (CRA) threatened the City with a lawsuit for failing to conduct an EIR per CEQA guidelines, our chapter had little power to influence the matter despite the CRA's obvious intent to delay implementation of the ordinance through any means at their disposal. The CRA's delay tactics are made apparent by the fact that since 1988³, approximately 113 similar ordinances prohibiting the use of EPS foam in restaurants and/or retail have been implemented in California cities without any legal action by the CRA. If the CRA (or any other individual or organization) had pursued legal action of this type in any of the previous ordinances, the City Attorney's office could have used those records as precedent and avoided this entire process, which has effectively resulted in a 2 year delay in the implementation of an outstanding SUP reduction ordinance.

Surfrider, Coastkeeper, and our coalition partners cannot tell you why the CRA finally decided in 2019 - after 30 years of successful, local EPS foam ban precedent in California - that San Diego's ordinance should be the first to require an EIR per CEQA guidelines. However, at the time of this ordinance's approval, San Diego was the largest city in California to ban EPS foam takeout containers from restaurants. More California cities would likely follow suit (and did), ultimately prompting the California state legislature to follow its cities' example and draft statewide legislation addressing foam takeout (they did⁴, but it failed to pass in 2020). We only need to point to SB270, i.e. the California bag ban, to recognize a similar pattern of state legislation taking its cues from 100+ locally adopted bag bans.

The benefits outweigh any potential negative impacts

A2-3

We were confident then, as we are now after reading the Draft EIR, that the environmental benefits of the SUP Reduction Ordinance far outweigh any negative environmental impacts associated with it.

³ LIST OF CALIFORNIA JURISDICTIONS WITH POLYSTYRENE ORDINANCES, Californians Against Waste, 2021

⁴ Final votes, SB-54 Solid waste: packaging and products. (2019-2020), <https://leginfo.ca.gov/>



The Draft EIR concluded that the proposed project would result in significant environmental impacts in only one of 21 areas measured: Greenhouse Gas Emissions (GHGs). As all other impacts analyzed were found to be less than significant, we will only address the question of increased GHG emissions and begin with a direct citation from Section 7 of the EIR itself:

As analyzed in this EIR, while there is a net increase in emissions associated with mobile sources, mobile source emissions are anticipated to be reduced over time and the benefit of implementation of the proposed ordinance would outweigh the increase in emissions due to the overall consistency with statewide and local plans for waste reduction.⁵

It is important to note that the city lacks an approved GHG emission threshold for policy-level projects. Because of this, **the EIR authors chose an extremely stringent net zero threshold⁶ to evaluate the SUP ordinance's effect on GHG emissions.** This net zero threshold is the only reason why the EIR concluded that the project's GHG emissions would be "significant and unavoidable" despite estimating an annual net increase of only 105 MT CO₂e (metric tons carbon dioxide equivalent) as a result of swapping out polystyrene containers with containers made from more sustainable alternatives (which are slightly heavier).

Surfrider and Coastkeeper support the City looking at GHG impacts and appreciate that they've chosen a very conservative threshold. However, the net zero threshold used goes far beyond the GHG thresholds which are routinely used for development project EIRs. When viewed in the context of how the City determines the GHG Emission Significance Determination Threshold for development project proposals as opposed to policy project proposals like the SUP Reduction Ordinance, an annual net increase of 102 MT CO₂e is not a "significant and unavoidable" environmental impact.

To illustrate this point, the City references and follows guidance from the 2008 California Air Pollution Control Officers Association (CAPCOA) "CEQA and Climate Change Report" in its [Final EIR for Project No. 615398⁷](#), (Otay Mesa) CBX OTN Parking Lot). Based on CAPCOA's guidance, the City concludes that this particular project would not require any additional GHG analysis and mitigation, nor would it result in a significant impact to climate change.

⁵ Draft EIR, City of San Diego Single Use Plastic Ordinance, Section 7-2, Significant Environmental Impacts, Dec 10, 2021

⁶ Draft EIR, City of San Diego Single Use Plastic Ordinance, Section 9-2, Greenhouse Gas Emissions, Dec 10, 2021

⁷ Final Environmental Impact Report, City of San Diego Project No. 30330/304032, Nov 24, 2021

Below is the table referenced by the City in the CAPCOA report in Section 5.18.2 of the Final Project EIR, re: Significance Determination Thresholds:

The CAPCOA report references a 900-metric-ton guideline as a conservative threshold for requiring further analysis and mitigation. The City, thus, chose a 900-metric-ton screening criterion for determining when a GHG analysis would be required (Table 5.18-3). Projects that meet the following criteria are not required by the City to prepare a GHG technical analysis report, and are not considered to be significant.

**TABLE 5.18-3
PROJECT TYPES THAT DO NOT REQUIRE A GHG ANALYSIS AND MITIGATION**

Project Type	Project Size that Generates Approximately 900 Metric Tons of GHGs per Year
Single-Family Residential	50 units
Apartments/Condominiums	70 units
General Commercial Office Space	35,000 square feet
Retail Space	11,000 square feet
Supermarket/Grocery Space	6,300 square feet

8

Based on the table above, the 900 metric ton guideline is a conservative threshold for whether a project's GHG emissions would require additional analysis and mitigation. The referenced project did not exceed the 900 metric ton threshold, and was therefore "not considered to be significant."

This should put to rest any potential misread of the SUP Reduction Ordinance's "significant and unavoidable" environmental impacts from increased GHG emissions, which are estimated to *temporarily* produce an annual increase of 102 MT CO₂e. For the record, 102 MT CO₂e accounts for only 11% of the 900 metric ton guideline referenced above, a figure which the City routinely refers to as an insignificant amount of GHG emissions when it considers and approves development projects.

While Surfrider and its coalition partners would never purport to support any actual significant increase in GHG emissions in San Diego or anywhere else, the "significant and unavoidable" increase estimates in this EIR are, in the words of Shakespeare, "much ado about nothing."

⁸ Final Environmental Impact Report, City of San Diego Project No. 30330/304032 -Section 5.18.2 Significance Determination Thresholds (page 785), Nov 24, 2021



Statewide and local GHG emission reduction efforts will further reduce associated GHG emissions

A2-4

On September 23, 2020, Governor Newsom issued an [executive order](#) “requiring sales of all new passenger vehicles to be zero-emission by 2035 and additional measures to eliminate harmful emissions from the transportation sector⁹.” Six months earlier, on June 25, 2020, the California Air Resources Board (part of CalEPA) adopted a [first of its kind rule](#)¹⁰ that will require truck manufacturers to transition to electric zero-emission trucks beginning in 2024. Since then, Governor Newsom has already signed an MOU with 14 states to accelerate the market for electric medium and heavy duty vehicles.

The two examples above illustrate the EIR’s conclusion that *“while implementation of the proposed ordinance would result in a net increase in GHG emissions associated with the transport and disposal of the polystyrene replacement products, these mobile source emissions would continue to decrease with implementation of laws and regulations at the statewide level.”*¹¹

In addition, [SANDAG’S board-approved 2021 Regional Plan](#)¹² aims to reduce regional GHG emissions from transportation to 20% below 2005 levels by 2035. This goal is in line with the state-mandated targets voted into law by [AB 398](#)¹³. This is just one additional example of how both statewide and regional GHG emission reduction efforts render meaningless any of the potential short-term, *temporary*, and very minor GHG emission increases associated with banning EPS foam containers in the City of San Diego.

It’s time to implement the ordinance

A2-5

We’d be remiss not to mention our support for both of the EIR’s two proposed *environmentally superior alternatives*. We especially applaud Alternative 3, which recommends a \$0.25 fee requirement for all single-use cups. A pass-thru fee of this type, which is similar to what the [City of Berkeley implemented in 2020](#)¹⁴, would reduce consumer demand for single-use products by encouraging individuals to bring their own reusable, refillable cups instead (a practice which, we should add, is

⁹ Governor Newsom Announces California Will Phase Out Gasoline-Powered Cars & Drastically Reduce Demand for Fossil Fuel in California’s Fight Against Climate Change, CA.gov, Sep 23, 2020

¹⁰ California takes bold step to reduce truck pollution, California Air Resources Board, June 25, 2020

¹¹ Draft EIR, City of San Diego Single Use Plastic Ordinance, Section 9-2, Greenhouse Gas Emissions, Dec 10, 2021

¹² SANDAG 2021 Regional Plan pamphlet, Dec 2021

¹³ California plans to reduce greenhouse gas emissions 40% by 2030, US Energy Information Administration, Feb 2, 2018

¹⁴ ORDINANCE NO. 7,639-N.S., Section 11.64.050, compostable disposable foodware, City of Berkeley, Feb 19, 2019



legal under [CA Retail Food Code, Section 114075](#)¹⁵, despite the confusion and uncertainty created at the onset of the coronavirus pandemic).

In addition to encouraging the widespread adoption of reusables, which is in line with Surfrider's ultimate goal of single-use plastic source reduction and is by far the best way to reduce plastic pollution, Alternative 3 would also reduce the number of trucks that transport trash to landfill. This reduction, according to the EIR, would offset any potential increase in GHG emissions from the adoption of heavier alternatives to EPS foam¹⁶.

However, because the SUP Reduction Ordinance has already been delayed for 2 years, our overarching recommendation is to implement it as soon as possible. Once implemented, Surfrider will absolutely encourage and support any efforts by the City Council or staff to introduce additional language to further reduce our reliance on single-use plastics, like that suggested by the EIR in Alternative 3.

In conclusion, we urge immediate and full adoption of the City of San Diego's SUP Reduction Ordinance. We've waited patiently for two years, and now have an EIR which states in no uncertain terms that the proposed ordinance should move forward. Thank you for considering our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Mitch Silverstein".

Mitch Silverstein
San Diego County Chapter Manager
Surfrider Foundation
619.736.7757
mitch@surfridersd.org

A handwritten signature in black ink, appearing to read "Lucero Sanchez".

Lucero Sanchez
Community Policy Coordinator
San Diego Coastkeeper
714.855.8340
lucero@sdcoastkeeper.org

¹⁵ California Retail Food Code, Section 114075, page 56, Jan 1 2020

¹⁶ Draft EIR, City of San Diego Single Use Plastic Ordinance, Section 5-3, Environmentally Superior Alternative, Dec 10, 2021

A2-6

From: [Craig W. Cadwallader](#)
To: [PLN_PlanningCEQA](#)
Subject: [EXTERNAL] Project Name – Single Use Plastic Reduction Ordinance
Date: Monday, January 24, 2022 11:58:04 PM

This email came from an external source. Be cautious about clicking on any links in this email or opening attachments.

Hello Tara Ash-Reynolds,

Thank you for the opportunity to provide comments on the Draft Program Environmental Impact Report (Draft PEIR) for the Single Use Plastic Reduction Ordinance.

B1-1

It appears that an incomplete and unintentionally distorted method of calculation of potential Greenhouse Gas Emissions (GHG) impacts of the proposed Single Use Plastic Reduction Ordinance when switching from expanded polystyrene foodware items to alternative material foodware items, and that the overall estimated impact of banning expanded polystyrene foodware and switching to alternative material foodware items on Greenhouse Gas Emissions may be overstated, and that the projected increase in Greenhouse Gas Emissions may not be as significant as estimated.

B1-2

This apparent distortion is reflected in Section 3.2 Greenhouse Gas Emissions of the Draft PEIR, as well as in Appendix B.

The number of truck trips calculated for expanded polystyrene foodware items may in fact be understated, but using the simple formula of total estimated annual WEIGHT of expanded polystyrene foodware items compared to the WEIGHT of alternative foodware items. This calculation does not appear to account for the greater VOLUME of a similar number of expanded polystyrene foodware items shipped compared to the VOLUME of alternative foodware items. It is likely that the nature for expanded polystyrene items, being approximately 95% air, take up much greater volume in shipping truck trailers than the alternative, thinner, foodware items, and thus, it may take more truck trips to ship an equal number of expanded polystyrene items than the same number of alternative foodware items due to the significantly greater VOLUME of expanded polystyrene foodware items that will fit in the standard 53-foot trailer used as an example.

Shipping volume needs to be taken into consideration in addition to shipping weight when calculating the estimated number of truck trips, and related GHG impacts.

These calculations should be adjusted to account for the greater VOLUME taken up by expanded polystyrene foodware items, and not just a weight calculation in determining the estimated number of truck trips and related GHG impact.

It's likely that when accounting for volume considerations, that the difference in numbers of truck trips will change, when only calculated on the estimated weight of these items.

Thank you for your consideration of this issue.

Best regards,

Craig W. Cadwallader

A. ORGANIZATIONS

A1 Sierra Club San Diego Chapter

A1-1 Comment noted.

A1-2 Commenter contends that the Draft PEIR should be revised to apply a more realistic threshold of significance for greenhouse gas (GHG) emissions that are more in line with other types of San Diego projects and to recalculate the net increase in GHG emissions for the proposed ordinance based on more accurate and current data on the amount of polystyrene service ware containers currently used in San Diego and the number of truck trips used to transport service ware containers.

As described in Section 3.2.2.3 of the Draft PEIR, the City of San Diego's (City) Climate Action Plan Checklist is not the appropriate threshold to use for the proposed ordinance as it applies to land use development projects and not regulations. Pursuant to CEQA Guidelines Section 15064.7, the City considered thresholds of significance used by other public agencies but, in the absence of an applicable significance threshold for this type of project, ultimately decided to use a conservative threshold to analyze potentially significant GHG impacts. The use of this threshold is intended to provide a conservative, worst-case scenario for the decision makers' consideration. While it is possible that an alternative calculation of GHG emissions could result in less GHG emissions than what was disclosed in the Draft PEIR, this does not invalidate the conservative assumptions used by the City based upon the available evidence. The Draft PEIR reflects a good faith effort at full disclosure, and the City is not required to conduct every test or perform all research, studies, or experimentation at Commenter's request. See Pub. Res. Code sec. 21091(d)(2)(B); 12 CCR sec. 15204(a).

A1-3 Comment noted. See Response A1-2.

A1-4 Commenter contends that the Draft PEIR overestimates the increased trips for delivery and disposal of polystyrene replacement products because the Draft PEIR uses outdated information to estimate the pounds of polystyrene service ware containers currently used in San Diego and estimates the number of truck trips using an assumption that all service ware containers are transported in separate, dedicated truck loads.

The Commenter does not provide any alternative evidence to support the sample GHG calculation and claim of a lower truck trips and net decrease of emissions. The technical reports referenced in the Draft PEIR represent the best evidence currently available on the subject, and as described in Section 3.2.4.1, the Draft PEIR uses conservative assumptions in order to estimate the maximum impact scenario from transportation sources (delivery and disposal). Pursuant to CEQA Guidelines Section 15003(i), CEQA does not require technical perfection in an EIR, but rather adequacy, completeness, and a good-faith effort at full disclosure. While it is possible that polystyrene use may be less than what is estimated in the Draft PEIR, the City's reliance on this data does not invalidate the conclusions of the Draft PEIR as it reflects a good faith effort at full disclosure of the worst-case scenario using conservative estimations based on substantial evidence.

Additionally, the Commenter states that the Draft PEIR's assumption that all containers are delivered in separate dedicated truck loads is false as most service ware containers are delivered in mixed loads with other products and disposed of in mixed loads with other trash.

The Draft PEIR acknowledges that the assumption of separate dedicated truck loads is a conservative estimate and that containers may be delivered to retailers and to landfills as part of larger mixed loads scheduled for delivery regardless of the replacement product types (see Section 3.1.4 of the Draft PEIR).

A1-5 Comment noted. See Response A1-2 and A1-4.

A2 Surfrider Foundation San Diego County and San Diego Coastkeeper

A2-1 Comment noted.

A2-2 The comment does not address the adequacy or completeness of the PEIR.

A2-3 Comment noted. The comment does not address the adequacy or completeness of the PEIR.

A2-4 Comment noted. The comment does not address the adequacy or completeness of the PEIR.

A2-5 Comment noted. The comment does not address the adequacy or completeness of the PEIR.

A2-6 Comment noted.

B. INDIVIDUALS

B1 Craig W. Cadwallader

B1-1 Comment noted.

B1-2 Commenter contends that the Draft EIR's projected increase in greenhouse gas (GHG) emissions may not be as significant as estimated due to an incomplete and unintentionally distorted method of calculating the potential impacts when switching from expanded polystyrene foodware items to alternative material foodware items. The commenter contends that volume instead of weight should have been used to measure truck trips and would have resulted in lower GHG emissions than what was estimated in the Draft PEIR.

As stated in Section 3.2.4.1 of the Draft PEIR, the methodology used to calculate GHG emissions assumes a worst-case scenario. While the Commenter states that an alternative calculation could better estimate potential GHG emissions, CEQA does not require the Lead Agency to conduct an exhaustive evaluation of the environmental effects of a proposed project, and instead states that the sufficiency of an EIR is to be reviewed in the light of what is reasonably feasible (CEQA Guidelines Section 15151). The methodology provided by the Commenter demonstrates that there are alternative ways of calculating GHG emissions, however this does not invalidate the Draft PEIR's assumptions related to post-ordinance polystyrene replacement products in its own calculations. The City's analysis used conservative assumptions based upon the available evidence, and CEQA does not require that the Draft EIR's analysis be amended to account for volume when determining the estimated number of truck trips and associated GHG emissions.

The Draft PEIR reflects a good faith effort at full disclosure, and the City is not required to conduct every test or perform all research, studies, or experimentation at Commenter's request. See Pub. Res. Code sec. 21091(d)(2)(B); 12 CCR sec. 15204(a). No revisions to the Draft PEIR are required.