

MEMORANDUM

February 9, 2012

TO: MEMBERS, PORT COMMISSION
Hon. Doreen Woo Ho, President
Hon. Kimberly Brandon, Vice President
Hon. Francis X. Crowley
Hon. Leslie Katz
Hon. Ann Lazarus

FROM: Monique Moyer
Executive Director

SUBJECT: Request Approval of the Policy for Zero Waste Events and Activities Restricting the Sale, Use, and Distribution of Certain Plastic Bags, Plastic Bottles, Plastic Food Ware, and the Release of Balloons

DIRECTOR'S RECOMMENDATION: APPROVE RESOLUTION

Background

In December 2011, Port staff presented to the Port Commission a draft proposal of the Zero Waste Events and Activities Policy to address potential environmental impacts to Port property and the marine environment associated with large events. That December draft policy proposed a restriction of the sale, use, and distribution of certain plastic bags, plastic bottles, plastic food ware, and the release of balloons for events with an anticipated public attendance of 15,000 people or more. The Port Commission directed staff to conduct community outreach and consider applying the policy to events with fewer than 15,000 people. This memorandum describes the Port's proposed policy regarding zero waste requirements for events held at the Port, the community outreach conducted by Port staff, and the proposed application of the policy to events with an anticipated public attendance of 5,000 persons or more, rather than 15,000 as proposed in December 2011. Attached to this memorandum is a copy of the proposed policy, marked to show changes from the December draft.

Port staff recommends adoption of the zero waste requirements described in the proposed policy for Zero Waste Events and Activities (Policy) as a condition of holding an Event (as defined in the attached Policy) on Port property that has an anticipated total public attendance of 5,000 people or more. In addition, Port staff encourages

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compliance with the policy for Zero Waste Events and Activities as a stated goal for all smaller events.

The Board of Supervisors adopted Resolution No. 679-02 in September 2002, setting a goal of 75% diversion from landfill by 2010 and promoting the highest and best use of recovered materials and authorizing the Commission on the Environment to adopt a zero waste goal, which it set as 2020. Additionally, the Board of Supervisors enacted the Plastic Bag Reduction Ordinance (Environment Code §§1701-1709) in March 2007, which requires certain stores to provide, to customers, only recyclable paper bags, compostable plastic bags and/or reusable bags to minimize environmental impacts and other challenges associated with single-use plastic shopping bags. Finally, San Francisco Special Events Ordinance No. 73-89 (Transportation Code §6.5) requires any applicant seeking permission for the temporary use or occupancy of a public street, a street fair or an athletic event within the City and County that includes the dispensing of beverages or which generates large amounts of other materials, to submit a recycling plan.

Port staff has been working with the San Francisco Department of the Environment to develop a new policy to address the issues associated with waste generated at events at the Port. The purpose of this policy is to 1) ensure that food waste streams from large outdoor events can be easily composted, and 2) marine life in the Bay is protected from plastics and litter through elimination or reduction of plastics at these events. Based on these discussions, Port staff has developed the attached proposed Policy for Zero Waste Events and Activities.

The Policy for Zero Waste Events and Activities shall apply to all Events on Port property with a total expected attendance of 5,000 or more people aggregated over the number of days the event is held. The Policy for Zero Waste Events and Activities also serves as non-mandatory goals for events and activities with an expected attendance of fewer than 5,000 people. The Port Commission may grant a waiver of any of the provisions of this Policy, in its sole discretion, if the provision that is waived is replaced by an action that (i) protects the Port's and Bay's natural habitat, (ii) is compliant with all laws, and (iii) is in keeping with the environmental spirit of the Port's goals herein. The policy will be implemented as rules and regulations in leases and licenses that allow Events covered by the policy.

Port Staff Community Outreach

On December 16, 2011 Port staff presented this policy to the Port Commission as an informational item. On January 12, 2012, Port staff presented this policy to the Fisherman's Wharf Waterfront Advisory Group (FWWAG). The presentation focused on the purpose of the policy and the requirements and prohibitions of the policy. The FWAAG unanimously endorsed the proposed policy with the recommendation that the policy apply to events that draw as few as 1,000 people. On February 1, 2012, Port staff presented this policy to the Northeast Waterfront Advisory Group (NEWAG), and received supportive comments. Staff also consulted the Fleet Week Organizing Committee, which expressed enthusiastic support for the proposed policy.

Recommendation

Port staff recommends that the Port Commission hereby formally adopt the Zero Waste Event and Activities Policy as described in the attached Exhibit A to the resolution.

Prepared by: Brad Benson, Special Projects Manager
Richard Berman, Utility Specialist

For: Monique Moyer, Executive Director

Enclosures

1. Exhibit 1 to Staff Report: Proposed Policy marked to show changes from December 2011 draft
2. Port Commission Resolution No. 12-11 for Adoption:
 - A) Zero Waste Events and Activities Policy, February 2012

**EXHIBIT 1
TO STAFF REPORT
RED-LINE VERSION OF POLICY**

**PORT OF SAN FRANCISCO
ZERO WASTE EVENTS AND ACTIVITIES POLICY**

~~December 2011~~
February 2012

The Port of San Francisco is proud to host numerous events on Port property each year. These include fundraising walks and runs, "tailgate parties" at athletic events, Christmas tree sales, 4th of July Celebration, Oktoberfest, Fleet Week, and the proposed 34th America's Cup events (subject to pending environmental review). Some events can generate public participation of **45,000** or more people during the period of the event. Large outdoor events of this size typically generate a variety of plastic wastes from the sale of water in single-use bottles, the use of non-compostable plastic food ware, and the distribution of plastic bags to customers for food, merchandise and souvenirs. Along the Port's facilities, the inherent challenges of waste management at a large event are compounded by a windy environment and proximity to the San Francisco Bay.

Plastics

Several plastic waste items have significant environmental impacts. Single use plastic bags are difficult to recycle and can contaminate existing recycling and composting streams. These products are easily scattered by the wind and can create significant litter problems on shore and in water. Single-use plastic water bottles are resource intensive to produce, fill and transport, and contribute to waste management challenges at events. Non-food product plastic packaging is also difficult to recycle, may create a significant litter problem and harm the marine environment. The National Oceanic and Atmospheric Administration (NOAA) has recognized burst latex and Mylar balloons as a commonly reported source of marine debris. Balloons drift onto the surface of water and mimic the appearance of jellyfish and other floating organisms that are a natural food source for turtles, fish, dolphins, and shorebirds.

Plastic wastes are of increasing concern in marine environments and are a focus of volunteer and non-profit clean-up activities along the waterfront and bay shoreline. Plastics from litter, stormwater and maritime sources enter the marine environment where they degrade into microscopic bits and damage the ecology of our oceans. They can entangle wildlife and disrupt their internal organs and, when digested by marine life plastics can function as a pathway of exposure to several pollutants such as polychlorinated biphenyls (PCBs), dichlorodiphenyltrichloroethane (DDTs) and polycyclic aromatic hydrocarbons (PAHs). These pollutants can bio-accumulate and bio-magnify in the food chain, eventually making their way into human food sources. There are five ocean gyres, or large bodies of water that contain massive accumulations of degraded plastics around the globe.

Food-Related Wastes and Packaging

Large events produce large volumes of food-related wastes and packaging. San Francisco Special Events Ordinance No. 73-89 requires any applicant seeking permission for the temporary use or occupancy of a public street, a street fair or an athletic event within the City and County that includes the dispensing of beverages or which generates large amounts of other materials to submit a recycling plan to the department issuing the permit for the event or activity. Recycling plans shall include arrangements for collection and disposition of source separated recyclables and/or compostables by a service provider of the event organizer. San Francisco offers one of the most successful and comprehensive large municipal food scrap collection programs in the nation.

Events at the Port of San Francisco attract tourists who may be less familiar with the City's recycling and composting programs than residents and local business owners. In the experience of the Department of the Environment, the best way to manage food waste streams at large events is to require the use of either compostable or durable, reusable food service ware.

Exclusive use of compostable food service ware facilitates source separation and the diversion of organic materials from landfill, mitigates contamination in the City's recycling programs, and streamlines composting and related waste diversion activities during large events. A wide variety of compostable food service ware and bags are available in the marketplace. These are made from renewable resources such as paper, corn starch and sugarcane.

Reusable Water Bottles and Refilling Stations

The City's water delivery system consistently provides among the purest, safest drinking water in the nation from spring snowmelt stored in the Hetch Hetchy Reservoir and flowing down the Tuolumne River. Re-usable water bottles are easy to refill and use of Hetch Hetchy water guarantees a high quality of water for the public. Durable or compostable service ware can be combined with water filling stations to further reduce the need for single-use plastic packaging.

Proposed Policy for Zero Waste Events and Activities

~~Port staff has been working with the San Francisco Department of the Environment to develop a new policy to address the issues associated with waste generated at events at the Port of San Francisco. The purpose of this policy is to~~
The Port Commission adopts the following measures to address the concerns outlined above and to 1) ensure that food waste streams from large outdoor events can be easily composted, and 2) marine life in the Bay is protected from plastics and litter through elimination or reduction of plastics at these events. ~~Based on these discussions, Port staff propose to implement the following Policy for Zero Waste Events and Activities.~~

1. The provisions of this Policy are mandatory for all events or activities ("Events") on Port property that the Port expects will attract **45,000** or more people aggregated

over the number of days the event is held. Examples of these Events include but are not limited to: exhibitions or presentations of sporting events, tournaments, concerts, musical and theatrical performances and other forms of live entertainment, public ceremonies, fairs, carnivals, markets, shows, fundraising events, races or other public or private exhibitions and activities related thereto. This Policy shall apply to all persons or entities organizing, sponsoring or hosting an Event, including all vendors, subcontractors and agents ("Event Organizers") for an Event. Event Organizers of Events with an expected attendance of less than **15,000** people are strongly encouraged to comply with this Policy.

2. The sale, use and distribution of single-use plastic water bottles are prohibited. The Event Organizer must provide "water filling stations" supplied either by the San Francisco Public Utilities Commission or a vendor approved by the Port's Executive Director or her or his designee for use by individuals with reusable water bottles. **This prohibition applies only to single-use plastic bottles that are used for non-carbonated or non-flavored water.**
3. The sale, use and distribution of single-use disposable plastic bags are prohibited. The Event Organizer must use alternatives to single-use plastic bags such as recyclable paper, compostable plastic (preferably marine degradable) and/or reusable bags as those terms are defined by the City's Plastic Bag Reduction Ordinance.
4. The sale, use and distribution of single-use non-compostable plastic food ware are prohibited. The Event Organizer may only sell, use and distribute food service ware that is either labeled "compostable" and meets American Society for Testing and Materials (ASTM) standards for compostability or that is durable, washable, and reusable.
5. All compostable plastic food service ware must meet ASTM D-6400 standards for compostable plastics, have BPI certification (www.BPIworld.org), and be clearly labeled with a color-coded (green) identifying marker, such as a green sticker, stripe or band on all pieces of the product (for example the cup and lid must both be labeled), or other certification standards (such as marine degradability) as may be recommended from time to time by the San Francisco Department of the Environment and approved by the Port Executive Director.
6. The intentional release of balloons on Port property in connection with an Event subject to this Policy is prohibited.
7. Event Organizers are encouraged to minimize packaging and avoid the use of disposable plastic packaging.
8. The Port reserves the right at any time and from time to time to revise this Policy or to make such other and further Rules and Regulations as the Port shall determine are in the best interest of the Port, the San Francisco Bay, and the community, or that comply with City law.

9. For Events that the Port expects will attract **15,000** or more people in the aggregate, all licenses, leases, or other real property agreements with Event Organizers entered into after the date of adoption of this Policy by the Port Commission ("the adoption date"), and all amendments to licenses, leases, or other real property agreements with Event Organizers made beginning in 2012 shall require the Event Organizer to comply with this Policy. Such Event Organizer's failure to comply with this Policy shall be deemed a material breach of the agreement and the Port may pursue remedies, including liquidated damages and termination of the agreement.
10. The Port Commission may grant a waiver of any of the provisions of this Policy, in its sole discretion, if the provision that is waived is replaced by an action that (i) protects the Port's and Bay's natural habitat, (ii) is compliant with **City** law, and (iii) is in keeping with the environmental spirit of the Port's goals herein.

This Policy for Zero Waste Events and Activities shall apply to all events on Port property with a total expected attendance of **15,000** or more people aggregated over the number of days the event is held. This Policy for Zero Waste Events and Activities also serves as non-mandatory goals for events with an expected attendance of less than **15,000** people.

**PORT COMMISSION
CITY AND COUNTY OF SAN FRANCISCO
RESOLUTION NO. 12-11**

WHEREAS, California Statutes of 1968, Chapter 1333 (the "Burton Act") and San Francisco Charter Section B3.581 empower the San Francisco Port Commission with the power and duty to use, conduct, operate, maintain, manage, regulate and control the lands within Port Commission jurisdiction; and

WHEREAS, People who live in, work in or visit San Francisco generate 2 million tons of solid waste annually with more than half of these materials recovered through waste prevention, recycling and composting; and

WHEREAS, The Board of Supervisors adopted Resolution No. 679-02 setting a goal of 75% diversion from landfill by 2010 and promoting the highest and best use of recovered materials and authorizing the Commission on the Environment to adopt a zero waste goal, which it set as 2020; and

WHEREAS, More than twenty-five events occur annually on Port property, some of which have a public attendance that can exceed 5,000, and which generate significant amounts of plastic waste products; and

WHEREAS, The Port Commission desires to avoid and mitigate potential negative environmental impacts to Port property, adjacent areas and the marine environment and promote waste reduction and recycling at events by reducing the use of single-use plastic bags and other non-recyclable plastic packaging, eliminating balloon releases, promoting the use of compostable food service ware, and reducing the use of single-use plastic water bottles; and

WHEREAS, There is a wide variety of compostable food service ware and bags available in the marketplace made from renewable resources such as paper, corn starch and sugarcane; and

WHEREAS, The City's Planning Department has issued a Categorical Exemption on February 8, 2012; now therefore, be it

RESOLVED, That the Port Commission adopts the Zero Waste Events Policy attached as Exhibit A to this resolution and directs Port staff to include in all licenses, leases, or other real property agreements pertaining to Events with an expected attendance of 5,000 or more people in aggregate, the provisions of this policy.

I hereby certify that the foregoing resolution was adopted by the Port Commission at its meeting of February 14, 2012.

Secretary

**EXHIBIT A
TO RESOLUTION NO. 12-11**

**PORT OF SAN FRANCISCO
ZERO WASTE EVENTS AND ACTIVITIES POLICY**

February 2012

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pursue remedies, including liquidated damages and termination of the agreement.

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