

# **Reducing Plastic Water Bottles on City Property**

## **Office of the Board of Supervisors President David Chiu**

### **- Background on Proposed Legislation-**

#### **OUR ADDICTION TO BOTTLED WATER**

Every 27 hours Americans consume enough bottled water to circle the globe with plastic bottles stacked end to end. Every year Americans buy 35 billion single-serving plastic water bottles.

Eight out of ten plastic water bottles end up in a landfill. Hundreds of millions end up littering our streets, beaches, bay and ocean.

Plastic water bottles require a significant amount of energy to manufacture, transport, and eventually recycle. According to the campaign Ban the Bottle, it takes 17 million barrels of oil per year to make all the plastic water bottles used in the U.S. alone. That's enough to fuel 1.3 million cars for a year. It takes an estimated 2000 times more energy to produce bottled water than it does to produce an equivalent amount of tap water.

Bottled water is not tested for biological, chemical, or radioactive contaminants. In fact, it is often filled right from the tap. San Franciscans are lucky to have access to healthy, pristine Hetch Hetchy Tap water.

#### **SUPERVISOR CHIU'S PROPOSED LEGISLATION**

***Events on City Property and in City Facilities:*** Individual serving plastic bottled water would not be permitted to be sold or distributed at large (over 1,000 attendees) paid-admission events, or at large free-admission events when there is a potable source of water available on the City Property that can be reliably used to meet the hydration needs of attendees. Events at which individual serving plastic bottled water is prohibited shall still ensure the availability of water to guests by providing water (free or for sale) at stations connected to the potable plumbing infrastructure or another potable water source (water truck, etc.).

Exclusions:

- Events that already have an approved permit, or have filed an application for a permit by the time the law goes into effect.
- Races, marathons, and other sporting events

City Departments would have the authority to waive these requirements if the event producer demonstrates that providing water alternatives is not feasible, or for other significant reasons.

***Concessions/Vendors on City Property and in City Facilities:*** Individual serving plastic bottled water could not be sold or distributed by any *new* vendors/concessions signing leases for operation on City Property and in City Facilities.

Exclusions:

- Concessions/vendors in San Francisco Airport facilities.
- City Facilities and Property used for sporting events.

***City Departments:*** The ordinance would codify San Francisco Mayor Gavin Newsom's 2007 Executive Order 07-05 prohibiting most City Departments from purchasing bottled water.



## THE MOVEMENT TO REDUCE PLASTIC WATER BOTTLES IS GROWING

- ✓ San Francisco became the first city in 2007 to phase out city spending on bottled water, paving the way for cities and parks across the country to think outside the bottle.
- ✓ Dozens of universities have bottled-water-free policies that are in different stages of implementation.
- ✓ There are 14 bottled-water-free national parks, including large parks such as Grand Canyon National Park. There are efforts underway to add more national parks to this list.
- ✓ In 2013, the City of Concord became the first US City to go bottled-water-free. Their law prohibits the sale of non-sparkling, unflavored drinking water in single-serving plastic bottles of 1L or less.
- ✓ In 2008 the Toronto City Council approved a water bottle ban to take effect in January of 2012. The ban, which affects most of Toronto's parks and park facilities, prohibits the sale and distribution of water bottles in all City facilities and parks. Numerous municipalities across Canada have bottle bans or restrictions in place in facilities and/or parks.
- ✓ San Francisco has a longstanding commitment to environmental sustainability by educating residents about the environmental, economic, and health benefits of drinking tap water. Supervisor Chiu has partnered with our SFPUC, Airport, school district and the Department of the Environment on a number of programs and efforts to promote San Francisco's fantastic Hetch Hetchy water. He has also sponsored first-in-the nation legislation that would require installing bottle filling water fountains in new construction in the City

## EVENTS AND WATER ALTERNATIVES

There are many alternative water provision options available to event producers, and this number continues to grow. These alternatives include water fountains that attach to municipal water lines, water trucks, and refillable tanks.

Large events such as Outside Lands, produced by Another Planet, have proven that significant change is possible. Since Outside Lands implemented its refillable water program in 2009, plastic bottle consumption has decreased by  $\frac{2}{3}$ . In 2012 the event went through 1680 reusable 5-gallon water jugs, which is the equivalent of 10,752 20oz plastic water bottles.

In 2012, the Port Commission of San Francisco passed the Policy for Zero Waste Events and Activities, which among other things restricts the sale, use, and distribution of plastic bottles on Port property at events with over 5,000 attendees. This policy will apply to the America's Cup event.

**For more information, contact Catherine Rauschuber, legislative assistant to Supervisor David Chiu, at [catherine.rauschuber@sfgov.org](mailto:catherine.rauschuber@sfgov.org) or (415) 554-7450.**

## EVENT WATER DISPENSING RESOURCES

**The Water Monster** – Mobile water distribution system. For purchase only. Easily transportable when empty.

<http://thewatermonster.com>

**US Pure Water** – Mobile, filtered, stainless steel tap water distribution stations. Can truck in water with no on-site access.

<http://uspw.net/solutions/event-producers>

**Flexi Fountain** – Mobile, drinking fountain with 6 sipping stations.

<http://www.flexidrinkinfountain.com>

<http://inhabitat.com/nyc/mobile-water-on-the-go-stations-keep-thirsty-crowds-quenched-with-delicious-nyc-tap-water/water-on-the-go-3/>

**Tap Minneapolis Prototype Drinking Fountain** – Just a prototype but isn't it cool?

<http://www.facebook.com/photo.php?fbid=106223092290&set=a.106207377290.94801.86013327290&type=3&theater>

**City of Toronto Owned Mobile Water Trailer** – Provided for free to events in the City limits.

<http://www.toronto.ca/water/htotogo/index.htm>

**Event Water Solutions** – Stainless steel, filtered water refill stations, hooked up to municipal water source.

<http://www.eventwatersolutions.com/>

**Green Mary** – Zero waste event service provider in SF. Rental and set up of tap water distribution systems.

[http://www.green-](http://www.green-mary.com/index.php?option=com_content&view=category&layout=blog&id=65&Itemid=58)

[mary.com/index.php?option=com\\_content&view=category&layout=blog&id=65&Itemid=58](http://www.green-mary.com/index.php?option=com_content&view=category&layout=blog&id=65&Itemid=58)

## ADDITIONAL RESOURCES

**Bottled Water Alternatives Purchasing Guide**

[http://www.stopcorporateabuse.org/sites/default/files/resources/rpn\\_purchasing\\_guide\\_0.pdf](http://www.stopcorporateabuse.org/sites/default/files/resources/rpn_purchasing_guide_0.pdf)

**Denver's Fountain and Hydrant Connection Rules for Events**

<http://www.denverwater.org/BillingRates/RatesCharges/SpecialCharges/ConnectionsSpecialEvents/>

**Toronto Bottled Water Ban on City Property**

[http://www.toronto.ca/parks/permits/general-information/water\\_bottle\\_ban.htm](http://www.toronto.ca/parks/permits/general-information/water_bottle_ban.htm)

**Relevant Clip from "The Graduate"**

<https://www.youtube.com/watch?v=CsrLHP26zvK>



FILE NO.

ORDINANCE NO.

[Environment Code - Bottled Water]

**Ordinance amending the Environment Code to [BAN THE SALE OR DISTRIBUTION OF DRINKING WATER IN RIGID PLASTIC BOTTLES OF 16 OUNCES OR LESS]; and making environmental findings.**

NOTE: Additions are single-underline italics Times New Roman;  
deletions are ~~strike-through italics Times New Roman~~.  
Board amendment additions are double-underlined;  
Board amendment deletions are ~~strikethrough normal~~.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings. The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference.

Section 2. Findings.

(a) Xxxx

(b) Xxxx

1 Section 3. The San Francisco Environment Code is hereby amended by adding  
2 Chapter 25, Sections 2501 through 2509, to read as follows:

3 **Chapter 25: Bottled Drinking Water**

4 Sec. 2501. Title.

5 Sec. 2502. Definitions.

6 Sec. 2503. Sale Or Distribution Of Bottled Water Restricted.

7 Sec. 2504. Alternative Water Supplies For Event On City Property.

8 Sec. 2505. New Leases, Permits, And Agreements.

9 Sec. 2506. Permits For Use Of City Streets.

10 Sec. 2507. Barring Use Of City Funds For Purchase Of Bottled Water.

11 Sec. 2508. Implementation.

12 Sec. 2509. Enforcement And Penalties.

13  
14 **SEC. 2501. TITLE.**

15 The title of this Chapter shall be the San Francisco Bottled Water Ordinance.

16  
17 **SEC. 2502. DEFINITIONS.**

18 For purposes of this Chapter,

19 "Bottled Water" means drinking water in a sealed Rigid Plastic Bottle having a capacity of 16  
20 fluid ounces or less.

21 "City Property" means real property, including any buildings thereon, owned or leased by the  
22 City and County of San Francisco ("City"), and in the City's possession or in the possession of a  
23 public or private entity under contract with the City to perform a public purpose, including but not  
24 limited to the following property: recreational and park property including but not limited to Golden  
25 Gate Park, the San Francisco Zoo, Hilltop Park and San Francisco's parks and playgrounds, plazas

1 including but not limited to United Nations Plaza and Hallidie Plaza, community centers such as Ella  
2 Hill Hutch Community Center, and property of the Department of Recreation and Parks, the Port, and  
3 the Public Utilities Commission. "City Property" does not include a "City Street."

4 "City Street" means the public right-of-way owned by the City, including any area across,  
5 along, on, over, upon, and within the dedicated public alleys, boulevards, courts, lanes, roads,  
6 sidewalks, streets, and ways within the City.

7 "City Funds" means all monies or other assets received and managed by, or which are  
8 otherwise under the control of, the Treasurer, and any notes, bonds, securities, certificates of  
9 indebtedness or other fiscal obligations issued by the City and County.

10 "Covered Event" means (1) a paid-admission event taking place in or on City Property, when  
11 the anticipated attendance is 1,000 persons or more, or (2) a free-admission event taking place in or on  
12 City Property, when the anticipated attendance is 1,000 persons or more.

13 "Mineral water" means drinking water containing more than 500 milligrams per liter of total  
14 dissolved solids and/or one or more chemical constituents in excess of the concentrations listed in the  
15 Federal Bottled Water Quality Standards (Title 21, Code of Federal Regs., Sec. 165.110).

16 "Rigid Plastic Bottle" means any formed or molded container comprised predominantly of  
17 plastic resin, having a relatively inflexible fixed shape or form, having a neck that is smaller than the  
18 container body, and intended primarily as a single service container. "Rigid Plastic Bottle" includes a  
19 compostable plastic bottle.

20 "Water" includes: natural spring or well water; water taken from municipal or private utility  
21 systems or other sources; distilled, deionized, filtered, or other purified water; or any of the foregoing  
22 to which chemicals may be added. "Water" does not include: mineral water; carbonated or sparkling  
23 water; soda, seltzer, or tonic water; or flavored water, also marketed as fitness water, vitamin water,  
24 enhanced water, energy water, or other similar products. "Water" does not include those food  
25



1 ingredients that are listed in ingredient labeling as "water," "carbonated water," "disinfected water,"  
2 or "filtered water."

3  
4 **SEC. 2503. SALE OR DISTRIBUTION OF BOTTLED WATER RESTRICTED.**

5 (a) Except as otherwise provided in this Section, no person may sell or distribute Bottled Water  
6 at a Covered Event held in or on City Property, including selling or offering Bottled Water for sale or  
7 distribution in a vending machine.

8 (b) The provisions of subsection (a) shall not apply to a Covered Event which is an Athletic  
9 Event. An "Athletic Event" is an event in which a group of people collectively engage in a sport or  
10 form of physical exercise in or on a City Facility, including but not limited to jogging, bicycling,  
11 racewalking, roller skating or running.

12  
13 **SEC. 2504. ALTERNATIVE WATER SUPPLIES FOR EVENT ON CITY PROPERTY.**

14 (a) Sponsors of Covered Events held in or on City property must make sufficient supplies of  
15 drinking water available to attendees, by:

16 (1) Providing for the sale or free distribution of drinking water at stations connected to  
17 an existing drinking water plumbing system or other source of drinking water, such as a water truck;

18 (2) Providing for the sale or free distribution of drinking water in glass bottles,  
19 aluminum cans, paper cups, or other containers not prohibited by this Chapter;

20 (3) Providing for the sale or free distribution of drinking water in plastic bottles larger  
21 than 16 ounces; or,

22 (4) Any other method approved by the City Administrator.

23 (b) The responsible City department may waive the requirements of Section 2503(a) and  
24 Section 2504(a) if the event sponsor demonstrates to the department's satisfaction that providing  
25 alternative water supplies or containers is not feasible.

1        (c) Departments that permit events on their properties and in their facilities shall, by  
2        November 1, 2013, determine which properties that are frequently used for events have a reliable on-  
3        site supply of drinking water that could be used by event sponsors.

4  
5        **SEC. 2505. NEW LEASES, PERMITS, AND AGREEMENTS.**

6        (a) Starting January 1, 2014, all new leases, permits, or agreements awarded by the City  
7        allowing any person to use City Property for purposes that contemplate or would allow the sale or  
8        distribution of beverages (collectively, "leases") shall specifically provide that the lessee may not  
9        engage in or allow the sale or distribution of Bottled Water on such property. This requirement does  
10       not apply to concessions/vendors at San Francisco Airport facilities, or in or on City Property when  
11       such property is being used for an Athletic Event. The City shall not renew, extend, or materially  
12       amend such a lease after the effective date of this Chapter unless the lease specifically provides that the  
13       lessee shall not engage in or allow the sale or distribution of Bottled Water on such property.

14       (b) In the case of any bid proposal or solicitation, request for bid or proposal, or contract for  
15       vendors or concessions to be operated on City Property, the City shall not require or permit the sale or  
16       distribution of Bottled Water on such property.

17  
18       **SEC. 2506. PERMITS FOR USE OF CITY STREETS.**

19       (a) Starting January 1, 2014, all permits, easements, or other agreements or permissions issued  
20       by the City for an event or activity to be held on a City Street (collectively, "permits") shall specifically  
21       provide that the permittee shall not engage in or allow the sale or distribution of Bottled Water at the  
22       activity or event. This requirement shall not apply where the anticipated attendance for the event or  
23       activity is fewer than 1,000 persons.



1        (b) Starting January 1, 2014, all Mobile Food Facility permits issued under Article 58 of the  
2        Public Works Code shall specifically provide that the permittee shall not engage in or allow the sale or  
3        distribution of Bottled Water as part of the operation of the Facility.

4        (c) Subsection (a) shall not apply to street excavation or construction permits, agreements for  
5        the use of City right-of-way where a contracting utility has the power of eminent domain, or where the  
6        City grants the general public access to enter or use a City Street without requiring issuance of a  
7        permit.

8  
9        **SEC. 2507. BARRING USE OF CITY FUNDS FOR PURCHASE OF BOTTLED WATER.**

10       (a) Starting January 1, 2014, no City officer or department shall use City Funds to purchase  
11       Bottled Water.

12       (b) It shall be City policy not to have drinking water systems in City offices or facilities that use  
13       water bottles of any size where satisfactory alternatives exist and are feasible at the location under  
14       consideration. It shall further be City policy to conform drinking water systems in City offices or  
15       facilities to this goal where reasonable by the end of 2016.

16  
17       **SEC. 2508. IMPLEMENTATION.**

18       (a) The Director of the Department of the Environment may adopt any rules and regulations  
19       necessary or appropriate to carry out the purposes and requirements of this ordinance.

20       (b) This Chapter shall not apply to a Covered Event or an event held on a City street where the  
21       sponsor applied for or received the permit prior to June 11, 2013. Nothing in this Chapter shall be  
22       construed to impair a contract, lease, or other legally-binding agreement to which the City is a party  
23       on the effective date of this Chapter.

24       (c) The provisions of Sections 2505 and 2506 shall not apply where the responsible City officer  
25       finds that the inclusion or application of such provisions would violate or be inconsistent with the terms

1 or conditions of a grant, subvention or contract with an agency of the State of California or the United  
2 States or the instructions of an authorized representative of any such agency with respect to any such  
3 grant, subvention or contract.

4 (d) In addition to any other waiver expressly provided for in this Chapter, any City officer or  
5 department may seek a waiver of any provision of this Chapter by filing a request on a form specified  
6 by the Director of the Department of the Environment. The Director, consistent with this Chapter, may  
7 waive the provision for a period of up to one year at a time if the officer or department demonstrates to  
8 the Director's satisfaction that strict application of the provision would create an undue hardship or  
9 practical difficulty not generally applicable to other persons in similar circumstances, or that  
10 circumstances otherwise warrant granting of the waiver. The Director's decision to grant or deny a  
11 waiver shall be in writing and shall be final.

#### 12 13 **SEC. 2509. ENFORCEMENT AND PENALTIES.**

14 (a) Any person who violates any provision of Sections 2503 and 2504 or of an administrative  
15 regulation adopted under this Article to implement those Sections may be punished by administrative  
16 finest imposed by the Director of the Department of the Environment in the amount of:

17 (1) Up to \$50 for the first violation;

18 (2) Up to \$100 for a second violation within a twelve-month period; and,

19 (3) Up to \$500 for a third and subsequent violations within a twelve-month period.

20 (b) Except as provided in subsection (a), setting forth the amount of administrative fines,  
21 Administrative Code Chapter 100, "Procedures Governing the Imposition of Administrative Fines," as  
22 may be amended from time to time, is hereby incorporated in its entirety and shall govern the  
23 imposition, enforcement, collection, and review of administrative citations issued by the Director to  
24 enforce this Article or any administrative regulation adopted under this Article.



1           Section 4. Effective Date. This ordinance shall become effective 30 days from the  
2   date of passage.

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4  
5   APPROVED AS TO FORM:  
6   DENNIS J. HERRERA, City Attorney

7  
8   By:           \_\_\_\_\_  
9           ATTORNEY'S NAME  
          Deputy City Attorney

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