

**Planning & Organization Committee/
Recycling Board Members**

Dianne Martinez, **President**
ACWMA

Adan Alonzo, **1st Vice President**
Recycling Programs

Jerry Pentin, **2nd Vice President**
ACWMA

Bernie Camara, Recycling Materials Processing Industry

Peter Maass, ACWMA

John Moore, Environmental Organization

Jim Oddie, ACWMA

Michael Peltz, Solid Waste Industry Representative

Tim Rood, ACWMA

Toni Stein, Environmental Educator

Sarah Vared, Source Reduction Specialist

Wendy Sommer, Executive Director

**AMENDED
AGENDA**

**MEETING OF THE
PLANNING COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD**

Thursday, October 12, 2017

4:00 P.M.

**StopWaste Offices
1537 Webster Street
Oakland, CA 94612
510-891-6500**

**Teleconference
Tim Rood
San Jose City Hall
3rd Floor Tower
200 East Santa Clara St
San Jose CA 95113
408-535-8122**

Meeting is wheelchair accessible. Sign language interpreter may be available upon five (5) days' notice to 510-891-6500.

I. CALL TO ORDER

II. ROLL CALL

III. ANNOUNCEMENTS BY THE PRESIDENT

Page **IV. CONSENT CALENDAR**

1 **1. Approval of the Draft Minutes of September 14, 2017 (Tom Padia)**

7 **2. Board Attendance Record (Tom Padia)**

9 **3. Written Report of Ex Parte Communications (Tom Padia)**

V. OPEN PUBLIC DISCUSSION

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Board, but not listed on the agenda. Each speaker is limited to three minutes.

VI. REGULAR CALENDAR

- 11 **1. 2017 Legislative Update (Eric Engelbart)**
 This item is for information only.
- 17 **2. Alameda County Operational Area Emergency Management Organization
(Meghan Starkey)**
 Staff recommends that the Planning Committee recommend that
 the WMA Board adopt the attached Resolution to Join the Alameda
 County Operational Area Agreement.
- 29 **3. Mattress Product Stewardship Update (Tom Padia)**
 This item is for information only.
- 33 **4. Planning Committee/Recycling Board Meeting Time (Tom Padia)**
 That all current members of the Recycling Board indicate whether
 or not a change in 2018 to 3 p.m. afternoon meeting times would
 be acceptable to them.

VII. OTHER PUBLIC INPUT

VIII. COMMUNICATIONS/MEMBER COMMENTS

IX. ADJOURNMENT

DRAFT

**MINUTES OF THE REGULAR MEETING OF THE
PLANNING AND ORGANIZATION COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD**

Thursday, September 14, 2017

7:00 P.M.

**StopWaste Offices
1537 Webster Street
Oakland, CA 94612
510-891-6500**

**Teleconference
Jerry Pentin
Hyatt Regency Sacramento
1209 L Street
Sacramento, CA 95814
916-443-1234**

I. CALL TO ORDER

Dianne Martinez, President, called the meeting to order at 7:00 p.m.

II. ROLL CALL

Adan Alonzo, Recycling Programs
Bernie Camara, Recycling Materials Processing Industry
Peter Maass, ACWMA
Dianne Martinez, ACWMA
John Moore, Environmental Organization
Jim Oddie, ACWMA
Michael Peltz, Solid Waste Industry Representative
Jerry Pentin, ACWMA (teleconference)
Tim Rood, ACWMA
Steve Sherman, Source Reduction Specialist
Toni Stein, Environmental Educator

Staff Present:

Tom Padia, Deputy Executive Director
Meri Soll, Senior Program Manager
Farand Kan, Deputy County Counsel
Arliss Dunn, Clerk of the Board

Others Present:

Eric Nylund, Crowe Horwath LLP
Mendi Julien, Crowe Horwath LLP
Christine Bennett, Dublin Partners in Education
Arthur Boone

III. ANNOUNCEMENTS BY THE PRESIDENT

Meri Soll announced that MedShare (an agency grantee) is conducting an outreach campaign for donations of supplies to send to hurricane victims in Texas and Florida. They have provided us with press releases and social media and staff can provide the information to Board members to include on their websites and social media platforms.

IV. CONSENT CALENDAR

- 1. Approval of the Draft Minutes of August 10, 2017 (Tom Padia)**
- 2. Board Attendance Record (Tom Padia)**
- 3. Written Report of Ex Parte Communications (Tom Padia)**

Board member Rood made the motion to approve the Consent Calendar. Board member Maass seconded and the motion carried 10-0. The Clerk called the roll:

(Ayes: Alonzo, Camara, Martinez, Maass, Moore, Oddie, Peltz, Pentin, Rood, Stein. Nays: None. Abstain: None. Absent: Sherman).

V. OPEN PUBLIC DISCUSSION

Arthur Boone provided public comment on the issue of the source and attributed location of GHG emissions, endorsing the consumption-based model of emissions calculations. Mr. Boone stated that he attended a conference at the city of Oakland and distributed a flier titled "True Emissions (2013)". A copy of the flier is attached as a matter of record.

Board member Peltz provided comments on recycling markets. Board member Peltz stated that the recycling markets for materials from the state of California are in jeopardy. Board member Peltz stated that paper prices are plummeting, and the Chinese government has suddenly reduced or eliminated scrap import quotas issued to the paper mills in China that require a license to import paper into China. Due to the restrictions on the quotas paper prices are plummeting and we are not able to move all of the paper that is being recovered for recycling in California. Board member Peltz stated that if this trend continues it could have significant impacts on the cost and economics and the viability of recycling in California and in other places throughout the United States that are dependent on the China market.

VI. REGULAR CALENDAR

- 1. Recycling Board "Five Year Audit" - Recommendation to Accept Five Year Financial & Compliance Audit Report – FY 2011/12 – 2015/16 (Tom Padia)**

It is recommended that the Recycling Board accept the Five Year Financial and Compliance Audit by Crowe Horwath LLP and approve the recommendations therein, subject to the qualifications enumerated in the staff report.

Tom Padia provided an overview of staff report and introduced Eric Nylund and Mendi Julien from Crowe Horwath LLP. Mr. Nylund and Ms. Julien presented a PowerPoint presentation and provided a summary of the findings and recommendations of the Five Year Financial & Compliance Audit Report for FY 2011-12 – 2015-16. A link to the combined staff report and the presentation is available here:

[Five-Year-Audit-Presentation-09-14-17.pdf](#)

Board member Sherman stated that Measure D identifies five areas that the Recycling Plan needs to cover and inquired about the amount of money that is spent in those areas. The target areas are: source reduction programs, residential recycling programs, commercial programs, recycled product market development, and recycled product purchase preference program. Mr. Nylund stated that the fund

allocation shows that Board funding is spent in the Charter-specified areas but does not detail how each jurisdiction allocates their funding in the specific target areas. The Board can request that the member agencies categorize their allocations to be specific to those target areas. Board member Sherman added although the proper locus is in the programmatic audit given that the specific purpose of Measure D identifies those specific areas the financial audit should include that component as well. Mr. Padia stated that the requirement for percentage spending of Measure D revenues is included in the Boards' budget in the agency's annual budget and illustrates the percentage of funding that is spent in the target areas, for example, compost and mulch for recycled product market development, etc. Mr. Padia added the 50% distributed to the member agencies is for the maintenance and expansion of municipal recycling programs which is very broadly defined in the measure, including public education, recycling programs, etc. We have not asked the member agencies to parse their expenditures from that very broad bucket and from the Board side we have been tracking the data very well. Board member Sherman stated that he agrees with Mr. Padia and added if it is not counter to Measure D he suggested pushing the member agencies to identify spending in those areas as it may be helpful to them as well. Mr. Padia clarified that the significant Measure D spending shift from franchise to administrative cost for the city of Oakland is the city of Oakland can no longer use Measure D funds to pay CA Waste Solutions for their residential recycling services as Measure D requires that you cannot spend the funding on a contract that exceeds 10 years. The city of Oakland recently signed a contract with CA Waste Solutions for 20 years and has since shifted its Measure D resources to fund staff positions.

Board member Sherman inquired if staff is aware of any member agency using Measure D to fund the position title of Source Reduction. Mr. Padia stated no he is unaware of such a title but possibly a landscaping position that incorporates waste reduction practices. Board member Stein inquired if there is concrete information on what we are spending with respect to recycled product market development. Mr. Padia stated that compost and mulch is one of the main areas where we are working with landscaping departments in all member agencies to get them use compost and mulch instead of synthetic soil amendments in their civic and permitted landscape projects. This also creates local markets for locally generated materials, In addition, we also push the use of using recycled building materials in green building projects.

Mr. Padia stated that with respect to Recommendation RB-4 –Develop List of Allowable Measure D Categories and Expenses that Provides Interpretations of Measure D Expense Applicability, Meri Soll will take the lead and have conversations with member agency staff and come back to the Board with some recommendations for guiding principles a list of examples. President Martinez inquired if it is possible to organize the expenses according to the target areas. Mr. Padia stated there may be some difficulty but staff will look into a cost effective way of doing it.

Board member Stein inquired about Exhibit C-3 Member Agencies Programmatic Efforts and noted that the list indicates that the city of Emeryville does not have an Environmentally Preferable Purchasing Policy. President Martinez stated that she serves on the city's Sustainability Committee and is certain that they have a guidance as she has requested items to be added to the list. Whatever the status of the policy, it is definitely city practice. Mr. Padia added staff has asked Alameda County GSA to provide a report on EPP to the Board in December and he will consult with agency staff Rachel Balsley to provide any corrections or updates to the chart. President Martinez thanked Mr. Nylund and Ms. Julien for the report.

There were no public comments on this item. Board member Rood made the motion to accept the Five Year Financial and Compliance Audit by Crowe Horwath LLP and approve the recommendations therein, subject to the qualifications enumerated in the staff report. Board member Maass seconded and the motion carried 11-0. The Clerk called the role:

(Ayes: Alonzo, Camara, Martinez, Maass, Moore, Oddie, Peltz, Pentin, Rood, Sherman, Stein. Nays: None. Abstain: None. Absent: None).

2. Grantee Presentation: Dublin Partners in Education (Meri Soll)

This item is for information only.

Meri Soll provided an overview of the staff report and introduced Christine Bennett, Dublin Partners in Education. Ms. Bennett provided an overview of grant activities and presented a PowerPoint presentation. The combined staff report and the presentation is available here:

[Dublin-Partners-Education-presentation-09-14-17.pdf](#)

President Martinez thanked Ms. Bennett for the presentation and stated that she would be interested in seeing the videos produced by the high school students. Ms. Bennett stated that she would provide the videos to Ms. Soll upon completion. Board member Oddie stated that he enjoyed the presentation and added it is good to hear about the good work being done and expressed his appreciation to staff for providing the one-page summary of the presentation from Fixit Clinic as he was able to share it with his city council. He added the city does host a Fixit Clinic at the senior center.

3. Replacement Election of Officer for 2017 (Tom Padia)

Choose to elect a new First Vice President for the remainder of 2017, or leave the position vacant until election of a new slate of officers in December.

Tom Padia provided an overview of the staff report and presented Board member Sherman with a recycled glass bowl for his tenure on the Recycling Board. Mr. Padia informed the Board that the Board of Supervisors considered the appointment of a replacement Source Reduction Specialist at their September 12th meeting and although we have not received confirmation the appointments are customarily approved on the Consent Calendar.

Board member Rood and President Martinez were content to leave the position vacant until December. Board member Pentin made the motion to nominate Board member Alonzo as the First Vice President for the remainder of 2017. Board member Alonzo stated that he would be honored to serve. Board member Oddie seconded and the motion carried 10-0-1. The Clerk called the roll:
(Ayes: Alonzo, Camara, Maass, Martinez, Moore, Oddie, Peltz, Pentin, Rood, Sherman. Nays: None. Abstain: Stein. Absent: None).

Board member Sherman expressed his appreciation to President Martinez in her role as President. Board member Sherman stated that he has truly enjoyed serving as a member of the Recycling Board both as cheerleader and occasionally prodding. He added he is always inspired by the work of the agency and learning about how the finances are spent and its impact on grantees and recycling and waste reduction efforts.

VII. OTHER PUBLIC INPUT

There was none.

VIII. COMMUNICATIONS/MEMBER COMMENTS

There were none.

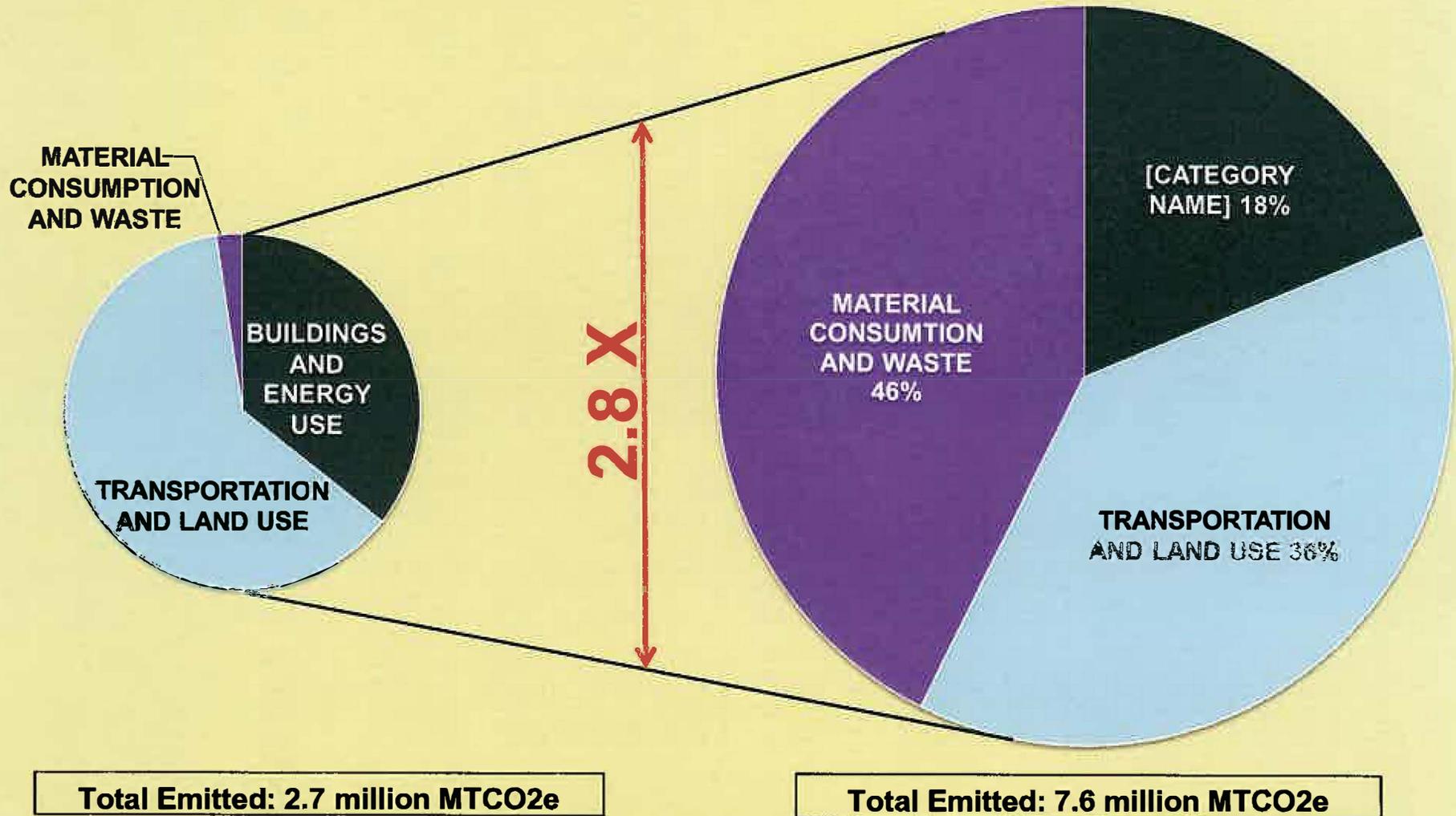
IX. ADJOURNMENT

The meeting adjourned at 8:18 p.m.

True Emissions (2013)

Core Emissions

Consumption Emissions



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2017 - ALAMEDA COUNTY RECYCLING BOARD ATTENDANCE

	J	F	M	A	M	J	J	A	S	O	N	D
REGULAR MEMBERS												
A. Alonzo	X	X	X	X	X	X	X	X	X			
B. Camara	X	X	X	X	X	X	X	A	X			
P. Maass	X	X	X	X	X	X	I	X	X			
D. Martinez	X	X	X	X	X	X	X	I	X			
J. Moore	X	X	X	A	X	X	X	X	X			
J. Oddie	X	X	X	X	X	X	X	X	X			
M. Peltz	X	X	X	A	X	X	X	X	X			
J. Pentin	X	I	X	A	X	I	X	I	X			
T. Rood	X	X	X	X	X	X	X	X	X			
S. Sherman	X	X	I	X	X	X	X	X	X			
T. Stein	X	X	A	X	X	X	X	X	X			
INTERIM APPOINTEES												
D. Biddle		X				X	X	X				
M. Southworth			X									
Shelia Young								X				

Measure D: Subsection 64.130, F: Recycling Board members shall attend at least three fourths (3/4) of the regular meetings within a given calendar year. At such time, as a member has been absent from more than one fourth (1/4) of the regular meetings in a calendar year, or from two (2) consecutive such meetings, her or his seat on the Recycling Board shall be considered vacant.

X=Attended

A=Absent

I=Absent - Interim Appointed

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DATE: October 12, 2017
TO: Recycling Board
FROM: Tom Padia, Deputy Executive Director
SUBJECT: Written Reports of Ex Parte Communications

BACKGROUND

Section 64.130 (Q)(1)(b) of the Alameda County Charter requires that full written disclosure of ex parte communications be entered in the Recycling Board's official record. At the June 19, 1991 meeting of the Recycling Board, the Board approved the recommendation of Legal Counsel that such reports be placed on the consent calendar as a way of entering them into the Board's official record. The Board at that time also requested that staff develop a standard form for the reporting of such communications. A standard form for the reporting of ex parte communications has since been developed and distributed to Board members.

At the December 9, 1999 meeting of the Recycling Board, the Board adopted the following language:

Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board's agenda, giving as much public notice as possible.

Per the previously adopted policy, all such reports received will be placed on the consent calendar of the next regularly scheduled Recycling Board meeting.

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DATE: October 12, 2017
TO: Recycling Board / Planning Committee
FROM: Wendy Sommer, Executive Director
BY: Eric Engelbart, Legislative and Regulatory Affairs Manager
SUBJECT: 2017 Legislative Update

SUMMARY

The first year of the 2017/18 legislative session has now adjourned and the state legislature is on recess. The Governor has until October 15 to sign or veto bills that were passed prior to the September 15 deadline.

In advance of the current session, the Waste Management Authority Board approved the following two legislative priorities at its December 21, 2016 meeting:

- Organics legislation and regulations
- Extended Producer Responsibility

This memo provides an update on the various bills and other legislative efforts for which the Agency took a position or played an active role. Staff will return to the Board in December 2017 to obtain input on priorities for the 2018 legislative year.

DISCUSSION

Organics:

In September 2016, Governor Brown signed SB 1383 into law, which established targets to achieve a 50% statewide reduction in disposed organic waste by 2020, and a 75% reduction by 2025. In order to achieve those targets, CalRecycle is now conducting informal workshops in advance of the formal rulemaking process that is expected to begin next year. Although the regulations will not take effect until 2022, adopting rules in 2019 is intended to allow regulated entities approximately three years to plan and implement necessary budgetary, contractual, and other programmatic changes. StopWaste staff have been actively participating and submitting comments as part of these workshops while looking out for the interests of member agencies, and expect to continue such efforts as the formal rulemaking process commences next year.

This past year, the legislature also considered three key bills related to food waste reduction, all of which passed through both houses of the legislature. As of the date of this staff report, one of those bills (SB 557) was signed into law and the other two are awaiting the Governor's consideration. An overview of each of those bills is provided below. Links to the full text of the legislation have been embedded in the respective bill numbers.

[AB 954 \(Chiu\)](#) - Food Labeling

This legislation would require the California Department of Public Health and California Department of Food and Agriculture to publish guidelines that encourage industry adoption of uniform date label standards, in an effort to reduce food waste. This past February, the Grocery Manufacturing Association and Food Marketing Institute launched a voluntary labelling program to limit food labels to two: "BEST IF USED BY" for quality/freshness, and "USE BY" for safety/perishability. This legislation was sponsored by Californians Against Waste and StopWaste was an active supporter.

[AB 1219 \(Eggman\)](#) - Food Donations – Expansion of Good Samaritan Law

Current law specifies that a food facility that donates any food that is fit for human consumption at the time it was donated to a nonprofit charitable organization or food bank is not liable for damage or injury resulting from the consumption of the donated food, unless the injury resulted from negligence or a willful act in its preparation or handling. This bill would expand these provisions to persons and gleaners who donate food, as defined. The bill would also narrow the exception to protection from liability to injury resulting from gross negligence or intentional misconduct. This legislation was sponsored by Californians Against Waste and StopWaste was an active supporter.

[SB 557 \(Hernandez\)](#) - School Food Donations

Current law generally prohibits food that is unused or returned by the consumer, after being served or sold and in the possession of a consumer, from being offered as food for human consumption. This bill would exempt from this prohibition specified food that food service staff, students, and faculty return to a sharing table at a local educational agency, and that is made available to students during the course of a regular school meal time or then donated to a food bank or any other nonprofit charitable organization. This legislation was sponsored by the Los Angeles Unified School District and StopWaste was an active supporter. Governor Brown signed this legislation into law on September 25, 2017.

Extended Producer Responsibility:

One extended producer responsibility bill that the agency actively supported passed through both houses of the legislature and is awaiting review by the Governor:

[AB 1158 \(Chiu\)](#) - Carpet Recycling

Current law requires a manufacturer of carpets sold in California to submit, either individually or through a carpet stewardship organization, a carpet stewardship plan that meets specified requirements to the Department of Resources Recycling and Recovery. This bill would provide that it is the goal of the state to reach a 24% recycling rate for postconsumer carpet by January 1, 2020, and to meet or exceed

that rate continually thereafter. The bill also would require a carpet stewardship plan to achieve a 24% recycling rate for postconsumer carpet by January 1, 2020, and to include quantifiable 5-year goals and annual goals. This legislation was sponsored by the California Product Stewardship Council (CPSC) and is considered a Green California Priority Bill.

Miscellaneous/ Other:

Cap & Trade Extension and AB 109 (Ting) – Budget Act of 2017

This past July, state lawmakers approved a 10-year extension for California's landmark cap-and-trade program, which requires companies throughout the state to buy permits to release greenhouse gas emissions. The necessary two-thirds vote came with bipartisan support, representing a significant shift from prior years.

The Budget Act of 2017 made appropriations for the support of state government for the 2017–18 fiscal year, and was further amended by AB 109, which was signed into law by the Governor on September 16, 2017. This particular bill authorized an additional \$40 million appropriation from the Greenhouse Gas Reduction Fund for the California Department of Resources Recycling and Recovery (CalRecycle). This funding will enable CalRecycle to expand their Greenhouse Gas Reduction Fund programs, which are designed to reduce greenhouse gas emissions through waste reduction, recycled content manufacturing, composting, and edible food recovery.

Bottle Bill Reform

As discussed in detail at the July 26 WMA Board meeting, outdated regulations and falling commodity prices have led to the closure of more than 560 recycling centers across the state in the last two years, representing approximately 25% of California's redemption infrastructure. Recycling rates once at a high of 85% have dropped below 80% for the first time since 2008, with the latest rates at approximately 77%. Following Senator Wieckowski's unsuccessful effort earlier this year to achieve comprehensive bottle bill program reform via [SB 168](#), the WMA Board voted on July 26 to support [SB 102](#). This more modest reform effort would have returned recycler reimbursement levels to 2015 levels, provided added incentives and flexibility in siting recycling centers in underserved areas, and potentially increased the size of convenience zones.

However, like SB 168, this legislation failed to advance to the Governor's desk. As a result, it is anticipated that bottle bill reform will continue to be a legislative priority for the Agency next year. Staff will include policy language supporting such efforts in the 2018 legislative priorities memo that will be brought forward to the WMA Board at the December 2017 Board meeting.

[SB 564](#) (McGuire) - Water Bill Savings Act

This legislation would authorize joint powers authorities in certain specified counties (including Alameda County) to provide funding for a customer of a local agency to issue bonds to fund the purchase, installation or repair of water efficiency improvements on customers' properties. Such improvements could include drought tolerant landscapes, upgrades to hot water systems, gray water systems, high-

efficiency toilets, or high-efficiency showerheads. The costs for such improvements could then be reimbursed via customers' monthly water bills.

Status: Enrolled and presented to the Governor's desk for consideration

[AB 262 \(Bonta\)](#) - GHG Disclosure for State Contracts

This legislation would require a bidder for certain State contracts to complete a standard form that explicitly states the cumulative amount of specified greenhouse gas (GHG) emissions that were produced in the material extraction and processing, transport to the manufacturing site, and the manufacturing of eligible materials. The bill was sponsored by the Sierra Club.

Status: Enrolled and presented to the Governor's desk for consideration

Final Status of Various Other Bills for which the Agency took a position in 2017 (categorized by topic area):

Extended Producer Responsibility

- | | |
|---|--|
| 1. <u>SB 212</u> (Jackson) Medical Waste
Position: Support
Status: Has become a two-year bill | Inclusion for Incineration of Garbage.
Position: Oppose
Status: Has become a two-year bill |
|---|--|

Organics/Composting/Food Recovery/Compost Market Development

2. [AB 1036](#) (McCarty) Organic Infrastructure Development
Position: Support
Status: Has become a two-year bill
3. [SB 780](#) (Wiener) Water Conservation in Landscaping Act
Position: Support
Status: Has become a two-year bill
4. [AB 920](#): (Curry) California Renewables Portfolio Standard Inclusion for Biomass
Position: Support
Status: Has become a two-year bill
5. [AB 655](#) (O'Donnell) California Renewables Portfolio Standard

Packaging

6. [AB 319](#) (Stone) Single Use Plastic Beverage Container Lids
Position: Support
Status: Has become a two-year bill
7. [AB 567](#) (Quirk-Silva) Water Bottle Refilling Stations at Schools.
Position: Support
Status: Has become a two-year bill
8. [AB 958](#) (Ting) Hazardous Materials: Perfluoroalkyl and Polyfluoroalkyl Substances.
Position: Support
Status: Has become a two-year bill
9. [AB 1287](#) (Acosta) Plastic Product Marketing Claims
Position: Watch
Status: Has become a two-year bill

- 10. AB 1294 (Berman) Plastic Product Marketing Claims
Support
Status: Enrolled and presented to the Governor's desk for consideration
- 11. AB 1594 (Bloom) Ocean Plastic Pollution Data
Position: Watch
Status: Has become a two-year bill
- 12. AB 1659 (Low) Food Service Plastic Packaging Recovery and Recycling
Position: Oppose
Status: Has become a two-year bill
- 13. SB 705 (Allen) Disposable Food Service Containers – Phase out of Polystyrene Containers
Position: Support
Status: Has become a two-year bill
- 15. AB 1288 (Eggman) Solid Waste Disposal Fees
Position: Support
Status: Has become a two-year bill
- 16. AB 1572 (Aguiar-Curry) Integrated Waste Management Plans
Position: Watch
Status: Signed into Law by Governor
- 17. AB 509 (Frazier) Tire Recycling Incentive Payment Program.
Position: Support
Status: Held in Committee, now a two-year bill
- 18. AB 444 (Ting) Home-Generated Medical Waste
Position: Support
Status: Has become a two-year bill

Miscellaneous

**Materials Flow/Franchise/
Enforcement/Fees**

- 14. AB 1147 (Salas) Solid Waste Management Enforcement – increased penalties for recyclables theft.
Position: Watch
Status: Has become a two-year bill

- 19. SB 258 (Lara) Cleaning Product Right to Know Act of 2017
Position: Support
Status: Enrolled and Presented to Governor for consideration

RECOMMENDATION

None. This item is for information only.

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DATE: October 12, 2017

TO: Planning Committee/Recycling Board

FROM: Tom Padia, Deputy Director

BY: Meghan Starkey, Senior Program Manager

SUBJECT: Alameda County Operational Area Emergency Management Organization

SUMMARY

The Alameda County Sheriff's Department has approached us to renew our participation in the Alameda County Operational Area Emergency Management Agreement. Alameda County created a new operational agreement in May, 2016, which updates the previous agreement that the Waste Management Authority joined in 2008, and is therefore seeking a new resolution from the Authority.

By adopting the attached resolution, the Alameda County Waste Management Authority will be an official partner in the organization, and provide support to the emergency response in case of a disaster.

DISCUSSION

The Alameda County Operational Area Emergency Management Organization has agreements with cities, special districts and other public benefit non-profit organizations to provide foundational policies and procedures that define how Alameda County will effectively prepare for, respond to, recover from, and mitigate natural or human-caused disasters. The agreement provides for a unified and coordinated effort between state and local government agencies to ensure effective use of regional and local resources in the event of a catastrophe.

The Sheriff's department asked us to participate as a subject matter expert on debris management. The Authority could also support public outreach during recovery, such as providing information to residents regarding proper management of debris.

Through the Technical Advisory Committee, StopWaste staff has already shared some resources with member agency staff on the topics of disaster preparedness and recovery. Disaster recovery is a particularly important topic, as those efforts can take many years. Disaster recovery focuses on the post-incident topics of damage assessment, public assistance, debris management, individual assistance, long-term recovery, and pre-disaster planning for post-disaster recovery. Having

administrative systems and policies in place before a disaster can greatly ease the burden of suitable recovery (including debris management and proper reimbursement). For example, having a disaster debris management plan in place before a disaster means that FEMA will provide an extra 2% reimbursement for jurisdictions. Given that debris management costs are typically 40% of total costs, and can easily run into the millions of dollars, this is a significant incentive. Similarly, having contracting procedures (or actual contracts) in place also will expedite clean up and maximize cost recovery.

Attachment A is a proposed resolution for the Alameda County Waste Management Authority to become a party of the Alameda County Operational Area Agreement, attached in Appendix B.

RECOMMENDATION

Staff recommends that the Planning Committee recommend that the WMA Board adopt the attached Resolution to Join the Alameda County Operational Area Agreement.

Appendix A: Resolution to Join the Alameda County Operational Area Agreement

Appendix B: Alameda County Operational Area Agreement

Appendix A
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2017 –
MOVED:
SECONDED:
AT THE MEETING HELD

JOINING OF ALAMEDA COUNTY OPERATIONAL AREA AGREEMENT

WHEREAS, the potential for a major catastrophe due to natural or human-caused disaster causes all government entities within Alameda County to be prepared to share resources and information among themselves as well as with the State of California in order to protect public welfare; and

WHEREAS, greater efficiency and disaster preparedness, response, recovery, and mitigation can be achieved by joining the efforts of the County of Alameda, its cities, special districts and other public benefit non-profit corporations together in pre-disaster agreements; and

WHEREAS, the California Emergency Services Act makes reference to the “operational area” and defines it as “an intermediate level of the state emergency services organization” created to perform extraordinary functions for local governments within a county area such as strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources; and

WHEREAS, the sharing of resources in an emergency among public is coordinated under the auspices of the California Master Mutual Aid Agreement;

NOW THEREFORE, BE IT RESOLVED that the Alameda County Waste Management Authority joins the Operational Area Agreement through this resolution.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSTAIN:

ABSENT:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Resolution # 2017-

WENDY SOMMER
Executive Director

Alameda County Sheriff's Office

Lakeside Plaza, 1401 Lakeside Drive, 12th Floor, Oakland, CA 94612-4305



Gregory J. Ahern, Sheriff

Director of Emergency Services
Coroner - Marshal

AGENDA ITEM NO. _____ May 10, 2016

May 3, 2016

Honorable Board of Supervisors
County Administration Building
1221 Oak Street
Oakland, CA 94612

SUBJECT: APPROVE AN AGREEMENT FOR PARTICIPATION IN THE ALAMEDA COUNTY OPERATIONAL AREA EMERGENCY MANAGEMENT ORGANIZATION

Dear Board Members:

RECOMMENDATION:

Approve an agreement for participation in the Alameda County Operational Area Emergency Management Organization with cities, special districts and other public benefit non-profit corporations to provide foundational policies and procedures that define how Alameda County will effectively prepare for, respond to, recover from and mitigate natural or human-caused disasters.

DISCUSSION/SUMMARY:

The preservation of life, property and the environment is the responsibility of local, state and federal government. Alameda County, in cooperation with the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, special districts and other public benefit non-profit corporations has decided to enter into an agreement for the purpose of ensuring a unified and coordinated effort between state and local government agencies to facilitate mutual aid and to ensure the effective and efficient use of regional and local resources in the event of a catastrophe.

The Alameda County Operational Area is an intermediate level of the state emergency services organization, consisting of a county and all political subdivisions within the County area.

The agreement incorporates and coordinates available facilities and personnel of the County into an efficient and effective organization by establishing tasks, specific policies and general procedures using the Standardized Emergency Management System. This will provide for the most effective and economical allocation of resources.

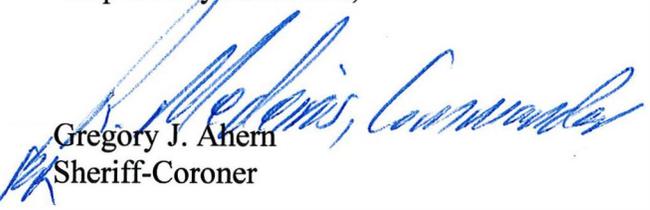
This agreement provides a foundation for that relationship and addresses key issues such as communications, equipment use, medical services, budgetary transactions and resources related to environmental, ecological, recreational and economic issues.

This agreement has been approved as to form by County Counsel and Risk Management.

FINANCING:

No additional appropriation is required. This request will not impact the net County cost in FY 2015-16 or subsequent years.

Respectfully submitted,


Gregory J. Ahern
Sheriff-Coroner

GJA:MMM:mmm

**AGREEMENT FOR PARTICIPATION
IN ALAMEDA COUNTY
OPERATIONAL AREA
EMERGENCY MANAGEMENT ORGANIZATION**

This Agreement is made this 10th day of May, 2016 by and between the County of Alameda and the cities, special districts, and other public benefit non-profit corporations that are parties to this Agreement.

WHEREAS, the potential for a major catastrophe due to natural or manmade disaster requires all government entities within Alameda County to be prepared to share resources and information among themselves as well as with the State of California in order to protect public welfare; and

WHEREAS, greater efficiency and disaster preparedness response, recovery, and mitigation can be achieved by joining the efforts of the County of Alameda, the Cities, Special Districts, and other public benefit non-profit corporations together in pre-disaster agreements; and

WHEREAS, the California Emergency Services Act makes reference to the “operational area” and defines it as “an intermediate level of the state emergency services organization” created to perform extraordinary functions for local governments within a county area such as strengthening mutual coordination, providing a focal point and conduit for disaster information, and assisting in the efficient management of resources;

THE COUNTY, CITIES, SPECIAL DISTRICTS, AND OTHER PUBLIC BENEFIT NON-PROFIT CORPORATIONS AGREE AS FOLLOWS:

1. RECOGNITION OF AND PARTICIPATION IN AN OPERATIONAL AREA EMERGENCY MANAGEMENT ORGANIZATION

The parties to this Agreement recognize an Operational Area, as the term is defined in the California Emergency Services Act (*California Government Code §8550 et seq.*) which designates an intermediate level of organization, cooperation, and planning between public entities within Alameda County boundaries.

The County of Alameda, cities, special districts, and other public benefit non-profit corporations that are parties to this Agreement shall participate in this organizational structure, which is a partnership for a systematic approach for exchanging disaster intelligence, mutual aid requests, and resource requests in emergencies and also to provide emergency preparedness on a day-to-day basis through cooperative training and exercise activities.

The Operational Area Emergency Management Organization will be the primary contact point during an emergency in Alameda County for sharing disaster intelligence among local agencies and between the Operational Area Emergency Management Organization and state and federal agencies requesting information.

C-2016-45

The Operational Area Emergency Management Organization will assist parties to this agreement to share resources before, during, and after an emergency, as well as to prepare, respond, and recover from disasters that strike Alameda County. The Operational Area Emergency Management Organization will prioritize competing needs according to the policies and procedures approved by the Operational Area Council.

Each of the parties to this Agreement will designate individuals to be trained to represent their agency in the Operational Area Emergency Management Organization. The training will be an orientation on the policies and procedures of the Operational Area Emergency Management Organization. Each party to this Agreement will also designate, in writing, a line of succession of officials who are empowered to represent the party to the Operational Area Emergency Management Organization.

2. CONSIDERATION

The consideration under this Agreement is the mutual advantage of protection afforded to each of the parties to this Agreement. There shall not be any monetary compensation required from any to another party as a condition of assistance provided under the agreement, except for reimbursement of direct costs as designated in mutual aid agreements. Nothing in this agreement shall be construed as altering any preexisting disaster response agreements between the parties.

3. STANDARDIZED EMERGENCY MANAGEMENT SYSTEM

The Operational Area Emergency Management Organization and its policies and procedures will be regulated by the Standardized Emergency Management System as stated in *California Government Code §8607*, and its implementing regulations, *California Code of Regulations, Title 19, Division 2, Office of Emergency Services, Standardized Emergency Management System*, and guidelines. The incident command system and a multi-agency coordination system, as described in those regulations and guidelines, will be used for coordination and direction of the parties to this agreement participating in emergency efforts. The *Alameda County Emergency Operations Plan* shall be the primary method and criteria used to conduct Operational Area Emergency Operations Center activities.

4. OPERATIONAL AREA COORDINATOR

The Sheriff/Director of Emergency Services is the Operational Area Coordinator. It is the responsibility of the Operational Area Coordinator to oversee the operation of the Operational Area Emergency Management Organization and to reasonably interpret the terms of this agreement.

It is the responsibility of the Operational Area Coordinator to encourage equal representation by parties to the agreement on a day-to-day basis and to include representatives of affected parties to this agreement and mutual aid coordinators in the operational decision making before, during, and after a disaster strikes Alameda County.

5. COUNCIL

An Operational Area Council is hereby established consisting of a representational membership of the party jurisdictions to this Agreement. The Council shall include one voting representative from each of the following:

- a. The President of the **Board of Supervisors**, or his/her designee;
- b. The **Sheriff/Director of Emergency Services**, or his/her designated alternate;
- c. The **Alameda County Administrator**, or his/her designated alternate;
- d. The **County Agency Heads** having primary functional responsibilities in a disaster, or their designated alternates;

Including, but not limited to:

1. Auditor-Controller
 2. Fire Department
 3. General Services Agency
 4. Health Care Services
 5. Human Resource Services
 6. Public Works Agency
 7. Sheriff's Office
 8. Social Services Agency
- e. The President of the **Alameda County Emergency Managers' Association**, or his/her designated alternate;
 - f. The President of the **Alameda County Fire Chiefs' Association**, or his/her designated alternate;
 - g. The President of the **Alameda County Chiefs of Police and Sheriff's Association**, or his/her designated alternate;
 - h. A City Manager of a **North County City**, or his/her designated alternate, chosen annually by the cities of Alameda, Albany, Berkeley, Emeryville, Oakland, and Piedmont to represent them in the Council;
 - i. A City Manager of a **South County City**, or his/her designated alternate, chosen annually by the cities of Fremont, Hayward, Newark, San Leandro, and Union City to represent them in the Council;
 - j. A City Manager of an **East County City**, or his/her designated alternate, chosen annually by the cities of Dublin, Livermore, and Pleasanton to represent them in the Council;

- k. A General Manager of a **Regional District** based in Alameda County, or his/her designated alternate, chosen annually by participating regional districts, defined as a special district having service areas in more than one county, to represent them in the Council;
- l. A General Manager of a **Special District**, or his/her designated alternate, chosen annually by participating special districts having their entire service area within the boundaries of Alameda County to represent them in the Council;
- m. The **Alameda County Superintendent of Schools**, or his/her designated alternate, to represent the school districts of Alameda County;
- n. A Director of a **Public Benefit Non-profit Corporation**, or his/her designated alternate, chosen annually by the Alameda County Voluntary Organizations Active in Disaster executive committee to represent them in the Council;
- o. A Chief Executive Officer or President, or his/her designated alternate, of a **private sector company** doing business in this county that is an active member of the Emergency Managers' Association of Alameda County and is selected annually by the Operational Area Coordinator; and
- p. Such representatives of **other organizations**, either civic, business, labor, veterans, professional or other organizations having an official group or organization having disaster responsibility and may be appointed by the Operational Area Coordinator.

It is the responsibility of the Operational Area Council to set the policies and procedures for the governing of the Operational Area Emergency Management Organization and to review and approve recommendations for changes to these policies and procedures on an annual basis. The Operational Area Council will also serve as the Alameda County Civil Defense and Disaster Council, as described in the *Alameda County Administrative Code, Chapter VI*. The County of Alameda will supply staff support for the Operational Area Council.

6. PROVISION OF FACILITIES AND SUPPORT

The County of Alameda shall provide its emergency operations center as the site for the Operational Area Emergency Management Organization. The County of Alameda will provide support staff for the emergency operations center and all reasonable supplies for the Operational Area Emergency Management Organization during actual activations, drills, and exercises. All parties to this Agreement may provide representatives for decision making and liaison to operational elements of the Operational Area Emergency Management Organization when activated.

The Operational Area Emergency Management Organization will facilitate the mutual aid systems used by local agencies to assist each other in a disaster with the resources necessary to save lives, mitigate property loss, and meet the basic needs of the people.

7. TERM OF AGREEMENT

This Agreement shall be effective from the date executed by all parties until December 31, 2025. This Agreement may be terminated prior to the conclusion of the term by mutual agreement of a majority of the member parties.

8. WITHDRAWAL OF PARTY

Any party to this Agreement may withdraw as a party to this Agreement prior to the termination of the term of this Agreement upon giving thirty (30) days prior written notice to all other parties.

9. ADDITIONAL PARTIES

Additional parties, who are public entities within the geographical boundaries of Alameda County, may join in this Agreement and become a member party upon execution of an Exhibit to this Agreement in which the entity agrees to be subject to the conditions and terms of this Agreement. The executed Exhibit shall become a part of this Agreement automatically after the expiration of thirty (30) days following notification by the new party to all other parties to the execution of the exhibit. Thereafter, the entity shall be considered to be a party of this Agreement unless the entity withdraws as provided herein. Provided however, in the event any existing party to the Agreement gives all other parties notice of its objection to the addition of the particular entity becoming a member to this Agreement within the thirty (30) day notice period, the addition of such party to this Agreement shall require the consent of a two-thirds majority to the then member parties.

10. INDEMNIFICATION AND HOLD HARMLESS

Each of the parties agree to indemnify and hold the other parties harmless and waives all claims for compensation for any loss, damage, personal injury, or death incurred in consequences of the acts or omissions of the indemnifying parties' own employees and agents in the performance of this Agreement.

It is the intent of the parties that, where negligence is determined to have been contributory, principles of comparative fault will be followed and each party shall bear the proportionate costs of any loss, damage, expense, and liability attributable to the party's negligence.

11. SALARIES, EMPLOYMENT AND WORKERS COMPENSATION BENEFITS

The salaries, employment and workers compensation benefits of each employee participating in the Operational Area Emergency Management Organization shall be the responsibility of the party employing the individual. It is understood that each party's employees have no rights, benefits, or special employment status conferred by reason of this Agreement.

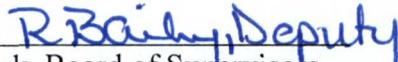
IN WITNESS WHEREOF THE PARTIES HERETO HAVE EXECUTED THIS AGREEMENT AS FOLLOWS:

COUNTY OF ALAMEDA, a
political subdivision of the
State of California

By 
SCOTT HAGGERTY, President
Board of Supervisors

I hereby certify under penalty of perjury that the President of the Board of Supervisors was duly authorized to execute this document on behalf of the County of Alameda by a majority vote of the Board on May 10, 2016; and that a copy has been delivered to the President as provided by Government Code section 25163.

ATTEST: ANIKA CAMPBELL-BELTON
Clerk, Board of Supervisors
Alameda County, California

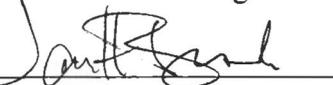
By 
R. Bailey, Deputy
Clerk, Board of Supervisors

APPROVED AS TO FORM AND CONTENT:

DONNA ZEIGLER
County Counsel

By 
L. David Nefouse
Deputy County Counsel

BARBARA LUBBEN
Director of Risk Manager

By 
Janette Brook

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DATE: October 12, 2017
TO: Planning Committee/Recycling Board
FROM: Tom Padia, Deputy Director
SUBJECT: Mattress Product Stewardship Update

SUMMARY

In 2013, State Senator Loni Hancock authored SB 254, establishing an industry-run, statewide program to increase the recovery and recycling of used mattresses, and to reduce public agency costs for the end-of-life management of used mattresses. At the October 12 Planning Committee/Recycling Board meeting, staff will present a status update on this relatively new statewide product stewardship program.

DISCUSSION

In 2013, the mattress industry formed the Mattress Recycling Council (MRC) to design, implement and administer recycling programs in states that have enacted mattress recycling laws (Rhode Island, Connecticut and California). MRC launched the California program on December 30, 2015 and set a per unit recycling charge of \$11 for each mattress sold in California (includes box springs and foundations). The funds collected by MRC (a 501(c)(3) non-profit corporation) are used to fund the recovery efforts laid out in their plan and budget submitted each year to CalRecycle.

The MRC program aims to collect discarded mattresses and foundations through six different channels (as noted in the Annual Report dated June 30, 2017– links to Annual Report, Comments, and CalRecycle Response at <http://www.calrecycle.ca.gov/Mattresses/MROReports/default.htm>):

- Consumer drop off at no-cost collection sites (primarily transfer stations and landfills) – 122 sites established in 43 counties – 442,842 units collected. Includes one location in Alameda County: the Hayward Transfer Station, a small C&D debris facility.
- Retailer used mattress take-back – the law requires retailers delivering new mattresses to consumers to offer to haul away old units at no additional charge.
- Consumer drop off at MRC-contracted recyclers (six companies with 11 locations) with an “incentive payment” of \$3 per unit for up to five units per day per vehicle – 124,925 units collected. Includes two locations in Alameda County: DR3 in East Oakland and Blue Marble in San Leandro.
- Illegally dumped mattress collection initiative – 40 participating entities (including City of Oakland) in 29 counties paid (at the end of the year) \$10 per documented abandoned unit collected for 23,794 units statewide. Funds paid from a \$750,000 MRC budgeted line item for this purpose.

- Consumer drop off at collection events (50 events held in 49 counties) – 6,282 units. StopWaste continues to work with Alameda County Environmental Health and MRC to include mattress collection in the one-day HHW events held around the county, as space allows.
- Large quantity institutional collectors (e.g. dormitories, hotels, prisons).

City of Oakland Recycling Program staff recently conducted an informal “secret shopper” phone survey of local mattress retailers and found that few accurately represented the state requirement that they provide free pickup and recycling of old mattresses to consumers purchasing new units and opting for delivery (retailers are allowed to charge for delivery, and usually do). Subsequent discussions with MRC and CalRecycle staff revealed that this requirement is weak and largely unenforced.

The mattress program submitted its first annual report to CalRecycle on June 30, 2017. CalRecycle serves in an oversight role, monitoring the industry run program for compliance with the broad mandates of the law but is unable to prescribe specific actions or activities. StopWaste submitted comments to CalRecycle on the MRC Annual Report (Attachment A) noting the areas needing improvement if any significant dent is to be made in the illegal dumping problem of old mattresses.

Staff will discuss with the Committee the areas of concern with the MRC program. Given that this is the first annual report from the MRC and the program is still adjusting and ramping up, legislative “fixes” are premature at this time, but if after submittal of the second annual report by July 1, 2018, the same deficiencies are still evident, it may be appropriate to consider statutory changes.

RECOMMENDATION

None. This item is for information only.

Attachment A: StopWaste Comment letter dated July 12, 2017

Link to CalRecycle Mattress Recycling page: <http://www.calrecycle.ca.gov/mattresses/>



July 12, 2017

StopWaste is the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council operating as one public agency.

CalRecycle

Delivered via email – mattresses@calrecycle.ca.gov

Subj.: Comments of the Mattress Recycling Council draft 2016 California Annual Report and proposed 2018 Program Budget

Dear CalRecycle:

Thank you for the opportunity to offer comments on the draft first annual report by the MRC on the California mattress stewardship program.

As an overall comment, I note that currently there are three participating mattress collection sites in Alameda County (pop. 1,645,359), all clustered near each other in the west-central area of the county. Two of the three are recyclers (DR3 and Blue Marble) and one, a small C&D transfer station, is a collection site only. There are no collection sites in the east, south or north areas of our county, and many heavily populated areas are 10+ miles from any of the current sites. None of the major MSW transfer stations or landfills are participating, regardless of whether they are privately owned and operated (Davis Street Transfer Station (WM), Fremont Transfer Station (BLT), Pleasanton Transfer Station (PGS), Vasco Road Landfill (Republic)) or publicly owned and operated (Berkeley Transfer Station), even though most of the transfer stations have been separating mattresses for recycling for many years. Gate charges for mattresses and box springs at these transfer stations range from \$14/unit (Berkeley, and \$14.62 ea. @Fremont Transfer Station) to \$21.70/each at WM’s Davis Street Transfer Station. This lack of “free” collection sites in large urban areas combined with the relatively paltry bounty of \$3 per unit paid to consumers delivering up to five units per day per vehicle means that the program, at the end of the first year, has had virtually no perceptible impact on illegal dumping of mattresses in our area. Contra Costa County, to our north, currently has no collection locations.

Member Agencies:

- Alameda County
Alameda
Albany
Berkeley
Dublin
Emeryville
Fremont
Hayward
Livermore
Newark
Oakland
Piedmont
Pleasanton
San Leandro
Union City
Castro Valley
Sanitary District
Oro Loma
Sanitary District

Page by page comments:

p. 17, Section B.1. “MRC also pays some sites a reasonable amount for accepting, collecting, storing and handling the mattresses.” I would argue that the amount offered has not been “reasonable” from the perspective that it has not persuaded any of the major solid waste facilities in our region to participate. These are the locations that people frequent to dispose of unwanted materials.

p. 28, Plan Objectives: “Establish a collection site or event in each county” and p. 29, “For these reasons, MRC proposes no changes to this goal.” One site or event in each county is woefully inadequate. One collection site per 250,000 population, or one within a radius of 10 miles in

urban areas, or something similar (along with some standard for hours per week that a site is open) would be a goal far more likely to have a meaningful impact.

p. 29, Plan Objectives: “Establish a consumer incentive to bring discarded mattresses to recyclers.” “MRC considers this (\$3 per unit drop-off incentive) to be successful and proposes no changes to this goal.” As stated previously, the amount this incentive payment and locations where it is offered has had little visible impact on illegal dumping of mattresses. In a pilot project grant that StopWaste awarded to DR3 in 2015, over six months one thousand illegally dumped mattresses around Alameda County were “tagged” with distinctive tamper proof sequentially numbered vinyl tags affixed with a metal “hog ring” and accompanied by a flyer offering a bounty ranging from \$6 (twin) to \$12 (king) for units returned to DR3. 727 of the 929 tagged units (78%) that were within 13 miles of DR3 were returned for the incentive payment, while only 20 of the 71 units (28%) that were 16-27 miles away were turned in. The clear conclusion was that “scavenging” behavior of illegally dumped units is quite sensitive to the amount of the bounty and the distance to the facility. The \$3 amount may be a “reward” to those planning to haul their own units to a recycling facility anyway, but it does not appear to be an “incentive” to third parties to clean up any abandoned mattresses they come across (and one sees them daily).

p. 32, Table of Materials Recycled: I believe the second line is supposed to be “Foam” not “Retail.” A very picayune point: The term “cardboard” is an imprecise label that is often used synonymously with “corrugated,” but not always. If the material referenced is non-corrugated, perhaps “paperboard” might be a better descriptor.

The Proposed 2018 Budget: If payments to collection sites were to increase to a level adequate to enlist the participation of most transfer stations in our area (or to entice other recycling businesses similarly situated to participate in lieu of the transfer stations), and if the incentive payment were to increase to a level adequate to actually incentivize collection of illegally dumped units by someone other than haulers or public works crews (who are out cleaning them up anyway), then the level of program expenditures necessary to produce an acceptable result may increase. It seems premature to propose lowering the fee when the current budget is not yet producing acceptable levels of convenience and incentive.

StopWaste continues to work to incorporate mattress collections into the one day HHW collection events held around Alameda County, wherever space and logistics permit. We look forward to working with the MRC, its partners, local jurisdictions and CalRecycle to develop an effective model mattress stewardship program in California.

Respectfully,



Tom Padia

Deputy Executive Director | StopWaste
1537 Webster St. | Oakland, CA 94612
p: (510) 891-6525 | f: (510) 893-2308



DATE: October 12, 2017
TO: Planning Committee/Recycling Board
FROM: Tom Padia, Deputy Director
SUBJECT: Planning Committee/Recycling Board Meeting Time

SUMMARY

At the October 12 Planning Committee/Recycling Board meeting, staff will poll Committee members regarding possible change of afternoon meeting times from 4:00 p.m. to 3:00 p.m. in 2018.

DISCUSSION

The Recycling Board is required by the County Charter to hold regular monthly meetings with at least five of those meetings in the evenings, one in each County Supervisorial District. For many years the Board has met on the second Thursday of each month, at either 4:00 p.m. at StopWaste or at 7:00 p.m. at various locations around the county. Usually one or two of the afternoon meetings are switched to 3 p.m. on the fourth Wednesday as joint meetings with the Waste Management Authority to discuss lengthy issues of joint interest, such as the proposed budget for the coming year.

The Authority appoints five of its members to serve on the Recycling Board. A current member of the WMA who is interested in filling in as an alternate or possibly serving on the Recycling Board has been unable to offer himself for consideration in the past due to a standing conflict with another public meeting, but has indicated that if the meetings were to start at 3:00 p.m. instead of 4:00 p.m., he would be able to do so.

Given the strict Board member attendance requirements contained in the Charter (the seat is vacated of any member missing two consecutive regular meetings or more than one fourth of the regular meetings in a calendar year) and the fact that current members have been appointed knowing the current meeting times, a change of the afternoon meeting times is an issue of some importance. If all current members of the Planning Committee/Recycling Board indicate that a change from 4 p.m. to 3 p.m. would be acceptable, staff will incorporate the 3 p.m. meeting times into the proposed 2018 meeting schedule planned for the December agenda. If any current members indicate that such a switch would be a hardship or possibly would result in inability to attend meetings, the proposed meeting times for 2018 will remain unchanged.

RECOMMENDATION

That all current members of the Recycling Board indicate whether or not a change in 2018 to 3 p.m. afternoon meeting times would be acceptable to them.

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Conrad MacKerron [Follow](#)

Senior Vice President, As You Sow. Thought leader on #recycling and resource efficiency; @AsY...
Sep 6 · 4 min read

Strengthening the California Industry Carpet Recycling Program

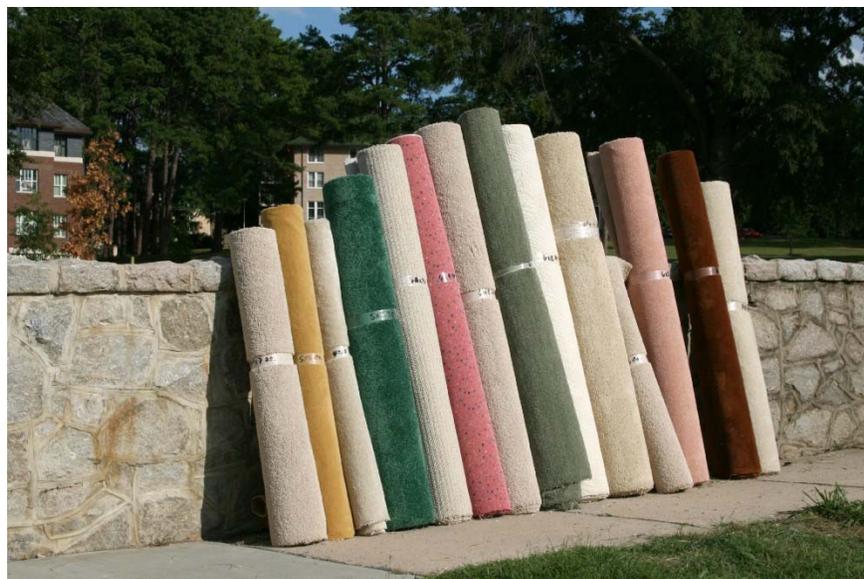


Image via Wikimedia Commons

As California lawmakers consider legislation (AB 1158, Chu, D-San Jose) to strengthen the industry-managed carpet recycling program, it is helpful to take a look at the latest corporate sustainability report by Mohawk, the world's largest flooring company and a major industry player.

The report ticks off several encouraging recycling statistics. The company says it recycled 5 billion plastic bottles into carpets last year. That sounds good, but in the context of corporate responsibility in a Circular Economy, it can be deceptive as well. The report says “Mohawk is committed to keeping more materials in our manufacturing loop and out of landfills—the essence of a circular economy.”

It's good to divert materials from landfills, but a circular economy's chief aim is to design materials so they can be recycled indefinitely,

preferably in a closed loop or failing that, extract the most value from them in a regenerative fashion. Plastic bottles are already a great example of closed loop recyclability—they can be readily recycled many times over into new plastic bottles. But in carpet, PET fibers are more difficult and costly to recycle than traditional nylon fibers. So what happens to the plastic bottles Mohawk “recycles” into carpet? 89% of discarded carpet in the U.S. ends up in landfills, 6% is incinerated, and less than 5% is recycled. So despite a positive intent, making plastic bottles into carpeting appears to end up wasting the resource in most cases, and downcycling it at best.

Recently, Mohawk launched a PET-based carpet that it claims is 100% recyclable. This seems like a step in the right direction but until the company also commits to shift a meaningful portion of production to this model, and funds recycling technology and logistics at scale needed to recover it in volume, there’s no assurance the material will actually be recycled.

The carpet industry has shown little initiative in designing carpets that not only can be readily recycled, but actually *are* recycled in line with Circular Economy principles. As a result, California passed legislation in 2010 requiring manufacturers to develop a collection and recycling program. The program raised millions of dollars from consumer fees, and the industry set a state goal of 16 percent carpet recycling by 2016. But instead, the rate fell from 12 percent to 10 percent in 2015, after which it grew slightly to 11 percent in 2016. In April 2017, the state recycling agency CalRecycle issued a finding that the program had failed to achieve “continuous and meaningful improvement” in rates of recycling and diversion of post-consumer carpet as required by the law. CalRecycle rejected the industry’s program plans and proposed \$3 million in fines.

AB 1158, the bill pending in the California legislature would strengthen carpet recycling in the state. It sets a recycling rate of 24 percent by 2020, opens the industry-run recycling program (known as Carpet America Recovery Effort) to stakeholder review by an advisory committee, and bars use of recycling fees collected from the public for incineration, paying penalties, or suing the state.

As You Sow works with shareholders who believe companies need to take greater responsibility for the post-consumer portion of the life cycle of products. One month ago, we invited Mohawk and Shaw to start a dialogue with shareholders on carpet design and recycling. So far, we have heard nothing from these companies.

We are pleased that two major carpet companies, Interface and Tarkett, have endorsed AB 1158 for taking constructive and sensible actions designed to improve recycling of carpet in California. Last we heard, the two industry leaders Mohawk and Shaw, opposed the bill. It might be different if Shaw and Mohawk had built a better recycling model in other states, but there is no national carpet recycling program, or recycling goals. In fact, the industry has opposed mandatory recycling programs in other states. As a result, much of the bulky, cumbersome carpet waste ends up in landfills and imposes significant costs on local governments for its management.

As You Sow believes the California model holds promise and deserves full industry support of these modest legislative reforms to tweak the program so it can achieve better results. There seems to be a disconnect between Mohawk putting recyclable carpet on the market, but opposing efforts to improve a system to collect those materials and ensure they actually get recycled. We will continue to engage publicly-traded companies to take more responsibility to design carpets for recycling, and ensure that programs are in place to ensure that carpets actually get collected and recycled.



RECYCLING

Pushing Back on China's Recycling Mandates

Some of our arguments are procedural. In addition, we have noted that requiring bales to have no more than 0.3 percent contaminants is an impossible standard.

Chaz Miller | Sep 27, 2017

The Green Fence came first. Launched by the Chinese government in 2013, the Green Fence was an initiative designed to ensure that bales of imported recyclables—in particular paper and plastics—contained those recyclables and no “garbage” or other materials. Just two months ago, the Chinese

government has again attacked the same problem with a new policy called National Sword.

Since the announcement of this campaign, American recyclers have been pushing back. Some of our arguments are procedural, having to do with the very short notice of this new set of import restrictions, the lack of clarity about what recyclables the new rules cover and the need for internationally accepted standards for grades of recyclables. In addition, we have noted that requiring bales to have no more than 0.3 percent contaminants is an impossible standard. (Kudos to my colleague Anne Germain for writing NWRA's comments .)

Clearly the Chinese government is concerned that garbage is being willfully sent to their country disguised as recyclables. An official of the Ministry of Environmental Protection told the press in July that "the problem of foreign garbage is loathed by everyone in China." Press reports also indicate that a recent documentary, *Plastic China*, alleging the health and environmental harms of imported plastics for recycling, spurred Chinese officials to take action. How much real garbage was in bales of recyclables and how much was just run-of-the-mill contaminants doesn't matter. The Chinese government believes its country is being dumped on and they want to stop it.

We have good reason to be concerned. China imports about 30 percent of the paper collected for recycling in this country and at least an equivalent percentage of plastics. If this market were to shut down tomorrow, the result would not be pleasant for the American recycling industry.

But as a number of recyclers have pointed out, this sword cuts both ways. The Chinese government is anticipating a fast and strong increase in domestically generated paper and plastic. Yet they may have overestimated how quickly they can increase domestic supplies while underestimating the

current recycling rate in China. Recent press reports have highlighted the negative impact of “surges” in prices for domestic recycled paper as import permits are reduced and local supplies are woefully short. This will lead to pressure from Chinese mills to allow quality bales of recyclable paper into the country.

In addition, American recycled fiber, especially OCC (old corrugated boxes), has a very good reputation for its long fibers. As a result, most industry analysts believe that imports of American OCC will continue to be accepted. While they may not meet the 99.97 percent purity requirement, they will come close enough to be allowed in.

Mixed paper presents a bigger problem. Twenty years ago, mixed paper was a low quality, low value orphan. Now, thanks to the rapid expansion of what we collect at the curbside, it is the perhaps the most important recycled paper grade for municipal programs. While we have domestic markets for this grade, their capacity is less than what we generate.

The good news is that the existing market (Pratt Recycling) was built with stock preparation systems designed for single stream generated mixed paper. The better news is that with the rise of e-commerce and the “browning” of mixed paper due to curbside-generated corrugated boxes, other mills now see mixed paper as a good fiber source and are planning their own stock preparation systems. The bad news is that this new capacity won't go into operation overnight. As a result, expect a bumpy ride for mixed paper while we sort out what can be exported and increase domestic capacity.

As for plastics, especially mixed plastics, I have mixed news. The recent idling of the QRS processing facility in Baltimore shut down a major processor for this grade. Clean bales of PET and HDPE should be okay if they meet the purity requirement, mixed plastics will prove more challenging.

What can the recycling industry do to fix this problem? Processors who do a sloppy job need to clean up their act. Any MRF that is still dressing its paper bales (cutting off plastic bottles and other contaminants from the exterior of a bale) needs to come clean. Collectors and local governments need to step up on curbside enforcement. If you don't collect crap you won't have to process it out.

Most importantly, we need to rebuild the American paper industry. On Sept. 6, Graphics Paper announced the closing of its recycled paperboard mill in Santa Clara, Calif. According to the company, production would be shifted to lower cost Midwest and Southern mills. This is the 14th paper mill to close in California since 2000. Nine of them were recovered paper mills. We don't create domestic markets when mills close.

What about the longer term? As I noted above, I'm not particularly worried about OCC. I am also optimistic, as are a number of industry analysts, that a grade of "clean" mixed paper will emerge with sufficient brown fiber and quality controls to be acceptable to Chinese authorities. After all, the modern Chinese paper mills were designed to take this grade of paper and they need it.

But I am worried that the Chinese government might consider recycling to be an inherently dirty business and that recycled paper and plastic are simply inferior in quality to virgin paper and plastic. If that is what the government means by "garbage," we have a bigger problem on our hands. We must take the National Sword seriously. Process better, collect cleaner materials and, most importantly, rebuild the American recycling industry.

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