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**MINUTES OF THE JOINT MEETING OF THE  
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA) BOARD,  
THE ALAMEDA COUNTY RECYCLING BOARD (RB)**

**AND  
THE ENERGY COUNCIL (EC)**

**Wednesday, September 17, 2014**

**3:00 p.m.**

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

**I. CALL TO ORDER**

President West, WMA, called the meeting to order at 3:05 p.m.

**II. ROLL CALL**

**WMA & EC**

City of Alameda	Lena Tam
City of Albany	Peter Maass
City of Berkeley	Gordon Wozniak
Castro Valley Sanitary District	Dave Sadoff
City of Dublin	Don Biddle
City of Emeryville	Jennifer West
City of Fremont	Anu Natarajan
City of Hayward	Greg Jones
City of Livermore	Laureen Turner
City of Newark	Luis Freitas (left 4:15 p.m.)
City of Oakland	Dan Kalb
City of Piedmont	Tim Rood
City of Pleasanton	Jerry Pentin (left 3:30 p.m.)
City of San Leandro	Pauline Cutter

**Absent:**

County of Alameda	Keith Carson
Oro Loma Sanitary District	Laython Landis
City of Union City	Lorin Ellis

**RB:**

Solid Waste Industry Representative	Michael Peltz (via teleconference)
Source Reduction Specialist	Steve Sherman
Environmental Industry	Toni Stein
Recycling Materials Processing Industry	Minna Tao

**Absent:**

Recycling Programs	Chris Kirschenheuter
Environmental Organization	Daniel O'Donnell

**Staff Participating:**

Gary Wolff, Executive Director  
Jeff Becerra, Communications Manager  
Richard Taylor, Counsel, Authority Board  
Arliss Dunn, Clerk of the Board

**Others Participating:**

John Fusco, Senior Engineer, EOA Inc

**III. ANNOUNCEMENTS BY THE PRESIDENTS**

President West welcomed the new Board members; Greg Jones, city of Hayward (WMA), and Toni Stein, Environmental Educator (RB). A roundtable of introductions followed.

Mayor Halliday, City of Hayward, thanked the Board for its support during her tenure and pledged her continuous support of the agency's programs. Mr. Wolff presented Mayor Halliday with a recycled glass bowl for her service, and presented Boardmember Tam with a recycled glass platter for her service as the 2013/14 Energy Council President.

**IV. CONSENT CALENDAR (WMA, EC & RB)**

- |    |  |                    |
|----|--|--------------------|
| 1. | <b>Approval of the Draft Minutes of June 25, 2014 and July 23, 2014 (WMA &amp; EC-Separate Votes) (Gary Wolff)</b>           | <b>Action</b>      |
| 2. | <b>Approval of the Draft Minutes of June 12, 2014, July 10, 2014 &amp; August 14, 2014 (RB only) (Gary Wolff)</b>            | <b>Action</b>      |
| 3. | <b>Energy Upgrade California Community Ambassadors Grant acceptance (EC only) (Gary Wolff, Wendy Sommer &amp; Karen Kho)</b> | <b>Action</b>      |
| 4. | <b>Minutes of the July 18, 2014 and August 27, 2014 Technical Advisory Group (TAG) (EC only) (Gary Wolff)</b>                | <b>Information</b> |
| 5. | <b>Recycling Board Attendance Record (Gary Wolff) (RB only)</b>  | <b>Information</b> |
| 6. | <b>Written Report of Ex Parte Communications (Gary Wolff) (RB only)</b>  | <b>Information</b> |
| 7. | <b>Grants Under \$50,000 (WMA only) (Gary Wolff)</b>   | <b>Information</b> |

Board member Freitas made the motion to approve the Consent Calendar for the WMA Board. Board member Wozniak seconded and the motion carried 15-0-1 (Carson, Ellis, and Landis absent) (Jones abstained).

Board member Tam made the motion to approve the Consent Calendar for the Energy Council. Board member Wozniak seconded and the motion carried 14-0- 1(Carson and Ellis absent) (Jones abstained).

Board member Pentin made the motion to approve the Consent Calendar for the Recycling Board with corrections to the Recycling Board attendance roster noted below. Board member Tao seconded and the motion carried 9-0 (Kirschenheuter and O'Donnell absent).

Corrections: Indicate Board member Pentin as "I" for his interim appointment. Indicate Board member Biddle as "A" absent as the interim appointment for Mr. Pentin. Add Boardmember Ellis to the Recycling Board attendance roster and mark him present for the August meeting.

**V. OPEN PUBLIC DISCUSSION (WMA, EC & RB)**

There was none.

**VI. REGULAR CALENDAR (WMA, EC & RB)**

- |    |   |               |
|----|---|---------------|
| 1. | <b>Reusable Bag Ordinance - Update and Change in Bag Price Recommendation</b>   | <b>Action</b> |
|    | Staff recommends that the Authority Board make a finding that the ordinance has achieved its goal to substantially reduce environmental impacts. Under the term of the ordinance, making this finding means that the minimum price per compliant bag will not increase from 10 cents to 25 cents. |               |

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Ms. Soll provided an overview of the staff report and presented a powerpoint presentation. The staff report is available here: <http://www.stopwaste.org/docs/Bag%20Update%2009.17.14%20joint%20meeting.pdf>  
The presentation is available here: <http://www.stopwaste.org/docs/0914-Plastic-bags-Joint-Board%20-9-17.pdf>

Board member Kalb stated that with respect to the Reusable Bag Ordinance and its effect on litter, we are only measuring the effects from the confines of our ordinance and not other sources. Ms. Soll agreed with the statement and stated the task at hand is to determine if the ordinance is effective using data from the affected stores. Mr. Wolff added it is safe to say that of these affected stores the data shows a reduction in the number of plastic bags and therefore a reduction in litter and the policy question before the Board is if the ordinance has been effective at the affected stores. Mr. Kalb stated that the mission is to reduce litter and waste and the conversation about the minimum price could also include expanding the types of affected stores.

Board member Wozniak stated he is pleased that the ordinance is effective in the subset of affected stores and suggests that if the Board decides to consider possible expansion to other stores to continue the 10 cents minimum price per bag. Mr. Wozniak commended staff on an impressive presentation and encourage staff to make presentations to the City Councils. Board member Maass inquired if the data implies that 56% of the bags distributed prior to the ordinance were from stores now covered under the ordinance. Mr. Fisco stated that the data post ordinance indicates that there has been a significant decrease in plastic bags in the storm drain from covered stores. Most of the bags contributing to the litter problem were from box stores and large grocery stores. Another contributing factor is adjacent counties that have not adopted similar ordinances.

Board member Maass commented on the Australian study regarding the effects on GHG impact with respect to reusable bags, and stated that if the bags are being produced in reaction to such ordinances and not being used there is an increase to the GHG impact (*Ms. Soll provided an errata sheet as a correction to the language in the staff memo about the Australian report. It is included in the minutes as a matter of record*). Board member Rood thanked staff for the press release on the success of the ordinance which he shared with his Council and inquired about the metrics the Board should use when making a determination. Mr. Wolff stated the language contained in the ordinance - that the ordinance has substantially reduced the environmental impacts of single use bags -- is the basis for a determination. Mr. Rood stated the ordinance has been effective based on the businesses covered under the ordinance. Ms. Stein inquired about data that shows the reduction in both paper and plastic bags. Mr. Wolff stated that we did not calculate the percentages for paper bags, but one could from the data presented. Board member Natarajan inquired about the effects of SB270 on our ordinance. Ms. Soll stated that the agency can modify the ordinance in only two ways if SB270 is signed into law: expand the types of stores covered, or increase the minimum price per compliant bag. Ms. Natarajan stated her support for not increasing the minimum price from 10 cents and her support for making the report available to the Councils and the public at large. Mr. Sadoff stated that staff has provided strong evidence that the ordinance has been effective and supports the staff recommendation. Board member West inquired about other opportunities for having the discussion about raising the minimum price. Mr. Wolff stated that if an option in the discussion of expansion would require raising the minimum price, then the Board could do it as part of that process. Board member Rood asked for clarification regarding SB270 and compostable bags. Ms. Soll stated the bill would allow compostable bags, but we would not have to adhere to those regulations as our ordinance is grandfathered in.

Board member Kalb stated that he would like to amend the recommendation to add the phrase "from among stores covered by this ordinance. Authority Counsel recommends that the recommendation states "Having reviewed the information from the stores here the Authority Board make a finding that the ordinance has substantially reduced the environmental impacts of single use bags. Under the terms of the ordinance, making this finding means that the minimum price per compliant bag will not increase from 10 cents to 25 cents."

Board member. Wozniak made the motion to accept the amended recommendation. Board member Turner seconded and the motion carried 15-0 (Carson, Ellis, Landis and Pentin absent).

## 2. WMA Vacancies on the Recycling Board (WMA only) (Gary Wolff)

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Make an appointment to the Recycling Board now, and schedule other possible replacement appointments on the November WMA meeting agenda.

Board members accepted the staff recommendation to allow those Board members whose terms will be ending to continue to serve until a replacement is made. Mayor Halliday resigned her position and there is a vacancy for her position. Board member Cutter nominated Greg Jones (Hayward) to serve on the Recycling Board. Board member Turner seconded and the motion carried 15-0 (Carson, Ellis, Landis, and Pentin absent).

### **3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s)** **Action**

(P&O and Recycling Board meeting, October 9th at 7:00 pm - Castro Valley Library, 3600 Norbridge Ave, Castro Valley, CA )

Board members Natarajan, Tao, and Wozniak requested interim appointments. Mr. Wolff informed Ms. Tao that the Board of Supervisors are required to appoint an interim appointment for Board of Supervisor appointees to the Recycling Board. Staff will investigate this possibility. Mr. Peltz stated that he will need to teleconference in for the meeting. Mr. Sadoff volunteered to attend for Ms. Natarajan and Ms. Cutter volunteered to attend for Mr. Wozniak. Mr. Wozniak made the motion to accept the interim appointments. Ms. Turner seconded and the motion carried 15-0 (Carson, Ellis, Landis and Pentin absent).

### **4. Enforcement Update (WMA & RB only) (Gary Wolff & Brian Mathews)** **Information**

This report is for information only.

Brian Matthews provided an overview of the staff report and a powerpoint presentation. The report is available here: <http://www.stopwaste.org/docs/enforcement%20update%20memo.pdf>

The presentation is available here: <http://www.stopwaste.org/docs/0914-Sept-2014-WMA-RB-Board-Enf-Presentation-Final-handout.pdf>

Board member Biddle inquired about any progress with the State with respect to facility fees. Mr. Mathews stated that the State is looking at legislative actions and staff is having discussions with CalRecycle and trying to get certain elements resolved but there is nothing specific to report. Mr. Wolff added the agency can adopt a local ordinance requiring haulers to use either landfills in-county or landfills out-of -county that voluntarily agree to our reporting requirements. The enforcement of that ordinance will be challenging. Staff will be bringing information on fee evasion to the Board in the Spring of 2015. Mr. Wolff added he has requested a follow up meeting with Caroll Mortensen, the Director of CalRecycle, for a status report on items that they had asked us to do and we have done, and what might be the best course of action going forward. Mr. Biddle inquired about the amount of revenue we are losing to fee evasion. Mr. Mathews stated the estimates are that government is losing upwards of \$1 million per year. Mr. Wolff clarified that the size of the losses depends on whether the waste on which fees are not being paid would be subject to Measure D and franchise fees, not just our facility fee. The Board thanked Mr. Mathews for his report.

### **5. Preview of New Agency Website (WMA, EC & RB) (Gary Wolff & Jeff Becerra)** **Information**

This report is for information only.

Jeff Becerra provided a preview of the new agency website. A link to the website is available here:

<http://stopwaste.m7sandbox.com/>

Board member Natarajan recommended having the agency telephone number appear prominently on the website, as well as Board contact information (individually and as a group; e.g., an email for "WMA Board" ) . Mr. Wolff stated the Board contact information is on the current website in both these forms and will be carried over to the new one. Board member Stein inquired about showing the diversion rates among cities asnd well as State comparisons as this can provide competitive incentive, as well as information on green businesses, zero waste businesses, and links to ABAG, etc. Mr. Becerra stated the website does contain information on green

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businesses but we don't have a comparison dashboard but will look into adding it in. Board members thanked Mr. Becerra for his presentation and looks forward to the live launching of the website.

**VII. COMMUNICATIONS/MEMBER COMMENTS (WMA & EC)**

**Information**

- Recycling Board Member Reports from CRRRA (RB only) (Gary Wolff)

Board member Turner shared a photo of a hand made organic recycling container located in a remote part of Mexico during a teaching assignment.

Board member Sherman provided an update regarding his attendance at the CRRRA Conference in San Jose as a member of the Recycling Board. Mr. Sherman stated that StopWaste continues to be a path breaker and does not shy away from showing leadership. The presentations from staff on mandatory recycling received packed audiences, and the manner in which the agency is able to move broad initiatives forward was lauded. Mr. Sherman stated he was very proud of the work of the agency and the impact extends beyond Alameda County. Board member Natarajan inquired about the context of StopWaste leasing or buying the Davis Street Transfer station. Mr. Wolff stated that this topic was brought forward from speculation that if Waste Management loses the Oakland contract they may want to sell the station. Mr. Wolff added he has spoken with them and they have said they have no intention of selling the station if they lose the Oakland contract as their operations are significant within Alameda County even without the City of Oakland. Board member Rood inquired if the Authority owns any such facilities. Mr. Wolff stated the Authority owns 1600 acres in East County for the specific purpose of developing a landfill in the event that there was not adequate landfill capacity or if the pricing of landfill capacity was too high, or we could develop a composting facility there although it's not the ideal location due to cost issues involving grading, water supply issues, etc. However, there are plans for a water treatment facility in Zone 7 that could supply water to the site if we were to develop a compost facility on the site in the future.

**VIII. ADJOURNMENT (WMA & RB)**

The WMA and RB portion of the meeting adjourned at 4:25 p.m.

**IX. REGULAR CALENDAR (EC)**

**X. Community Choice Aggregator - Letter of Interest (EC only)  
(Gary Wolff & Wendy Sommer)**

**Action**

Staff recommends that the Energy Council:

1. Elect the 1<sup>st</sup> Vice President to be the President of the Council; the 2<sup>nd</sup> Vice President to fill the 1<sup>st</sup> Vice President position; and another Council member to fill the 2<sup>nd</sup> Vice President role
2. Review, approve, and authorize the Council President and Executive Director to sign and send the attached letters

Wendy Sommer provided an overview of the staff report. The staff report is available here:

<http://www.stopwaste.org/docs/CCA%20file.pdf>

Karen Kho provided a powerpoint presentation of the Energy Council's current projects, accomplishments, and technical qualifications. The presentation is available here: <http://www.stopwaste.org/docs/0914-EC-Accomplishments-and-Quals.pdf>

Board member Wozniak made the motion to elect Pauline Cutter as President and Dan Kalb as 1st Vice President. Board member Natarajan seconded and the motion carried 14-0 (Carson, Ellis, and Freitas absent). Board member Natarajan nominated Greg Jones as the 2nd Vice President. Board member Wozniak seconded and the motion carried 14-0 (Carson, Ellis, and Freitas absent).

Board member Kalb commended staff on the Energy Council's efforts and inquired about receiving a future update on how staff is engaging contractors and working with them to educate and inform property owners about the opportunities as well as promoting the programs. Ms. Kho stated the multi-family program operating

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in nine counties in the bay area recently went through a program review by the Public Utilities Commission and was compared to the five other programs operating throughout the State. Our program was recognized as the only program that has any significant enrollment for market rate buildings. Most of the other programs only have affordable housing projects in their portfolios.

**XI. ADJOURNMENT (EC)**

The EC portion of the meeting adjourned at 4:40 p.m.