I. CALL TO ORDER
President Dave Sadoff, WMA, called the meeting to order at 3:02 p.m.

II. ROLL CALL OF ATTENDANCE
City of Alameda                     Jim Oddie, WMA, EC
County of Alameda                   Keith Carson, WMA, EC
City of Albany                      Peter Maass, WMA, EC
City of Berkeley                    Kriss Worthington, WMA, EC
Castro Valley Sanitary District     Dave Sadoff, WMA
City of Dublin                       Melissa Hernandez, WMA, EC
City of Emeryville                  Dianne Martinez, WMA, EC
City of Hayward                     Sara Lamnin, WMA, EC
City of Livermore                   Bob Carling, WMA, EC
City of Newark                      Mike Hannon, WMA, EC
City of Oakland                     Dan Kalb, WMA, EC
Oro Loma Sanitary District          Shelia Young, WMA
City of Piedmont                    Tim Rood, WMA, EC
City of San Leandro                 Deborah Cox, WMA, EC

ABSENT:
City of Fremont                     Vinnie Bacon, WMA, EC
City of Pleasanton                  Jerry Pentin, WMA, EC
City of Union City                  Lorrin Ellis, WMA, EC

Staff Participating:
Wendy Sommer, Executive Director
Tom Padia, Deputy Executive Director
Patricia Cabrera, Administrative Services Director
Meghan Starkey, Senior Management Analyst
Jennifer West, Program Manager
Miya Kitahara, Program Manager
Richard Taylor, WMA Legal Counsel
Arliss Dunn, Clerk of the Board
III. ANNOUNCEMENTS BY PRESIDENTS
There were none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR
Tom Silva, Eden Realty, provided public comment. Mr. Silva provided an email transmittal to the Board prior to the Board meeting and provided additional handouts at the meeting. Copies of the handouts are included as a matter of record. Mr. Silva appeared before the Board to apprise the Board of ongoing matters at Tampa Square in Hayward with respect to StopWaste’ current residential/commercial recycling regulations and enforcement. President Sadoff stated that the Board is unable to discuss the matter because it was not included in the agenda, but asked if staff has comments on the issue. Ms. Sommer briefly addressed the three requests made by Mr. Silva in the attached letter. Ms. Sommer stated that staff is meticulous and methodical in implementing enforcement for the mandatory recycling ordinance (MRO). The process is to send two notices prior to levying a citation. Mr. Silva received two notices, the first in June 2017 and the second in December 2017. The second letter included a notice informing Mr. Silva of the opportunity to submit information to indicate that he was in compliance with the ordinance. Mr. Silva did not respond and with approval of the city of Hayward Primary Enforcement Officer, a citation was issued in April 2018. The ordinance provides thirty days in which Mr. Silva was allowed to appeal but he did not appeal the decision. In response to the second request to appeal the fine, the ordinance does not contain a provision that allows the Board the ability to appeal the fine without modifying the ordinance. The third request was to change regulations. Ms. Sommer stated that the ordinance has a mechanism in place to make accommodations to help a customer become compliant. Staff offered those accommodations to Mr. Silva and as the most recent handout indicates, he is already pursuing one of the options, which is applying for a space limitation waiver from the city of Hayward. Ms. Sommer stated that the Board may choose to place this item on the agenda for future discussion but staff considers that there is no reason to do so as the ordinance already allows options for accommodations and the appeal period has already passed.

V. CONSENT CALENDAR
1. Approval of the Draft Minutes of June 27, 2018 (Wendy Sommer)
2. Grants Issued Under Executive Director Signature Authority (Wendy Sommer)

Wendy Sommer projected an image to help Board members visualize what we mean by “reusable pallet wrap.” The grant was awarded to Daylight Foods, Inc. Board member Kalb thanked the agency for supporting the Women’s Cancer Resource Center and awarding them a grant for $5,000. Board member Cox thanked staff for their support of the Community Impact Lab and awarding them a grant for $5,000. The Community Impact Lab is comprised of women across the Bay Area empowering families and children. They are currently doing a food waste challenge among their over 200 members. Ms. Sommer recognized Jeanne Nader, StopWaste Program Manager, for facilitating the grant.

There were no public comments for the Consent Calendar. Board member Rood made the motion to approve the Consent Calendar. Board member Young seconded and the motion carried 16-0: (Ayes: Carson, Carling, Cox, Hannon, Kalb, Lamin, Maass, Martinez, Oddie, Rood, Sadoff, Worthington, Young; Nays: None. Abstained: None. Absent: Bacon, Ellis, Hernandez, Pentin).
VI. REGULAR CALENDAR

1. Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for Alameda County Industries (ACI) Transfer/Processing Expansion for facility located at 610 Aladdin Avenue in San Leandro (Anu Natarajan/Tom Padia) – Public Hearing

Staff and the Planning Committee of the WMA recommend that the Waste Management Authority Board take the following actions:

- Hold a public hearing and introduce and waive the first reading of the CoIWMP Amendment ordinance (Attachment A) at the July 25, 2018 meeting to:
  1. Amend the CoIWMP (Exhibit 1) to include the modifications to the existing Alameda County Industries facility.
  2. Find that the Alameda County Industries Facility conforms to the CoIWMP as amended, and
  3. Direct staff to place the ordinance on the calendar for adoption at the September 26, 2018 meeting.


Chris Valbusa, Alameda County Industries (ACI), was available for questions. Board member Young inquired how the increase in tonnages from 412 to 620 per day would not affect the vehicle trips. Mr. Valbusa stated that the facility is reaching capacity on tonnages not vehicle trips. Board member Rood stated the distinction is whether or not the proposed project would have any significant impacts and the city of San Leandro through CEQA found that the proposed project would not pose any impacts with the additional vehicle trips. Board member Kalb inquired with respect to the additional materials the anticipated percentages of recyclables, green-waste, landfill, etc. Mr. Valbusa stated that it is natural growth. He added over the last 5-6 years there has been a 30% increase in the volume of materials coming in to the facility and that was approximately 95% recyclables and organics and they anticipate a continued growth in recyclables and organics.

President Sadoff opened the public hearing. There were no public speakers and the public hearing was closed. Board member Oddie made the motion to accept the staff recommendation. Board member Maass seconded and the motion carried 17-0:


2. Acceptance of Bay Area Air Quality Management District Grant for Public-Private Partnership: Prototyping Technology to Reduce Contamination (Meghan Starkey)

That the WMA Board adopt the Resolution authorizing the Executive Director to enter into all necessary contract agreements with BAAQMD and project partners, and make corresponding changes to the FY 18/19 budget.

Meghan Starkey provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: BAAQMD-Grant-Acceptance-07-25-18.pdf.

Board member Hannon inquired about Livermore Sanitation (LSI)’s contribution towards the project. Ms. Starkey stated that StopWaste would be funding half of the position initially but LSI would be taking on cost of position and other costs going forward. Board member Hannon inquired about the methods that LSI will implement to prevent customers from contaminating materials. Ms. Starkey stated that they will send people out to assist the customer as well as display pictures to the customer as evidence of what they are doing wrong. Punitive measure would be a last resort. Board member Hannon stated that he likes the new technology and inquired if this is the first time it was utilized in the county. Ms.
Starkey stated yes. Board member Hannon asked that staff report back to Board on outcomes of the project. Board member Carling inquired about the number of cameras that will be placed and if the customer will be aware of the camera. Bernie Camara, LSI, stated yes, the customer will be aware of the camera. Ms. Camara added the cameras will be placed mostly with organics customers in the downtown commercial area of Livermore near restaurants. Board member Maass inquired if the technology would work in containers other than dumpsters. Ms. Camara stated that the cameras can work in any type of container or cart. Board member Young inquired if there will be shared containers, and if so, how will they attribute the materials to a particular customer. Ms. Camara stated that they have some shared dumpsters and they will need to open the bags to determine the contents and who they belong to and identify the materials that are causing contamination. They will then contact the customer to allow them the option of cleaning out the container or for an additional fee LSI will pick up the materials and treat them as garbage. Board member Young inquired if the cameras would be monitored. Ms. Camara stated that the cameras will be operating day and night. President Sadoff inquired if the bin ID is in camera view. Ms. Camara stated yes.

There were no public comments on this item. Board member Lamnin made the motion to accept the staff recommendation. Board member Carling seconded and the motion carried 17-0:

(Ayes: Carling, Carson, Cox, Hannon, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Rood, Sadoff, Worthington, Young. Nays: None. Abstained: None. Absent: Bacon, Ellis, Pentin)

3. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)

(Planning Committee and Recycling Board meeting, August 9, 2018 at 4:00 p.m., StopWaste Offices, 1537 Webster Street, Oakland, CA, 94612 and September 13, 2018 at 7:00 p.m., Dublin City Hall, 100 Civic Plaza, Dublin, CA 94568)

Board member Maass requested an interim appointment for the August 9 meeting. Board member Young agreed to attend as the interim appointment. Board member Rood made the motion to accept the interim appointment. Board member Hannon seconded and the motion carried 17-0:


Board member Oddie stated that he would need to teleconference for the September 13 meeting.

Energy Council President Oddie chaired the EC Items.

4. Heat Pump Water Heater Grant (Jennifer West) (EC only)

Adopt the Resolution authorizing the Executive Director to enter into a 2018 contract agreement of $390,000 for implementation of the BAAQMD grant and other related actions.


Board member Lamnin inquired if there is work with developers on new construction. Ms. West stated that the grant is specifically for existing buildings, and on new construction, and under Title 24 it requires new construction for residential to be heat pump ready. Board member Lamnin inquired if it is tankless. Ms. West replied, no. Board member Cox inquired if it needs to be on the exterior of the residence. Ms. West stated no, it can be sited in the basement or a closet, but away from the heater. Board member Cox inquired about the installation of the water heater. Ms. West stated that it can be challenging and will require plumbing and electrical work by trained installers, however life cycle costs
are lower. Board member Martinez commented that life cycle costs are lower but currently gas is cheaper than electricity and inquired if anything is contemplated to change consumer behavior and informing consumers when they would realize savings. Ms. West stated that they will be modifying the project so that there is a component to reach out directly to residential customers as well as a web based cost calculator. Board member Maass inquired if the water heaters can be used in conjunction with solar. Ms. West stated that it is ideal to be used at a residence that has solar panels as it is drawing directly from the electric load. It can also be used with solar thermal. Board member Maass inquired about the type of contractor that can be utilized to work with the water heater. Ms. West stated that contractors that work with solar thermal are perfectly aligned with this work and staff is working with partners that have more knowledge about this type of work. Board member Hannon stated that as the project moves forward to make sure the necessary permitting is obtained from the local governing agencies. Ms. West stated that the city of Palo Alto is requiring this in their grant and staff will work with the local CCA’s to ensure that this is a requirement as well.

There were no public comments on this item. Board member Kalb made the motion to accept the staff recommendation. Board member Hernandez seconded and the motion carried 16-0:

5. **BayREN Amendment #2 (Jennifer West) (EC only)**

Adopt the Resolution authorizing the Executive Director to enter into a 2018 contract amendment of $916,000 for Bay Area Regional Energy Network (BayREN) and other related actions.

Miya Kitahara provided a summary of the staff report. A link to the staff report is available here: [BayREN-Amendment-07-25-18.pdf](#).

Board member Lamnin inquired if the Bay East Association of Realtors is included on the list of associations. Ms. Kitahara stated that the agency has engaged with them for many years and she is certain that they are included on the list.

There were no public comments on this item. Board member Cox made the motion to accept the staff recommendation. Board member Hernandez seconded and the motion carried 14-0:

Ms. Sommer distributed the monthly topic brief on Food Service Packaging as well as information on the Community Outreach grants. Both links are available below: [Food-Service-Packaging-July2018.pdf](#) and [Community-Outreach-Grants](#)

The Board adjourned to closed session at 3:53 p.m. and returned to open session at 4:50 p.m.

6. **CLOSED SESSION (WMA only)**

Pursuant to Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Executive Director
(confidential materials mailed separately)

7. **CLOSED SESSION (WMA only)**

Pursuant to Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATORS
Agency Designated Representatives: Board Members Sadoff, Rood, Cox, Hannon and Kalb
Unrepresented Employee: Executive Director

8. CLOSED SESSION (WMA only)
Pursuant to Government Code Section 54956.9(d)(1)
CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION
Name of case: Boone v. Alameda County Waste Management Authority, et al., Alameda County Superior Court Case No. RG17858423.

By a unanimous vote of the Board members present, the Board directed legal staff to pursue legal efforts in existing litigation, Boone versus Alameda County Waste Management Authority. Board members present and voting:
Carling, Cox, Hannon, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Rood, Sadoff, Worthington, Young.

There was no reportable action for Closed Session Items 6 & 7.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR
Board member Young motioned to reconsider her offer to serve as an interim appointment for Board member Maass at the Planning Committee and Recycling Board meeting, August 9, 2018 as she will be out of town. Board member Rood seconded and the motion carried 15-0:

Board member Kalb agreed to attend the Planning Committee and Recycling Board meeting, August 9, 2018 as the interim appointment for Board member Maass. Board member Young made the motion to accept the interim appointment. Board member Hannon seconded and the motion carried 15-0.

Board member Lamnin inquired if the Board would consider as a future agenda reviewing the mandatory recycling ordinance to see if there is flexibility regarding mixed-use planned developments.

VIII. ADJOURNMENT
The meeting was adjourned at 4:54 p.m.
EDEN REALTY
P. O. Box 126
San Lorenzo, CA 94580
(510) 537-8181
Fax: (510) 537-8338

July 16, 2018

Via Email and
Presentation Under Public Comments

Alameda County Waste Management Authority
Board of Directors

Re: Tampa Square Apartments
1050 Forselles Way Apts. #1- #20
27512 – 27526 Tampa Avenue
Hayward, CA 94544

CITMR03052 – Citation for Failure to Provide Recycling Containers

Dear Directors:

This is one of those letters one hates to write, but I must call your attention to a very serious issue concerning Planned Developments that consist of multi-parcel mixed use projects and compliance with recycling regulations in Alameda County.

The case in point concerns Tampa Square which is a mid-1980’s vintage mixed use Planned Development (PD) Project (residential and neighborhood commercial / retail) located on two parcels in south Hayward.

This property has two addresses for Waste Management of Alameda County and Tri-Ced services. Please see the attached property details package for more details.

The short version of the problem is this:

ACWMA regulations do not recognize Planned Developments (PD) like Tampa Square that are a single mixed use Planned Development on two or more parcels with multiple garbage and recycling service addresses. The problem occurs when one of the Planned Development parcels has its recycling services on another of the Planned Development parcels.

Further, your enforcement staff believes that they have “legal exposure” and do not have the flexibility to adapt to the ground truth represented by Tampa Square and refuse to send us formal notification that we are in full compliance with the regulations as they exist today. Instead they are making us jump through hoops and pay a $150.00 fine.

See Ms. Elese Lebsack’s May 24, 2018 and May 17, 2018 emails in the attached chain for details.
Inflexible Regulation Enforcement – Please read our May 30, 2018, 11:48 a.m. email as an expression of our frustration with all the hoops we’ve got to go through and payment of a $150.00 fine just to make our ground truth match-up to your existing ACWMA regulations.

Current Status – Please see the June 7, 2018 email from Hayward Solid Waste Manager, Jeff Krump for the current status. Hayward Staff is in the process of making the limited space exception on our behalf.

We ask that the ACWMA Board of Directors do the following:

1) Acknowledge that as per the attached July 9, 2018 Notice, this is our formal notification that Tampa Square hereby formally contests this $150.00 fine.

2) Instruct Staff to cancel the $150.00 fine imposed upon Tampa Square effective immediately.

3) To modify your regulations to recognize as compliant multi-parcel, multi-service addressed Planned Developments like Tampa Square and all other similar situated Planned Developments in Alameda County that where recycling services for one parcel of the Planned Development are provided by another parcel of the Planned Unit Development.

Thank you for your time and attention to this matter.

We look forward to your prompt response to resolve this egregious situation soon.

Respectfully yours,

Thomas R. Silva, CPM

cc: File
We have always provided recycling for the regarded address.
On the left side of the picture, is the business front of Tampa square. We provide garbage for the store fronts, but there isn't enough space for the recycling so they take the route shown in red to access the recycling in the back.
I've also provided our waste management invoices in the attached file.

Please let me know if there's anything else I can provide to null the violation.

Thank you,

Thomas' Assistant, Andrew Smith

Thomas R. Silva CPM
Eden Realty / Eden Rehab Corp.
POB 126
San Lorenzo, Ca 94580-0126
voice 510-537-8181
fax 510-537-8338
tom@edenrealty.org
edenrealty@sbcglobal.net
www.edenrealty.org

Attachments

- image.png (147.90KB)
- image.png (1018.77KB)
- Waste Management Dispute.pdf (676.61KB)
OFFICIAL TAX OFFSET NOTICE
ADMINISTRATIVE CITATION(S)

NOTICE DATE: 07/09/18

AMOUNT DUE: $150.00

1. Send check or money order. NO CASH. US funds only.
2. Print invoice number on your payment.
3. To ensure proper credit, return the bottom portion of this notice with your payment.

Our records show that you have a delinquent debt due to the Agency. You have 30 days to voluntarily pay this amount before we submit your account to the Franchise Tax Board (FTB) for interagency intercept collections. FTB operates an intercept program in conjunction with the State Controller's Office, collecting delinquent liabilities individuals owe to state and local agencies and colleges. FTB intercepts tax refunds, unclaimed property (UPD) claims and lottery winnings owed to individuals.

FTB redirects these funds to pay the individual's debts to the agencies/colleges (California Government Code Sections 12419.2, 12419.7, 12419.8, 12419.9, 12419.10, 12419.11 and 12419.12).

If you have questions or do not believe you owe this debt, contact us within 30 days from the date of this letter. A representative will review your questions or objections. If you do not contact us within that time, or if you do not provide sufficient objections, we will proceed with intercept collections.

If you are the recipient of this notice and you have already made a payment it is possible your payment was received late and you owe a penalty. Please contact the Citation Processing Center at 1-800-969-6158 or via the web at www.CitationProcessingCenter.com for more information.

<table>
<thead>
<tr>
<th>Invoice #</th>
<th>Date &amp; Time Issued</th>
<th>Description of Violation</th>
<th>Location</th>
<th>Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td>CITMR03052</td>
<td>04/05/18 12:00 AM</td>
<td>2012-01.5(a), Failure to provide Recycl cont &amp;/or svc</td>
<td>27512 TAMPA AVE</td>
<td>$150.00</td>
</tr>
</tbody>
</table>

A convenience fee may be applied

DO NOT SEND CASH. WRITE INVOICE # ON PMT
MAKE CHECK OR MONEY ORDER PAYABLE TO:

Alameda County Waste Management Authority
C/O Citation Processing Center
P.O. Box 7275
Newport Beach, CA 92658-7275
July 23, 2018

Thomas R. Silva CPM
Eden Realty / Eden Rehab Corp.
POB 126
San Lorenzo, Ca 94580-0126

Subject: Space Constraints at Tampa Square

To Whom it may Concern:

Waste Management of Alameda County (WMAC) conducted a site survey of the property at Tampa Square in June 2018. For our purposes, this property contains two service locations for waste collection, one near the residential multifamily units closest to the 1050 Forselles Way waste collection address, and another near the commercial businesses at 27512 Tampa Ave. Through communication with tenants on-site, it is reported that businesses transport their recycling and organic material to the enclosure at 1050 Forselles Way. WMAC was petitioned by the property manager to combine the two accounts into one. However, since the two collection areas are located on different streets, we cannot combine the accounts without creating confusion for our drivers in the future.

WMAC is hereby providing verification that there is not space in the enclosure at 27512 Tampa Ave to add adequately sized recycling and organics collection containers. We have confirmed with tenants of the mixed-use property that residents and businesses transport recycling to the enclosure at 1050 Forselles Way.

Sincerely,

[Signature]

Waste Management of Alameda County

Cc: Rachel Balsley, StopWaste
    Jeff Krump, City of Hayward
Application for Waiver
Mandatory Recycling Ordinance
ACWMA Ord. 2012

Waiver applications may be submitted to the Alameda County Waste Management Authority Enforcement Official after January 1, 2013. Applications will be reviewed for completeness. Partially completed applications will be returned unprocessed. The Enforcement Official will review the application and schedule a consultation with the applicant to investigate the waiver conditions.

Date: 7-23-18

Applicants’ Name: tampa square
Address: pob 126
City, State, Zip: san lorenzo, CA 94580
Phone: 510-537-8181
Email:

Service Address (if different from above):
27512 tampa ave hayward

Recycling Service Provider: wmac/triced

Type of Waiver (Mark all that apply):

☐ Emergency  ☐ De-Minimus
☐ Physical Space  ☐ Financial Hardship
☐ Unavailable Service  ☐ Compliance Schedule

What is the best time to reach you at the phone number above?

☐ 8-10am  ☐ 2-4pm
☐ 10am-12pm  ☐ 4-6pm
☐ 12-2pm  ☐ 6-8pm

A waiver, once granted, absolves the applicant from having to comply with all or part of the Mandatory Recycling Ordinance temporarily or permanently depending on the Waiver conditions.

Please describe below the reason(s) compliance with all or some terms of ACWMA Ord. 2012-01 can not be accomplished.

Note: Additional documentation may be required from the Applicant to demonstrate the need for a waiver.

see attached letters

By signing below, I hereby authorize the Alameda County Waste Management Authority Enforcement Official, or their designee to inspect the Service Address listed above for the purpose of determining compliance with ACWMA Ord. 2012-01, and further agree to cooperate in the investigation of this waiver application.

Signature: [Signature]

Alameda County Waste Management Authority
1537 Webster Street, Oakland, CA 94612
Phone: 510-891-6500 www.RecyclingRulesAC.org Fax: 510-893-2308

Rec Date: 17-23-18
Insp. Date: 
Insp. By: 
Approved? (Y/N)