

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

Daniel O'Donnell, **President**
Environmental Organization

Tim Rood, **1st Vice President**
City of Piedmont

Toni Stein, **2nd Vice President**
Environmental Educator

Adan Alonzo, *Recycling Programs*

Lorin Ellis, *City of Union City*

Greg Jones, *City of Hayward*

Peter Maass, *City of Albany*

Michael Peltz, *Solid Waste Industry Representative*

Jerry Pentin, *City of Pleasanton*

Steve Sherman, *Source Reduction Specialist*

Minna Tao, *Recycling Materials Processing Industry*

AGENDA

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

**Thursday, April 9, 2015
7:00 p.m.**

**San Leandro Senior Community Center
13909 E. 14th Street
Meeting Room C
San Leandro, CA 94578
510-577-7990
(Directions attached)**

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 (P&O & RB)**

- | | | |
|---|--|--------------------|
| 1 | 1. Approval of the Draft Minutes of March 12, 2015 (Wendy Sommer) | Action |
| 7 | 2. Board Attendance Record (Wendy Sommer) | Information |
| 9 | 3. Written Report of Ex Parte Communications | Information |

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 (P&O & RB)

- | | | |
|----|--|--------------------|
| 11 | 1. Presentation of Projects: Grants & Loans, Household Hazardous Waste, Reusable Bag Ordinance (Wendy Sommer & Jeanne Nader)
This item is for information only. | Information |
| 13 | 2. Preliminary Legislative and Regulatory Positions for 2015 (Wendy Sommer & Debra Kaufman)
Staff recommends that the Committees recommend the preliminary legislative positions to the full Authority Board for the 2015 session of the California legislature. | Action |

VII. OTHER PUBLIC INPUT

VIII. COMMUNICATIONS/MEMBER COMMENTS **Information**

IX. ADJOURNMENT

Directions to the San Leandro Senior Community Center
13909 E. 14th Street - San Leandro, CA 94578

From 580 East ... coming from Oakland

- Take the Grand Ave exit from I-580 E
- Turn left onto Grand Ave.
- Turn right onto Sybil Ave.
- Turn left onto Bancroft Ave.
- Turn right onto 136 Ave.
- Turn left at the 1st cross street onto E . 14th St.
- Destination will be on right.

From 580 West ... coming from Castro Valley

- Take the exit toward Fairmont Drive/150th Ave
- Slight left onto Foothill Blvd.
- Turn left onto 150th Ave.
- Drive to E. 14th St. Turn right onto E. 14th St.
- Make a U-Turn at 138th Ave.
- Destination will be on right.

From 880 North ... coming from Oakland

- Take the Marina Blvd. West exit toward I-238/I-580/Lewelling Blvd
- Turn left onto Marina Blvd.
- Follow Marina Blvd. to San Leandro Blvd.
- Turn right onto San Leandro Blvd.
- Destination will be on the right.

From 880 South ... coming from Hayward

- Take the Marina Blvd. exit.
- Keep left at the fork to continue toward Marina Blvd.
- Turn left onto Marina Blvd.
- Turn right onto San Leandro Blvd.
- Turn Right onto E. 14th St.
- Destination will be on the right.

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

**Thursday, March 12, 2015
4:00 p.m.**

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

**Via Teleconference:
Michael Peltz
Doubletree Hotel
1000 NE Multnomah
Portland, OR 97232
(503) 281-6111**

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

I. CALL TO ORDER

President Daniel O'Donnell, called the meeting to order at 4:05 p.m.

II. ROLL CALL

Adan Alonzo, Recycling Programs
Don Biddle, City of Dublin for Jerry Pentin, City of Pleasanton
Greg Jones, City of Hayward
Peter Maass, City of Albany
Daniel O'Donnell, Environmental Organization
Michael Peltz, Solid Waste Industry Representative (via teleconference)
Tim Rood, City of Piedmont
Steve Sherman, Source Reduction Specialist (arrived 4:10 p.m.)
Toni Stein, Environmental Educator
Minna Tao, Recycling Materials Processing Industry

Absent:

Lorin Ellis, City of Union City

Staff Present:

Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director
Cassie Bartholomew, Program Manager
Michelle Fay, Program Manager
Debra Kaufman, Senior Program Manager
Justin Lehrer, Senior Program Manager
Tom Padia, Recycling Director
Kelly Schoonmaker, Program Manager
Wes Sullens, Program Manager
Arliss Dunn, Clerk of the Board
Audrey Beaman, County Counsel

Others Present:

Rick Mauck, Consultant representing Hayward Transfer Station

III. ANNOUNCEMENTS BY THE PRESIDENT

President O'Donnell distributed an article regarding KFC's "Scoff-ee Cup". The 100% edible cup is made from a special, wafer-like biscuit, then wrapped in sugar paper and lined with a layer of heat-resistant white chocolate. The cups are being tested in Great Britain.

IV. CONSENT CALENDAR

- | | |
|---|--------------------|
| 1. Approval of the Draft Minutes of February 12, 2015 (Wendy Sommer) | Action |
| 2. Board Attendance Record (Wendy Sommer) | Information |
| 3. Written Report of Ex Parte Communications (Wendy Sommer) | Information |

Board member Stein made the motion to approve the Consent Calendar. Board member Jones seconded and the motion carried 9-0 (Ellis and Sherman absent).

V. OPEN PUBLIC DISCUSSION

There was none.

VI. REGULAR CALENDAR

- 1. Request by Todd Fitch and Mike Tejero for an Amendment to the Alameda County Integrated Waste Management Plan to Site the Hayward Transfer Station, a CDI facility, at 3458 Enterprise Avenue in Hayward (P&O & RB)
(Gary Wolff, Wendy Sommer & Debra Kaufman)**

Authority staff recommends that the Planning & Organization Committee and the Recycling Board (in its role as Local Task Force) recommend to the Authority Board that it hold a public hearing and first reading of the CoIWMP Amendment ordinance (Attachment A) at the March 25th meeting to (1) amend the CoIWMP (Exhibit 1) to include the Hayward Transfer Station medium volume construction, demolition and inert debris processing facility in the City of Hayward, and make additional changes for consistency, (2) find that the Hayward Transfer Station Facility conforms to the CoIWMP as amended, (3) make the findings required by CEQA and (4) adopt the Authority Conditions of Approval (Exhibit 3).

Debra Kaufman provided a summary of the staff report. The report is available here:

<http://www.stopwaste.org/sites/default/files/meeting/staff%20report%20for%20hayward%20coiwmp%20amendment%20march%202015%20tg1.pdf>

Board member Tao inquired if the agency has any authority to require the use of more environmentally sound vehicles transporting waste into the facility. Ms. Kaufman responded that in general we do not; we can only impose mitigations for significant environmental impacts. Board member Tao also inquired if we have any influence regarding minimum wage, benefits and environmental conditions for workers at these facilities. Ms. Kaufman stated that while this issue is a concern, it is beyond the scope of the agency's review, which only focuses on the programs and policies contained within the CoIWMP. Mr. Wolff stated that when we processed the request for Recology to develop an organics facility adjacent to EBMUD, we were empowered and required under CEQA to impose all feasible mitigations (that is, we *did* require the company to use CNG vehicles) for a significant environmental impact to the neighborhood (particulate emissions). The CEQA review for Hayward found no significant environmental impacts. Board member Tao thanked staff for the thorough explanation.

Board member Alonzo inquired if the facility expects to exceed the 174 ton capacity. Ms. Kaufman stated that they cannot exceed the maximum capacity based on their medium volume Construction, Demolition, Inert (CDI) permit that they are applying for. Board member Alonzo asked if there are restrictions on where they can receive materials from. Ms. Kaufman stated that they can receive materials from any third-party haulers. Board member Alonzo inquired if they will receive monthly inspections from regulatory agencies such as the BAAQMD, LEA, etc. Ms. Kaufman answered yes, the LEA will do monthly inspections and there are strict requirements under the permit that requires them to accept materials only from CDI related projects. Board member Alonzo inquired if there is a stipulation on the amount of residual content. Residual content should not exceed 40% and the facility should be recycling 60% under the CDI permit. Board member Alonzo also asked if they have established fees. Rick Mauck, consultant to the project, responded that fees have been established in the amount of \$100 per ton for mixed Construction & Demolition (C&D) and \$50 per ton for clean concrete. Fees for source separated materials will be assessed based on the cleanliness of the loads.

Board member Rood inquired if there was any opposition when the City of Hayward approved the mitigated negative declaration and administrative use permit. Mr. Mauck stated that there was no opposition. Board member Biddle inquired if there are other facilities in the Bay Area that process C&D. Ms. Kaufman stated yes and distributed a list of those facilities. Board member Alonzo inquired about on-site materials processing with respect to conveyor systems, screens, sorting belts, etc. Ms. Kaufman stated it is relatively limited; there will be bunkers and equipment for separating materials. Mr. Mauck added that they are in the midst of obtaining financing and plan on putting in a power screen for easier sorting. He added that it is an outside facility and the City of Hayward conducted an extensive environmental analysis of all potential particulates and greenhouse gas, and didn't find anything significant. Board member Alonzo inquired if they were required to apply for a BAAQMD permit for any outside air operations with respect to the screen. Mr. Mauck answered no.

Board member Maass asked whether the Board needs to consider the item again if the company is sold and has a new name. Ms. Kaufman responded that a name change would be considered minor and could be included in future factual amendment to the ColWMP. Board member Rood asked if the discussion of a living wage is not considered because it is not part of the ColWMP. Board member Alonzo stated that the industry has established a template where the ILWU, who represents a majority of the processing labor in the Bay Area and most of the companies including Waste Management, California Waste Solutions, Fremont Recycling, and ACI have established a consistent across the board wage scale for its employees. It would be a fair question to ask if the contractor is planning to follow that basis or decide to use non-union workers. Mr. Mauck stated that he cannot provide a definitive answer but they are planning to get contract workers and expect that they will receive prevailing (that is, comparable) wages.

Board member Stein asked for clarification on the type of expansion and the percentage of Alternative Daily Cover (ADC) that is expected to be generated from the facility. Ms. Kaufman stated that the facility will expand to include a medium volume C&D transfer and processing in addition to their existing debris box, portable toilet and fencing operation. The City of Hayward has restricted the use of materials as ADC as one of their conditions of approval. Board member Stein asked if there are restrictions on hours of operation. Mr. Mauck stated they are allowed to operate from 6:00 am to 5:00 pm and will be closed three holidays per year. The traffic study considered the flow of traffic and the facility is located in a heavy industrial area adjacent to highway 92.

President O'Donnell opened the public hearing. There were no public speakers and the hearing was closed.

Board member Jones made the motion to hold a public hearing and first reading of the ColWMP Amendment ordinance (Attachment A) at the Waste Management Authority March 25th meeting to (1) amend the ColWMP (Exhibit 1) to include the Hayward Transfer Station medium volume construction,

demolition and inert debris processing facility in the City of Hayward, and make additional changes for consistency, (2) find that the Hayward Transfer Station Facility conforms to the ColWMP as amended, (3) make the findings required by CEQA and (4) adopt the Authority Conditions of Approval (Exhibit 3). Board member Rood seconded and the motion was carried 9-0-1 (Alonzo abstained) (Ellis absent).

**2. Presentations of Product Decisions Projects (P&O & RB)
(Wendy Sommer & Justin Lehrer)**

Information

This item is for information only.

Wendy Sommer provided an overview of the staff report and the PowerPoint presentation on Product Decisions Targets. A copy of the PowerPoint presentation is available here:

<http://www.stopwaste.org/file/2290/download?token=4nj0yC9r>

Board member Stein inquired if the reusable transport packaging contains recycled content. Ms. Fay affirmed that most of them do. Board member Alonzo stated that film plastic is a large component of post consumer packaging and is hopeful that staff is looking at this issue. Ms. Fay stated that she is aware of the issue and noted that in most jurisdictions it is not an acceptable item for commercial sector recycling. Board member Alonzo mentioned that City of Fremont staff with the Fremont Transfer Station will be conducting an audit of Tesla and will try to get them to participate in the dry load program and would like StopWaste to provide assistance. Mr. Lehrer stated that he is in contact with staff.

Board member Stein inquired about the reduction percentage in water use when converting a lawn using sheet mulching. Ms. Schoonmaker stated that replacing a conventional lawn with a Bay-Friendly garden would save approximately 25 gallons per square foot. Board member Alonzo inquired about EBMUD's support of this initiative and asked if they will provide a reduction in water fees if a resident converts to a drought tolerant lawn. Ms. Schoonmaker stated that through the Prop. 84 grant, EBMUD offers a \$.50 per square foot rebate for lawn replacement and they have an a la carte menu for other drought saving techniques as well. While water prices will remain the same, there will be a reduction in water usage as well as the added rebates. Board member Alonzo asked if there was feedback from participants regarding any pests as a result of the lawn conversion. Ms. Schoonmaker stated she has not received any negative feedback. Board member Sherman inquired if staff works with the Association of Realtors as they can provide valuable influence in this area. Ms. Sommer agreed and said that the Bay East Association of Realtors Public Affairs Director converted his own lawn to a drought tolerant one.

Board member Sherman commended staff on the outstanding work that they are doing.

Board member Alonzo inquired about the difference in pricing of virgin versus green products and what the market barriers are. Mr. Sullens stated it depends on the product, for example: fiberglass versus denim, Formica versus quartz, etc. One major barrier is the perception that recycled content products cost more and are inferior. Board member Stein inquired about State and local laws governing the percentages for recycled content. Mr. Sullens said that for fiberglass it is 30% but most manufacturers are between 30-35%. Mr. Wolff added that the CA requirement is in the Public Resources Code.

Board member Rood inquired if the Quantity Quotes website is national in scope. Mr. Sullens affirmed that it is. Board member Jones inquired about the messaging hurdle for composite decking versus lumber. Mr. Sullens stated that while composite decking is more durable, it can be more costly than virgin redwood. Board member Maass commented that select hardwood decking and composite are comparable in price.

Board member Rood inquired about potential health code violations with respect to bringing your own food containers. Ms. Bartholomew acknowledged that this is a complicated issue and staff worked with Clean Water Action to bring together a consortium of health departments to obtain guidance on this issue. There's clear guidance on reusable cups at events because they can be rinsed with hot water but

contamination issues with personal reusable containers have not been resolved and we continue to work on it.

Board member Maass inquired if corn starch beer cups are compostable. Ms. Bartholomew stated that they can be processed in some facilities but not others. This is another area that we are working on. President O'Donnell inquired about messaging from StopWaste regarding the drought and the increase of disposable food service ware. Ms. Bartholomew stated data shows there is still an upside to using reusables versus disposable products.

In regards to recyclability of packaging, Board member Alonzo stated that both the manufacturer and the consumer have a shared responsibility. Mr. Lehrer stated that the FTC publishes green guides and enforces against false environmental claims ("greenwashing"). Board member Sherman inquired if staff is able to track, through Measure D allocations, what percentage of funds are used by cities to focus on waste prevention areas. Mr. Padia stated that the spending guidelines are very broad and we receive very little information on what is spent in specific areas of waste reduction. In past years if there were leftover funds from the budget earmarked for Alameda County to spend on recycled product preferences, it was distributed to cities to go towards environmental purchasing.

Board member Sherman inquired with respect to surplus food if it is possible for cities with franchise agreements to incorporate a requirement to use local non profits as haulers to collect and distribute edible surplus food. Ms. Bartholomew stated that the project focus has primarily been on prepared food and food waste prevention. While we see the opportunity to address surplus food, we have not pursued a larger effort besides some grants. Foodshift (one of our grantees) has a business model that includes collection of surplus food and diverting food for revenue as part of a service. They are partnering with Andronico's in Berkeley to do a pilot project. Board member Sherman inquired about the issue of public funds used to purchase single use water bottles and inquired if such an initiative has been discussed in our area. Mr. Sullens responded that we have given a grant for refilling stations, reducing waste of single use water bottles.

Board member Stein stated that she would like to see more analysis on funds spent towards source reduction if not countywide then maybe just here at StopWaste. Mr. Sullens stated that we did the analysis for our agency last year during the LEED Existing Buildings certification process. The information is on our website and he will make it available to Board members. Board member Stein stated that it would be good to have monthly graphs of the prices of different materials/commodities that we are looking at. Mr. Wolff stated that there are tracking indices that are available. Board member Alonzo stated that these indices are available monthly for buyers.

The Board commended staff on a very thorough and informative presentation.

VII. OTHER PUBLIC INPUT

There was none.

VIII. COMMUNICATIONS/MEMBER COMMENTS

There was none.

IX. ADJOURNMENT

The meeting adjourned at 6:10 p.m.

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2015 - ALAMEDA COUNTY RECYCLING BOARD ATTENDANCE

	J	F	M	A	M	J	J	A	S	O	N	D
REGULAR MEMBERS												
A. Alonzo	X	X	X									
L. Ellis	X	X	A									
G. Jones	X	X	X									
P. Maass	X	X	X									
D. O'Donnell	X	X	X									
M. Peltz	X	X	X									
J. Pentin	X	X	I									
T. Rood	X	X	X									
S. Sherman	X	X	X									
T. Stein	X	A	X									
M. Tao	X	A	X									
INTERIM APPOINTEES												
D. Biddle			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: April 2, 2015
TO: Recycling Board
FROM: Wendy Sommer, 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: April 3, 2015

TO: Programs & Administration Committee
Planning & Organization Committee/Recycling Board

FROM: Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director

BY: Jeanne Nader, Program Manager

SUBJECT: Presentation of Projects: Grants & Loans, Household Hazardous Waste, Reusable Bag Ordinance

BACKGROUND

As a follow-up to the Agency overview presented to the joint Board meeting on January 28 and as a prelude to the FY 15/16 Budget presentation and adoption, staff is continuing to highlight key Agency projects for the P&O/RB and P&A Committees. Key projects from the Discards Management arena and Energy Council were presented in February, from the Product Decisions Targets in March and from projects that span both areas in April.

DISCUSSION

The Agency Strategic Workplan 2020 recognizes that the Agency's long-term goal of achieving maximum feasible waste reduction will require widespread change in Product Decisions and Discards Management.

Product Decisions Targets focus on decisions that occur before discards management, but that have significant implications for the quantity and costs and environmental impacts of discards management. Discards Management projects involved the disposition of products, packaging and materials at the end of their useful life. There are several projects that span across and support both Product Decisions and Discards Management areas, as they include messages on both waste prevention and proper disposal.

At the April 9 Committee meetings, several project managers will present an overview of those projects, which include:

- Grants and Loans
- Household Hazardous Waste (HHW)
- Reusable Bag Ordinance – It's important to note that the presentation will be on the current status of the project. Discussion on expansion of the reusable bag ordinance is scheduled for a later meeting.

RECOMMENDATION

This is an information item.

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April 3, 2015

TO: Programs and Administration Committee
Planning & Organization Committee/Recycling Board

FROM: Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director

BY: Debra Kaufman, Senior Program Manager

SUBJECT: Preliminary Legislative and Regulatory Positions for 2015

BACKGROUND:

2015 is the first year of the 2014/2015 legislative session and through our contract lobbyist we are tracking several bills that are in different stages of the legislative process. To date we have identified 32 bills of possible interest to StopWaste that will be tracked. This memo lists these bills and offers recommended positions on them. It also provides an update on the positions we have taken during development of new regulations.

The attached excel spreadsheet provides more details on the bills, along with a link to the text of the bill. Several bills are still in “spot” language form and will only be able to be analyzed once operative language is inserted. First House (House of Origin) policy committees only started up in earnest in late March so many bills do not have committee analyses yet.

DISCUSSION:

In November, 2014, the Waste Management Authority Board approved these three legislative priorities for 2015/2016: 1. Improving the state’s disposal reporting system, 2. Extended producer responsibility, and 3. Green buildings and construction via the Cal Green Code update. We highlight our three priority areas below. We have also included a list of other relevant bills and recommended positions on them, as well as a spreadsheet with more details.

1. Disposal Reporting System

AB 901 (Gordon) Disposal Reporting system. (support) This is our number one legislative priority for the year. We are working closely with San Mateo County and CalRecycle to make improvements to the disposal reporting system to address the difficulty of obtaining needed information on waste generated in one county and disposed of in another county. Staff is working with CalRecycle staff and Assemblyman Gordon to get language amended into AB 901 to allow local jurisdictions, including Agencies like ours, access to information that would identify the haulers of waste, the type of waste and the quantity of wastes disposed of out-of-county. This information will allow our Agency and member agencies to determine whether fees on solid waste are accurately being paid and reduce fee evasion.

2. Extended Producer Responsibility

AB 1159 (Gordon) Tire recycling, expected to be EPR for sharps/batteries (support if amended). The bill in its current form continues fees on tires to be used for recycling and allows CalRecycle to establish fees that will not exceed the cost of implementing the tire recycling program. *It is expected to be amended to add manufacturer responsibility provisions for sharps and batteries.* It is the top priority for the California Product Stewardship Council, (CPSC) of which we are a member.

AB 45 (Mullin) Household hazardous waste (oppose) This bill establishes a diversion rate for HHW and prioritizes curbside household hazardous waste programs over other programs. AB 939 already requires local governments to have a plan for recycling HHW. Local governments should have the authority to determine whether drop off or curbside is the most efficient program. Curbside programs in the Bay Area have a lower participation rate than the Alameda County drop-off facilities. This bill takes attention away from the real need which is shared manufacturer responsibility for disposal costs of HHW and places all the burden of costs on local governments. Instituting a HHW diversion rate doesn't help fund or improve programs because HHW is already prohibited from landfills. This is being considered an anti- EPR bill. CPSC has an oppose position as will many other local governments.

3. Cal Green Code update:

The California Building Standards Commission (BSC) is currently facilitating the 2015 triennial building code update and adoption cycle. The result of this 18-month+ long process, begun in late 2014, is the 2016 California Building Code, expected to take effect January 1, 2017.

As part of the code update process, a “focus group” stakeholder meeting was held February 5th, 2015 at the BSC offices in Sacramento to address prospective nonresidential Title 24, Part 11 (CALGreen) code changes. Prior to this meeting, StopWaste worked with our partners—including but not limited to CalRecycle and the California Invasive Plants Council (Cal-IPC)—to develop and present a suite of proposals for consideration at this meeting. These included recommendations for code changes that were supported by the WMA Board at the November, 2014 board meeting.

The proposals presented at the February 5th meeting for which StopWaste played a role included:

- Compost & Mulch requirements for landscaped areas (StopWaste leading)
- Avoiding invasive plants in newly landscaped areas (StopWaste & Cal-IPC co-leading)
- Requiring recycled content building materials (CalRecycle leading)
- Requiring projects to plan for post-occupancy collection & infrastructure for organics recycling (CalRecycle leading)

Other materials-related considerations that were considered at the BSC meeting included increasing the construction waste demolition recycling requirement from 50% to 65%, and requiring the planning & management of universal waste in construction waste management plans.

The February 5th BSC meeting resulted in several outcomes:

- **Compost & Mulch & Invasive Plants proposals:** there was significant opposition from stakeholders—including building officials and the building industry trade groups—for adding requirements to the code that apply to outdoor landscapes. Because of this strong opposition, subsequent to the meeting the BSC notified StopWaste that they would not be pursuing these code proposals further for this round. There may be an opportunity to re-propose these for the next interim code cycle (effective in mid-2018).
- **65% C&D Recycling Requirement:** stakeholders questioned the ability for MRF facilities to meet a 65% recycling rate for construction projects in some areas of the state. StopWaste countered that the MRF facility average recycling rate is not the determinant of overall construction and demolition waste recycling percentages. Further, the CALGreen code already has an exemption for isolated job sites that

lack infrastructure. As a result of this meeting, this proposal is going forward and StopWaste is working closely with CalRecycle to support the measure.

- **Post Occupancy Organics Recycling:** There was general support at the workshop for this proposal, but the building industry suggested that the requirement should only apply to facilities that have over 4 yards of service in order to be consistent with AB 341. StopWaste believes this to be a bad indicator, as service levels are rarely known prior to design and construction. Therefore this proposal is going forward but StopWaste is working with CalRecycle to ensure that the requirement for planning for organic waste apply to all projects that have garbage and recycling service.
- **Recycled Content Building Materials:** CALGreen currently has a Tier 1 voluntary measure that stipulates 10% of all nonstructural materials for the project (by cost) have to include recycled content. StopWaste and CalRecycle were proposing to change this requirement from a “voluntary” measure into a mandatory measure of the code. There was some pushback on the threshold, and stakeholders suggested a more moderate 5% by cost, and also amended the proposal to only apply to new construction. This measures is going forward and StopWaste is working with CalRecycle to refine the proposal based on stakeholder input.

Next steps for the nonresidential code process are to work with CalRecycle and other stakeholders to refine the above proposals and provide supporting justification to the BSC for these measures. Then, if successful, these proposed code changes will undergo a 45-day public review process, scheduled for August 15th.

Parallel to the nonresidential code adoption process, the California Department of Housing and Community Development (HCD) is developing updates to residential portions of the building code. Although HCD develops the residential portions of the code, the BSC is the body that codifies and adopts all parts of the code. Therefore, HCD and BSC are in close collaboration on all CALGreen updates and tend to be consistent in their requirements wherever possible. At the time of this memo, a first “focus group” stakeholder meeting convened by HCD on residential CALGreen is scheduled for April 2nd, 2015 in Sacramento. StopWaste is again working with CalRecycle to propose and support our suite of proposals above, minus the compost and mulch requirements.

Other Relevant Bills:

The following lists other bills that we are recommending positions on. The detail for these bills, including a link to the text of the bill, is contained in the excel spreadsheet.

AB 45 (Mullin) HHW. Oppose

AB 190 (Harper) Bags. Oppose

AB 191 (Harper) Bags. Oppose

AB 199 (Eggman) Alternative energy: recycled feedstock. Support

AB 761 (Levine) Compost application. Support

AB 864 (Williams) Solid waste facility permits. Oppose unless amended

AB 876 (McCarty) Compostable organics. Support

AB 901 (Gordon) Solid Waste reporting requirements. Sponsor/Support

AB 997 (Allen) Recycling plastic material. Oppose

AB 1019 (Garcia) Metal Theft. Support

AB 1045 (Irwin) Compost permitting streamlining. Support

AB 1063 (Williams) Solid Waste disposal fees. Support

AB 1103 (Dodd) Organic waste definitions. Support

AB 1136 (Steinorth) Bags. Oppose

AB 1159 (Gordon) Tire recycling. Support

AB 1239 (Gordon) Tire recycling. Support

AB 1247 (Irwin) Organic input materials as fertilizer. Support

SB 662 (Committee on Environmental Quality) Support

SB 742 (Hertzberg) Solid Waste. Watch

AB 1377 (Thurmond) Recycling green material. Watch

AB 1419 (Eggman) Recycling center abandonment. Support

AB 1447 (Low) Solid waste beverage containers. Support

SB 47 (Hill) Environmental health and synthetic turf. Oppose unless amended

SB 162 (Galgiani) Treated wood waste: disposal. Support

SB 225 (Weickowski) Recycling used tires. Support

SB 732 (Pan) Beverage container recycling. Support

SB 350 (De Leon) Clean Energy and Pollution Reduction Act. Support

SB 778 (Allen) Conservation easements. Support if amended to raise quality standards for motor oil

AB 1435 (Alejo) toxics in packaging. Watch

AB 640 (Dahle) household hazardous waste. Watch

AB 1256 (Williams) Solid waste administration. Watch

As usual, we anticipate bringing an update on legislative activity and recommended agency positions to the Boards in June.

RECOMMENDATION:

Staff recommends that the Committees recommend the above preliminary legislative positions to the full Authority Board for the 2015 session of the California legislature.

<http://www.stopwaste.org/file/2326/download?token=LUC3Ct0a>