

APPROVED

**MINUTES OF THE ALAMEDA COUNTY WASTE
MANAGEMENT AUTHORITY MEETING
OF THE
PROGRAMS AND ADMINISTRATION COMMITTEE**

Thursday, May 9, 2019

9:00 A.M.

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

**Teleconference
Melissa Hernandez
Office of Vice Mayor Hernandez
Dublin City Hall
100 Civic Plaza, Second Floor
Dublin, CA 94568
925-833-6663**

Members Present:

City of Albany	Peter Maass (alternate)
City of Berkeley	Susan Wengraf
City of Dublin	Melissa Hernandez (teleconference)
City of Fremont	Jenny Kassar
City of Livermore	Bob Carling
City of Newark	Mike Hannon
City of Oakland	Dan Kalb
Oro Loma Sanitary District	Shelia Young
City of Pleasanton	Jerry Pentin
City of Union City	Emily Duncan

Absent:

County of Alameda	Keith Carson
City of Piedmont	Tim Rood

Staff Present:

Wendy Sommer, Executive Director
Pat Cabrera, Administrative Services Director
Anu Natarajan, Legislative and Regulatory Affairs Manager
Arliss Dunn, Clerk of the Board
Justin Lehrer, Senior Management Analyst
Kelly Schoonmaker, Program Manager

Others Participating:

Peter Deibler, HF&H Consultants

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Bruce Fritz, Alameda County, Environmental Health, Household Hazardous Waste Program
Kathy Cote, Environmental Services Manager, City of Fremont

1. Convene Meeting

Chair Shelia Young called the meeting to order at 9:00 a.m.

2. Public Comments

There were none.

3. Approval of the Draft Minutes of March 14, 2019 (Pat Cabrera)

There were no public comments on this item. Board member Pentin made the motion to approve the draft minutes of March 14, 2019. Board member Hannon seconded and the motion carried 9-0 (Ayes: Carling, Duncan, Hannon, Hernandez, Kassan, Maass, Pentin, Wengraf, Young. Nays: None. Abstain: None. Absent: Carson, Kalb, Rood).

4. Household Hazardous Waste (HHW) Fee (Pat Cabrera)

That the P&A Committee discuss this item and recommend the following for WMA consideration and adoption at its June 26, 2019 Board meeting:

1. Direct staff to finalize the HHW fee analysis, focusing on an annual ongoing fee of \$6.64 per residential unit.
2. Direct staff to prepare a draft ordinance amending Ordinance 2014 -1 to (a) remove the sunset provision and (b) set the fee of \$6.64 per residential unit beginning July 1, 2020 and for the next five years. The ordinance would require a programmatic and fiscal analyses every five years to determine if the fee needs to be revised (lowered or raised). The ordinance would maintain the cap of \$9.55 per residential unit established in 2014. This change is under the purview of Proposition 218 and requires legal notification and a majority protest proceeding.
3. Direct staff to prepare amendments to the HHW program Memoranda of Understanding (MOUs) with Alameda County and the City of Fremont reflecting the new ordinance.

Pat Cabrera provided a summary of the staff report and presented a PowerPoint presentation. A link to the combined report and the presentation is available here: [HHW-Presentation-05-09-19.pdf](#). Bruce Fritz, Alameda County, Environmental Health, Household Hazardous Waste Program, and Peter Deibler, HF&F Consultants, were available to answer any questions.

Board member Pentin inquired regarding the sunset clause in the ordinance with respect to the ongoing needs of the program. Ms. Cabrera stated she is not sure why the sunset clause was included in the ordinance as the issue of household hazardous waste is definitely an ongoing issue. She was also not sure why the timing of the MOU with both the County and the City of Fremont weren't aligned with the timing of the sunset provision. Board member Pentin inquired if the agency could raise tipping fees to support the program. Ms. Cabrera stated raising the tipping fee would fall under the purview of Prop 26 which is a more onerous process, whereas as changing the per unit HHW fee falls under the purview of Prop 218 which requires a less restrictive majority protest process. Because the current ordinance contains a sunset provision (even though staff is recommending a lower fee), the law still requires following the majority protest process. Board member Kalb stated that he is in support of removing the sunset clause and inquired if staff is comfortable that the mid-point fee of \$6.64 per residential unit per year would sustain the program. Ms. Cabrera stated yes for several years under the best and mid-point

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scenarios, but also including the provision to evaluate the program every five years would allow staff to respond to any fluctuations that would affect the fee provided that the fee never exceeded the original annual fee of \$9.55 per residential unit. Board member Maass inquired about the encompassing costs of the program and what factors were used to create projections. Ms. Cabrera stated the costs to the agency are primarily administrative and outreach. Mr. Deibler added the three main variables used to create projections were expenses, tip fee revenue and anticipated growth in the number of housing units. Mr. Deibler added all program costs are projected to rise. Board member Pentin stated that at this time, he is uncomfortable with removing the sunset clause as the voters approved this in the original ordinance. However, he is pleased to see the provision included to add the five-year review. At that time, the Board can determine if the fee was still necessary or needed to be eliminated. Kathy Cote, Recycling Manager, City of Fremont, stated that the City of Fremont strongly supports the staff recommendation as the HHW program is vital to jurisdictions and proper disposal of these hazardous materials. Ms. Cote added usage at the Fremont facility is consistent and even increasing. Board member Hannon inquired about an HHW programmatic report. Ms. Cabrera stated that staff will be presenting a programmatic report in June. Chair Young stated that she is also pleased that the ordinance will include the opportunity for the Board to review the sunset clause and asked that the Board be provided a presentation on how the program disposes of the materials. Board member Pentin made a friendly amendment to the staff recommendation to include the opportunity for the Board to revisit the ordinance every five years to evaluate the need to sunset the fee if the program no longer needed the funding.

Board member Kalb made the motion to approve the staff recommendation as amended. Board member Hannon seconded and the motion carried 10-0:

(Ayes: Carling, Duncan, Hannon, Hernandez, Kalb, Kassan, Nason, Pentin, Wengraf, Young. Nays: None. Abstain: None. Absent: Carson, Rood).

5. Background for Single-Use Disposable Foodware Ordinance (Anu Natarajan)

This item is for information only.

Anu Natarajan provided an overview of the staff report and presented a PowerPoint presentation. A link to the combined report and presentation is available here: [SUDS-Compostables-Presentation-05-09-19.pdf](#). Justin Lehrer shared samples of single use food ware product types as well as compostable food service ware collected from composting facilities.

Board member Hannon commented that the conundrum in shifting to compostables is how we deal with our own recyclable goods with respect to working with processors. Ms. Sommer stated that the conundrum also lies within the franchise agreements and the assurance that the waste providers are fulfilling their obligations to recycle the materials as stated in the agreements. Board member Wengraf inquired if we have a sense of what percentage of the problem in the waste stream is attributed to food ware compared to other materials. Kelly Schoonmaker stated that many facilities are unable to fully process compostable plastics, which means that they are pre-screened or screened after composting as overs, and sent to landfill or used as ADC. In the last several years, we have seen the amount of compostable products increase at composting facilities. In one facility in particular, compared to conventional plastics, compostable plastics used to be the minority of contamination in compost overs, but now compostables are overwhelmingly the majority of plastic contamination. Ms. Schoonmaker stated that if compostables ultimately go to landfill, then replacing conventional plastic single-use with compostable plastic single-use items does not solve this problem, or address litter, marine debris, and other problems caused by single-use items. Single use is single use, regardless of material type. Board

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member Wengraf commented that the Berkeley City Council implemented a policy that requires the Council members to wash their own dishes. Board member Kassan inquired if there was consideration to do a countywide policy. Ms. Natarajan stated that it would be impossible to do a one size fits all policy due to the variations in franchise agreements countywide. Also, the agency would need to do a cost benefit analysis with respect to how to pay for enforcement as those costs are not included in our current budget. Board member Pentin inquired regarding the proposed timeframe as the City of Pleasanton would be looking at StopWaste for any model policy on single use food ware as there are many issues to resolve such as how it is going to be handled, who would hold the facilities accountable, also, we are a long way from being able to communicate to the public regarding which items are genuinely compostable or not. Mr. Lehrer stated that over the next few years there will be a lot of changes with SB 1383 and he believes the answer may be in reusables. Board member Kalb inquired if a push for an increase in the use of reusables will be included in the model ordinance and added the ordinance should contain a baseline or include a default standard. Ms. Natarajan stated that any push toward reusables would potentially include a baseline effort on a voluntary basis and an upon-request provision. Board member Hannon stated that messaging should include information or a definition of what the end cycle is for single use food ware. Kathy Cote stated that the City of Fremont is not interested in a patchwork approach and is recommending that the ordinance be a consistent countywide policy that staff can implement. Chair Young stated that there are a myriad of issues and inquired if there are any other communities that are doing this effectively. Ms. Natarajan stated that the Northwest states are doing this and we can provide information but we are on the leading edge as well. Chair Young thanked staff for the report.

6. Member Comments

Chair Young announced that the Oro Loma Sanitary District will be hosting an Open House event on May 11, 2019, from 10:00am – 2:00pm. Chair Young invited everyone to attend.

7. Adjournment

The meeting adjourned at 10:12 a.m.