

Deborah Cox, **WMA President**

City of San Leandro, WMA, EC

Shelia Young, **WMA 1st Vice President**

Oro Loma Sanitary District, WMA

Dianne Martinez, **WMA 2nd Vice President**

City of Emeryville, WMA, EC

Melissa Hernandez, **EC President**

City of Dublin, WMA, EC

Dan Kalb, **EC 1st Vice President**

City of Oakland, WMA, EC

Jenny Kassar, **EC 2nd Vice President**

City of Fremont, WMA, EC

David Haubert, County of Alameda, WMA, EC

Trish Herrera Spencer, City of Alameda, WMA, EC

Preston Jordan, City of Albany, WMA, EC

Susan Wengraf, City of Berkeley, WMA, EC

Dave Sadoff, Castro Valley Sanitary District, WMA

Francisco Zermeno, City of Hayward, WMA, EC

Bob Carling, City of Livermore, WMA, EC

Michael Hannon, City of Newark, WMA, EC

Jen Cavanaugh, City of Piedmont, WMA, EC

Jack Balch, City of Pleasanton, WMA, EC

Jaime Patiño, City of Union City, WMA, EC

Wendy Sommer, Executive Director

**MEETING OF THE
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
(WMA) BOARD
AND
THE ENERGY COUNCIL (EC)**

Wednesday, May 26, 2021

3:00 P.M.

TELECONFERENCE MEETING

Teleconference/Public Participation Information to Mitigate the Spread of COVID-19

This meeting will be held entirely by teleconference. All Board members, staff, and the public will only participate via the Zoom platform using the process described below. The meeting is being conducted in compliance with the Governor's Executive Order N-29-20 suspending certain teleconference rules required by the Ralph M. Brown Act. The purpose of this order was to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.

Board members will receive a separate unique email invite. Staff and members of the public may attend and participate in the meeting by:

1. Calling US: +1 669 900 6833 and using the Webinar ID 817 5074 1716
2. Using the [Zoom](#) website or App and entering meeting code 817 5074 1716

During the meeting the chair will explain the process for members of the public to be recognized to offer public comment. The process will be described on the StopWaste website at <http://www.stopwaste.org/virtual-meetings> no later than noon Wednesday, May 26, 2021. The public may also comment during the meeting by sending an e-mail to publiccomment@stopwaste.org prior to the close of public comment on the item being addressed. Each e-mail will be read into the record for up to three minutes.

In accordance with the Americans with Disabilities Act and the Governor's Executive Order, if you need assistance to participate in this meeting due to a disability, please contact the Clerk of the Board at (510) 891-6517. Notification 24 hours prior to the meeting will enable the agency to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA

I. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. ANNOUNCEMENTS BY PRESIDENTS - *(Members are asked to please advise the board or the council if you might need to leave before action items are completed)*

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the board or council, but not listed on the agenda. Total time limit of 30 minutes with each speaker limited to three minutes unless a shorter period of time is set by the President.

Page V. CONSENT CALENDAR

- 1 1. **Approval of the Draft Joint WMA, EC & RB Minutes of April 28, 2021 (Wendy Sommer)**

VI. REGULAR CALENDAR

- 5 1. **FY 21-22 Budget Adoption (Wendy Sommer, Timothy Burroughs & Pat Cabrera)**
That the WMA Board adopt the WMA FY 21-22 Budget Resolution (Attachment A) and the Energy Council adopt the EC FY 21-22 Budget Resolution (Attachment B).

- 11 2. **Public Hearing: Ordinance Regarding Board Member Compensation (Pat Cabrera)**
Staff recommends that following the public hearing the WMA Board:
1. Introduce and waive the first reading of the attached ordinance and direct staff to place it on the consent calendar for adoption at the next regular meeting of the Board.
2. Approve a revised Board member meeting attendance policy once the ordinance is adopted.

- 19 3. **Public Hearing and Annual Adoption of Fee Collection Report for Household Hazardous Waste Fee (Pat Cabrera)**
That the WMA Board hold a public hearing on the Fee Collection Report and approve by resolution the Fee Collection Report for FY 2021-22.

- 23 4. **Overview of Draft SB 1383 Ordinance (Timothy Burroughs)**
This item is for information only.

- 61 5. **Legislative Positions for 2021 – Mid Session Update (Jeff Becerra)**
Adopt updated positions on the bills outlined in the staff report.

6. **Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn)**
(Planning Committee and Recycling Board meeting, Thursday, June 10, 2021 at 4:00 p.m. Meeting will be held via teleconference)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT

DRAFT

**MINUTES OF THE JOINT MEETING OF THE
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY BOARD (WMA)
ENERGY COUNCIL (EC)
SOURCE REDUCTION AND RECYCLING BOARD (RB)**

Wednesday, April 28, 2021

3:00 P.M.

TELECONFERENCE MEETING

I. CALL TO ORDER

President Cox called the meeting to order at 3:00 p.m. Wendy Sommer explained the process that would be utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions](#)

II. ROLL CALL OF ATTENDANCE

WMA, EC & RB

County of Alameda
City of Alameda
City of Albany
City of Berkeley
Castro Valley Sanitary District
City of Dublin
City of Fremont
City of Emeryville
City of Hayward
City of Livermore
City of Newark
City of Oakland
Oro Loma Sanitary District
City of Piedmont
City of Pleasanton
City of San Leandro
City of Union City
Environmental Educator
Environmental Organization
Recycling Programs
Solid Waste Industry Representative
Source Reduction Specialist

David Haubert, WMA, EC
Trish Herrera Spencer, WMA, EC
Preston Jordan, WMA, EC
Susan Wengraf, WMA, EC
Dave Sadoff, WMA, RB
Melissa Hernandez, WMA, EC (President)
Jenny Kassan, WMA, EC
Dianne Martinez, WMA, EC
Francisco Zermeño, WMA, EC, RB
Bob Carling, WMA, EC, RB
Mike Hannon, WMA, EC
Dan Kalb, WMA, EC, RB
Shelia Young, WMA
Jen Cavanaugh, WMA, EC
Jack Balch, WMA, EC
Deborah Cox, WMA (President), EC, RB
Jaime Patiño, WMA, EC
Eric Havel, RB
Darby Hoover, RB (President)
Chiman Lee, RB
Tianna Nourof, RB
Laura McKaughan, RB

Staff Participating

Wendy Sommer, Executive Director
Timothy Burroughs, Deputy Director
Pat Cabrera, Administrative Services Director
Jeff Becerra, Communications Manager
Justin Lehrer, Operations Manager
Arliss Dunn, Clerk of the Board
Adrienne Ramirez, Assistant Clerk of the Board
Richard Taylor, WMA Legal Counsel
Farand Kan, County Counsel

III. ANNOUNCEMENTS BY PRESIDENTS

WMA President Deborah Cox and Recycling Board President Darby Hoover welcomed Chiman Lee to the Recycling Board. Board member Lee will serve in the category of Recycling Programs.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There were no public comments on the remote call and no public comments were received via the public comments email portal.

V. CONSENT CALENDAR

- 1. Approval of the Draft WMA & EC Minutes of March 24, 2021 (Wendy Sommer)**
- 2. Approval of the Draft PC/RB Minutes of March 11, 2021 (Timothy Burroughs) (RB only)**
- 3. Recycling Board Attendance Record (Timothy Burroughs) (RB only)**

- 4. Written Report of Ex Parte Communications (Timothy Burroughs) (RB only)**

There were no public comments for the Consent Calendar. Board member Hannon made the motion to approve Item 1 of the Consent Calendar for the WMA & EC with the following revisions to the minutes: Item 6.1 should be corrected from SB45 to SB345; Item 6.3 regarding housing development in the City of Albany, on street parking should be corrected to “off” street, and to state that the City of Emeryville eliminated parking minimums with exceptions for disabled spaces and electric vehicle charging. Board member Zermeño seconded and the motion carried 19-0-1: The Clerk called the roll: (Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Kassan, Martinez, Patiño, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: Sadoff. Absent: None.)

Board member Carling made the motion to approve Items 2-4 of the Consent Calendar for the PC & RB. Board member Cox seconded and the motion carried 9-0-1: The Clerk called the roll: (Ayes: Carling, Cox, Havel, Hoover, Kalb, McKaughan, Nourrot, Sadoff, Zermeño. Nays: None. Abstained: Lee. Absent: None.)

VI. REGULAR CALENDAR

- 1. Executive Director Employment Agreement for Timothy Burroughs (Wendy Sommer) (WMA only)**

Authorize the Board President to approve the attached Executive Director Employment Agreement.

Wendy Sommer introduced the item and asked that the Board authorize the Board President to approve the attached Executive Director Employment Agreement for Timothy Burroughs.

There were no public comments on this item. Board member Young made the motion to approve the attached Executive Director Employment Agreement. Board member Kalb seconded and the motion carried 20-0. The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Kassan, Martinez, Patiño, Sadoff, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: None.)

- 2. FY 21/22 Budget presentation (Wendy Sommer, Timothy Burroughs & Pat Cabrera) (WMA, EC & RB)**

This item is for information only.

Wendy Sommer, Pat Cabrera, and Timothy Burroughs presented an overview of the FY 2021-2022 budget. A link to the presentation is available here: [FY-2021-2022-Budget-Presentation.pdf](#)

Ms. Sommer stated that over the last six years the agency has been in a solid position with a healthy fund balance. In 2006, when Ms. Sommer assumed the role of Executive Director, the agency anticipated a rapid decline in revenue possibly leading to a fiscal cliff. Projections stated that the agency would be operating at a deficit in 2020 unless fees were increased, new fees were adopted, or a reduction in the workforce was implemented. Through reassessment, revisions, and staff dedication, the agency was able to reduce spending and increase outside funding sources. The goal was to match expenditures with revenues by FY 2021-2022. This goal was met two years earlier than projected.

Ms. Cabrera provided a summary of financial highlights and Timothy Burroughs provided an overview of programs. Board member Hannon suggested considering a premium fee for out-of-county tonnage as landfills reach capacity. Board member Zermeño and Havel inquired about increasing grant funds as it is helpful during Covid-19. Ms. Sommer stated that the Agency is increasing grants for the upcoming fiscal year from \$615,000 to \$649,000. Board member Hannon suggested that StopWaste develop a program to assist the County with illegal dumping. Jeff Becerra clarified that the Agency currently supports the County in an educational role and is incorporating illegal dumping within existing projects, particularly the Re:Source tool and school projects. Related to illegal dumping, the topic brief of the month is on [Bulky Items Disposal](#).

Additional time was provided for Board members to ask clarifying questions and there were no changes or revisions to the budget. Ms. Sommer thanked the Board members for their leadership and recognized staff for their efforts in producing the budget.

There were no public comments on this item. President Cox thanked staff for the presentation.

3. Appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn) (WMA only)

(Planning Committee and Recycling Board meeting on May 13, 2021 at 7:00 p.m. The meeting will be held via teleconference)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Board member Zermeño suggested adding photos to the staff directory on the Agency website. Board member Sadoff announced that on April 14, CVSan held a Recycles Day at Canyon Middle School in Castro Valley. The event was a success with e-waste drop-off and textiles recycling, document shredding, and a compost giveaway. Board member Kalb recommended a documentary on Frontline regarding the challenges of single-use foodware and plastic packaging. Board member Jordan announced that StopWaste staff, Candis Mary-Dauphin, has been convening meetings of relevant staff to explore how the City of Albany's funding from Measure DD can be used for existing building electrification. Board member Havel stated that StopWaste is partnering with Community Resources for Science in a project entitled "Help Solve Climate Change through Global Worming." The workshop is free and will be held on Saturday, May 8. President Hoover announced that the NDRC (Natural Resources Defense Council) has resources for cities on their website at www.NRDC.org/foodmatters that will provide information on implementing food rescue, management, or reduction programs.

VIII. ADJOURNMENT

The meeting was adjourned at 4:27 p.m.

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DATE: May 26, 2021

TO: Waste Management Authority Board
Energy Council

FROM: Wendy Sommer, Executive Director
Timothy Burroughs, Deputy Executive Director
Pat Cabrera, Administrative Services Director

SUBJECT: FY 21-22 Budget Adoption

SUMMARY

At its May 26, 2021 meeting, staff will ask the Waste Management Authority (WMA) and the Energy Council (EC) to adopt their respective FY 2021-22 budgets.

DISCUSSION

The proposed budgets for FY 2021-22 were presented at a joint meeting of the Waste Management Authority, Energy Council and Recycling Board on April 28, 2021. The staff memo and PowerPoint presentation from the April 28 joint board meeting is available at: [FY-21-22-Budget-Presentation.pdf](#)

The presentation at April 28 meeting was well received, and there were no requests for changes to the budgeted amounts. The combined proposed FY 21-22 budget totals approximately \$32.7 million, with the following breakdown:

- WMA: \$ 13,922,656
- Energy Council: \$ 6,748,766
- Recycling Board: \$ 12,018,705

As outlined in the budget document, some projects are funded using both WMA and Recycling Board funds. The Agency's core budget is approximately \$10.8 million, which is approximately \$100,000 lower than the current year's budget and \$68,000 lower than projected core revenues of \$10.87 million. Estimated total year-end core fund balances and reserves amount to \$25.6 million (equivalent to over two years' of a typical core budget). We continue to meet our financial goals as well as our operational objectives through prudent spending, a team of resourceful and resilient staff, and the ongoing support of our Boards.

The Recycling Board adopted its FY 21-22 budget at its May 13, 2021 meeting.

RECOMMENDATION

That the WMA Board adopt the WMA FY 21-22 Budget Resolution (Attachment A) and the Energy Council adopt the EC FY 21-22 Budget Resolution (Attachment B).

Attachment A: WMA Budget Resolution

Attachment B: EC Budget Resolution

Attachment C: Link to Annual Budget – [FY-21-22-Annual-Budget](#)

ATTACHMENT A

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY RESOLUTION #WMA 2021-

MOVED:
SECONDED:

AT THE MEETING HELD MAY 26, 2021

THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY AUTHORIZES ADOPTION OF THE FISCAL YEAR 21-22 BUDGET; PROJECT CONTRACTS; AND AUTHORIZED POSITIONS AND SALARY SCHEDULE

WHEREAS, a preliminary budget for Fiscal Year 2021-22 has been developed that incorporates programs and projects based on the aims and guiding principles developed by the Board and consistent with the Countywide Integrated Waste Management Plan and Recycling Plan; and,

WHEREAS, this budget was presented at the joint meeting of the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board, and the Energy Council held on April 28, 2021 for review and comment; and,

WHEREAS, legal notice of the public hearing on the budget has been provided, and the matter scheduled on the May 26, 2021 Alameda County Waste Management Authority Board agenda for adoption.

NOW THEREFORE, BE IT RESOLVED that the Alameda County Waste Management Authority (WMA) Board hereby:

1. Adopts the WMA's portion of the Fiscal Year 2021-2022 Budget with expenditures totaling \$13,922,656 and authorizes staff to proceed with its administration, programs and operations in accordance with the adopted budget, effective July 1, 2021.
2. Authorizes the attached salary schedule and authorized positions.
3. Authorizes the following new or augmented contracts and/or spending authority subject to approval as to form by Legal Counsel, and consistent with the WMA's purchasing policy:

Packaging

Gigantic Idea Studio

\$ 5,000

Media services for transition from UseReuseables.org to Stopwaste.org

Food Waste Reduction

Zero Company

\$ 60,000

Online media purchases including digital/mobile ads,
Facebook, Gmail ads, etc.

Lamar

\$ 25,000

AC Transit bus shelter ads

<u>EffecTV (Comcast)</u>	\$ 25,000
Digital TV advertising	
<u>Underground Advertising</u>	\$ 65,000
Design and media consultant for food waste reduction campaigns	
<u>Gigantic Idea Studio</u>	\$ 10,000
Program content for food waste reduction campaigns	

SB 1383 Implementation Support

<u>Gigantic Idea Studio</u>	\$ 40,000
Marketing and outreach services	
<u>Sourcing Group</u>	\$ 56,000
Printing and postage services including business and multi-family properties	

Resources for Upstream Projects

<u>Gigantic Idea Studio</u>	\$ 35,000
Marketing and outreach services	

Used Oil Recycling (externally funded)

<u>Zero Company</u>	\$ 35,000
Online media purchases including digital/mobile ads, Facebook, Gmail ads, etc.	
<u>Lamar</u>	\$ 35,000
AC Transit ads	
<u>EffecTV</u>	\$ 15,000
Digital TV advertising	
<u>Gigantic Idea Studio</u>	\$ 18,000
Marketing services focusing on motorcycle outreach	

Household Hazardous Waste (HHW) Facilities

<u>Autumn Press</u>	\$ 51,000
Printing and mailing services	
<u>Zero Company</u>	\$ 65,000
Online media purchases including digital/mobile ads, Facebook, Gmail ads, etc.	
<u>Lamar</u>	\$ 15,000
AC Transit ads	
<u>Alameda County Tax Collector</u>	\$ 67,000
Service fee to collect HHW fee on property tax roll	
<u>EffecTV</u>	\$ 15,000
Digital TV advertising	

Administrative Overhead (OH) (includes general OH, accounting and budgeting and information systems)

<u>Shute, Mihaly and Weinberger, LLP</u>	\$ 220,000
Authority counsel, charged against multiple projects as appropriate, includes \$50,000 of prior year encumbered funds for litigation as needed	

<u>Alliance Insurance Services</u>	\$ 158,500
Agency insurance	
<u>Tyler Technologies</u>	\$ 56,000
Financial software upgrades, maintenance and support	
<u>USPS</u>	\$ 51,600
Postage, charged against multiple projects as appropriat	
 <u>Legislation</u>	
<u>Shaw Yoder Antwih Schmelzer and Lange</u>	\$ 51,000
Lobbying firm	
 <u>Reusable Food Ware</u>	
<u>Clean Water Fund</u>	\$ 100,000
Technical assistance for the Rethink Disposable campaign	
<u>Gigantic Idea Studio</u>	\$ 20,000
Outreach and messaging services	
 <u>Waste Prevention Tools & Messaging</u>	
<u>Zero Company</u>	\$ 20,000
Online media purchases including digital/mobile ads	
<u>EffecTV</u>	\$ 10,000
Digital TV advertising	

Passed and adopted this 26th day of May 2021 by the following vote:

AYES:

NOES:

ABTAIN:

ABSENT:

Arliss Dunn, Clerk of the Board

Monthly Salary Ranges and Authorized Positions
FY 21/22*
Authorized Positions 50.0 FTE**

Grade	Classification Name	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
19	Executive Director	Per Contract: 21,667							
18	vacant	17,160	17,675	18,206	18,752	19,315	19,894	20,491	21,105
17	Administrative Services Director Deputy Executive Director	15,964	16,443	16,935	17,444	17,968	18,506	19,061	19,633
16	vacant	14,850	15,295	15,754	16,227	16,713	17,214	17,732	18,263
15	Operations Manager Principal Program Manager	13,814	14,228	14,655	15,095	15,547	16,013	16,494	16,989
14	vacant	12,850	13,236	13,633	14,042	14,463	14,897	15,344	15,803
13	Senior Management Analyst Senior Program Manager	11,953	12,312	12,682	13,061	13,453	13,857	14,273	14,702
12	Financial Systems Manager *** Information Systems (IS) Manager Legislative and Regulatory Affairs	11,119	11,454	11,797	12,150	12,515	12,891	13,277	13,675
11	Management Analyst III Program Manager III	10,343	10,654	10,973	11,303	11,642	11,991	12,351	12,722
10	Clerk of the Board Management Analyst II Program Manager II	9,622	9,911	10,208	10,514	10,829	11,155	11,489	11,834
9	Webmaster	8,951	9,219	9,496	9,781	10,074	10,377	10,687	11,009
8	Accountant Management Analyst I Program Manager I	8,326	8,576	8,833	9,098	9,372	9,652	9,942	10,241
7	Executive Assistant/Assistant Clerk of the Board	7,745	7,978	8,217	8,464	8,717	8,979	9,248	9,525
6	vacant	7,205	7,421	7,644	7,873	8,109	8,352	8,603	8,862
5	Senior Administrative Assistant Senior Program Services Specialist	6,702	6,904	7,110	7,323	7,543	7,770	8,003	8,243
4	Administrative Assistant II Program Services Specialist II	6,235	6,422	6,615	6,813	7,017	7,228	7,445	7,667
3	Administrative Assistant I Program Services Specialist I	5,800	5,974	6,153	6,338	6,528	6,724	6,925	7,133
2	vacant	5,396	5,558	5,724	5,895	6,072	6,254	6,442	6,635
1	Inspector	5,019	5,170	5,325	5,485	5,649	5,818	5,993	6,172
N/A	Intermittent hourly rates	20.00							114.31

* Salary increases for eligible employees occur on June 27, 2021

** Includes regular, limited term, and intermittent positions. Does not include any future positions that may be required due to grant/external funding. These positions will be approved as part of the grants/external funding process.

*** Serves as the Agency's Treasurer pursuant to the Agency's investment policy and applicable state law.

ATTACHMENT B

**ENERGY COUNCIL
RESOLUTION #EC 2021 -**

**MOVED:
SECONDED:**

**AT THE MEETING HELD MAY 26, 2021
THE ENERGY COUNCIL AUTHORIZES ADOPTION OF THE FISCAL YEAR 2021-22 BUDGET**

WHEREAS, a preliminary budget for Fiscal Year 2021-22 has been developed that incorporates program priorities adopted by the Energy Council and external funding agreements; and,

WHEREAS, this budget was presented at the joint meeting of the Alameda County Waste Management Authority, the Alameda County Source Reduction and Recycling Board and the Energy Council held on April 28, 2021 for review and comment; and,

WHEREAS, legal notice of the budget hearing has been provided, and the matter scheduled on the May 26, 2021 Energy Council agenda for adoption.

NOW THEREFORE, BE IT RESOLVED, that the Energy Council hereby adopts the Energy Council's portion of the Annual Budget for Fiscal Year 2021-22 with expenditures totaling \$6,748,766 and authorizes staff to proceed with Energy Council administration, programs and operations in accordance with the adopted budget, effective July 1, 2021.

Passed and adopted this 26th day of May 2021 by the following vote:

**AYES:
NOES:
ABSTAIN:
ABSENT:**

Arliss Dunn, Clerk of the Board



DATE: May 26, 2021

TO: Waste Management Authority (WMA) Board

FROM: Pat Cabrera, Administrative Services Director

SUBJECT: Public Hearing: Ordinance Regarding Board Member Compensation

SUMMARY

At the May 26, 2021 WMA Board meeting, staff will recommend that the WMA Board hold a public hearing to introduce an ordinance amending Ordinance 2006 -1, "Ordinance Regarding Compensation for Board Members," to increase board member compensation from \$150 per meeting to \$230 per meeting. Staff further recommends that the Board direct staff to update the meeting attendance policy to reflect the change in compensation and to include minor revisions to reflect changes in board members' employment status (from independent contractor to employee), as determined by the Internal Revenue Service.

DISCUSSION

At the April 8, 2021 Programs and Administration (P&A) Committee meeting, staff recommended revising board member compensation from \$150 per meeting to \$230 per meeting. This recommendation was based on a review of the Consumer Price Index (CPI) over the past 18 years, which indicated that this increase was reasonable and fair, particularly given the steady increase in transportation and parking costs, which are not reimbursed for meeting attendance. Board member compensation has been \$150 per meeting since 2002.

Staff also noted that the board member meeting attendance payment policy adopted on March 28, 2018 needed to be revised based on a recent ruling from the IRS, which determined that board members were considered employees for payroll reporting purposes. The April 8, 2021 staff memo is available at [P&A-Memo-04-08-21.pdf](#).

While the meeting attendance policy can be revised by a board resolution, the change in board member compensation requires an amendment to Ordinance 2006-01. The Ordinance must be

adopted prior to amending the meeting attendance payment policy. At the April 8 meeting the P&A Committee approved by a vote of 12-0 to forward Ordinance 2021-01 amending Ordinance 2006-01 to the WMA for adoption and thereby increasing board member compensation to \$230 per meeting. The Committee also approved staff's recommendation to revise the meeting attendance payment policy. Once the compensation ordinance is adopted staff will submit a revised meeting attendance policy for WMA approval (draft policy revisions are attached).

RECOMMENDATION

Staff recommends that following the public hearing the WMA Board:

1. Introduce and waive the first reading of the attached ordinance and direct staff to place it on the consent calendar for adoption at the next regular meeting of the Board.
2. Approve a revised Board member meeting attendance policy once the ordinance is adopted.

Attachments:

Attachment 1: Ordinance 2021-01 amending Ordinance 2006-01 "Ordinance Regarding Compensation for Board Members"

Attachment 2: Draft revised version of the WMA Meeting Attending Policy, pending approval of Ordinance 2021-01

Attachment 1

ORDINANCE 2021-01 AMENDING ORDINANCE 2006-01

ORDINANCE REGARDING COMPENSATION FOR BOARD MEMBERS

The Board of the Alameda County Waste Management Authority ("WMA") finds that:

1. In 2006 the WMA adopted Ordinance 2006-01, the Ordinance regarding compensation for board members. Based on a review of the consumer price index and given that this compensation has not been increased since that time, the WMA wishes to amend the ordinance to change the amount of compensation from \$150 per meeting to \$230 per meeting.
2. The Board of the Alameda County Waste Management Authority held a public meeting on May 26, 2021 to consider this ordinance, and after considering all testimony and written materials provided in connection with that meeting introduced this ordinance and waived the reading thereof.

Therefore, the Board of the WMA hereby ordains as follows:

Section 1. Amendment.

Ordinance 2006-01, an ordinance regarding compensation for board members and alternates is hereby amended as shown in Attachment A. Text to be added is indicated in bold underlined font (e.g., **underlined**) and text to be deleted is indicated in strikeout font (e.g., ~~strikeout~~).

Section 2. Severability.

If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance, which can be given effect without the invalid provision or application, and to this end, the provisions of this Ordinance are declared to be severable.

Section 3. Publication, Posting, and Effective Date

Within 15 days after adoption, a summary of the ordinance (with the names of those voting for and against), shall be published and a certified copy of the full text of the ordinance (with the names of those voting for and against), shall be posted in the office of the Clerk of the Board. The ordinance shall become effective thirty (30) days after adoption.

- Continued on following page -

Following introduction on May 26, 2021, passed and adopted June 23, 2021 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 ORDINANCE NO. 2021-01.

ARLISS DUNN
CLERK OF THE BOARD

ATTACHMENT A

ORDINANCE NO. 2006-01 as amended by Ordinance 2021-1

AN ORDINANCE IMPLEMENTING AB 11 (2005), PARTICULARLY GOVERNMENT CODE SECTION 36516 AND AB 1234 (2005), PARTICULARLY HEALTH AND SAFETY CODE SECTION 6489, REGARDING COMPENSATION FOR BOARD MEMBERS

The Board of the Alameda County Waste Management Authority (Authority) ordains as follows:

SECTION 1

AB 11 and AB 1234, enacted by the Legislature in 2005, require rescission of Resolution #WMA 2002-09 (setting the per diem for members for attendance at Board or committee meetings) and enactment of an ordinance consistent with State law.

SECTION 2

The Board of the Authority does hereby repeal Resolution #WMA 2002-09.

Section 3

Compensation of Board members **and alternates** shall be set at **\$230** ~~\$150~~ per attendance at a Board or committee meeting or other authorized Board meeting such as an educational activity. The total compensation of a Board member shall not exceed **\$690** ~~\$450~~ per month.

Section 4

The terms of this Ordinance may not be changed or amended except by enactment of another Ordinance or amendment of this Ordinance.

Section 5

This Ordinance shall be posted at the Authority Office for at least thirty (30) days after its adoption by the Board and shall become effective thirty (30) days after adoption.

- End-

Attachment 2

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

RESOLUTION #WMA 2021–

MOVED:

SECONDED:

AT THE MEETING HELD JUNE 23, 2021

**RESOLUTION OF THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY BOARD
REVISING BOARD MEMBERS AND ALTERNATES COMPENSATION POLICY**

WHEREAS, the Alameda County Waste Management Authority (“WMA Board”) provides compensation for Board members or alternates to conduct the business of the WMA Board at Board and standing committee meetings; and

WHEREAS, said compensation has not been adjusted since July 2002; and

WHEREAS, a review of other local jurisdictions’ payment practices as it applies to board/council members as well as a review of the consumer price index indicates that an increase in compensation is warranted; and

WHEREAS, as the per diem policy adopted by the WMA Board on March 28, 2018 requires revisions to reflect this increase in compensation as well as to reflect changes in reporting required by the Internal Revenue Service, and

WHEREAS, the Programs and Administration Committee at its meeting on April 8, 2021 reviewed the compensation and relevant changes in the policy and recommended forwarding it to the WMA Board for adoption.

NOW THEREFORE, BE IT RESOLVED THAT:

The WMA Board adopts the attached meeting attendance payment policy. This resolution supersedes all other resolutions and policies.

ADOPTED this 23rd day of June 2021, by the following votes:

AYES:

NOES:

ABSTAIN:

ABSENT:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Resolution #WMA 2021-

Arliss Dunn
Clerk of the Board

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
MEETING ATTENDANCE PAYMENT POLICY**

1. WMA Board members will receive a payment of \$230 per meeting for WMA Board and standing committee (i.e., the Programs and Administration Committee and Planning Committee) meetings, not to exceed \$690 per person per month. This represents a change in compensation from \$150 per meeting to \$230 per meeting.
2. A WMA Board member alternate will receive payment for attending a WMA Board or standing committee meeting if the primary WMA Board member is not present. No more than one representative from a member agency may be paid for any one meeting.
3. Recycling Board member payments are limited to \$100 per meeting (not to exceed \$3,000 per year) by terms of the County Charter (referred to as Measure D). Since the monthly Recycling Board meeting is also a WMA Planning Committee meeting, Planning Committee members (including interim appointees attending instead of a Planning Committee member that is unable to attend) will be paid \$100 from Recycling Board funds and \$130 from WMA funds for a total of \$230 per meeting.
4. If there is a lack of quorum to convene a scheduled meeting, those members in attendance will be eligible for payment as if the meeting took place. If that meeting is rescheduled, all members attending the rescheduled meeting shall be eligible for payment even if they have been paid for attending the meeting that did not convene.
5. A person arriving at a meeting after it has been adjourned is not eligible for payment for that meeting.
6. Attendance via teleconference is eligible for payment, although Board members unable to attend a meeting in person are encouraged to have their alternate or interim appointee attend in their place.
7. The WMA Board and the Recycling Board as its own body (not as the WMA Planning Committee) periodically hold a joint meeting for matters affecting both boards (e.g., the annual budget presentation, strategic planning). For such joint meetings, all Recycling Board members (either appointed by the WMA Board or the Alameda County Board of Supervisors) will receive \$100 from Recycling Board funds and \$130 from WMA funds. All other WMA Board members will receive \$230 from WMA funds.
8. No person receiving a payment pursuant to this policy may be reimbursed by the Waste Management Authority for any expenses (e.g., parking, transportation) incurred in connection with attending a meeting for which payment has been or will be made.

9. Payments are made based on the record of attendance for each meeting and are sent to the recipient by direct deposit. Payments are processed once a month.
10. Payments will be included in a calendar year Form W2 for Board members as per IRS regulations.
11. This policy will be periodically reviewed and revised as needed.



DATE: May 26, 2021

TO: Waste Management Authority Board

FROM: Pat Cabrera, Administrative Services Director

SUBJECT: Public Hearing and Annual Adoption of Fee Collection Report for Household Hazardous Waste Fee

SUMMARY

At the May 26, 2021 Waste Management Authority (WMA) meeting, staff will ask the Board to adopt the FY 2021-22 fee collection report, as required by the Household Hazardous Waste Collection and Disposal Fee Ordinance.

BACKGROUND

At the May 29, 2014 WMA meeting, the Board adopted HHW Ordinance 2014-1: "Ordinance Establishing a Household Hazardous Waste Collection and Disposal Fee." This fee, in combination with the HHW landfill tip fee, supports the four HHW facilities (Fremont, Hayward, Livermore, and Oakland), as well as annual one-day collection events throughout the county.

Under the Ordinance, a Fee Collection Report must be approved by the WMA Board each year prior to placing the fee on the Alameda County property tax roll. A proposed Fee Collection Report (FCR) was publicly noticed earlier this month. The purpose of the notice of the proposed FCR is to allow residential property owners subject to the fee to provide updated information about the number of units on their property, since the fee applies to each unit. The 2021 Fee Collection Report includes changes that property owners have requested throughout the year and during the review of the 2021 Fee Collection Report. Requests for changes have been included in the proposed FCR as indicated in the draft linked below. The Fee Collection Report lists all the parcels in Alameda County subject to the fee together with the fee amount for the parcel. The 2021 Fee Collection Report may be viewed at: [HHW Fee-Collections-Report](#) *(Please be aware that the file is very large and will take time to download)*.

As background, the fee was initially set at \$9.55 per residential unit per year, subject to an annual recalculation. On September 25, 2019, the Board amended Ordinance 2014-01 to remove the annual fee recalculation and lower the fee to \$6.64 per residential unit per year. This annual fee will be effective through June 30, 2024, at which point it will be recalculated for the following five years based on HHW program operational and funding needs, subject to the \$9.55 cap in the Ordinance.

Staff provided an overview of the HHW program and associated fees to the Programs and Administration Committee on May 13, 2021. For more background on the program and how the operations and fees have evolved over time, please review the [P&A Committee memo](#).

RECOMMENDATION

That the WMA Board hold a public hearing on the Fee Collection Report and approve by resolution the Fee Collection Report for FY 2021-22.

Attachment: Resolution Adopting the Fee Collection Report

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2021-**

**MOVED:
SECONDED:**

AT THE MEETING HELD MAY 26, 2021

**THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY AUTHORIZES ANNUAL ADOPTION OF
THE FEE COLLECTION REPORT**

WHEREAS, the Household Hazardous Waste Collection and Disposal Fee Ordinance (adopted by Ordinance 2014-01 and amended by Ordinance 2019-01) establishes a Household Hazardous Waste Collection and Disposal Fee, and

WHEREAS, the current annual fee is \$6.64 per household, and

WHEREAS, the ordinance requires that a Fee Collection Report describing each parcel of real property with one or more households served by the Household Hazardous Waste Collection and Disposal Program, the number of households on each parcel described, the amount of the charge for each parcel for the year, and whether the Fee is to be collected on the tax roll or by other means be approved by the WMA Board each year prior to placing the fee on the Alameda County property tax roll, and

WHEREAS, legal notice of the public hearing of the Fee Collection Report has been provided, and the matter scheduled on the May 26, 2021 Waste Management Authority agenda for adoption.

NOW THEREFORE, BE IT RESOLVED that the Alameda County Waste Management Authority hereby approves the annual Fee Collection Report.

Passed and adopted this 26th day of May 2021 by the following vote:

**AYES:
NOES:
ABTAIN:
ABSENT:**

Arliss Dunn, Clerk of the Board

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DATE: May 26, 2021

TO: Waste Management Authority Board

FROM: Timothy Burroughs, Deputy Director

SUBJECT: Overview of Draft SB 1383 Ordinance

SUMMARY

SB 1383 regulations become effective on January 1, 2022. Before that date, jurisdictions must adopt an ordinance or other enforcement mechanism that incorporates SB 1383 requirements. To assist member agencies and to create a consistent set of requirements throughout the county, StopWaste has committed to adopt a countywide ordinance. At the May 26 WMA Board meeting, staff will provide an overview of the draft ordinance and next steps.

DISCUSSION

SB 1383, the Short-Lived Climate Pollutant Strategy, directs CalRecycle to divert 75% of organics from landfill and recover 20% of edible food for human consumption by 2025 statewide. Regulations were approved in November 2020 and require jurisdictions to adopt an enforcement mechanism that incorporates SB 1383 requirements by January 1, 2022. StopWaste staff, with input and review of legal counsel, has developed a draft countywide ordinance to serve as the enforcement mechanism for its member agencies. The Organics Reduction and Recycling Ordinance (ORRO) would supersede the existing Mandatory Recycling Ordinance (MRO). An “opt-in” ordinance template has also been drafted that member agencies would adopt after the WMA adopts the ORRO.

The draft ORRO is primarily based on the CalRecycle Model Enforcement Ordinance and the prescriptive nature of the SB 1383 Regulations leave little flexibility in the Ordinance’s content.

ORRO requirements include the following:

- Single family homes must have organics collection service and sort properly
- Businesses and multifamily buildings must have organics service and sort properly
- Cities and haulers must comply with requirements for color-coding and labeling containers

- Haulers must assist with SB 1383 implementation in several ways, such as conducting or complying with route reviews (i.e., contamination monitoring) and providing compliance data
- Commercial edible food generators must recover edible food, have a contract with food recovery organizations, and keep monthly records
- Food recovery organizations must keep records and report amount of food collected

The ORRO authorizes both member agencies and the WMA to serve as enforcement agencies, as appropriate. This is designed to allow maximum flexibility.

StopWaste staff distributed the draft ORRO as well as the draft opt-in ordinance to member agencies and other stakeholders on April 20. Staff also reviewed the ORRO at a meeting of the Alameda County City Managers Association in May and TAC meetings in April and May.

Staff is currently reviewing member agency and partner comments and working with our legal counsel to make ordinance revisions. A revised version of the Organics Reduction and Recycling Ordinance will be brought to the WMA at its June 23 meeting for first reading. A second reading and final adoption is scheduled for the July 28 WMA meeting. This timeline is designed to enable member agencies to take the opt-in ordinance to their council/board between August and December.

In addition to leading development of the ordinance, StopWaste continues to advance other components of SB 1383 compliance, including development of an MOU with the Alameda County Environmental Health Department to specify enforcement responsibilities for edible food recovery requirements, providing technical assistance to help member agencies prepare for the procurement requirements, establishing a countywide enforcement program for the provision of organics collection service requirement, and identifying a countywide list of edible food generators and food recovery organizations, among other efforts.

RECOMMENDATION

This item is for information only.

Attachments: Draft Organics Reduction and Recycling Ordinance and draft Opt-In Ordinance (as of 4-20-21)

ORDINANCE 2021-02:

**ORGANICS REDUCTION
AND RECYCLING ORDINANCE
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ORDINANCE 2021-02: ORGANICS REDUCTION AND RECYCLING ORDINANCE

The Board of the Alameda County Waste Management Authority (“WMA”) hereby ordains as follows:

SECTION 1. PURPOSE AND FINDINGS

- (a) The purpose of this Ordinance is to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators. This Ordinance repeals WMA Ordinance 2012-1 (An Ordinance Requiring Actions To Reduce Landfilling Of Recyclable And Organic Solid Wastes From Businesses, Multifamily Residences, And Self Haulers) in its entirety in order to provide a single and comprehensive framework to achieve its purposes and comply with various state laws as set forth below.
- (b) The WMA has the power to enact this Ordinance pursuant to the Joint Exercise of Powers Agreement for Waste Management (“JPA”). The JPA grants the WMA the power, duty, and responsibility to prepare, adopt, revise, amend, administer, enforce, and implement the County Integrated Waste Management Plan (“ColWMP”), and pursuant to Section 5.m of the JPA, the power to adopt ordinances necessary to carry out the purposes of the JPA.
- (c) The reduction of organic and recyclable materials deposited in landfills is necessary to carry out the purposes of the JPA and implement the ColWMP, including the following goals and objectives:
 - Goal 1 is to “maintain adequate disposal capacity and minimize landfill impacts.” Objectives 1.1 and 1.3 prioritize preserving landfill capacity in the short run through reducing landfilled materials, and aim to ultimately eliminate landfills altogether, through elimination of waste and effective recovery of materials.
 - Goal 2 is to “maximize environmental benefits by balancing high volume of recovery with related considerations such as quality of commodities, operating impacts of facilities, and other environmental impacts of programs.” Objectives 2.1 to 2.5 affirm the need for infrastructure to manage diversion of organics, minimize environmental impacts of infrastructure, support markets for recovered materials, and reduce contamination.
 - Goal 3 is to “shift from managing discards to reducing consumption, managing materials at their highest and best use, and addressing environmental impacts across the full life cycle of materials and products.”

Objectives 3.1 and 3.2 prioritize managing materials at their highest and best use and prioritize incorporating climate impacts into WMA programs.

- Goal 4 is to “inform and engage the public in waste reduction activities.” Objectives 4.2 and 4.3 provide for education of Alameda County residents, schools and businesses and emphasize the need for the public to take action and adopt positive waste reduction habits.
 - Goal 5 is to “develop and administer programs and address emerging issues in partnership with member agencies, the private sector, and other key stakeholders.” Objective 5.1 identifies the need for organizational structures that foster inter-jurisdictional cooperation.
- (d) State recycling law, Assembly Bill 939 of 1989, the California Integrated Waste Management Act of 1989 (approved by the Governor of the State of California on September 29, 1989, which among other things, added Division 30 (Section 40000, et seq.) to the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time), requires cities and counties to reduce, reuse, and recycle (including composting) Solid Waste generated in their jurisdictions to the maximum extent feasible before any incineration or landfill disposal of waste, to conserve water, energy, and other natural resources, and to protect the environment.
- (e) State recycling law, Assembly Bill 341 of 2011 (approved by the Governor of the State of California on October 5, 2011, which amended Sections 41730, 41731, 41734, 41735, 41736, 41800, 42926, 44004, and 50001 of, and added Sections 40004, 41734.5, and 41780.01 and Chapter 12.8 (commencing with Section 42649) to Part 3 of Division 30 of, and added and repealed Section 41780.02 of, the Public Resources Code, as amended, supplemented, superseded and replaced from time to time), places requirements on businesses and multi-family property owners that generate a specified threshold amount of Solid Waste to arrange for recycling service and requires jurisdictions to implement a Mandatory Commercial Recycling program.
- (f) State organics recycling law, Assembly Bill 1826 of 2014 (approved by the Governor of the State of California on September 28, 2014, which added Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code, relating to Solid Waste, as amended, supplemented, superseded, and replaced from time to time), requires businesses and multi-family property owners that generate a specified threshold amount of Solid Waste, recycling, and Organic Waste per week to arrange for recycling service for those materials, requires counties and cities to implement a recycling program to divert Organic Waste from businesses subject to the law, and to implement a Mandatory Commercial Organics Recycling program.
- (g) State organics recycling law, Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016 (approved by the Governor of the State of

California on September 19, 2016, which added Sections 39730.5, 39730.6, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, as amended, supplemented, superseded, and replaced from time to time), sets Statewide Organic Waste disposal reduction targets of 50 percent by 2020 and 75 percent by 2025, based on the 2014 organics waste disposal baseline, set forth in Section 39730.6 of the Health and Safety Code, and requires CalRecycle to develop regulations to reduce organics in landfills as a source of methane. The SB 1383 Regulations place requirements on multiple entities, including counties, cities, residential households, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, haulers, Self-Haulers, Food Recovery Organizations, and Food Recovery Services to support achievement of statewide Organic Waste disposal reduction targets.

- (h) In furtherance of the food recovery objectives of the laws noted above and to reduce legal risks associated with food recovery, the State food donation law, Assembly Bill 1219 of 2017, the California Good Samaritan Food Donation Act of 2017 (approved by the Governor of the State of California on October 9, 2017, which amended Section 1714.25 of the Civil Code, amended Section 58502 of, and repealed Section 58506 of, the Food and Agricultural Code, and amended Sections 114432, 114433, and 114434 of, and added Section 114435 to, the Health and Safety Code, as amended, supplemented, superseded and replaced from time to time), provides additional protections for entities that donate and distribute food for human consumption.
- (i) The SB 1383 Regulations require cities and counties to adopt and enforce an ordinance or other enforceable mechanism to implement relevant provisions of the SB 1383 Regulations concerning regulation of organic waste collection services, generators of organic waste, waste haulers, and generators, and processors of edible food, together with enforcement mechanisms and administrative civil penalties for violations of local regulations.
- (j) All participants in the Alameda County solid waste and recycling system—cities, the County, sanitary districts, haulers, processors, facility operators, businesses, institutions, the public, and the WMA—must work together to advance the goals in the state legislation noted above, as well as those in the CoWMP.

SECTION 2. TITLE OF ORDINANCE

This ordinance is titled “Organics Reduction and Recycling Ordinance”.

SECTION 3. DEFINITIONS

The following definitions govern the use of terms in this Ordinance:

- (a) “Alameda County” means all of the territory located within the incorporated and unincorporated areas of Alameda County.
- (b) “C&D” means construction and demolition debris.
- (c) “CalRecycle” means California's Department of Resources Recycling and Recovery, which is the state agency designated with responsibility for developing, implementing, and enforcing the SB 1383 Regulations.
- (d) “California Code of Regulations” or “CCR” means the State of California Code of Regulations. CCR references in this Ordinance are preceded with a number that refers to the relevant Title of the CCR (e.g., “14 CCR” refers to Title 14 of CCR).
- (e) “Commercial Business” or “Commercial” means a firm, partnership, proprietorship, joint-stock company, corporation, or association, whether for-profit or nonprofit, strip mall, industrial facility, or a Multi-Family Residential Dwelling, or as otherwise defined in 14 CCR Section 18982(a)(6).
- (f) “Commercial Edible Food Generator” includes a Tier One or a Tier Two Commercial Edible Food Generator as defined herein or as otherwise defined in 14 CCR Section 18982(a)(73) and (a)(74). For the purposes of this definition, Food Recovery Organizations and Food Recovery Services are not Commercial Edible Food Generators pursuant to 14 CCR Section 18982(a)(7).
- (g) “Community Composting” means any activity that composts green material, agricultural material, food material, and vegetative food material, alone or in combination, and the total amount of feedstock and Compost on-site at any one time does not exceed 100 cubic yards and 750 square feet, as specified in 14 CCR Section 17855(a)(4); or, as otherwise defined by 14 CCR Section 18982(a)(8).
- (h) “Compliance Review” means a review of records by the applicable Enforcement Agency to determine compliance with this ordinance.
- (i) “Compost” has the same meaning as in 14 CCR Section 17896.2(a)(4), which stated, as of the effective date of this Ordinance, that “Compost” means the product resulting from the controlled biological decomposition of organic Solid Waste that is Source Separated from the municipal Solid Waste stream, or which is separated at a centralized facility.
- (j) “Compost Container” has the same meaning as “Green Container” in 14 CCR Section 18982(a)(29) and shall be used for the purpose of storage and collection of Source Separated Compost Container Organic Waste.
- (k) “Compostable Plastics” or “Compostable Plastic” means plastic materials that meet the ASTM D6400 standard for compostability and is certified by the Biodegradable Products Institute (BPI) or similar third-party approved by the WMA.

- (l) “Container Contamination” or “Contaminated Container” means a container, regardless of type, that contains Prohibited Container Contaminants, or as otherwise defined in 14 CCR Section 18982(a)(55).
- (m) “Designee” means an entity that the WMA or an applicable Member Agency contracts with or otherwise arranges to carry out any of the WMA’s or Member Agency’s responsibilities for compliance with the SB 1383 Regulations. A Designee may be a government entity, a Regulated Hauler, a private entity, or a combination of those entities.
- (n) “Edible Food” means food intended for human consumption, or as otherwise defined in 14 CCR Section 18982(a)(18). For the purposes of this Ordinance or as otherwise defined in 14 CCR Section 18982(a)(18), “Edible Food” is not Solid Waste if it is recovered and not discarded. Nothing in this Ordinance or in 14 CCR, Division 7, Chapter 12 requires or authorizes the Recovery of Edible Food that does not meet the food safety requirements of the California Retail Food Code, as codified in the Health and Safety Code Section 113700, et seq.
- (o) “Enforcement Action” means an action of the relevant Enforcement Agency to address non-compliance with this Ordinance including, but not limited to, issuing administrative citations, fines, penalties, or using other remedies.
- (p) “Enforcement Agency” means an entity with the authority to enforce part or all of this Ordinance as specified herein. The WMA, its Member Agencies, the Alameda County Department of Environmental Health, and the City of Berkeley Division of Environmental Health are each an Enforcement Agency.
- (q) “Excluded Waste” means hazardous substance, hazardous waste, infectious waste, designated waste, volatile, corrosive, medical waste, infectious, regulated radioactive waste, and toxic substances or material that facility operator(s), which receive materials from a Member Agency and its generators, reasonably believe(s) would, as a result of or upon acceptance, transfer, processing, or disposal, be a violation of local, State, or Federal law, regulation, or ordinance, including: land use restrictions or conditions, waste that cannot be disposed of in Class III landfills or accepted at the facility by permit conditions, waste that in reasonable opinion of the applicable Member Agency or a Regulated Hauler operating in that Member Agency’s jurisdiction would present a significant risk to human health or the environment, cause a nuisance or otherwise create or expose the applicable Member Agency or a Regulated Hauler to potential liability; but not including de minimis volumes or concentrations of waste of a type and amount normally found in Single-Family or Multi-Family Solid Waste after implementation of programs for the safe collection, processing, recycling, treatment, and disposal of batteries and paint in compliance with Sections 41500 and 41802 of the Public Resources Code. Excluded Waste does not include used motor oil and filters, household batteries, universal wastes, and/or latex paint when such materials are defined as allowable materials for collection through the applicable Member Agency’s collection programs and the generator or customer has properly placed

the materials for collection pursuant to instructions provided by the applicable Member Agency or the Regulated Hauler providing service to the generator.

- (r) “Food Distributor” means a company that distributes food to entities including, but not limited to, Supermarkets and Grocery Stores, or as otherwise defined in 14 CCR Section 18982(a)(22).
- (s) “Food Facility” has the same meaning as in Section 113789 of the Health and Safety Code.
- (t) “Food Recovery” means actions to collect and distribute food for human consumption that otherwise would be disposed, or as otherwise defined in 14 CCR Section 18982(a)(24).
- (u) “Food Recovery Organization” means an entity that engages in the collection or receipt of Edible Food from Commercial Edible Food Generators and distributes that Edible Food to the public for Food Recovery either directly or through other entities or as otherwise defined in 14 CCR Section 18982(a)(25), including, but not limited to:
 - (1) A food bank as defined in Section 113783 of the Health and Safety Code;
 - (2) A nonprofit charitable organization as defined in Section 113841 of the Health and Safety code; and,
 - (3) A nonprofit charitable temporary food facility as defined in Section 113842 of the Health and Safety Code.

A Food Recovery Organization is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).

If the definition in 14 CCR Section 18982(a)(25) for Food Recovery Organization differs from this definition, the definition in 14 CCR Section 18982(a)(25) shall apply to this Ordinance.

- (v) “Food Recovery Service” means a person or entity that collects and transports Edible Food from a Commercial Edible Food Generator to a Food Recovery Organization or other entities for Food Recovery, or as otherwise defined in 14 CCR Section 18982(a)(26). A Food Recovery Service is not a Commercial Edible Food Generator for the purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12 pursuant to 14 CCR Section 18982(a)(7).
- (w) “Food Scraps” means all food such as, but not limited to, fruits, vegetables, meat, poultry, seafood, shellfish, bones, rice, beans, pasta, bread, cheese, coffee grounds, and eggshells. Food Scraps excludes fats, oils, and grease when such materials are Source Separated from other Food Scraps.

- (x) “Food Service Provider” means an entity primarily engaged in providing food services to institutional, governmental, Commercial, or industrial locations of others based on contractual arrangements with these types of organizations, or as otherwise defined in 14 CCR Section 18982(a)(27).
- (y) “Food-Soiled Paper” is compostable paper material that has come in contact with food or liquid, such as, but not limited to, compostable paper plates, napkins, and pizza boxes.
- (z) “Food Waste” means Food Scraps, Food-Soiled Paper, and Compostable Plastics.
- (aa) “Grocery Store” means a store primarily engaged in the retail sale of canned food; dry goods; fresh fruits and vegetables; fresh meats, fish, and poultry; and any area that is not separately owned within the store where the food is prepared and served, including a bakery, deli, and meat and seafood departments, or as otherwise defined in 14 CCR Section 18982(a)(30).
- (bb) “Hauler Route” means the designated itinerary or sequence of stops for each segment of a Member Agency’s collection service area, or as otherwise defined in 14 CCR Section 18982(a)(31.5).
- (cc) “High Diversion Organic Waste Processing Facility” means a facility that is in compliance with the reporting requirements of 14 CCR Section 18815.5(d) and meets or exceeds an annual average mixed waste organic content Recovery rate of 50 percent between January 1, 2022 and December 31, 2024, and 75 percent after January 1, 2025, as calculated pursuant to 14 CCR Section 18815.5(e) for Organic Waste received from the “Mixed waste organic collection stream” as defined in 14 CCR Section 17402(a)(11.5); or, as otherwise defined in 14 CCR Section 18982(a)(33).
- (dd) “Inspection” means an Enforcement Agency’s electronic or on-site review of records, containers, and an entity’s collection, handling, recycling, or landfill disposal of Organic Waste or Edible Food handling to determine if the entity is complying with requirements set forth in this ordinance, or as otherwise defined in 14 CCR Section 18982(a)(35).
- (ee) “Landfill Container” has the same meaning as “Gray Container” in 14 CCR Section 18982(a)(28) and shall be used for the purpose of storage and collection of Landfill Container Waste.
- (ff) “Landfill Container Waste” means Solid Waste that is collected in a Landfill Container that is part of a three-container or three-plus container collection service that prohibits the placement of Organic Waste in the Landfill Container as specified in 14 CCR Sections 18984.1(a) and (b), or as otherwise defined in 14 CCR Section 17402(a)(6.5). (Three container collection service refers to service collecting materials in Landfill Containers, Organics Containers, and Recycling Containers.)

- (gg) “Large Event” means an event, including, but not limited to, a sporting event or a flea market, that charges an admission price, or is operated by a local agency, and serves an average of more than 2,000 individuals per day of operation of the event, at a location that includes, but is not limited to, a public, nonprofit, or privately owned park, parking lot, golf course, street system, or other open space when being used for an event. If the definition in 14 CCR Section 18982(a)(38) differs from this definition, the definition in 14 CCR Section 18982(a)(38) shall apply to this ordinance.
- (hh) “Large Venue” means a permanent venue facility that annually seats or serves an average of more than 2,000 individuals within the grounds of the facility per day of operation. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a venue facility includes, but is not limited to, a public, nonprofit, or privately owned or operated stadium, amphitheater, arena, hall, amusement park, conference or civic center, zoo, aquarium, airport, racetrack, horse track, performing arts center, fairground, museum, theater, or other public attraction facility. For purposes of this Ordinance and implementation of 14 CCR, Division 7, Chapter 12, a site under common ownership or control that includes more than one Large Venue that is contiguous with other Large Venues in the site, is a single Large Venue. If the definition in 14 CCR Section 18982(a)(39) differs from this definition, the definition in 14 CCR Section 18982(a)(39) shall apply to this ordinance.
- (ii) “Local Education Agency” means a school district, charter school, or county office of education that is not subject to the control of city or county regulations related to Solid Waste, or as otherwise defined in 14 CCR Section 18982(a)(40).
- (jj) “Member Agency” means a party to the JPA. Current member agencies are the County of Alameda; the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City; and the Castro Valley and Oro Loma Sanitary Districts. A reference to an “applicable Member Agency” means the Member Agency within whose boundaries the regulated Organic Waste Generator, Self-Hauler, Regulated Hauler, Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity resides or operates. The Member Agency boundaries for the purpose of this Ordinance are:
- (1) The legal boundaries of each of the 14 incorporated municipalities within Alameda County, except those portions of the Cities of Hayward and San Leandro that are within the boundaries of the Oro Loma Sanitary District.
 - (2) The legal boundaries of each of the Castro Valley and Oro Loma Sanitary Districts.
 - (3) The unincorporated sections of the County not included within the above.

- (kk) “Mixed Waste Organic Collection Stream” or “Mixed Waste” means Organic Waste collected in a container that is required by 14 CCR Sections 18984.1, 18984.2 or 18984.3 to be taken to a High Diversion Organic Waste Processing Facility or as otherwise defined in 14 CCR Section 17402(a)(11.5).
- (ll) “Multi-Family Residential Dwelling” or “Multi-Family” means of, from, or pertaining to residential premises with five or more dwelling units. Multi-Family premises are considered a distinct type of Commercial Business for the purposes of implementing this Ordinance. Residential premises that consist of fewer than five units are not “Multi-Family” and instead are “Single-Family” for the purposes of implementing this Ordinance. Multi-Family premises do not include hotels, motels, or other transient occupancy facilities, which are considered other types of Commercial Businesses.
- (mm) “Non-Compostable Paper” includes but is not limited to paper that is coated or lined with a non-compostable plastic material, treated with perfluorinated compounds (such as PFAS), or otherwise unacceptable to the compostable materials handling facility processing the material.
- (nn) “Non-Local Entity” means the following entities within the boundaries of Alameda County that are not subject to the applicable Enforcement Agency’s enforcement authority pursuant to the SB 1383 Regulations, or as otherwise defined in 14 CCR Section 18982(a)(42): special districts; Federal facilities, including military installations; prison(s); facilities operated by the State park system; public universities (including community colleges); County fairgrounds; and State agencies.
- (oo) “Non-Organic Recyclables” means non-putrescible and non-hazardous recyclable wastes, including but not limited to recyclable food and beverage glass containers, metal (aluminum and steel) food and beverage cans, HDPE (high density polyethylene) bottles and PET (polyethylene terephthalate) bottles, and other wastes specified in 14 CCR Section 18982(a)(43).
- (pp) “Notice of Violation” means a notice that a violation has occurred that includes a compliance date to avoid an action to seek penalties, or as otherwise defined in 14 CCR Section 18982(a)(45) or further explained in 14 CCR Section 18995.4.
- (qq) “Organic Waste” means Solid Waste containing material originated from living organisms and their metabolic waste products, including but not limited to food, green material, landscape and pruning waste, organic textiles and carpets, lumber, wood, Paper Products, Printing and Writing Paper, manure, biosolids, digestate, and sludges or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined by 14 CCR Section 18982(a).
- (rr) “Organic Waste Generator” means a person or entity that is responsible for the initial creation of Organic Waste, or as otherwise defined in 14 CCR Section 18982(a)(48).

- (ss) “Paper Products” include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling, or as otherwise defined in 14 CCR Section 18982(a)(51).
- (tt) “Person” includes an individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever, or as otherwise defined in Public Resources Code Section 40170.
- (uu) “Printing and Writing Paper” include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications, or as otherwise defined in 14 CCR Section 18982(a)(54).
- (vv) “Prohibited Container Contaminants” means the following: (i) discarded materials placed in the Recycling Container that are not identified as acceptable Source Separated Recyclable Materials for the Member Agency’s Recycling Container; (ii) discarded materials placed in the Compost Container that are not identified as acceptable Source Separated Compost Container Organic Waste for the Member Agency’s Compost Container; (iii) discarded materials placed in the Landfill Container that are acceptable Source Separated Recyclable Materials and/or Source Separated Compost Container Organic Waste to be placed in the Member Agency’s Compost Container and/or Recycling Container; and, (iv) Excluded Waste placed in any container.
- (ww) “Recovery” means any activity or process described in 14 CCR Section 18983.1(b), or as otherwise defined in 14 CCR Section 18982(a)(49).
- (xx) “Recycling Container” has the same meaning as “Blue Container” in 14 CCR Section 18982(a)(5) and shall be used for the purpose of storage and collection of Source Separated Recyclable Materials and Source Separated Recycling Container Organic Waste.
- (yy) “Regulated Hauler” means a Person that collects Solid Waste (other than Solid Waste generated by a permitted building project) originating in Alameda County from Compost Containers, Recycling Containers, and/or Landfill Containers, and does so under a contract, franchise agreement, or permit with the WMA or a Member Agency.
- (zz) “Remote Monitoring” means the use of mechanical or electronic devices to identify the types of materials in Commercial Businesses’ Recycling Containers, Compost Containers, and/or Landfill Containers for purposes of identifying the quantity of materials in containers (level of fill) and/or presence of Prohibited Container Contaminants.

- (aaa) “Restaurant” means an establishment primarily engaged in the retail sale of food and drinks for on-premises or immediate consumption, or as otherwise defined in 14 CCR Section 18982(a)(64).
- (bbb) “Route Review” means a visual Inspection of containers along a Hauler Route for the purpose of determining Container Contamination, and may include mechanical or electronic Inspection methods such as the use of cameras, or as otherwise defined in 14 CCR Section 18982(a)(65).
- (ccc) “SB 1383” means Senate Bill 1383 of 2016, the Short-lived Climate Pollutant Reduction Act of 2016.
- (ddd) “SB 1383 Regulations” means or refers to, for the purposes of this Ordinance, the Short-Lived Climate Pollutants: Organic Waste Reduction regulations developed by CalRecycle and adopted in 2020 that created 14 CCR, Division 7, Chapter 12 and amended portions of regulations of 14 CCR and 27 CCR.
- (eee) “Self-Hauler” means a Person, who hauls Solid Waste, Organic Waste or recyclable material they have generated to another Person. Self-hauler also includes a Person who back-hauls such materials, and as otherwise defined in 14 CCR Section 18982(a)(66). Back-haul means generating and transporting Organic Waste to a destination owned and operated by the generator using the generator’s own employees and equipment, or as otherwise defined in 14 CCR Section 18982(a)(66)(A).
- (fff) “Single-Family” means of, from, or pertaining to any residential premises with fewer than five units.
- (ggg) “Solid Waste” has the same meaning as defined in Public Resources Code Section 40191, which defines Solid Waste as all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semi-solid wastes, and other discarded solid and semisolid wastes, with the exception that Solid Waste does not include any of the following wastes:
 - (1) Hazardous waste, as defined in the Public Resources Code Section 40141.
 - (2) Radioactive waste regulated pursuant to the State Radiation Control Law (Chapter 8 (commencing with Section 114960) of Part 9 of Division 104 of the Health and Safety Code).
 - (3) Medical waste regulated pursuant to the State Medical Waste Management Act (Part 14 (commencing with Section 117600) of Division 104 of the Health and Safety Code). Untreated medical waste shall not be disposed of in a Solid Waste landfill, as defined in Public Resources Code Section

40195.1. Medical waste that has been treated and deemed to be Solid Waste shall be regulated pursuant to Division 30 of the Public Resources Code.

- (hhh) “Source Separated” means materials, including commingled recyclable materials, that have been separated or kept separate from the Solid Waste stream, at the point of generation, for the purpose of additional sorting or processing those materials for recycling or reuse in order to return them to the economic mainstream in the form of raw material for new, reused, or reconstituted products, which meet the quality standards necessary to be used in the marketplace, or as otherwise defined in 14 CCR Section 17402.5(b)(4). For the purposes of this ordinance, Source Separated shall include separation of materials by the generator into different containers for the purpose of collection such that Source Separated materials are separated from Landfill Container Waste or other Solid Waste for the purposes of collection and processing.
- (iii) “Source Separated Compost Container Organic Waste” means Source Separated Organic Waste that can be placed in a Compost Container that is specifically intended for the separate collection of Organic Waste by the generator, excluding Source Separated Recycling Container Organic Waste, carpets, Non-Compostable Paper, and textiles.
- (jjj) “Source Separated Recyclable Materials” means Source Separated Non-Organic Recyclables and Source Separated Recycling Container Organic Waste.
- (kkk) “Source Separated Recycling Container Organic Waste” means Source Separated Organic Wastes that can be placed in a Recycling Container that is limited to the collection of those Organic Wastes and Non-Organic Recyclables, as defined herein or as otherwise defined in Sections 18982(a)(43) and 18982(a)(46). Source Separated Recycling Container Organic Waste shall include materials as determined by the applicable Member Agency and includes Paper Products and Printing and Writing Paper.
- (III) “Supermarket” means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items, or as otherwise defined in 14 CCR Section 18982(a)(71).
- (mmm) “Tier One Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:
 - (1) Supermarket.
 - (2) Grocery Store with a total facility size equal to or greater than 10,000 square feet.
 - (3) Food Service Provider.

- (4) Food Distributor.
- (5) Wholesale Food Vendor.

If the definition in 14 CCR Section 18982(a)(73) of Tier One Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(73) shall apply to this Ordinance.

(nnn) “Tier Two Commercial Edible Food Generator” means a Commercial Edible Food Generator that is one of the following:

- (1) Restaurant with 250 or more seats, or a total facility size equal to or greater than 5,000 square feet.
- (2) Hotel with an on-site Food Facility and 200 or more rooms.
- (3) Health facility with an on-site Food Facility and 100 or more beds.
- (4) Large Venue.
- (5) Large Event.
- (6) A State agency with a cafeteria with 250 or more seats or total cafeteria facility size equal to or greater than 5,000 square feet.
- (7) A Local Education Agency facility with an on-site Food Facility.

If the definition in 14 CCR Section 18982(a)(74) of Tier Two Commercial Edible Food Generator differs from this definition, the definition in 14 CCR Section 18982(a)(74) shall apply to this ordinance.

(ooo) “Wholesale Food Vendor” means a business or establishment engaged in the merchant wholesale distribution of food, where food (including fruits and vegetables) is received, shipped, stored, prepared for distribution to a retailer, warehouse, distributor, or other destination, or as otherwise defined in 14 CCR Section 189852(a)(76).

(ppp) “WMA” means the Alameda County Waste Management Authority.

SECTION 4. REQUIREMENTS FOR SINGLE-FAMILY GENERATORS

Except Single-Family Organic Waste Generators that meet the Self-Hauler requirements in Section 10 of this ordinance and/or that are located in a census tract for which CalRecycle has issued a low population waiver (as described in 14 CCR Section 18984.12), Single-Family generators shall:

- (a) Be subscribed to the applicable Member Agency’s collection services for Compost Containers, Recycling Containers, and Landfill Containers. The Enforcement

Agency shall have the right to review the number and size of a generator's containers to evaluate the adequacy of capacity provided for each type of collection service and to review the separation of materials and containment of materials. A Single-Family generator shall adjust its service level for its collection services as requested by the Member Agency in order to meet the standards set forth in this Ordinance. Generators may manage their Organic Waste by preventing or reducing their Organic Waste, managing Organic Waste on site, and/or using a Community Composting site pursuant to 14 CCR Section 18984.9(c).

- (b) Participate in the applicable Member Agency's Organic Waste collection service(s) by placing designated materials in designated containers as described below, and not placing Prohibited Container Contaminants in collection containers. Generator shall place Source Separated Compost Container Organic Waste, including Food Waste, in the Compost Container; Source Separated Recyclable Materials in the Recycling Container; and Landfill Container Waste in the Landfill Container. Generators shall not place materials designated for the Landfill Container into the Compost Container or the Recycling Container.
- (c) The Enforcement Agency for the provisions of this Section 4 is the applicable Member Agency.

SECTION 5. REQUIREMENTS FOR COMMERCIAL BUSINESSES

Commercial Business Organic Waste Generators, including Multi-Family Residential Dwellings, shall:

- (a) Except Commercial Businesses that meet the Self-Hauler requirements in Section 10 of this Ordinance, or that meet waiver requirements in Section 6 of this Ordinance, or that are located in a census tract for which CalRecycle has issued a low population waiver (as described in 14 CCR Section 18984.12):
 - (1) Be subscribed to the applicable Member Agency's collection services for Compost Containers, Recycling Containers, and Landfill Containers and comply with requirements of those services as described below. The Enforcement Agency shall have the right to review the number and size of a generator's containers and frequency of collection to evaluate adequacy of capacity provided for each type of collection service for proper separation of materials and containment of materials; and, Commercial Businesses shall adjust their service level for their collection services as requested by the Enforcement Agency.
 - (2) Participate in the Member Agency's Organic Waste collection service(s) by placing designated materials in designated containers as described below. Generator shall place Source Separated Compost Container Organic Waste, including Food Waste, in the Compost Container; Source Separated Recyclable Materials in the Recycling Container; and Landfill Container Waste in the Landfill

Container. Generator shall not place materials designated for the Landfill Container into the Compost Container or Recycling Container.

- (b) Supply and allow access to adequate number, size and location of collection containers with sufficient labels or colors (conforming with Sections 5(c)(1), 5(c)(2), and 5(d) below) for employees, contractors, tenants, and customers, consistent with the Recycling Container, Compost Container, and Landfill Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 10.
- (c) Excluding Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials in all indoor and outdoor areas where disposal containers are provided for customers, for materials generated by that business. Such containers do not need to be provided in restrooms. If a Commercial Business does not generate any of the materials that would be collected in one type of container, then the business does not have to provide that particular container in all areas where disposal containers are provided for customers. Pursuant to 14 CCR Section 18984.9(b), the containers provided by the business shall have either:
 - (1) A body or lid that conforms with the container colors specified by the applicable Member Agency, with either lids conforming to the color requirements or bodies conforming to the color requirements or both lids and bodies conforming to color requirements. Notwithstanding the foregoing, a Commercial Business is not required to replace functional containers, including containers purchased prior to January 1, 2022, that do not comply with the requirements of the subsection prior to the end of the useful life of those containers, or prior to January 1, 2036, whichever comes first.
 - (2) Container labels that include language or graphic images, or both, indicating the primary material accepted and the primary materials prohibited in that container, or containers with imprinted text or graphic images that indicate the primary materials accepted and primary materials prohibited in the container. Pursuant 14 CCR Section 18984.8, the container labeling requirements are required on new containers commencing January 1, 2022.
- (d) For Multi-Family Residential Dwellings, provide containers for the collection of Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials in all common areas where disposal containers are provided for tenants, including areas for internal consolidation of materials that are later deposited in Organics Containers, Recycling Containers, and Landfill Containers for collection by Regulated Haulers. Such containers do not need to be provided in restrooms accessible from common areas of the Multi-Family Dwelling. Such containers shall comply with the color and labeling requirements specified in subsections (c)(1) and (c)(2) above.

- (e) To the extent practical through education, training, Inspection, and/or other measures, prohibit employees from placing materials in a container not designated for those materials per the Recycling Container, Compost Container, and Landfill Container collection service or, if self-hauling, per the Commercial Businesses' instructions to support its compliance with its self-haul program, in accordance with Section 10.
- (f) Periodically inspect Recycling Containers, Compost Containers, and Landfill Containers for contamination and inform employees if containers are contaminated and of the requirements to keep contaminants out of those containers pursuant to 14 CCR Section 18984.9(b)(3).
- (g) Annually provide information to employees, contractors, tenants, and customers about Organic Waste Recovery requirements and about proper sorting of Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials.
- (h) Provide education information within fourteen days of new occupation of the premises to new tenants that describes requirements to keep Source Separated Compost Container Organic Waste and Source Separated Recyclable Materials separate each other and from Landfill Container Waste and the location of containers and the rules governing their use at the property.
- (i) Provide or arrange access for the Enforcement Agency to their properties during all Inspections conducted in connection with this ordinance to confirm compliance with the requirements of this ordinance.
- (j) Accommodate and cooperate with any Remote Monitoring program for Inspection of the types of materials placed in containers for Prohibited Container Contaminants to evaluate generator's compliance with Section 5(a)(1).
- (k) At Commercial Business's option and subject to approval by the Enforcement Agency, implement a Remote Monitoring program for self-inspection of the types of materials placed in Recycling Containers, Compost Containers, and Landfill Containers for the purpose of monitoring the contents of containers to determine appropriate levels of service and to identify Prohibited Container Contaminants.
- (l) Nothing in this Section prohibits a generator from preventing or reducing waste generation, managing Organic Waste on site, or using a Community Composting site pursuant to 14 CCR Section 18984.9(c) to the extent permitted by other applicable laws.
- (m) The Enforcement Agency for the provisions of this Section 5 is the WMA and the applicable Member Agency.

SECTION 6. WAIVERS FOR COMMERCIAL BUSINESS GENERATORS

- (a) De Minimis Waivers. Except for Multi-Family Dwellings, the Enforcement Agency may waive a Commercial Business' obligation to comply with some or all of the Organic Waste collection service requirements of this ordinance if the Commercial Business provides documentation demonstrating that the business generates below a certain amount of Organic Waste material, as described in Section 6(a)(2) below. A Commercial Business requesting a de minimis waiver shall:
- (1) Submit an application specifying the service or requirements for which it is requesting a waiver.
 - (2) Provide documentation that either:
 - (A) The Commercial Business' total Solid Waste collection service is two cubic yards or more per week and Organic Waste subject to collection in a Recycling Container or Compost Container comprises less than 20 gallons per week per applicable container of the business' total waste; or,
 - (B) The Commercial Business' total Solid Waste collection service is less than two cubic yards per week and Organic Waste subject to collection in a Recycling Container or Compost Container comprises less than 10 gallons per week per applicable container of the business' total waste.
 - (C) For the purposes of subsections (A) and (B) above, total Solid Waste shall be the sum of weekly container capacity measured in cubic yards for Solid Waste, Recyclable Materials, and Organic Materials collection service.
 - (3) Notify the Enforcement Agency granting the waiver (as applicable and if requested) if circumstances change such that Commercial Business's Organic Waste exceeds threshold required for waiver, in which case waiver will be rescinded.
 - (4) Provide written verification of eligibility for de minimis waiver to the Enforcement Agency (as applicable) every 5 years, if the Enforcement Agency has approved de minimis waiver.
- (b) Physical Space Waivers. The Enforcement Agency may waive a Commercial Business' or property owner's (including a Multi-Family Residential Dwelling's) obligation to comply with some or all of the recyclable materials and/or Organic Waste collection service requirements of this ordinance if the Enforcement Agency has evidence from its own staff, a hauler, licensed architect, or licensed engineer demonstrating that the premises lacks adequate space for the collection containers

required for compliance with the Organic Waste collection requirements of Section 5.

A Commercial Business requesting a physical space waiver shall:

- (1) Submit an application specifying the service or requirements for which it is requesting a waiver.
 - (2) Provide documentation that the premises lacks adequate space for Recycling Containers and/or Compost Containers, which may include documentation from its hauler, licensed architect, or licensed engineer.
 - (3) Notify the Enforcement Agency granting the waiver if the Commercial Business' physical space configurations change, in which case the waiver may be rescinded.
 - (4) Provide written verification to the Enforcement Agency of eligibility for a physical space waiver every five years, if the Enforcement Agency has approved a physical space waiver for the Commercial Business.
- (c) Collection Frequency Waiver. The Enforcement Agency, at its discretion and in accordance with 14 CCR Section 18984.11(a)(3), may allow the owner or tenant of any residence, premises, business establishment or industry that subscribes to the applicable Member Agency's three- or, if relevant, three-plus container Organic Waste collection service to arrange for the collection of their Recycling Container, Landfill Container, or both once every fourteen days, rather than once per week.
- (d) The Enforcement Agency for the provisions of this Section 6 is the WMA and the applicable Member Agency.

SECTION 7. REQUIREMENTS FOR COMMERCIAL EDIBLE FOOD GENERATORS

- (a) Tier One Commercial Edible Food Generators must comply with the requirements of this Section 7 commencing January 1, 2022, and Tier Two Commercial Edible Food Generators must comply commencing January 1, 2024, pursuant to 14 CCR Section 18991.3.
- (b) Large Venue or Large Event operators not providing food services, but allowing for food to be provided by others, shall require Food Facilities operating at the Large Venue or Large Event to comply with the requirements of this Section, commencing January 1, 2024.
- (c) Commercial Edible Food Generators shall comply with the following requirements:
- (1) Arrange to safely recover for human consumption the maximum amount of Edible Food that would otherwise be disposed.

- (2) Enter into a contract or written agreement with Food Recovery Organizations or Food Recovery Services for: (i) the collection of Edible Food for Food Recovery; or, (ii) acceptance of the Edible Food that the Commercial Edible Food Generator self-hauls to the Food Recovery Organization for Food Recovery.
- (3) Abide by all contractual or written agreement requirements specified by the Food Recovery Organization or Food Recovery Service on how Edible Food should be prepared, packaged, labeled, handled, stored, distributed or transported to the Food Recovery Organization or Service.
- (4) Not intentionally donate food that has not been prepared, packaged, handled, stored and/or transported in accordance with the safety requirements of the California Retail Food Code.
- (5) Not intentionally spoil Edible Food that is capable of being recovered by a Food Recovery Organization or a Food Recovery Service.
- (6) Allow the Enforcement Agency to review records upon request, including by providing electronic copies or allowing access to the premises, pursuant to 14 CCR Section 18991.4.
- (7) Keep records that include the following information, or as otherwise specified in 14 CCR Section 18991.4:
 - (A) A list of each Food Recovery Service or Food Recovery Organization that collects or receives its Edible Food pursuant to a contract or written agreement established under 14 CCR Section 18991.3(b).
 - (B) A copy of all contracts or written agreements established under 14 CCR Section 18991.3(b).
 - (C) A record of the following information for each of those Food Recovery Services or Food Recovery Organizations:
 - (i) The name, address and contact information of the Food Recovery Service or Food Recovery Organization.
 - (ii) The types of food that will be collected by or self-hauled to the Food Recovery Service or Food Recovery Organization.
 - (iii) The established frequency that food will be collected or self-hauled.
 - (iv) The quantity of food, measured in pounds recovered per month, collected or self-hauled to a Food Recovery Service or Food Recovery Organization for Food Recovery.

- (8) Tier One Commercial Edible Food Generators and Tier Two Commercial Edible Food Generators shall provide, upon request, a Food Recovery report to the Enforcement Agency that includes the information in Section 7(c)(6). Entities shall respond to such request for information within 60 days.
- (d) Nothing in this ordinance shall be construed to limit or conflict with (1) the protections provided by the California Good Samaritan Food Donation Act of 2017, the Federal Good Samaritan Act, or share table and school food donation guidance pursuant to Senate Bill 557 of 2017 (approved by the Governor of the State of California on September 25, 2017, which added Article 13 commencing with Section 49580 to Chapter 9 of Part 27 of Division 4 of Title 2 of the Education Code, and to amend Section 114079 of the Health and Safety Code, relating to food safety, as amended, supplemented, superseded and replaced from time to time); or (2) otherwise applicable food safety and handling laws and regulations.
- (e) The Enforcement Agency for the provisions of this Section 7 is the Alameda County Department of Environmental Health, the City of Berkeley Division of Environmental Health in the City of Berkeley, the WMA, and the applicable Member Agency.

SECTION 8. REQUIREMENTS FOR FOOD RECOVERY ORGANIZATIONS AND SERVICES

- (a) Food Recovery Services collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(1):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the service collects Edible Food.
 - (2) The quantity in pounds of Edible Food collected from each Commercial Edible Food Generator per month.
 - (3) As applicable, the total quantity in pounds of food collected from all Commercial Edible Food Generators each calendar year that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - (4) The quantity in pounds of Edible Food transported to each Food Recovery Organization per month.
 - (5) The name, address, and contact information for each Food Recovery Organization that the Food Recovery Service transports Edible Food to for Food Recovery.

- (b) Food Recovery Organizations collecting or receiving Edible Food directly from Commercial Edible Food Generators, via a contract or written agreement established under 14 CCR Section 18991.3(b), shall maintain the following records, or as otherwise specified by 14 CCR Section 18991.5(a)(2):
 - (1) The name, address, and contact information for each Commercial Edible Food Generator from which the organization receives Edible Food.
 - (2) The quantity in pounds of Edible Food received from each Commercial Edible Food Generator per month.
 - (3) As applicable, the total quantity in pounds of food collected from all Commercial Edible Food Generators each calendar year that was spoiled when received from a Commercial Edible Food Generator or otherwise not able to be used to feed people.
 - (4) The name, address, and contact information for each Food Recovery Service that the organization receives Edible Food from for Food Recovery.
- (c) Food Recovery Organizations and Food Recovery Services that have their primary address physically located in Alameda County and contract with or have written agreements with one or more Commercial Edible Food Generators pursuant to 14 CCR Section 18991.3(b) shall report to the Enforcement Agency the total pounds of Edible Food recovered in the previous calendar year from the Tier One and Tier Two Commercial Edible Food Generators they have established a contract or written agreement with pursuant to 14 CCR Section 18991.3(b) no later than each March 31.
- (d) Food Recovery Organizations and Food Recovery Services shall not include a non-compete clause in their contracts or agreements with Commercial Edible Food Generators.
- (e) Food Recovery Capacity Planning. In order to support Edible Food Recovery capacity planning assessments or similar studies, Food Recovery Services and Food Recovery Organizations operating in Alameda County shall provide, upon request, information and consultation to the applicable Enforcement Agency regarding existing, or proposed new or expanded, Food Recovery capacity that can be accessed by the WMA, Member Agencies, and Commercial Edible Food Generators in Alameda County. A Food Recovery Service or Food Recovery Organization contacted by the Enforcement Agency shall respond to such request for information within 60 days, unless a shorter timeframe is otherwise specified by the Enforcement Agency.
- (f) The Enforcement Agency for the provisions of this Section 8 is the Alameda County Department of Environmental Health, the City of Berkeley Division of Environmental Health in the City of Berkeley, the WMA, and the applicable Member Agency.

SECTION 9. REQUIREMENTS FOR HAULERS AND FACILITY OPERATORS**(a) Requirements for Haulers**

- (1) A Regulated Hauler providing residential, Commercial, or industrial Organic Waste collection service to generators within Alameda County shall meet the following requirements and standards in connection with collection of Organic Waste:
 - (A) Through written notice to the applicable Member Agency annually on or before March 31, identify the facilities to which they will transport Organic Waste including facilities for Source Separated Recyclable Materials and Source Separated Compost Container Organic Waste.
 - (B) Transport Source Separated Recyclable Materials to a facility that recycles those materials and transport Source Separated Compost Container Organic Waste to a facility, operation, activity, or property that recovers Organic Waste as defined in 14 CCR, Division 7, Chapter 12, Article 2.
 - (C) Obtain approval from the applicable Member Agency to haul Organic Waste, unless it is transporting Source Separated Organic Waste to a Community Composting site or lawfully transporting C&D in a manner that complies with 14 CCR Section 18989.1, Section 13 of this ordinance, and any WMA and applicable Member Agency rules.
- (2) A Regulated Hauler collecting Organic Waste shall:
 - (A) Provide quarterly reports to the WMA and Member Agency on Commercial and Multifamily account information and service levels and technical assistance described in subsection (G) below in a form to be specified by the WMA.
 - (B) Assist in the dissemination of SB 1383 educational materials to generators.
 - (C) Train customer service representative and account managers/recycling coordinators on SB 1383 generator requirements and resources available at least annually and during new staff on-boarding.
 - (D) Require that Single-Family and Commercial accounts that are subscribed to garbage collection service also be subscribed to recycling and organics collection service.

- (E) Conduct or comply with container contamination minimization efforts such as route reviews or waste evaluations. Provide feedback to generators when container contamination is observed by hauler.
 - (F) Assist with verification of physical space constraints when generator submits an application for a physical space waiver, if requested by the Enforcement Agency.
 - (G) Provide Commercial accounts with technical assistance such as staff trainings when new recycling or organics collection service is added or upon request. This activity shall be logged in shared data platform for the Implementation Record.
- (3) The Enforcement Agency for the provisions of this Section 9(a) is the WMA except where specific reference is made to the applicable Member Agency.
- (b) Requirements for Facility Operators and Community Composting Operations
- (1) Owners of facilities, operations, and activities that recover Organic Waste, including, but not limited to, Compost facilities, in-vessel digestion facilities, and publicly-owned treatment works shall, upon request from the WMA, provide within 60 days information regarding available and potential new or expanded capacity at their facilities, operations, and activities, including information about throughput and permitted capacity necessary for planning purposes.
 - (2) Community Composting operators shall, upon request from the WMA, provide within 60 days information to support Organic Waste capacity planning, including, but not limited to, an estimate of the amount of Organic Waste anticipated to be handled at the Community Composting operation.
 - (3) The Enforcement Agency for the provisions of this Section 9(b) is the WMA.

SECTION 10. SELF-HAULER REQUIREMENTS

- (a) Self-Haulers shall source separate all recyclable materials and Organic Waste (materials that the applicable Member Agency otherwise requires generators to separate for collection in the Member Agency's organics and recycling collection program) generated on-site from Solid Waste in a manner consistent with 14 CCR Sections 18984.1 and 18984.2, or shall haul Organic Waste to a High Diversion Organic Waste Processing Facility as specified in 14 CCR Section 18984.3.
- (b) Self-Haulers shall haul their Source Separated Recyclable Materials to a facility that recovers those materials; and haul their Source Separated Compost Container Organic Waste to a Solid Waste facility, operation, activity, or property that processes or recovers Source Separated Organic Waste. Alternatively, Self-Haulers may haul Organic Waste to a High Diversion Organic Waste Processing

Facility. Self-Haulers may Back-haul to a destination owned and operated by the generator using the generator's own employees and equipment and then haul those consolidated materials to facilities meeting the requirements of this subsection (b).

- (c) Self-Haulers that are Commercial Businesses (including Multi-Family Residential Dwellings) shall keep a record of the amount of Organic Waste delivered to each Solid Waste facility, operation, activity, or property that processes or recovers Organic Waste; this record shall be subject to Inspection by the Enforcement Agency. The records shall include the following information:
 - (1) Delivery receipts and weight tickets from the entity accepting the material.
 - (2) The amount of material in cubic yards or tons transported by the generator to each entity.
 - (3) If the material is transported to an entity that does not have scales on-site, or employs scales incapable of weighing the Self-Hauler's vehicle in a manner that allows it to determine the weight of materials received, the Self-Hauler is not required to record the weight of material but shall keep a record of the entities that received the Organic Waste.
- (d) Self-Haulers shall submit a Certification of Recycling Service to the Enforcement Agency for approval if they do not also have separate recycling and organics collection service by a Regulated Hauler.
- (e) Self-Haulers shall submit a new Certification of Recycling Service to the Enforcement Agency for approval every five years, if they do not also have separate recycling and organics collection service by a Regulated Hauler.
- (f) Self-Haulers shall notify the Enforcement Agency if they subscribe to separate recycling and organics collection service by a Regulated Hauler, such that they are no longer Self-Haulers.
- (g) Self-Haulers that are Commercial Businesses (including Multi-Family Self-Haulers) shall provide information, upon request, collected in Section 10(c) to the Enforcement Agency. Entities shall respond to such request for information within 60 days.
- (h) A Single-Family Organic Waste Generator that self-hauls Organic Waste is not required to record or report information in Sections 10(c) through (g).
- (i) The Enforcement Agency for the provisions of this Section 10 is the WMA and the applicable Member Agency.

SECTION 11. INSPECTIONS AND INVESTIGATIONS

- (a) The Enforcement Agency is authorized to conduct Inspections and investigations, at random or otherwise, of any collection container, collection vehicle loads, or transfer, processing, or disposal facility for materials collected from generators, or Source Separated materials to confirm compliance with this ordinance by Organic Waste Generators, Commercial Businesses (including Multi-Family Residential Dwellings), Commercial Edible Food Generators, Regulated Haulers, Self-Haulers, Food Recovery Services, and Food Recovery Organizations, subject to applicable laws. This Section does not allow entry in the interior of a private residential property for Inspection. For the purposes of inspecting Commercial Business containers for compliance with Section 5(b) of this Ordinance, the Enforcement Agency may conduct container Inspections for Prohibited Container Contaminants using Remote Monitoring, and Commercial Businesses shall accommodate and cooperate with the Remote Monitoring pursuant to Section 5(j) of this Ordinance.
- (b) A Person subject to the requirements of this Ordinance shall provide or arrange for access during all Inspections (with the exception of the interior of a residential property) and shall cooperate with the Enforcement Agency during such Inspections and investigations. Such Inspections and investigations may include confirmation of proper placement of materials in containers, inspection of Edible Food Recovery activities, review of required records, or other verification or Inspection to confirm compliance with any other requirement of this Ordinance. Failure to provide or arrange for: (i) access to the premises; (ii) installation and operation of Remote Monitoring equipment, if a Remote Monitoring program is adopted; or (iii) access to records for any Inspection or investigation is a violation of this ordinance and may result in penalties described in Section 12.
- (c) Any records obtained by the Enforcement Agency during Inspections, Remote Monitoring, and other reviews shall be subject to the requirements and applicable disclosure exemptions of the Public Records Act as set forth in Government Code Section 6250 et seq.
- (d) The Enforcement Agency is authorized to conduct any Inspections, Remote Monitoring, or other investigations as reasonably necessary to further the goals of this Ordinance, subject to applicable laws.
- (e) The Enforcement Agency shall accept written complaints from persons regarding an entity that may be potentially non-compliant with this Ordinance.
- (f) The Enforcement Agency for the provisions of this Section 11 is the WMA, the Alameda County Department of Environmental Health, the City of Berkeley Division of Environmental Health in the City of Berkeley, and the applicable Member Agency.

SECTION 12. ENFORCEMENT

- (a) Violation of any provision of this ordinance shall constitute grounds for issuance of a Notice of Violation and assessment of a fine by the Enforcement Agency. Enforcement Actions under this Ordinance are issuance of an administrative citation and assessment of a fine. The Enforcement Agency's procedures on imposition of administrative citations and fines as contained shall govern the imposition, enforcement, collection, and review of administrative citations and fines issued to enforce this Ordinance and any rule or regulation adopted pursuant to this Ordinance, except as otherwise indicated in this Ordinance.
- (b) Other remedies allowed by law may be used, including civil action or prosecution as a misdemeanor or infraction. The Enforcement Agency may pursue civil actions in the California courts to seek recovery of unpaid administrative citations, and fines. The Enforcement Agency may choose to delay court action until such time as a sufficiently large number of violations, or cumulative size of violations exist such that court action is a reasonable use of Jurisdiction staff and resources.
- (c) Process for Enforcement
 - (1) The following provisions of this Ordinance may be enforced beginning on January 1, 2022: Section 5 concerning Requirements for Commercial Businesses, Section 6 concerning Waivers for Commercial Business Generators, Section 9 concerning Requirements for Haulers and Facility Operators, Section 10 concerning Self-Hauler Requirements, and Inspections related to compliance with those sections. Enforcement of all other provisions may be enforced beginning January 1, 2024.
 - (2) The Enforcement Agency will monitor compliance with this Ordinance and through Compliance Reviews, Route Reviews, investigation of complaints, and an Inspection program (that may include Remote Monitoring).
 - (3) The Enforcement Agency may issue a Notice of Violation requiring compliance within 60 days of issuance of the notice.
 - (4) Absent compliance by the respondent within the deadline set forth in the Notice of Violation, Jurisdiction shall commence an action to impose penalties, via an administrative citation and fine, pursuant to the Enforcement Agency's standard procedures.
- (d) Penalty Amounts for Types of Violations

The penalty levels are as follows:

 - (1) For a first violation, the amount of the base penalty shall be \$50 to \$100 per violation.

- (2) For a second violation, the amount of the base penalty shall be \$100 to \$200 per violation.
- (3) For a third or subsequent violation, the amount of the base penalty shall be \$250 to \$500 per violation.

(e) Compliance Deadline Extension Considerations

The Enforcement Agency may extend the compliance deadlines set forth in a Notice of Violation issued in accordance with this Section 12 if it finds that there are extenuating circumstances beyond the control of the respondent that make compliance within the deadlines impracticable, including the following:

- (1) Acts of nature such as earthquakes, wildfires, flooding, and other emergencies or natural disasters;
- (2) Delays in obtaining discretionary permits or other government agency approvals; or,
- (3) Deficiencies in Organic Waste recycling infrastructure or Edible Food Recovery capacity and the Jurisdiction is under a corrective action plan with CalRecycle pursuant to 14 CCR Section 18996.2 due to those deficiencies.

(f) Appeals Process

Persons receiving an administrative citation containing a penalty for an uncorrected violation may request a hearing to appeal the citation. A hearing will be held only if it is requested within the time prescribed in the Notice and consistent with the Enforcement Agency's appeal procedures.

(g) Education Period for Non-Compliance

With respect to provisions of this Ordinance subject to enforcement starting January 1, 2024, the Enforcement Agency will, prior to that date, conduct Inspections, Remote Monitoring (if such a program is implemented), Route Reviews or waste evaluations, and Compliance Reviews, depending upon the type of regulated entity, to determine compliance, and if the Enforcement Agency determines that Organic Waste Generator, Self-Hauler, Regulated Hauler, Tier One Commercial Edible Food Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance, it shall provide educational materials to the entity describing its obligations under this ordinance and a notice that compliance is required and that violations may be subject to administrative citations, penalties, or other remedies starting on January 1, 2024.

(h) Civil Penalties for Non-Compliance

If the Enforcement Agency determines that an Organic Waste Generator, Self-Hauler, Regulated Hauler, Tier One or Tier Two Commercial Edible Food

Generator, Food Recovery Organization, Food Recovery Service, or other entity is not in compliance with this ordinance, it may document the noncompliance or violation, issue a Notice of Violation, and take Enforcement Action pursuant to this Section 12, as needed and consistent with the enforcement commencement dates set forth in subsection (c)(1), above.

- (i) The Enforcement Agency for the provisions of this Section 12 is the WMA, the Alameda County Department of Environmental Health, the City of Berkeley Division of Environmental Health in the City of Berkeley, and the applicable Member Agency.

SECTION 13. LOCAL REGULATION AND OPT-IN PROVISIONS

- (a) Nothing in this Ordinance shall be construed to prohibit any Member Agency from enacting and enforcing ordinances and regulations regarding the collection, transport, storage, processing, and deposit in landfill(s) of Solid Waste within its jurisdiction, including more stringent requirements than those in this Ordinance.
- (b) This Ordinance shall apply only within the boundaries of Member Agencies that have adopted an ordinance declaring that this Ordinance shall apply within their jurisdiction. This Ordinance shall apply as to each Member Agency from the date specified in the ordinance adopted by the Member Agency. A Member Agency that has adopted such an ordinance may declare that this Ordinance no longer applies within its boundaries by adopting a subsequent ordinance setting forth the date upon which this Ordinance shall no longer apply.

SECTION 14. SEVERABILITY

If any provision of this Ordinance or the application thereof is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such invalidity shall not affect the remaining provisions or application of the remaining provisions of this Ordinance, which can be given effect without the invalid provisions or application.

SECTION 15. EFFECTIVE DATE AND REPEAL OF ORDINANCE 2012-1

This Ordinance shall be posted at the WMA Office after its adoption by the Board for at least thirty (30) days and shall take effect commencing on January 1, 2022. The WMA's Ordinance 2012-01 (An Ordinance Requiring Actions To Reduce Landfilling Of Recyclable And Organic Solid Wastes From Businesses, Multifamily Residences, And Self Haulers) is repealed as of the time that this Ordinance takes effect.

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ORDINANCE NO. 2021-02

ORDINANCE OF THE [Jurisdiction Name] OPTING IN TO THE ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY'S ORGANICS REDUCTION AND RECYCLING ORDINANCE

The [governing body] of [jurisdiction name] (“[abbreviation of jurisdiction name, e.g., City, County, District]”) hereby ordains as follows:

Section 1. Purpose and Findings.

- (a) The purpose of this Ordinance is to comply with certain state laws requiring cities, counties, and special districts providing solid waste collection services to adopt ordinances and take other measures to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators, more specifically the Short-Lived Climate Pollutants Organic Waste Reduction regulations adopted pursuant to Senate Bill 1383 (Statutes of 2016) set forth in the California Code of Regulations (the “SB 1383 Regulations”).
- (b) The [abbreviation of jurisdiction name] is a member of the Alameda County Waste Management Authority (“WMA”). The WMA is a joint powers agency comprised of all the cities in Alameda County, the County, and two sanitary districts.
- (c) The SB 1383 Regulations require cities, counties, and special districts providing solid waste collection services to adopt and enforce an ordinance or other enforceable mechanism applicable to residents and businesses generating or processing solid waste to implement relevant provisions of the SB 1383 Regulations. In response to this mandate, the WMA’s member agencies requested that it adopt an ordinance to establish a uniform and comprehensive countywide system to establish the local regulations required by the SB 1383 Regulations concerning regulation of organic waste collection services, generators of organic waste, waste haulers, and generators and processors of edible food, together with enforcement mechanisms and administrative civil penalties for violations of local regulations.
- (d) On July 28, 2021 the WMA adopted the Organics Reduction and Recycling Ordinance (“ORRO”), Ordinance 2021-02, attached hereto as Exhibit A. The Ordinance provides that it will apply in the boundaries of each WMA member agency that has adopted an ordinance declaring that it will apply within their jurisdiction.
- (e) The [abbreviation of jurisdiction name] wishes the ORRO to apply in [jurisdiction name].

- (f) *[Optional- this finding is not required to opt in to the ORRO but member agencies may wish to include it or something similar so that the ordinance provides a “one stop shop” for demonstrating compliance with the 1383 Regulations’ requirements concerning ordinances and other enforceable mechanisms that are not covered by the ORRO.]*

The SB 1383 Regulations also require cities, counties, and special districts providing solid waste collection services to adopt and enforce an ordinance or other enforceable mechanism concerning the CALGreen Building Standards, the Model Water Efficient Landscape Ordinance, and Procurement of Recovered Organic Waste Products. These requirements are addressed in *[list how existing ordinances or other enforceable mechanisms satisfy these requirements or how amendments adopted as part of the ordinance or in as separate process will address those requirements.]*

Section 2. Adoption.

The *[jurisdiction name]* hereby declares that the Organics Reduction and Recycling Ordinance as set forth in Exhibit A to be effective in the *[abbreviation of jurisdiction name]* beginning on January 1, 2022.

Section 3. Conforming Amendments [if needed]

[This section is needed only if the relevant Code or ordinance includes provisions that are inconsistent with the ORRO. If the jurisdiction needs to adopt amendments to its MWEL, CalGreen, or procurement ordinances to comply with portions of the SB 1383 regulations that are not covered by the ORRO, it may include them here or adopt separately. Attachment B to this template includes a definition of “mulch” for use by member agencies that wish to include that in their procurement ordinance.]

The *[name of jurisdiction’s relevant code or other ordinance]* is hereby amended as set forth in Attachment B.

Section 4. Severance Clause.

The *[jurisdiction’s governing body]* declares that each section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance is severable and independent of every other section, sub-section, paragraph, sub-paragraph, sentence, clause and phrase of this ordinance. If any section, sub-section, paragraph, sub-paragraph, sentence, clause or phrase of this ordinance is held invalid, the *[name of jurisdiction’s governing body]* declares that it would have adopted the remaining provisions of this ordinance irrespective of the portion held invalid, and further declares its express intent that the remaining portions of this ordinance should remain in effect after the invalid portion has been eliminated.

Section 5. Publication.

A summary of this ordinance shall be published in a newspaper of general circulation of the [jurisdiction name] within fifteen days after its adoption. *[Modify as needed to track specific ordinance adoption requirements applicable to the jurisdiction imposed by State law or charter.]*

The foregoing ordinance was introduced at the regular meeting of the [jurisdiction's governing body] of the [jurisdiction name] held on ____, 2021 and was adopted by the following vote on ____, 2021. *[Modify as needed to track specific ordinance adoption requirements applicable to the jurisdiction imposed by state law or charter.]*

[Insert jurisdiction's standard wording showing evidence of adoption here (e.g., governing body vote, signature of presiding officer, and attestation of clerk).]

Attachment A

**Alameda County Waste Management Authority Ordinance 2021-02: Organics
Reduction and Recycling Ordinance**

[Attach ordinance.]

Attachment B – Conforming Amendments

*In order to ensure consistency between the [jurisdiction's] Code and the Organics Reduction and Recycling Ordinance, the sections of the [jurisdiction's] Code set forth below are amended or adopted as set forth below. Text added to existing provisions is shown in bold double-underlined text (**example**) and text to be deleted is shown in strikethrough (~~example~~). Text in italics is explanatory and is not an amendment to the Code. Where the explanatory text indicates that a new section is being added to the [jurisdiction's] Code, the new section is shown in plain text.*

[Note: The SB 1383 Regulations require agencies choosing to procure mulch towards satisfaction of the procurement requirements to set specific standards for that mulch by ordinance or other enforceable mechanism such as a contract. The following is provided for agencies wishing to satisfy the requirement via ordinance.]

Mulch Standards. Any mulch sold or otherwise provided to [jurisdiction] shall¹:

- (a) Meet or exceed the physical contamination, maximum metal concentration, and pathogen density standards for land application specified in subsections 17852(a)(24.5)(A)1. through 3 of Volume 14 of the California Code of Regulations; and
- (b) Be produced at one or more of the following:
 - (1) A compostable material handling operation or facility as defined in section 17852(a)(12) of Volume 14 of the California Code of Regulations, other than a chipping and grinding operation or facility as defined in Section 17852(a)(10) of Volume 14 of the California Code of Regulations, that is permitted or authorized under this division; or
 - (2) A transfer/processing facility or transfer/processing operation as defined in Sections 17402(a)(30) and (31) of Volume 14 of the California Code of Regulations, respectively, that is permitted or authorized under this division; or

¹ As drafted, this would apply to all mulch sold to the jurisdiction. If the jurisdiction wishes to preserve the option to acquire mulch that does not meet CalRecycle standards (or count towards procurement obligations) this introductory section can be revised to state: "Any mulch sold or otherwise provided to [jurisdiction] in connection with [jurisdiction's] compliance with the State of California's Recovered Organic Waste Product Procurement Target requirements set forth in section 18993.1 of Volume 14 of the California Code of Regulations shall."

- (3) A solid waste landfill as defined in Public Resources Code Section 40195.1 that is permitted under Division 2 of Title 27 of the California Code of Regulations.



DATE: May 26, 2021

TO: Waste Management Authority

FROM: Jeff Becerra, Communications Manager

SUBJECT: Legislative Positions for 2021 – Mid Session Update

SUMMARY:

This memo, accompanied by a staff presentation at the May 26 meeting, provides an update on the status of bills the WMA took positions on in March, and includes several new bills with recommended positions for the Board’s consideration.

DISCUSSION:

The WMA Board adopted as its legislative priority for 2021 joining efforts with other partners to introduce and support legislation seeking to modify SB 1383 implementation timelines as long as the relief is not prolonged or excessive in nature. We will continue to monitor proposed bills that will have a direct impact on our agency, however the focus of our time will be on SB 1383 legislation.

SB 1383 Relief

[SB 619 \(Laird\) Organic waste: reduction regulations](#)

This bill seeks to provide local governments with additional flexibility to fulfill the requirements of SB 1383. The bill’s current focus is on enforcement relief only, but the author is still working with our partners, like the League of Cities, to include additional provisions on implementation timeline relief.

Agency position: Support in Concept

Support: League of California Cities, California State Association of Counties, City of Emeryville, City of Livermore, City of Pleasanton

Opposition: Yolo Food Bank, Yolo Climate Emergency Coalition

Status: Senate Floor

Plastic Pollution Prevention

***NEW** [AB 478 \(Ting\) Solid waste: thermoform plastic containers: postconsumer recycled plastic](#)

This bill would require thermoform plastic containers used in food and beverage applications, such as containers for berries, to contain, on average, no less than 30% postconsumer recycled plastic per year by 2030.

Agency position: Support

Support: National Stewardship Action Council, 350 Silicon Valley

Opposition: Plastics Industry Association, Foodservice Packaging Institute

Status: Assembly Appropriations Committee

***NEW** [AB 661 \(Bennett\) Recycling: materials](#)

This bill would require a state agency, if fitness and quality are equal, to purchase recycled products instead of nonrecycled products, without regard to cost.

Agency position: Watch (awaiting data on estimated costs to the State)

Support: California Product Stewardship Council, Californians Against Waste, Ecology Center

Opposition: Assembly Appropriations Committee

Status: Assembly Appropriations Committee

[AB 818 \(Bloom\) Solid waste: premoistened nonwoven disposable wipes](#)

AB 818 would require certain single-use wet wipes to be clearly labeled with “DO NOT FLUSH” labeling. This bill would also establish a public education program to minimize flushing of wipes.

Agency position: Support

Sponsor/Support: National Stewardship Action Council, California Association of Sanitation Agencies, INDA – Association of the Nonwoven Fabric Industry

Opposition: None listed

Status: Senate Rules Committee

[AB 1276 \(Carrillo\) Single-use food accessories](#)

This bill would prohibit a food facility or a third-party food delivery platform from providing single-use food accessories, such as cutlery, straws and condiment packets, to consumers unless requested by the consumer, or unless necessary to protect public health.

Agency position: Support

Support: California Product Stewardship Council, Californians Against Waste, CALPIRG, Ecology Center, National Stewardship Action Council, Recology

Opposition: None listed

Status: Assembly Appropriations Committee

***NEW** [AB 1371 \(Friedman\) Recycling: plastic: packaging and carryout bags](#)

This bill prohibits online retailers from using single-use plastic packaging and reinstates the in-store recycling program for plastic bags. It would also requires online retailers with at least one physical location

in the state with in-person sales to provide a take back container for plastic film and EPS packaging for consumers at each location.

Agency position: Support

Support: California Product Stewardship Council, Californians Against Waste, National Stewardship Action Council, Plastic Pollution Coalition

Opposition: Technet, Plastics Industry Association, California League of Food Producers

Status: Assembly Appropriations Committee Suspense file

[AB 1454 \(Bloom\) The California Beverage Container and Litter Reduction Act](#)

AB 1454 authorizes CalRecycle to establish regional convenience zones, expands the payment options for the California Redemption Value (CRV) and increases processing payments for certified recycling centers for a specified number of beverage containers.

Agency position: Watch (Awaiting amended language pending stakeholder discussions)

Support/Sponsor: Californians Against Waste, California League of Conservation Voters, Sierra Club of California

Opposition: Consumer Watchdog

Status: Assembly Appropriations Committee Suspense file

[AB 881 \(Gonzalez\) Plastic waste: diversion: recycling: export](#)

This bill would prohibit the export of plastic waste from counting as diversion for purposes of AB 939 unless the plastic waste is a mix of polythene, polypropylene, or polyethylene terephthalate, is destined for separate recycling of each material, and complies with the Basel Acord and other agreements.

Agency position: Support

Support: Californians Against Waste, CALPRIG, Ecology Center, Rethink Waste, National Stewardship Action Council

Opposition: None listed

Status: Assembly Floor

[AB 962 \(Kamlager\) California Beverage Container Recycling and Litter Reduction Act: reusable beverage containers.](#)

This bill authorizes CalRecycle to allow returnable bottles to flow through the state's Bottle Bill program. By making returnable bottle washing/filling facilities eligible for the same payments as other recyclers, this bill would allow for glass bottles to remain intact for reuse rather than crushed for recycling.

Agency position: Support

Support: Californians Against Waste, Clean Seas Lobby Coalition, Recology, California Product Stewardship Council

Opposition: None listed

Status: Assembly Floor

[SB 343 \(Allen\) Environmental advertising: recycling symbol.](#)

The bill would ban the use any misleading symbol, including the chasing arrow symbol, or statement claiming recyclability of a product if it is not truly recyclable (as determined by CalRecycle).

Agency position: Support

Support/Sponsors: Californians Against Waste, National Stewardship Action Council

Opposition: Plastic Industry Association

Status: Senate Appropriations Committee Suspense file

Climate/Energy

[SB 32 \(Cortese\) Energy: general plan: building decarbonization requirements.](#)

This bill would require a city or county to make a one-time amendment to any of its general plan, action or greenhouse gas emissions reduction plan, or building or other codes, occurring after January 1, 2023, to identify goals and strategies to decarbonize newly constructed commercial and residential buildings.

Agency position: Support

Support: 350 Bay Area Action, Environment California, Bay Area for Clean Environment

Opposition: California Building Industry Association

Status: Senate Appropriations Committee Suspense file

[SB 68 \(Becker\) Building decarbonization](#)

This bill would require the Energy Commission to provide best practices for the electrification of buildings and EV charging equipment, expand Electric Program Investment Charge Program (EPIC) funding eligibility to include projects that lead to technological advancements or reduce the costs of building electrification, and require the CPUC to establish reasonable timeframes for an electrical corporation to complete electrical service upgrades.

Agency position: Support

Support: Bay Area for Clean Environment, Sierra Club California, California Building Industry Association

Opposition: Southern California Edison

Status: Senate Appropriations Committee

[SB 99 \(Dodd\) Community Energy Resilience Act of 2021](#)

This bill would require the Natural Resources Agency and the State Energy Resources Conservation and Development Commission to develop and implement a grant program for local governments to develop community energy resilience plans.

Agency position: Support

Support: Environment California, Union of Concerned Scientists, California State Association of Counties

Opposition: None listed

Status: Senate Appropriations Committee

[SB 345 \(Becker\) Energy programs and projects: nonenergy benefits](#)

This bill would require the Public Utilities Commission to (1) establish common definitions of nonenergy benefits (such as improved public health, an increase in property values) and attempt to determine consistent values for use in all distributed energy resource programs, (2) incorporate nonenergy benefits in distributed energy resource programs and projects, and (3) track the nonenergy benefits produced in distributed energy resource programs during program evaluations.

Agency position: Support

Support: Natural Resources Defense Council, The Greenlining Institute, California League of Conservation Voters

Opposition: California Association of Realtors, California Chamber of Commerce, California Building Industry Association

Status: Senate Appropriations Committee Suspense file

Extended Producer Responsibility (EPR)/Circular Economy

[SB 289 \(Newman\) Recycling: batteries and battery-embedded products](#)

This bill would create a statewide, producer-run collection and recycling program for loose and product-embedded batteries at retail locations across the state.

Agency position: Support

Sponsor/Support: California Product Stewardship Council, ReThink Waste, Californians Against Waste

Opposition: California Chamber of Commerce, California Manufacturers & Technology Association

Status: Senate Appropriations Committee Suspense file

[SB 38 \(Wieckowski\) Beverage Containers](#)

Replaces the existing Beverage Container Recycling Program (Bottle Bill) with a new recycling program administered by beverage container manufacturers and increases the CRV from \$0.05 to \$0.10 per container if the state fails to achieve specified recycling rates.

Agency position: Watch (Awaiting amended language pending stakeholder discussions)

Support: Environment California, Recycling Zone, Inc.

Support in concept: California Product Stewardship Council, National Stewardship Action Council

Oppose Unless Amended: Waste Haulers Council, Athens Services, Republic Services, Waste Connections, Waste Management

Status: Senate Appropriations Committee Suspense file

[SB 54 \(Allen\) Plastic Pollution Producer Responsibility Act.](#)

This bill would prohibit producers of single-use, disposable packaging or single-use, disposable food service ware products from offering for sale packaging or products that are not recyclable or compostable.

Agency position: Watch (Awaiting amended language pending stakeholder discussions)

Support: California League of Conservation Voters, Plastic Pollution Coalition, Environment California

Opposition: California Chamber of Commerce, California Restaurant Association, Household and Commercial Products Association, Plastics Industry Association

Status: Senate Floor

Organics/Composting

[AB 1201 \(Ting\) Solid waste: plastic products labeling: composability and biodegradability](#)

This bill would ban the sale of plastic products labeled as compostable, home compostable, or soil biodegradable unless the product meets specified standards. It also requires CalRecycle to adopt regulations to ensure that products so labeled are clearly distinguishable from non-compostable products by consumers and solid waste processing facilities.

Agency position: Support

Support: California Product Stewardship Council, Californians Against Waste, Rethink Waste

Opposition: None listed

Status: Assembly Appropriations Committee Suspense file

Other

[AB 1 \(Garcia\): DTSC Reform](#)

A reintroduction of AB 901, which would have implemented a variety of Department of Toxic Substances Control reforms, including the creation of a new Board, but was vetoed by Governor Newsom.

Agency position: Concerns (because of provisions that would reduce reimbursements to household hazardous waste facility operators)

Support: Clean Water Action, National Resources Defense Council

Concerns: Solid Waste Association of North America, Rural County Representatives of California

Oppose: None listed

Status: Assembly Appropriations Committee Suspense file

[AB 332 \(ESTM\) Hazardous waste: treated wood waste: management standards](#)

This bill would re-establish statutory changes to simplify the process for handling and disposal of treated wood waste. This bill would declare that it is to take effect immediately as an urgency statute.

Agency position: Support

Support: California Product Stewardship Council, Solid Waste Association of North America, Republic, California Rural Counties
Opposition: None listed
Status: Assembly Floor

***NEW** [AB 652 \(Friedman\) Product safety: juvenile products: chemicals: perfluoroalkyl and polyfluoroalkyl substances](#)

This bill would prohibit, on or after July 1, 2023, a person from selling or distributing in commerce any new juvenile products that contain intentionally added perfluoroalkyl and polyfluoroalkyl substances or PFAS.

Agency position: Support

Support: Environmental Working Group, Environment California, National Stewardship Action Council
Opposition: American Chemistry Council, California Chamber of Commerce
Status: Assembly Floor

[AB 1035 \(Salas\): Department of Transportation and local agencies: streets and highways: recycled materials](#)

This bill would promote the use of recycled content materials in road maintenance. Requires the California Department of Transportation (Caltrans) and a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating streets and highways and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method.

Agency position: Support

Support: California Construction & Industrial Materials Association, Sustainable Pavement Technologies
Opposition: None listed
Status: Assembly Appropriations Committee Suspense file

***NEW** [AB 1200 \(Ting\) Plant-based food packaging: cookware: hazardous chemicals](#)

This bill would prohibit the sale of food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) starting January 1, 2023. The bill would also require cookware manufacturers to label their product if it contains a chemical on specified lists and prohibits, commencing on January 1, 2024, a manufacturer from making a claim that cookware is free of a chemical if the chemical belongs to a chemical group or class.

Agency position: Support

Support: Environmental Working Group, Californians Against Waste, California Product Stewardship Council, CALPIRG, Recology
Opposition: American Chemistry Council, California Chamber of Commerce, California Manufacturers & Technology Association
Status: Senate Health Committee

[SB 240 \(Eggman\) Income tax: credits: food banks](#)

This bill would extend the sunset on the Donated Fresh Fruits and Vegetables Credit for five additional years, until January 1, 2027.

Agency position: Support

Support: California Association of Food Banks, Alameda County Community Food Bank, Californians Against Waste

Opposition: None listed

Status: Senate Appropriations Committee Suspense file

[SB 244 \(Archuleta\) Lithium-ion batteries: illegal disposal: fire prevention.](#)

This bill would require CalRecycle to create a guidance document promoting the proper disposal of lithium-ion batteries, as well as require the Department of Forestry and Fire Protection to develop a model protocol for lithium-ion battery fire detection, handling, and suppression for the solid waste industry.

Agency position: Support

Support: California Product Stewardship Council, Rethink Waste, Californians Against Waste

Opposition: None listed

Status: Senate Appropriations Committee Suspense file

RECOMMENDATION:

Adopt updated positions on the bills listed above.

**June 2021
Meetings Schedule**

Alameda County Waste Management Authority, the Energy Council, & Source Reduction and Recycling Board

(Meetings will be held **via teleconference** unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
		1	2	3	4	5
6	7	8	9	10 9:00 AM Programs & Administration Committee Key Items: 1. Reusable foodware update 2. Illegal dumping 3. Election of P&A Chair and Vice Chair <hr/> 4:00 PM Planning Committee & Recycling Board Key Items: 1. Measure D Disbursement Policy 2. Reusable foodware update	11	12
13	14	15	16	17	18	19
20	21	22	23 3:00 P.M. Waste Management Authority & Energy Council Key Items: 1. Election of officers WMA 2. Election of Officers EC 3. WMA Appt. to RB (Carling 1st term expires 7-24-21) 4. 1383 Ordinance – 1st reading 5. Board compensation Ordinance 2nd reading	24	25	26
27	28	29	30			

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Energy Council
TECHNICAL ADVISORY GROUP (TAG)

Tuesday, May 18, 2021 – 1:00pm to 3:00pm (Conference Call)

Attendance (all via phone):

Alameda County: Emily Sadigh

City of Alameda: Danielle Mieler, Heather Heinbaugh (Alameda Municipal Power)

City of Albany: Michelle Plouse, Lizzie Carrade

City of Berkeley: Katie Van Dyke

City of Dublin: Shannan Young, Christian Altamirano (Fellow)

City of Emeryville: Nancy Humphrey, Matt Anderson

City of Fremont: Rachel DiFranco, Robbie Barton

City of Hayward: Erik Pearson, Nicole Grucky, Taylor Richard (Fellow)

City of Oakland: Shayna Hirshfield-Gold, Adrienne Harris (Fellow), Chiara Arellano (Fellow)

City of Newark: Soren Fajeau

City of Piedmont: Alyssa Dykman, Nate Redinbo (Fellow)

City of Pleasanton: Zack Reda

City of San Leandro: Hoi-Fei Mok

City of Union City: Derek Farmer

StopWaste: Jennifer West, Emily Alvarez, Chris Hunter, Miya Kitahara, Ben Cooper, Sy Baker (Fellow)

Guests: Alex DiGiorgio, Noah Cordoba (EBCE)

Meeting Summary:

Introductions and Welcome

Debrief on Earth Day Events/Presentations – Chris Hunter, StopWaste

- Highlights and takeaways:
 - Combining StopWaste projects (reduce food waste/induction cooking demo)
 - Climate Action panel of sustainability staff expanded perspective to a department-wide and citywide scale with intentions beyond specific “actions” to take
 - Environmental Justice panel brought together multiple community partners
 - Plan even earlier for better outreach and collaboration opportunities
- Link to recorded events: <https://www.stopwaste.org/earth-day> Please watch and share.
- Options for the future: (most cities selected “C”)
 - Option A: Pre-2021 model – Events by cities, StopWaste supports where needed
 - Option B: 2021 model - Mostly virtual events by StopWaste, support from cities
 - Option C: Hybrid - Mix of in-person city events and virtual StopWaste events
 - Option D: “Every Day is Earth Day” - Focus more throughout the year
- Reflection questions: How to track success for these events? Was the level of staff and community involvement was appropriate? What does Earth Day/Month mean to you? Has that changed with COVID?
- Earth Day is a lot of work and it was nice having StopWaste take on more responsibility

Earth Day Video Campaign Update – Miya Kitahara, StopWaste

- Campaign began as a messaging effort for 2020 50th anniversary of Earth Day

- COVID postponed this effort, but provided an opportunity to expand messaging to match how jurisdictions are approaching climate, equity, and community given the changes of the past year
- Meeting on June 8 to continue the conversation on this campaign
 - What messaging do we want? It is heat pumps & technology or something bigger/more relatable, relevant to all community members not just climate champions?
 - Themes to focus on:
 - Interplay between environment and health
 - Human-based solutions, not just tech
 - Resilience
 - Emphasize relationships to each other, community, and place

Rediscovering Place Curriculum – Sy Baker, StopWaste (Fellow)

- How has your relationship to place changed with the pandemic and working from home?
 - Overall themes from responses: nature/outdoor space is important, more connection to immediate place and less to larger community and world
- Curriculum designed for high school level and up: <https://www.notion.so/Curriculum-Summary-b5447e6f4fc9458b9e370188299aa1a3>
 - 5 modules: (1) Neighborhood orientation, (2) Family microhistories, (3) History of living space, and (4) Envisioning the future (Optional 5: Community Building Project)
 - Objectives:
 - Identify living/working environments using lenses of urban ecology and equity
 - Explore the unique essence of their city/neighborhood
 - Capture and share their discoveries and reflections through storytelling skills
 - Discover a sense of responsibility and belonging to their community
 - Create connections with people with different histories in the SF Bay Area
 - Engage meaningfully with their communities
 - Contribute creations and reflections to an online platform to share collectively
 - Demo sessions in June to explore each module and activities further, TAG members invited to attend
- Photo history: guess what city it is -- How have our places changed and why?
 - Climate action: Understanding of place can be dynamic, know the history of neighborhoods, and create connections between residents and community leaders
 - Change happens → What is your place in it? Are you active or passive?
- Preview #2 in breakout rooms: consider the last thing you purchased -- What is its supply chain and lifecycle?
 - Overall themes: purchasing decision is on individual, and how to hold manufacturers or producers responsible? Sometimes answers are hard to find or information is obscured.

Multifamily Electrification Report – Ben Cooper, StopWaste

- CEC Multifamily Challenge Grant report, authors include AEA and StopWaste
- Part 1: Policy Context (relevant to cities looking at existing building policies or programs)
 - Landscape of State-level policies and initiatives, policy considerations, and case studies
- Part 2: Technical Information (reference guide/glossary, helpful for building departments or contractors who design or review plans)
 - Electrification decision tree:
 - Step 1: Evaluate existing conditions → provides collection form
 - Step 2: Analyze electric load

- Step 3: Identify efficiency measures and appliances, with electrification
 - Step 4: Evaluate upgrade costs and consider emerging alternatives
- Appendices include product guides, load calculations, and electrical infrastructure information

Peer Updates/Sharing

City of Alameda, Danielle Mieler

- Adopted Climate Action and Resilience Plan (CARP) in 2019 that identifies emissions targets, goals and actions, and assesses citywide vulnerabilities
- AMP: 100% renewables since 2020, emissions from building energy (gas) and transportation
- Presenting all-electric new construction reach code to City Council 5/18, already requirement for city-owned property (a large portion since there is major development at the naval base)
 - No gas hookups (with some exceptions), PV mandate
- Goldman report on phasing for electrifying existing buildings, conducting housing analysis (https://www.alamedaca.gov/files/sharedassets/public/public-works/climate-action-page/electrifying-existing-residential-buildings-in-alameda_final.pdf)
- General Plan update in process
- Upcoming efforts:
 - Local Hazard Mitigation Plan (LHMP) update
 - Off-street parking ordinance update
 - Eliminate parking minimums
 - Require EV charging in all new parking lots and residential garages
 - EV charging in city-owned lots
 - Urban Forest Plan
 - San Leandro Bay/Oakland-Alameda Estuary Adaptation Working Group

City of Hayward, Erik Pearson

- Work guided by City Council sustainability committee that meets every other month
 - May 10 meeting:
 - EBCE Brilliant 100 phases out, unanimously voted for default change to Renewable 100 with exception for income and medical-related discount customers → Community feedback, bring to City Council in June
 - Working with Waste Management on franchise agreement
 - Support Cities Race to Zero & Fossil Fuel Non-Proliferation Treaty
- GHG emissions decreased 25.7% from 2005 to 2019
 - 93% reduction in electricity emissions due to Brilliant 100 enrollment
- Updating CAP, putting together RFP
 - New GHG reduction goals adopted in June 2020 align with State goals
 - CAP is within the General Plan, coordinating with updates to Housing and Environmental Justice Element
- JPA with 2 park districts make up with Hayward Area Shoreline Planning Agency (HASPA), → Hayward Regional Shoreline Adaptation Master Plan with grant from CalTrans
- Trash reduction requirements of stormwater management requirements
- Noise ordinance amendments → more complaints last year with transition to work from home
 - Hours of operations for power landscaping equipment
 - Eventual ban on leaf blowers (State exploring ban, may wait to act until this is decided)
 - Consider impact to small businesses

Updates and Announcements

- StopWaste Budget will be considered at 5/26/21 meeting of Energy Council
- BayREN Forum 6/9/21: Building Permits and Clean Technology - Please invite your Building Dept staff https://zoom.us/webinar/register/WN_XVUpPHyUTLaH-kSmcSq12g
- [HPWH Training from BayREN on 6/2/21](#) for building department staff audience
- Earth Month recordings available at www.stopwaste.org/earth-day or <https://www.youtube.com/playlist?list=PLAQWT8rEltJguVpFwVOtAT3Ed6eyoF9Kb>
- GHG inventory: In touch with MTC, SFE, EBCE, and will bring update to TAG in June or July