

## AGENDA

Dan Kalb, **WMA, President**  
City of Oakland, WMA, EC  
Michael Hannon, **WMA 1st Vice President**  
City of Newark, WMA, EC

Dave Sadoff, **WMA 2nd Vice President**  
Castro Valley Sanitary District, WMA

Lorin Ellis, **EC, President**  
City of Union City, WMA, EC

Dianne Martinez, **EC 1<sup>st</sup> Vice President**  
City of Emeryville, WMA, EC

Jim Oddie, **EC 2<sup>nd</sup> Vice President**  
City of Alameda, WMA, EC

Keith Carson, County of Alameda, WMA, EC

Peter Maass, City of Albany, WMA, EC

Jesse Arreguin, City of Berkeley, WMA, EC

Don Biddle, City of Dublin, WMA, EC

Vinnie Bacon, City of Fremont, WMA, EC

Sara Lamnin, City of Hayward, WMA, EC

Bob Carling, City of Livermore, WMA, EC

Shelia Young, Oro Loma Sanitary District, WMA

Tim Rood, City of Piedmont, WMA, EC

Jerry Pentin, City of Pleasanton, WMA, EC

Deborah Cox, City of San Leandro, WMA, EC

Wendy Sommer, Executive Director

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

Wednesday, June 28, 2017

3:00 P.M.

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

Meeting is wheelchair accessible. Sign language interpreter may be available upon five (5) days notice by calling 510-891-6500. Members of the public wanting to add an item to a future agenda may contact 510-891-6500.

#### I. CALL TO ORDER

#### II. ROLL CALL

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

#### Page IV. CONSENT CALENDAR

- |   |  |                    |
|---|--|--------------------|
| 1 | <b>1. Approval of the Draft Minutes of May 24, 2017 (Wendy Sommer)</b>   | <b>Action</b>      |
| 5 | <b>2. Fiscal Year 2016-17 Funding Approval for Retiree Medical Benefits (Pat Cabrera &amp; Todd High)</b><br>The Programs & Administration recommends that the WMA Board authorize the Executive Director to contribute the additional \$250,000 in FY 2016/17 to the Agency's CERBT fund for the Agency's OPEB account. | <b>Action</b>      |
| 7 | <b>3. Minutes of the June 20, 2017 Technical Advisory Group (Karen Kho)</b>  | <b>Information</b> |

#### V. OPEN PUBLIC DISCUSSION

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the boards or council, but not listed on the agenda. Total time limit of 30 minutes with each speaker limited to three minutes.

## **VI. REGULAR CALENDAR**

- |    |   |                                   |
|----|---|-----------------------------------|
| 13 | <b>1. Public Hearing and Annual Adoption of Fee Collection Report for Household Hazardous Waste Fee (Wendy Sommer &amp; Pat Cabrera)</b><br>Staff recommends that the WMA Board hold a public hearing on the Fee Collection Report and approve the Fee Collection Report for FY2017-18, which includes adjusting the fee downward from \$8.60 to \$8.46 per unit for FY2017-18. | <b>Action/<br/>Public Hearing</b> |
| 15 | <b>2. Authority General Counsel Contract (Wendy Sommer)</b><br>Staff recommends that the Authority Board approves the contract extension for Shute Mihaly and Weinberger.   | <b>Action</b>                     |
| 19 | <b>3. Legislative Positions for 2017 – June Update (Jeff Becerra)</b><br>This item is for information only.   | <b>Information</b>                |
| 25 | <b>4. Reappointment to the Recycling Board – Board member Dianne Martinez (Wendy Sommer)</b><br>Staff recommends that the Waste Management Authority Board reappoint Board member Martinez to a two-year term on the Recycling Board ending July 21, 2019.  | <b>Action</b>                     |
| 27 | <b>5. Election of WMA Officers for Fiscal Year 2017-18 (Wendy Sommer)</b><br>Staff recommends that the WMA Board elect officers for Fiscal Year 2017-18.  | <b>Action</b>                     |
|    | <b>6. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)</b><br>(P&O and Recycling Board meeting, July 13, 2017 - 7:00 pm – Fremont Transfer Station, 41149 Boyce Road, Fremont, CA 94538)   | <b>Action</b>                     |

## **VII. COMMUNICATIONS/MEMBER COMMENTS**

## **VIII. ADJOURNMENT**

**DRAFT**

**MINUTES OF THE MEETING  
OF THE  
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA)  
AND  
THE ENERGY COUNCIL (EC)  
Wednesday, May 24, 2017**

**3:00 P.M.**

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

**Teleconference  
Lorrin Ellis  
1260 Pacific Street  
Union City, CA 94587  
510-675-5621**

**I. CALL TO ORDER**

President Dan Kalb, WMA, called the meeting to order at 3:02 p.m.

**II. ROLL CALL**

**WMA & EC:**

County of Alameda	Scott Haggerty, WMA, EC
City of Alameda	Jim Oddie, WMA, EC, RB
City of Albany	Peter Maass, WMA, EC, RB
City of Berkeley	Jesse Arreguin, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Don Biddle, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC, RB
City of Fremont	David Bonaccorsi, WMA, EC
City of Hayward	Sara Lamnin, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Lorrin Ellis, WMA, EC (via teleconference)

**ABSENT:**

City of Piedmont	Tim Rood, WMA, EC, RB
City of Pleasanton	Jerry Pentin, WMA, EC, RB

**Staff Participating:**

Wendy Sommer, Executive Director

## DRAFT

Tom Padia, Deputy Executive Director  
Pat Cabrera, Administrative Services Director  
Karen Kho, Senior Program Manager  
Richard Taylor, Legal Counsel, Authority Board  
Arliss Dunn, Clerk of the Board

### III. ANNOUNCEMENTS BY THE PRESIDENTS

There were none.

### IV. CONSENT CALENDAR

- |    |   |                    |
|----|---|--------------------|
| 1. | <b>Approval of the Draft Joint Minutes of April 26, 2017 (Wendy Sommer)</b>   | <b>Action</b>      |
| 2. | <b>Minutes of the May 16, 2017 Technical Advisory Group (TAG) (Karen Kho)</b> | <b>Information</b> |

Board member Haggerty made the motion to approve the Consent Calendar. Board member Cox seconded and the motion carried: 17-0-1. The Board Clerk called the roll.

(Ayes: Arreguin, Biddle, Bonaccorsi, Carling, Cox, Ellis, Haggerty, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie, Sadoff. Nays: None. Abstain: Young. Absent: Pentin, Rood).

### V. OPEN PUBLIC DISCUSSION

Ken Bukowski provided public comment. Mr. Bukowski announced that the MTC (Metropolitan Transportation Commission) had voted final approval on an MOU with ABAG (Association of Bay Area Governments) for staff consolidation. The next step will be to vote on final approval of the MOU in the general assembly.

### VI. REGULAR CALENDAR

**The Board adjourned to closed session at 3:08 p.m.**

1. **Closed Session -  
CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION  
(Gov't Code 54956.9(d)(1))**

Name of case: Stein and Boone v. Alameda County Waste Management Authority, et al., Alameda County Superior Court Case No. RG17858423.

There was nothing to report from the closed session.

**The Board returned to open session at 3:26 p.m.**

- |    |   |                                   |
|----|---|-----------------------------------|
| 2. | <b>Proposed FY 2017/18 Budget (Wendy Sommer)</b>                    | <b>Action/<br/>Public Hearing</b> |
|    | WMA Board: Adopt the FY 17/18 Budget Resolution (Attachment A)      |                                   |
|    | Energy Council: Adopt the FY 17/18 Budget Resolution (Attachment B) |                                   |

Wendy Sommer, Executive Director, provided an overview of the staff report. A link to the report is available here: [FY 17-18-Budget-memo.pdf](#)

A link to the draft FY 2017/18 budget is available here: [FY 17-18 Budget.pdf](#)

President Kalb opened the public hearing. There were no comments from the public and the public hearing was closed. Board member Sadoff inquired about the \$7.2 million in revenue for the Household Hazardous Waste program. Ms. Sommer stated that the agency has an MOU with Alameda County for the operation of three Household Hazardous Waste facilities located in Oakland, Hayward, and Livermore and we also have an MOU with the city of Fremont for the Household Hazardous Waste facility located at the Fremont BLT

## DRAFT

Transfer Station. Based on the MOU, we are required to refund operational expenses. Ms. Cabrera added we are planning to build up the fund balance in the early years and we will have to draw down the fund balance in the years prior to the fee sunset in 2024. We also make annual adjustments to the per-residential living unit fee, including reducing the annual fee to property owners if tip fee collections and product stewardship savings are higher than projected.

Board member Young referred to Attachment A and inquired about how staff will utilize Pandora. Ms. Sommer stated that the Pandora app will be used in advertising efforts. Board member Young inquired about the bidding process for the Authority Counsel contract. Ms. Sommer stated that there was a bidding process for Authority Counsel in 2008 that resulted in a contract with Shute Mihaly Weinberger through 2011. The contract was extended three times since then. The contract is up in June 2017 and staff will bring a request for contract extension at the June WMA meeting. Board member Young inquired about the cost of ordinance enforcement contractors. Ms. Sommer stated that the budget allocations are “not to exceed amounts” per contract. The contractors are paid only for hours that are worked. Ms. Sommer added staff provides regular updates and reports on enforcement activities and an update is scheduled for the fall of 2017.

Board member Martinez thanked staff for the heavy lifting involved in presenting the Board with a balanced budget. Board member Arreguin added the budget is a model for other jurisdictions in terms of presentation and transparency and thanked staff for their hard work in providing a document that is easy for the public to digest and understand.

Board member Haggerty made the motion to adopt the FY 17/18 Budget Resolution (Attachment A) for the WMA and adopt the FY 17/18 Budget Resolution (Attachment B) for the Energy Council. Board member Oddie seconded and the motion carried: 18-0 (WMA) and 18-0 (EC). The Board Clerk called the roll.

WMA:

(Ayes: Arreguin, Biddle, Bonaccorsi, Carling, Cox, Ellis, Haggerty, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie, Sadoff, Young. Nays: None. Abstain: None. Absent: Pentin, Rood).

EC:

(Ayes: Arreguin, Biddle, Bonaccorsi, Carling, Cox, Ellis, Haggerty, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie. Nays: None. Abstain: None. Absent: Pentin, Rood).

### **3. Local Government Challenge Grant Acceptance (EC) (Karen Kho & Heather Larson) Action**

Adopt the attached Resolution authorizing the Executive Director to enter into a contract with the California Energy Commission and other related actions.

Karen Kho provided an overview of the staff report. The report is available here:

[Challenge-Grant-memo-05-24-17.pdf](#)

Board member Arreguin inquired if the issue of overcoming split incentives will be included in the study. Ms. Kho stated yes, the study will include examining how many jurisdictions this particular policy may be applicable to and how to address issues such as split incentives. Board member Arreguin encouraged staff to consult with the city of Berkeley rent stabilization board and stated that he is excited to see the outcome of the study. There was no public comment on this item.

Board member Maass made the motion to approve the staff recommendation. Board member Arreguin seconded and the motion carried 18-0: The Board clerk called the roll:

(Ayes: Arreguin, Biddle, Bonaccorsi, Carling, Cox, Ellis, Haggerty, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie. Nays: None. Abstain: None. Absent: Pentin, Rood).

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

(P&O and Recycling Board meeting, June 8, 2017 at 4:00 pm –  
StopWaste Offices, 1537 Webster Street, Oakland, CA 94612)

Board member Biddle stated that he had been contacted by Board member Pentin who requested an interim appointment for the June 8 meeting. Board member Biddle volunteered to attend as the interim appointment. Board member Maass indicated that he will require an interim appointment for the July RB meeting and Board member Biddle agreed to substitute as the interim appointment. Authority Counsel Taylor stated that the request would need to be considered at the June WMA meeting as the agenda only lists the June 8 P&O/RB meeting.

Board member Laminin made the motion to approve the interim appointment for the June 8 P&O/RB meeting. Board member Sadoff seconded and the motion carried 18-0: The Board clerk called the roll:  
(Ayes: Arreguin, Biddle, Bonaccorsi, Carling, Cox, Ellis, Haggerty, Hannon, Kalb, Lamnin, Maass, Martinez, Oddie, Sadoff, Young. Nays: None. Abstain: None. Absent: Pentin, Rood).

**VII. COMMUNICATION/MEMBER COMMENTS Information**

Board member Lamnin acknowledged her appreciation of StopWaste staff for their partnership in the city of Hayward environmental awards art and poetry contest. Board member Martinez thanked StopWaste staff for their partnership for the fabulous mural at the City of Emeryville K-12 School. The mural features a young person composting.

**VIII. ADJOURNMENT**

The meeting was adjourned at 3:47 p.m.

**DATE:** June 28, 2017

**TO:** Waste Management Authority (WMA) Board

**FROM:** Wendy Sommer, Executive Director

**BY:** Todd High, Financial Services Manager

**SUBJECT:** Fiscal Year 2016-17 Funding Approval for Retiree Medical Benefits

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#### **SUMMARY**

At the June 8, 2017 Programs and Administration (P&A) Committee meeting, staff recommended that the Committee recommend to the Authority Board to authorize the Executive Director to contribute an additional \$250,000 to the Agency's California Employers' Retiree Benefit Trust Fund (CERBT) for Other Post-Employment Benefits (OPEB) liabilities. By making this contribution the Agency will likely benefit from higher investment earnings to mitigate future costs and will continue to maintain its excellent funded status (currently at approximately 95%). Furthermore, based on current labor cost projections, the Agency estimates to accrue vacancy savings and labor rate differentials that are more than adequate to offset the increased OPEB contribution this fiscal year. Therefore, there is no increase in the FY 2016-17 overall budget or need to draw down on the Agency's fund balance to make this additional payment.

The report submitted to the P&A can be found at: [Funding-Retiree-Benefits-06-08-17.pdf](#)

#### **COMMITTEE ACTION**

The P&A Committee recommended by a vote of 7-1 (Ayes: Bacon, Biddle, Cox, Ellis, Hannon, Sadoff, Young. Nays: Lamnin. Abstain: None. Absent: Arreguin, Carling, Carson, Kalb) that the WMA Board authorize the Executive Director to contribute the additional \$250,000 to the Agency's CERBT fund for the Agency's OPEB account

#### **RECOMMENDATION**

The Programs & Administration recommends that the WMA Board authorize the Executive Director to contribute the additional \$250,000 in FY 2016/17 to the Agency's CERBT fund for the Agency's OPEB account.

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## **MEETING NOTES**

### **Energy Council TECHNICAL ADVISORY GROUP (TAG)**

Tuesday, June 20, 2017 – 1:00 pm to 3:00 pm

#### Attendance:

Alameda County: Ryan Bell (phone)  
City of Alameda: Maria DiMeglio (phone)  
City of Albany: Claire Griffing, Fanny Yang (Civic Spark)  
City of Berkeley: Billi Romain, Hanna Nielson, Caytie Campbell-Orrock (Phone)  
City of Emeryville: Nancy Humphrey (phone)  
City of Fremont: Rachel DiFranco, Kranti Malik (Civic Spark)  
City of Hayward: Mary Thomas, Chris Sturken (Civic Spark)  
City of Newark: Myvan Khuu-Seeman (phone)  
City of Piedmont: Emily Alvarez, Olivia Ashmoore (Civic Spark)  
City of San Leandro: Sally Barros, Ben Davenport (Civic Spark)  
City of Union City: Kranti Malik (Civic Spark)  
StopWaste: Heather Larson, Candis Mary-Dauphin  
Guests: Chris Sentieri, Off-set Project ; Brenden McEneaney & Vatsal Bhatt, USGBC; Bree Swenson, Local Government Commission

## **Meeting Notes**

### **Special Item**

- DOE awarded a Certificate of Excellence to the City of Berkeley and StopWaste for BESO and utilizing Home Energy Score

### **Energy Council Board Updates**

- The CEC multifamily local government challenge grant award was accepted by the Energy Council Board
- CEC notified energy council staff that the grant awards were adopted at the June CEC business meeting
- Miya is finding out more information about why the small cities Climate Action Planning proposal was declined. (post meeting follow-up; disqualification was due to including ICLEI, an out of state entity, in the application)
- Member Agencies expressed interest in shopping climate action planning proposal around to other funders

- **CCE Updates**

- Energy Council Staff is coordinating with MCE on BayREN Multifamily. EC staff developed a referral tree so that it's clear to TA when to direct a program to MCE vs. BayREN
- Biogas renewable energy potential has come up in the context of the EBCE Local Development Business Plan study. Chris Sentieri has spoken with StopWaste staff with relevant expertise. SW staff has developed a 2-page memo that will be provided to EBCE and interested parties.
- Chris Sentieri held stakeholder focus groups last week. Thursday events were rescheduled due to Warriors parade, and will occur in same location on June 30<sup>th</sup>. Focus groups had representation from SW, EC & TAG.
  - Discussion related to leveraging the East Bay Energy Watch CCE policy white paper towards the LDBP. White paper shareable draft should be available Aug 1, and consists of a scan of existing programs, as well as stakeholder recommendations on the proposed relationship between the PG&E Local Government Partnership, Regional Energy Network and CCE programs.
  - EBCE Executive Director recommendation and board approval is on the EBCE agenda for the next meeting.
- Berkeley and Albany staff have had discussion with Tom Kelly and Ben Foster who are pursuing an impact study regarding community wide 100% renewable energy default.
  - Tom Kelly is hoping to make the study relevant to the whole county. Cities should reach out if they are interested in having the study answer a particular question.
    - The study should take a look at what the impact would be if all jurisdictions went to 100% at the municipal level.
    - Commercial scenario and residential scenario impacts should be separated.
  - Piedmont is interested in having the whole community default option at 100% renewable.
  - Emeryville is interested, and would like to know if a 100% renewable default would lead more people to opt out altogether (vs. opting down).
  - Chris would like to know which cities are interested in 100% default option for the business plan study, but Member Agencies are unsure due to unforeseeable implications.
- Fremont is considering offering PPA's to EBCE. Chris would like to have a good idea of PPA buyout possibilities and timing for the projects. Break it out between residential and commercial. This could be a more palatable option for some cities. This was a part of the conversation with Emeryville. We don't want to lose large customers.
- Hayward and San Leandro have water treatment facilities. Hayward is interested in supplying biogas. San Leandro is talking to Waste Management about using bio-solids, and moving forward with Biogas. Rachel suggests that Chris also reach out to Union Sanitary District.

- Issue on not getting adequate data from PG&E for CAP inventories is now additionally complicated in jurisdictions with CCAs. IOUs are classifying all CCA customers as direct access, and not breaking data down by sector.

## Program Updates

- The fiscal year ends at the end of the month. Member Agencies must submit scholarship reimbursement requests by the end of the week. Agency scholarships will sunset due to ACWMA budget and re-shifting priorities.
- Bay REN; Single family, multifamily, codes, financing
  - Multifamily
    - The program has reserved slightly over 5000 units. The goal is to reserve 6000 to account for project dropout. TA expressed confidence that this goal would be met.
    - 10 cities participated in the May mailing campaign, 2558 mailers were sent, 44 interest forms were received – representing 3041 units.
    - Workshops were held in Berkeley and Newark.
  - Codes
    - The Q2 forum will be on June 27 from 9-12 at the Bay Area Metro Center in San Francisco. The topic is “Local Mandatory Solar Ordinance as a Pathway for New Residential ZNE Construction”.
    - BayREN is adapting its ZNE class for a contractor/developer audience. The city of San Jose is working with BayREN to develop a new nonresidential focus. Fremont staff would be interested in adapting ZNE to a multifamily audience (eg with info on utilizing net energy metering).
  - PACE
    - Legislation created to improve consumer protections and data include AB 2693, which went into effect on Jan 1 of 2017. It mandates a 3-day right to cancel, clear financing statement, 64+ additional callback to confirm terms. This bill is supported by the PACE industry. SB 242 is currently in the state legislature. It would require that PACE contractors are licensed, consumers are evaluated for ability to repay, payment relief is provided in instances of financial hardship, and that CEC maintain a list of eligible measures.
    - Member Agencies expressed a need for the BayREN Regional Services Collaboration Agreement to report to cities on instances of issues that arise and collect standardized data from providers. Cities are still collecting their own data from providers and it is not in a comparable/consistent format.
- PG&E LGP; 2017 Strategic Planning
  - Heather Larson distributed the 2017 EBEW Strategic Energy Resource and total partnership budget (\$5.3million) which is the basis for programming next year’s pilots through the upcoming strategic planning process. The strategic planning

survey will go out next week. The strategic planning meeting is scheduled for July 19<sup>th</sup>.

- New pilot ideas include:
  - Residential DIY
  - Smart thermostat
  - Please include other ideas on the survey

### **USGBC Northern California Chapter Coordination**

Brenden McEneaney, Pacific Regional Director U.S. Green Building Council

- Greener Builder conference to be held at ZNE Center in San Leandro in July
- New strategic plan has much greater emphasis on existing buildings
- New programs – have acquired and developed new rating systems for various sectors: ARC, EDGE, GRESB, Parksmart, Investor Confidence Project, PEER, SITES, WELL, Zero Waste Business Certification
- ARC is a data platform, used for collecting and analyzing data. ARC is included for building that has done LEED. Can log in and start measuring and monitoring data for those that have LEED building.
  - Supports continued progress measurement
  - Helps a building set performance goals and strategies
  - The 5 areas that ARC scores are Energy, Water, Waste, Transportation & Human experience. Each is weighted, scored, and benchmarked. Score is translated into LEED Score
  - Can use score for on-ramp onto LEED certification, identify which buildings are good candidates or generally track portfolio.
  - Can be used for buildings, communities, cities or Transit
- LEED for Cities overview and Member Agency discussion
  - Cost for certification is expensive. Fremont is meeting the standards for gold and platinum, but not going for certifications due to prohibitively high costs.
  - Scoring is agnostic over how energy is sourced – between purchasing and generating onsite. What matters is GHG reductions.
  - Steps – precertification, energy (GHG emissions), water, waste, transportation & human experience. Human experience has a much higher weighting than for buildings – is out of 20 points as opposed to 14.
  - Concern that the human experience scoring components are inherently biased toward wealthier cities
  - Questioning why LEED has entered the city space when there are other organizations out there that are providing similar services for free? Vatsal's response was that it's more holistic than some of the other organizations (Mayor's Compact, Carbonne, ICLEI) and they are interested in feedback on the system and fee structure.
  - Dashboard can be used just internally or shared publicly. It is the city's decision.

## **BAAQMD Regional Inventory Assistance Request**

- EC staff and some member agency staff have discussed with the BAAQMD a request for them to develop CAP inventories for the region, rather than each city duplicating the entire process. The Air District might be having some of the same run-ins as cities regarding IOU resistance to providing data. If the Air District would take this role on, it would start in 2018. Energy Council staff inquired about benefit of allocating funding in 2017 (potentially via EBEW) for CAP support similar to DNV-GL CAP services currently provided to San Mateo county.
  - Data standardization across cities might be beneficial, but it could present challenges as all cities are calculating inventories slightly differently.
  - Not all cities are going to update their inventories on an annual basis, not clear how many cities will do it again after their 5 year inventory is met.

## **Local Response to Paris Climate Agreement**

General discussion about various template resolution language not including anti-trump rhetoric, but rather sticking to clear facts about climate goals and commitments.

- Piedmont passed a resolution to remain part of the Paris Climate Agreement yesterday in City Council
- Albany adopted the We're Still In template resolution
- San Leandro and Hayward signed on to We're Still In
- Berkeley signed on to We're Still In, and also did a separate resolution
- Fremont signed onto We're Still In and Sierra Club 100% renewable commitment
- The US mayor's conference is meeting soon, and there will be a vote on We're still in

## **Member Comments & Discussion**

- EDAC met yesterday. The CAP data issue is being carried forward by CPUC. IOUs are pushing back with privacy concerns. CPUC was hoping that this could be handled by a staff resolution. Because of IOU pushback, it will probably have to be a petition to modify.
- Considering getting 1 or 2 Civic Spark members to focus on inventories across jurisdictions.
- The requirement is to do inventories every 5 years. Most cities are doing them next year. Some are conducting them annually. Fremont staff would rather have Fellows help with implementation and not inventories.
- Multiple interesting events, webinars & conferences upcoming; see LGC EE coordinator distribution for a nice weekly digest.

**NEXT TAG MEETING:** July 18, 2017 1-3pm

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**DATE:** June 28, 2017

**TO:** Waste Management Authority

**FROM:** Wendy Sommer, Executive Director

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

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## **SUMMARY**

At the June 28 WMA meeting staff will give an overview and update on the Household Hazardous Waste (HHW) program and ask the Board to adopt the FY 2017-18 fee collection report as required by Ordinance 2014-01.

## **BACKGROUND**

At the May 2014 WMA meeting, the Board adopted HHW Ordinance 2014-1 : "Ordinance Establishing a Household Hazardous Waste (HHW) Collection and Disposal Fee," which included a \$9.55 fee per residential unit. FY 2017-18 will be the fourth year that the fee is collected and used to support existing and expanded activities at the four HHW facilities (Fremont, Hayward, Livermore, and Oakland). This fee, in combination with an HHW tip fee at the landfill and product stewardship savings, pays for the four facilities.

The fee also supports up to twelve one-day HHW events around the county per year. The permanent facilities and one-day events are operated under two MOUs: one with the City of Fremont and one with the County of Alameda. Since increasing hours/days of operation in January, 2015, the program has ramped up to achieve 80% of the target for household participation. Further growth in participation is expected as we increase outreach and expand the number of one-day events.

Under the ordinance, a Fee Collection Report must be approved by the Board each year prior to placing the parcel fee on the Alameda County property tax roll. A proposed Fee Collection Report (FCR) was publicly noticed 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 2017 Fee Collection Report includes changes that property owners have requested throughout the year and during the review of the 2016 Fee Collection Report. Staff has incorporated all requests for changes to the proposed FCR

into 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 2017 Fee Collection Report is very large (20,000+ pages, 82MB file size) and may be viewed at: [2017-18-Fee-Collection-Report.pdf](#). Please be aware that since the file is very large, it will take a while to download. Staff will have one copy available for review at the meeting.

The program is designed to have some surplus in the early years. The accumulated fund balance will be used to support the program until the fee sunsets in 2024. The HHW fee ordinance calls for the fee to be adjusted each year beginning in FY 2016/17, based on the HHW tip fee collected and product stewardship savings. Based on collections and savings in FY 2016/17, the FY 2017/18 HHW fee will be \$8.46 per residential parcel. Per the ordinance, the fee will reset to \$9.55 for the following fiscal year, but will again be adjusted downward *if* tip fee collections and product stewardship savings for FY 2017/18 are found to have been higher than expected. The fee cannot be increased above \$9.55 except by amending the fee ordinance and complying with State laws concerning fee increases. Our total fee revenue for FY2017-18 is expected to be approximately \$7,196,854, including \$4,843,604 collected by the assessor. The funds pay for the administration and implementation of the program, which includes StopWaste's costs for administration of the MOUs and outreach, operation of the four facilities and up to twelve one-day HHW events around the county.

## **RECOMMENDATION**

Staff recommends that the WMA Board hold a public hearing on the Fee Collection Report and approve the Fee Collection Report for FY2016-17, which includes adjusting the fee downward from \$8.60 to \$8.46 per unit for FY2017-18.





**DATE:** June 28, 2017

**TO:** Waste Management Authority Board

**FROM:** Wendy Sommer, Executive Director

**SUBJECT:** Authority General Counsel Contract

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### **SUMMARY**

The contract with Shute Mihaly and Weinberger (SMW) for services as WMA General Counsel expires June 30, 2017. At the June 28 WMA meeting, staff will present a new contract for Board approval.

### **DISCUSSION**

SMW has served as the WMA's general counsel since the Agency's inception in 1976. In 2008, a lengthy Request for Proposals (RFP) process was undertaken at the request of some Board members. The process included multiple interviews with multiple firms, with the Board deciding to continue with SMW. Since then, SMW has been contracted through a series of limited term agreements ranging between one to three years. The current and latest contract has a term of three years and is expiring at the end of June 2017.

A survey indicated that a majority of member agencies (60%) employ in-house staff attorney. The remaining jurisdictions have attorneys that are retained on an ongoing basis, with contracts dating back for many years and with no expiration dates.

We have been extremely pleased with SMW's performance and continue to have a great working and collaborative relationship. They are in a unique position of understanding all of our issues, including current litigations. The proposed rates are comparable with others, with annual CPI increases only. Comparable to other member agencies' legal services agreements, the term will be open, with a provision to allow the Board to terminate the agreement on 120 days' notice. The contract would be based on WMA's standard form contract with annual billings limited to the amount approved as part of the budget adoption (\$200,000 for FY 2017-18), subject to an additional \$50,000 if approved by the Executive Director, and additional funds paid by third parties (such as applicants for ColWMP amendments).

### **RECOMMENDATION**

Staff recommends that the Authority Board approve a new contract with Shute Mihaly and Weinberger for legal services.

Attachment A: Scope of Work and Terms of Payment

## Attachment A

### Exhibit A

#### Scope of Work and Terms of Payment

##### Scope of Work

Contractor (also referenced herein as Authority Counsel) will serve as General Counsel to the Authority (all references to Authority include the Energy Council which receives administrative support services from Authority) and provide legal services on all legal matters except where Authority determines that specialized legal services are required for a particular task and can be more effectively provided by special counsel. The General Counsel shall be Richard Taylor who shall attend meetings of the Board (and Board committees upon request of the Executive Director) and supervise all work by other attorneys and staff of Contractor pursuant to this agreement. The attorney serving as General Counsel may be changed upon approval by the Executive Director. Legal services shall include the following:

1. Providing advice and counsel to the Authority Board, committees, and the Executive Director and designees of the Executive Director. Whenever possible, Authority Counsel shall provide options to the Board (or Executive Director, as applicable) for actions to be taken but shall indicate the optimal course of action in Authority Counsel's professional judgment;
2. Providing advice concerning drafting, interpretation, implementation, and enforcement of ordinances, resolutions, and other legal documents such as the Alameda County Integrated Waste Management Plan or Recycling Plan;
3. Preparing findings, decisions or other documents pertaining to legislative or quasi-judicial actions or decisions made by the Authority;
4. Negotiating and/or rendering advice with respect to negotiations pertaining to Authority's contracts, leases and other real estate agreements, and interagency agreements;
5. Representing Authority in code enforcement, litigation and/or arbitration, or other judicial, administrative or quasi-judicial proceedings; and
6. Providing advice concerning general administration of the agency and compliance with applicable laws such as the Integrated Waste Management Act and California Environmental Quality Act.

Authority Counsel will avoid conflicts of interest as set forth in the Agreement and below.

1. Authority and Authority Counsel acknowledge and agree that Authority is an independent joint powers agency created pursuant to state law and is independent of each of those member agencies. Accordingly, the conflict of interest provisions of this Agreement and state law and rules of professional conduct apply only with respect to Authority and not with respect to Authority's member agencies. Authority understands that Authority Counsel may represent clients in matters adverse to Authority member agencies (including representing member agencies in disputes with other member agencies); nothing in this agreement shall preclude

## Attachment A

Authority Counsel from undertaking such representation provided that there is no conflict of interest with respect to Authority itself.

2. Authority Counsel will decline and not represent any client in the solid waste industry due to the inherent conflict in representing the Authority as a regulatory agency and a regulated entity at the same time. Authority Counsel will not serve as General Counsel for any member agency of Authority. Authority Counsel will also decline and not represent any party which requests Authority Counsel to take a position on its behalf in dealing directly with the Authority.

### Terms of Payment

1. Billings for services and expenses will be provided monthly by Authority Counsel, in a format acceptable to the Executive Director.
2. Billings will be paid by Authority within 30 days of receipt unless Authority notifies Authority Counsel in writing of a dispute concerning any particular bill.
3. Authority Counsel's billing rates fiscal year 2017-2018 shall be as set forth below. Costs incurred in the course of representation will be reimbursed at cost with no administrative surcharge. These billing rates will be increased effective July 1 of each year consistent with any annual increase in the Consumer Price Index (April over April time period) for All Urban Consumers (not seasonally adjusted) San Francisco-Oakland-San Jose area (1982-1984 = 100) as published by the Bureau of Labor Statistics, U.S. Department of Labor, rounded to the nearest whole \$1.

	<b>2017-18</b>
<b>Partner</b>	\$282
<b>Jr. Partner</b>	\$253
<b>Associate III</b>	\$231
<b>Associate II</b>	\$219
<b>Associate I</b>	\$208
<b>Planner</b>	\$197
<b>Paralegal</b>	\$118
<b>Law Clerk</b>	\$ 73

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**DATE:** June 28, 2017

**TO:** Waste Management Authority Board

**FROM:** Wendy Sommer, Executive Director

**BY:** Jeff Becerra, Communications Manager

**SUBJECT:** Legislative Positions for 2017 – June Update

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**SUMMARY:**

This is the first year of the 2017/2018 legislative session and through our contract lobbyist we are tracking several bills. This memo provides an update on the legislative positions adopted by the Board in April.

**DISCUSSION:**

In November, 2016, the Waste Management Authority Board approved two legislative priorities for 2017: extended producer responsibility and organics legislation and regulation. Below is a list of bills, organized by topic category, with a brief description, recommended position, current status, and a link to the bill language. The bills needed to pass out of their house of origin by June 2 to be able to advance to the next house. September 15 is the last day for each house to pass bills on to the Governor.

Extended Producer Responsibility

**AB 1158 (Chu) Carpet Recycling**

Because the carpet industry stewardship organization (CARE) has had difficulty implementing the program well and because of the challenging market and difficulties in product management, this bill would establish an advisory committee for program improvements.

Position: Support

Sponsor/Support: California Product Stewardship Council (CPSC) and others

Status: Senate Environmental Quality Committee

Bill link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1158](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1158)

**SB 212 (HB Jackson) Medical Waste**

Defines “home-generated pharmaceutical waste” as a prescription or over-the-counter human or veterinary home-generated pharmaceutical waste. This bill contains spot language now but is intended to be the vehicle for pharmaceutical EPR.

Position: Support

Sponsor/support: CPSC

Status: Assembly Environmental Safety and Toxic Materials Committee

Bill link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB212](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB212)

**AB 1036 (McCarty) Organic Infrastructure Development**

Main vehicle to expand directive on CalEPA, CDFA and CARB to coordinate and facilitate permitting of organic recycling/compost infrastructure. Follows up on AB 1045 (Eggman) from 2015.

Position: Support

Sponsor: Californians Against Waste (CAW)

Status: Senate Environmental Quality

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1036](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1036)

**AB 954 (Chu) Food Labeling**

Requires Cal Dept. of Public Health and Cal Dept. of Food and Agriculture to publish guidelines to encourage industry adoption of uniform date label standards in an effort to reduce wasted food. In February the Grocery Manufacturing Association and Food Marketing Institute launched a voluntary labelling program to limit food labels to two: BEST IF USED BY (quality/freshness) and USE BY (safety/perishability).

Position: Support

Sponsor: CAW

Status: Senate Health Committee

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB954](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB954)

**AB 1219 (Eggman) Food Donations – Expansion of Good Samaritan Law**

Expands federal Good Samaritan Law which provides limited liability protection to donors of food to include gleaners. Directs local health regulators to include language in inspection reports to promote donations by retail food facilities.

Position: Support

Sponsor: CAW

Status: Senate Health Committee

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1219](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1219)

**SB 557 (Hernandez) School Food Donations**

Will exempt current prohibition of donating school food to students unless done through a non-profit organization. Allows students to take certain non-potentially hazardous food after school meals have been served.

Position: Support

Status: Assembly Education Committee

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB557](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB557)

**SB 780 (Wiener) Water Conservation in Landscaping Act**

Intended to authorize CalRecycle to promote the application of compost in urban areas of the state to assist with projects that follow the watershed approach to landscaping and, in coordination with the Department of Water Resources, to develop and implement pilot projects that support the understanding and deployment of compost to meet specified goals. Also develops a greenhouse gas emissions reduction factor for new climate appropriate landscapes.

Position: Support

Status: Has become a two-year bill

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB780](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB780)

**AB 920: (Aguiar-Curry) California Renewables Portfolio Standard Inclusion for Biomass**

Attempts to help the biomass industry, which is a significant market for wood waste from Construction & Demolition (C&D) operations, qualify for the renewable energy portfolio, which would make the industry more financially viable. Committee amendments removed the procurement mandate and instead required the portfolio to be addressed in the integrated resource management plans.

Position: Support

Status: Senate Energy, Utilities and Communications Committee

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB920](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB920)

**AB 655: (O'Donnell) California Renewables Portfolio Standard Inclusion for Incineration of Garbage**

Would have allowed incineration to be eligible under the RPS.

Position: Oppose

Status: Has become a two-year bill

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB655](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB655)

Packaging

**AB 319 (Stone) Single Use Plastic Beverage Container Lids**

This is the "leash the lid" bill that will require all single use plastic bottles to tether the lid to the bottle to prevent litter, marine debris and injury to seabirds, fish and mammals. Plastic bottle cap lids are one of the top marine debris/litter items collected in coastal clean-ups and clog municipal stormwater drains.

Position: Support

Status: Has become a two-year bill

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB319](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB319)

**AB 567 (Quirk-Silva) Water Bottle Refilling Stations at Schools**

Requires schools to provide water bottle refill station at all water fountains. This would promote water consumption vs. sugary beverages and reduce single-use plastic bottle wastage and litter. Cost to schools was reason for bill being held in committee.

Position: Support

Status: Has become a two-year bill

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB567](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB567)

**AB 958 (Ting) Hazardous Materials: Perfluoroalkyl and Polyfluoroalkyl Substances**

Will ban take-out food containers containing long-chain perfluorinated chemicals. Will subject the short-chain perfluorinated chemicals to the Safer Consumer Products process beginning in 2020.

Position: Support

Status: Senate Environmental Quality Committee

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB958](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB958)

**AB 1287 (Acosta) Plastic Product Marketing Claims**

Extends indefinitely requirement to ensure truth in advertising around recycled content of plastic food containers. May be spot industry bill.

Position: Watch

Status: Has become a two-year bill

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1287](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1287)

**AB 1294 (Berman) Plastic Product Marketing Claims**

Extends indefinitely law requirement to ensure truth in advertising around recycled content of plastic food containers.

Position: Watch

Status: Senate Appropriations Committee

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1294](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1294)

#### **AB 1594 (Bloom) Ocean Plastic Pollution Data**

The only one of the three plastic/polystyrene take-out or single use reduction/ban bills remaining (Senator Allen's SB 705 and Asm. Low's 1659 are the other bills that have been held). This bill calls for the Ocean Protection Council to compile existing data identifying primary sources and types of plastic pollution.

Position: Watch

Status: Senate - waiting for committee assignment

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1594](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1594)

#### **AB 1659 (Low) Food Service Plastic Packaging Recovery and Recycling**

Potentially industry sponsored proposal to counter any ban on single-use plastic/polystyrene food service items. Proposes a recycling program with voluntary goals and voluntary CalRecycle regulations. Will undermine efforts to ban/phase out these items.

Position: Oppose

Status: Has become a two-year bill

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1659](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1659)

#### **SB 705 (Allen) Disposable Food Service Containers – Restrictions on Polystyrene**

Stronger version on effort to ban/phase out plastic and polystyrene single-use food containers. Modeled after Santa Monica ordinance. Not absolute ban.

Position: Support

Status: Has become a two-year bill

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB705](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB705)

#### Bottle Bills

#### **SB 168 (Wieckowski) CA Beverage Container Recycling and Litter Reduction Act**

This bill seeks to change the bottle bill to a producer run system, but without the important elements that a successful bottle bill needs to make it highly successful. While some of the elements of this bill are certainly worthwhile such as including wine and spirits, many important elements are missing which is likely to lead to a lower recovery rate for containers statewide. While we support and prioritize effective extended producer responsibility bills, without the proper incentives, specified responsibilities and infrastructure, such bills can and have faltered.

Position: Oppose unless amended to include CAW amendments which would maintain current incentives, responsibilities and infrastructure needed for high recovery rates.

Status: Has become a two-year bill

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180SB168](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180SB168)

Other bottle bills, for which the Board adopted watch positions, include:

AB 178 (Eggman) CA Beverage Container Recycling and Litter Reduction Act – Status: Assembly Natural Resources Committee

AB 1417 (Cunningham) CA Beverage Container Recycling and Litter Reduction Act – Status: Has become a two-year bill

AB 1522 (Limon) CA Beverage Container Recycling and Litter Reduction Act – Status: Has become a two-year bill

AB 1579 (Daly) CA Beverage Container Recycling and Litter Reduction Act – Status: Dead

SB 60 (Glazer) Beverage containers recycling convenience zones – Status: Senate Environmental Quality Committee



## Materials Flow/Franchise/Enforcement/Fees

### **AB 1147 (Salas) Solid Waste Management Enforcement**

Waste hauling/management industry bill to expand existing penalties for unauthorized removal of recyclables to unauthorized removal of solid waste. Exempts those without vehicles. Attempts to reduce collections of recyclables and solid waste by unauthorized/illegal operations.

Position: Watch

Sponsor: Waste hauling industry

Status: Has become a two-year bill

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1147](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1147)

### **AB 1288 (Eggman) Solid Waste Disposal Fees**

Would require the department (CalRecycle), in adopting regulations to reduce organic waste in landfills, required in SB 1383, to conduct at least one public workshop to discuss funding strategies for new and expanded organic waste reduction infrastructure, including, but not limited to, existing public and private funding models and opportunities for new statewide funding sources.

Position: Support

Status: Becoming a two-year bill

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1288](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1288)

### **AB 1572 (Aguiar-Curry) Integrated Waste Management Plans**

Extends CalRecycle's ability to review annual reports every two or four years. Also aims to have CalRecycle provide recommendations on making the compliance review process more streamlined.

Position: Watch

Sponsor: CalRecycle

Status: Senate Environmental Quality Committee

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB1572](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB1572)

## Additional Bills of Interest

### **AB 262 (Bonta) GHG Disclosure for State Contracts**

Would require a bidder for certain state contracts to complete a standard form that states the cumulative amount of specified greenhouse gas emissions that were produced in the material extraction and processing, transport to the manufacturing site, and the manufacturing of eligible materials. The bill significantly advances material transparency and accountability.

Position: Support

Sponsor: Sierra Club

Status: Senate Governmental Organization Committee

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB262](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB262)

### **AB 509 (Frazier) Tire Recycling Program**

AB 509 will direct CalRecycle to develop an incentive payment program that pays directly for recycling, which in turn will allow recyclers to outcompete other end-of-life alternatives.

Position: Support

Sponsor: CAW

Status: Senate Environmental Quality Committee

Link: [http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill\\_id=201720180AB509](http://leginfo.legislature.ca.gov/faces/billTextClient.xhtml?bill_id=201720180AB509)

### **AB 444 (Ting) Home-Generated Medical Waste**

Will authorize CalEPA to develop a statewide program for the collection, transportation, and disposal of home-generated medical waste.

Position: Support

Status: Senate - waiting for committee assignment

Link: [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180AB444](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180AB444)

**SB 258 (Lara) Cleaning Product Right to Know Act of 2017**

Would require a manufacturer of a cleaning product that is manufactured or sold in the state to disclose ingredients or contaminants of concern contained in and health impact information on the product label, and post ingredient information on product's website.

Sponsors: Environmental Working Group, Breast Cancer Prevention Partners, Women's Voices for the Earth

Position: Support

Status: Assembly Environmental Safety and Toxic Materials

Link: [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180SB258](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB258)

**SB 564 (McGuire) Water Bill Savings Act.**

This bill enacts the Water Bill Savings Act, which allows joint powers authorities to finance water conservation improvements to private property paid for by charges collected through water bills.

Position: Support

Status: Assembly Local Government

Link: [http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill\\_id=201720180SB564](http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201720180SB564)

**RECOMMENDATION:**

This item is for information only.



**DATE:** June 28, 2017

**TO:** Waste Management Authority Board

**FROM:** Wendy Sommer, Executive Director

**SUBJECT:** Reappointment to the Recycling Board – Board member Dianne Martinez

---

**SUMMARY**

Board member Dianne Martinez from the City of Emeryville has served one two-year term on the Recycling Board and is eligible for reappointment to a second two-year term. She has indicated a willingness to serve a second two year term. Her current term expires July 21, 2017.

**RECOMMENDATION**

Staff recommends that the Waste Management Authority Board reappoint Board member Martinez to a two-year term on the Recycling Board ending July 21, 2019.

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**DATE:** June 28, 2017

**TO:** Waste Management Authority

**FROM:** Wendy Sommer, Executive Director

**SUBJECT:** Election of WMA Officers for Fiscal Year 2017-18

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## **SUMMARY**

Authority officers' terms are on a fiscal year basis. Since the end of June concludes our fiscal year, it is time for election of new officers, effective July 1.

## **DISCUSSION**

Dan Kalb from North County is the current President, Mike Hannon from South County is the current First Vice President, and Dave Sadoff from East County is the current Second Vice President.

Items to consider:

- Authority policy calls for the geographic origin of officers to rotate each year. The next President should be from South County, the next First Vice President from East County, and the next Second Vice President from North County. It is customary, but not required by policy, for each officer to 'advance one level' each year.
- The county's geographic designation is determined by the member's supervisorial district boundary:
  - North County is defined as Albany, Berkeley, Oakland, Emeryville, Piedmont and Alameda.
  - South County is defined as Hayward, San Leandro, Union City, Newark, and Fremont.
  - East County is defined as Castro Valley Sanitary District, Oro Loma Sanitary District, Dublin, Livermore, and Pleasanton.

## **RECOMMENDATION**

Staff recommends that the WMA Board elect officers for Fiscal Year 2017-18.

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**July 2017**  
**Meetings Schedule**

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

(Meetings are held at StopWaste Offices unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
						1
2	3	4 Agency Holiday	5	6	7	8
9	10	11	12	13  9:00 AM Programs & Administration Committee Oro Loma Sanitary District Key Items: 1. Attachment A Revision 2. Tours <hr/> 7:00 PM Planning & Organization Committee and Recycling Board Fremont Transfer Station Key Items: 1. Tours 2. Municipal Panel	14	15
16	17	18	19	20	21	22
23	24	25	26  3:00 PM Waste Management Authority & Energy Council Key Items: 1. Stop Food Waste 2. Benchmark Wrap Up 3. Community Outreach/ Ambassador training	27	28	29
30	31					

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# Super Recyclers To Earn Golden Lids in Des Moines

POSTED 9:38 PM, MARCH 1, 2017, BY JUSTIN SURRENCY

**Golden Recycling** <http://whotv.com/2017/03/01/super-recyclers-to-earn-golden-lids-in-des-moines/>

DES MOINES, Iowa -- Going green could get you gold. "We are calling it 'Gold Level Recycling.' It takes those people doing a great job recycling and recognizes them by replacing their blue lid with a gold colored lid," said Jonathan Gano, Director of Des Moines Public Works. To gain access to the exclusive club, residents first must nominate themselves or a neighbor. Gano says an audit of their recycling contents begins over two consecutive pickup dates. "The solid waste collector steps out of the truck, lifts the lid and looks for things that are supposed to be in there and validates that there are not things that are not supposed to be in there."

Breann Bye lives Des Moines' Riverbend Neighborhood and the program has drawn her attention. "It's like a gold star you know. A gold lid! I think it's a beneficial program."

Not all responses to the Des Moines Public Works' facebook announcement Monday have been positive. Chris Cornelisse of Des Moines posted "Look at me. I have a yellow because I recycle properly. I mean come on. I know I'd qualify but I don't need you picking through my recyclables so I can have a yellow lid." Breann Bye believes it could be very informative. "Digging around in my recycling seems kind of strange but I don't know if I'm doing it correctly."

Each yellow lid costs \$3 and while that does add up, the blue lids cost exactly the same. They believe by creating excitement around recycling the community can save in the long run. The cost of contamination in our recycling stream costs the recycling program \$10,000 a month. Almost twenty percent of the blue bins is just straight up trash," said Gano.

He's hoping more residents will turn their recyclable trash into treasure. Gano said, "Every piece we can grab out of the waste stream that would otherwise go to the landfill, delivers value to citizens, the environment and the community at large."

The golden lids do not offer any monetary incentive. Gano says since the announcement, over one hundred people have already scheduled their recycling for an audit.



About Us  
 Flood Mitigation & Levee Maintenance  
 Forestry  
 Garbage & Yard Waste  
 Recycling  
 SCRUB Events  
 Sewer Management  
 Snow Removal  
 Stormwater Management  
 Street Maintenance  
 Forms & Documents

#### QUICK LINKS

What day is my  
garbage and/or recycle  
pickup?

Solid Waste Holidays  
 SCRUB Info & Calendar  
 Recycle DSM

Report a Pothole  
 Report a Tree Concern  
 Request a Garbage  
 Collection Cart

Lower Oak Park Sewer  
 Project  
 Near West Side Sewer  
 Separation Project

Adopt A Street

[home](#) | [services](#) | [government](#) | [information center](#) | [map center](#) | [contacts](#) | [around the city](#) | [search](#) |

**DUE TO RENOVATIONS SOME OFFICES HAVE MOVED, PLEASE CHECK THE [CITY HALL MOVE PAGE](#) FOR MORE INFORMATION.**

## Recycling

[Why Recycle?](#) [Gold Level Recycling](#) [Guidelines](#) [Accepted](#) [Not Accepted](#)



### GOLD LEVEL RECYCLING PROGRAM

#### How To Qualify for the Gold Recycling Program

Residents on the Gold Level are SUPER RECYCLERS that divert the correct recyclables into the blue carts. If you or someone you know want to achieve the Gold Level, go [HERE](#) to register to have a recycling audit. The City of Des Moines Recycling personnel will check the contents of the cart on your prescribed recycling day and determine if it qualifies to be on the 'Gold Level'.

#### Audit Process

City of Des Moines recycling personnel per request, or may randomly select addresses to determine which resident receive a trash audit.

How we do our curbside trash audit:

- We look at what's inside blue carts on the residents prescribed curbside collection day. Look [HERE](#) to see a list of accepted items that should be placed in your blue cart.
- We check for Forbidden/Banned items in the blue cart. Look [HERE](#) for a list of forbidden/banned items that should NOT be placed in your blue cart.

#### Gold Lids are awarded to Super Recyclers!

Connect with us...



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Garbage & Yard Waste  
 Recycling  
 SCRUB Events

Sewer Management  
 Snow Removal  
 Stormwater Management

Street Maintenance  
 Forms & Documents

BOOKMARK FOR LATER

MY BOOKMARKS



From bins to Budweisers and back: Follow a can on a recycling journey from a Wichita curbside to Hutchinson County, where its contents are sorted, packaged, and sold for reuse. **John Albert** - The Wichita Eagle



## Capitol Alert

The go-to source for news on California policy and politics

CAPITOL ALERT

JUNE 04, 2017 12:01 AM

# Your local recycling center is in trouble – should California come to the rescue?

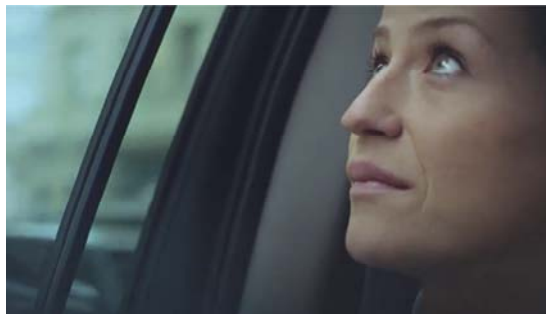
BY WALTER KO  
wko@sacbee.com

With recycling centers closing and Californians losing places to deposit their empty bottles and cans, the state is facing a question: What should be done, if anything, to save its recycling program?

More than 800 recycling centers that took in used bottles and cans and paid out nickels and dimes to customers closed over the last 3 years, recycling advocates say.

The state's empty beverage container recycling rate fell below 80 percent for the first time since 2008, Cal Recycle said in its annual report last month, while the rates for other recyclable materials decreased simultaneously. The rate peaked at 85 percent in 2013, but steadily dropped to 79.8 percent in 2016 even though the year saw the second-highest volume of recyclable beverage containers.

ADVERTISING



The recovering economy is partly to blame. As consumption and construction rose, Californians produced more waste. But incentives for recycling have lessened as oil prices dropped to less than half of what they were a couple of years ago. That meant it became less expensive to create new products than use recycled bottles and cans.

“Some groups within the recycling program are hurting, and we recognize they need near-term assistance,” said Mark Oldfield, spokesperson for CalRecycle, which oversees the state’s waste and recycling programs.

rePlanet, the largest recycling collection network in the nation, closed 191 recycling centers and laid off 278 employees in California last year. Advocates argue a state subsidy program isn’t doing enough.

“We saw this issue coming some time ago, with the way the program was structured,” said David Lawrence, president of rePlanet. “We made some changes in early 2016 that basically eliminated recycling centers in rural areas to stay in business.”

Californians who lost their local recycling centers have fewer places to make a few dollars for their living, Lawrence said. Even though many believe only homeless people turn in scrap bottles and cans for cash, he argues that they are just a fraction of people that rely on those coins.

“Most of the customer population are average, normal people,” Lawrence said. “They are the ones that suffer from the lack of convenience, and they don’t get a lot of voice in this issue.”

The remaining recycling centers have been receiving a higher volume of waste, but not much else has changed. Ming’s Recycling Corporation in Sacramento saw a 20 percent increase, but couldn’t process and sell it for enough to cover the cost of extra work for its employees. The company is considering shifting some of its employees to part time if the current situation worsens.

“Lines are getting longer, and customers are frustrated,” said Kenny Luong, president of the corporation. “Scrap value continues to drop, and nothing is helpful with that. We are going to see more site closures if nothing is done.”

CalRecycle has proposed to reworking the state’s beverage container recycling program. It’s asking Gov. Jerry Brown to restructure processing payments and handling fees and have beverage manufacturers “share responsibility.” The agency also proposed restructuring its relationship with city and county governments.

“The closure of recycling centers over the past couple of years continues to be of concern to CalRecycle,” Oldfield said, “and we’ve actively raised awareness of the causes and impacts in hopes of framing potential solutions.”

Sen. Bob Wieckowski, D-Fullerton, sought to push the state recycling agency’s wish forward. But his bill, SB 168, which would reduce CalRecycle’s administrative part and require distributors to implement a steward program, faced fierce opposition in the state Senate and was declared inactive Thursday.

Yet some believe that the state is complicating the situation by talking of updating the whole program. Mark Murray, executive director of Californians Against Waste, said it could fix the problem simply by returning subsidies to 2015 levels.

“Let’s just fix what’s broken and return the payments,” Murray said.

Jared Blumenfeld, former regional administrator of the U.S. Environmental Protection Agency’s office under President Barack Obama, said it might not even cost the state more money. Recycling centers need just about \$50 million to stay open, but CalRecycle currently does not have authority to spend its \$250 million in surplus money for the purpose, Blumenfeld said. He said the Legislature could take that action.

“They certainly have the money to do it, and if nothing is done, the system will continue to collapse, and it will take a long time to get it back,” Blumenfeld said.

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# Capitol Journal Gov. Brown travels the globe talking about climate change. He should focus on this basic program at home



Roughly 560 recycling centers have closed in California in the last 15 months. (Al Seib / Los Angeles Times)



By **George Skelton**  
Capitol Journal

MAY 22, 2017, 12:05 AM | REPORTING FROM IN SACRAMENTO

**G**ov. [Jerry Brown](#) traipses all over the world trying to save the planet from global warming. But he needs to salvage one basic environmental program here at home.

That's the widely popular beverage container recycling program. People use it and feel good about themselves, particularly younger generations that have grown up separating recyclable cans and bottles.

Leave the containers in a bin on the curb for trash haulers. Or cart them to a recycling center and collect the nickel a piece — maybe a dime for larger ones — that was deposited when the beverage was bought at a store.

This is the old Bottle Bill that the Legislature fought over for 20 years until it passed a complex, convoluted compromise in 1986.

Generally, the bill has been a huge success over the years. Supporters say it has prevented nearly 1 million tons of plastic, glass and aluminum from being littered or tossed into landfills. Californians recycle more than 50 million containers a day.

But the program itself needs some recycling. It's not generating enough money, in many cases, to make recycling pay.

The way it works is rather byzantine: The beverage distributor pays the nickel to the state, then recovers it by passing the cost onto the store. The store recoups the nickel by adding it to the product's price.

The state uses the distributor's money to pay a nickel to the local government or private operator for each container it collects at curbside — or reimburses the recycling center that gives the consumer back his deposit.

Because not all containers the state receives nickels for wind up in recycling, the state builds up a surplus. It's supposed to be used to cover the handlers' red ink when recycling doesn't pencil out.

And it's not penciling out now, primarily because scrap value has dropped for plastic and glass. With oil prices down, it's cheaper to make new plastic bottles than to recycle old ones. Aluminum still brings a good price, but fewer cans are being made from it. Plastic dominates.

The state isn't covering everyone's red ink, however, even if its recycling fund has a \$250-million surplus. The state says it doesn't have the flexibility to dip in without legislation. Recycling activists blame a state calculating snafu.

That's the problem in a nutshell.

Roughly 560 recycling centers have closed in the last 15 months. That's 25% of the total. Recycling rates have dropped from 85% of containers to less than 80%, still pretty impressive. More than 1,000 employees have been laid off.

“It means that 2 million more containers are littered or landfilled every day, including more than 1 million plastic bottles,” says Mark Murray, executive director of the activist Californians Against Waste.

“The Pacific Ocean does not need any more plastic pollution. This is insane,” says Jared Blumenfeld, who once ran San Francisco’s recycling program.

This is not earth-shattering. With all the problems in California and the country, a bottle tossed here or there isn’t going to ring alarm bells.

But if state government can’t make a core environmental program work right, what hope is there for its high-profile efforts to get off fossil fuel and rely more on renewable energies — and to help stop the polar icecaps from melting?

Brown acknowledges that recycling is a tool in fighting global warming.

“Combating climate change requires strategies to reduce the amount of landfilled waste and increase recycling,” the governor stated in his budget proposal in January.

### **Updates from Sacramento »**

“Recycling reduces greenhouse gas emissions by lessening the need for natural resource extraction” — pumping the oil used in plastic, for example — “saving energy in the manufacturing of new products and minimizing landfill emissions.”

But the recycling program “faces significant challenges,” Brown continued. It “requires comprehensive reform.”

OK, recycling boosters ask, where’s the governor’s reform proposal?

They tried to pass a simple bill last year to patch up the program, but Brown warned he’d veto it. He called for major reform.

“The governor told us to wait,” recalls Assemblyman Richard Bloom (D-Santa Monica). “So we waited and waited and waited. And he hasn’t been forthcoming.”

The governor did issue a paper in January outlining his recycling goals. For one thing, he’d like to include wine and liquor bottles in the program. Now only beer and soft drinks require deposits. Sure, why not? Well, the winemakers and booze distillers don’t want to be bothered, for one.

Brown doesn’t have any actual legislation in print.

Bloom is pushing a bill that, among other things, would eliminate a requirement that grocery stores pay \$100 per day or take back the old containers themselves if there isn't a nearby recycling center. They don't want those old filthy bottles and cans anywhere near their food.

State Sen. [Bob Wieckowski](#) (D-Fremont) has a bill that basically would junk the whole program and create a new recycling system. And he'd include wine and liquor bottles.

Murray says everyone is thinking too much. Just take \$30 million from the recycling surplus, he urges, and fix the current problem.

"Consumers are paying a nickel and can't find a recycling center," he says. "I'm concerned there might be a consumer rebellion. This is not a time the state should be trusting the public's faith."

Much of the public doesn't care what Brown says about global warming in China or France. But many do care about getting their nickels back near home.

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# Mother Jones

## The Truth About Meal-Kit Freezer Packs

They're big. They're filled with goo. And they're rapidly accumulating in a landfill near you.

Kiera Butler Jun. 4, 2017 10:00 AM



CHAIWATPHOTOS/iStock

People love to complain about the wastefulness of meal-kit delivery companies like Blue Apron and Hello Fresh. [The baggies that hold a single scallion! The thousands of miles of shipping! The endless cardboard boxes!](#) Those problems are annoying, but ultimately they're not environmental catastrophes: The baggies don't take up all that much landfill space, the cardboard boxes are recyclable, and it's [not clear](#) whether shipping meal kits is less efficient than transporting food to grocery stores and then to homes.

Blue Apron has a take-back program, but the company won't say whether it's actually reusing any of the freezer packs it's taking back—or simply storing them in a warehouse.

But there is a much better reason to criticize meal-kit companies—and as far as I can tell, few people are talking much about it. That's surprising, because it's actually the biggest (or heaviest, at least) thing in every meal-kit box: the freezer packs that keep the perishables fresh while they're being shipped. [Blue Apron now sends out 8 million meals a month.](#) If you figure that each box contains about three meals and two six-pound ice packs, that's a staggering 192,000 tons of freezer-pack waste every year from Blue Apron alone. To put that in perspective, that's the weight of nearly 100,000 cars or 2 million adult men. When I shared those numbers with Jack Macy, a senior coordinator for the San Francisco Department of the Environment's Commercial Zero Waste program, he could scarcely believe it. "That is an incredible waste," he said. The only reason he suspects he hasn't heard about it yet from the city's trash haulers is that the freezer packs end up hidden in garbage bags.

Given that many meal-kit companies claim to want to [help the planet](#) (by helping customers reduce food waste and buying products from environmentally responsible suppliers, for example), you'd think they would have come up with a plan for getting rid of this ever-growing glacier of freezer packs. Au contraire. Many [blithely suggest](#) that customers store old gel packs in their freezers for future use. Unless you happen to have your own meat locker, that's wildly impractical. I tried it, and in less than a month the packs—which are roughly the size of a photo album—had crowded practically everything else out of my freezer. Two personal organizers that I talked to reported that several clients had asked for a consult on what to do with all their accumulated freezer packs.

As Nathanael Johnson at [Grist points out](#), Blue Apron has also [suggested](#) that customers donate used freezer packs to the Boy Scouts or other organizations. I asked my local Boy Scouts council whether they wanted my old meal-kit freezer packs. "What would we do with all those ice packs?" wondered the puzzled council executive. (Which is saying a lot for an organization whose motto is "be prepared.")

The meal-kit companies' online guides to recycling packaging are not especially helpful. ([Blue Apron's](#) is visible only to its customers.) Most of them instruct customers to thaw the freezer packs, cut open the plastic exterior, which is recyclable in some places, and then dump the thawed goo into the garbage. ([Hello Fresh](#) suggests flushing the goo down the toilet, which, experts told me, is a terrible idea because it can cause major clogs in your plumbing.) The problem with this advice is that it does not belong in a recycling guide—throwing 12 pounds of mystery goo into the garbage or toilet is not recycling. To its credit, Blue Apron is the only major meal-kit service to offer a take-back program: Enterprising customers can mail freezer packs back to the company free of charge. But Blue Apron spokeswoman Allie Evarts refused to tell me how many of its customers actually do this. When I asked what the company does with all those used freezer packs, Evarts only told me, "We retain them for future use."

So does that mean Blue Apron is actually reusing the packs in its meal kits, or is there an ever-growing mountain of them languishing in a big warehouse somewhere? Everts wouldn't say. Now back to that mystery goo, which, in case you're curious, is whitish clear, with the consistency of applesauce. Its active ingredient is a substance called sodium polyacrylate, a powder that can absorb 300 times its weight in water. It's used in [all kinds of products](#), from detergent to fertilizer to surgical sponges. One of its most common uses is in disposable diapers—it's what soaks up the pee and [keeps babies' butts dry](#). When saturated with water and frozen, sodium polyacrylate thaws much more slowly than water—meaning it can stay cold for days at a time.

The stuff inside freezer packs is made from the same stuff as fossil fuels, and it doesn't biodegrade.

Meal-kit companies assure their customers that the freezer-pack goo is nontoxic. That's true. But while sodium polyacrylate poses little to no danger to meal-kit customers, it's a different story for the people who manufacture the substance. (Meal-kit companies typically contract with freezer-pack manufacturers rather than making their own.) In its powdered state, it can get into workers' lungs, where it can cause serious problems. The Centers for Disease Control and Prevention [noted](#) in 2011 that workers in a sodium polyacrylate plant in India developed severe lung disease after inhaling the powder. [Animal studies](#) have shown that exposure to high concentrations of sodium polyacrylate can harm the lungs. Because of these known risks, some European countries have set limits on workers' exposure to sodium polyacrylate. Here in the United States, some industry groups and manufacturers recommend such limits as well as safety precautions for workers like ventilation, respirators, and thick gloves. But on the federal level, neither the Occupational Safety and Health Administration nor the National Institute for Occupational Safety and Health have any rules at all. (The companies that supply freezer packs to Blue Apron and Hello Fresh did not return repeated requests for information on their manufacturing processes.) Beyond the factory, sodium polyacrylate can also do a number on the environment. In part, that's because it's made from the same stuff as fossil fuels—meaning that making it produces significant greenhouse gas emissions, a team of Swedish researchers found in 2015 ([PDF](#)). It also doesn't biodegrade, so those mountains of freezer packs sitting in the garbage aren't going anywhere anytime soon.

So to review: Freezer packs create an epic mountain of garbage, and their goo is not as environmentally benign as meal-kit companies would have you believe. So what's to be done? One place to start might be a greener freezer pack. That same team of Swedish researchers also developed a sodium polyacrylate alternative using biodegradable plant materials instead of fossil fuels. A simpler idea: Companies could operate like milkmen used to, dropping off the new stuff and picking up the old packaging—including freezer packs—for reuse in one fell swoop.

A little creative thinking might go a long way—yet none of the companies that I talked to said they had any specific plans to change the freezer-pack system (though Hello Fresh did say it planned to reduce its freezer pack size from six pounds to five pounds). And when you think about it, why should they fix the problem? Heidi Sanborn, head of the recycling advocacy group [California Product Stewardship Council](#), points out that the current arrangement suits the meal-kit providers just fine. "It's taxpayers that are paying for these old freezer packs to sit in the landfill forever," she says.

"Companies are getting a total freebie."

Get the scoop, straight from Mother Jones.

Heidi Sanborn | Executive Director



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Business

## Recycling centers continue to struggle, driving California recycling rates down



By ANNIE SCIACCA | [asciacca@bayareanewsgroup.com](mailto:asciacca@bayareanewsgroup.com) | Bay Area News Group  
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In a state that prides itself as a global leader in protecting the environment, recycling rates for beverage containers have dropped to their lowest point in almost a decade amid the continued closing of centers that pay for bottles and cans and the fallout from changes to California's recycling program.

Beyond the environmental concerns, the financial effects are also growing — pinching large supermarket chains and low-income, and even homeless, residents alike.

ADVERTISING



Beverage container recycling rates in California have fallen below 80 percent for the first time since 2008, according to data recently released by the California Department of Resources Recycling and Recovery (known as CalRecycle). In 2016, 79.8 percent of beverage containers were recycled, down from 81 percent in 2015. The beverage container recycling rate had reached a high of 85 percent as recently as 2013.

Bay Area residents have far fewer options to cash in on recyclables than they did several years ago. The value of plastic, glass and aluminum has decreased, prompting hundreds of recycling centers to close their doors in the past two years and putting pressure on the existing centers, which are struggling to meet the demand with little funds.

With fewer locations to redeem containers, people looking to get cash for their bottles and cans have to travel farther to existing recycling centers, which are often busy and subject to long waits.

An employee at the Tri-CED Community Recycling Center in Union City, Juancarlos Alayo, said the buyback center sees new customers daily, many of whom say they are coming to Tri-CED because their local recycling center shut down.

According to Tri-CED founder and Alameda County Supervisor Richard Valle, the center typically serves about 60,000 customers annually, but this past year it saw about 70,000, he said.

Jane Greaney, a Union City resident, said that many times the line gets so long at the Tri-CED center that she turns around and comes back another day. Despite her city's curbside recycling program, it's important to Greaney to come to Tri-CED, where she brings everything from electronic waste to cans and bottles. She believes in the good work the center does in providing jobs and getting trash out of the landfill, but it's also nice to get cash back from bringing the recyclables there, she said.

Many people depend on the money they get from redeeming their recyclables, and for them, the widespread closures of recycling centers is dire, Valle said. "We've done surveys and found that people living in homeless encampments in Oakland, Fremont and Union City have indicated they were raising \$50 to \$100 a day by picking up cans and bottles that were under the redemption law."

Some grocery stores are taking a hit as well, thanks to a state requirement that supermarkets must have a recycling center within a half-mile radius of the store. Otherwise they must redeem the containers in the store or pay a daily fine.

Nannette Miranda, manager of public and government affairs for grocery chain The Save Mart Companies, said that as recycling centers have closed, almost 40 Lucky and FoodMaxx stores in the Bay Area have been left without recycling centers near them.

#### RECYCLING RATE DOWN

Beverage container recycling rates in California have dipped below 80 percent for the first time since 2008.



The retailer chose not to redeem the containers inside stores because there is no room to do so in a sanitary way and because of the cost of paying out the redemption values to customers, Miranda said. Instead, the store pays an opt-out fee of \$100 per day per store, which will add up to \$2 million this year alone.

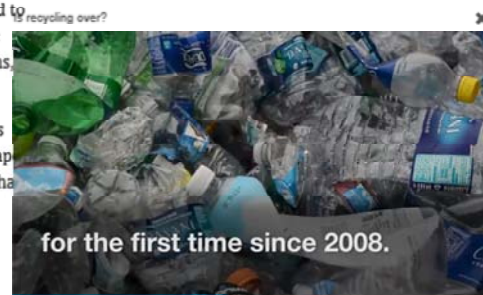
"For an industry that operates on less than 2 percent (profit) margins, that's quite a blow," Miranda said.

More than 300 of those recycling centers within a half-mile of supermarkets, known as "convenience zone" recycling centers, have closed since Jan. 1, 2016, according to an April report from the Legislative Analyst's Office.

Mark Oldfield, communications director for CalRecycle, estimates that in peak years, there were between 2,200 and 2,300 recycling centers in the state, but as of today, the database shows 1,680. Processing centers, which take recyclables from these centers, have closed, too. There are 183 active ones in California, down from 196 in 2016 and 217 in 2015.

Environmentalists also have cause for concern. Mark Murray, executive director of environmental advocacy group Californians Against Waste, said the closed recycling centers mean that more than 3.5 million additional containers are littered or put in the landfill every day. And because oil is needed to produce beverage container materials, the closures have led to the missed opportunity to save the equivalent of 222,000 barrels of oil and prevent tons of carbon dioxide in greenhouse gas emissions, he said.

Part of the reason for the closures is that the value of scrap materials have declined in recent years and remain low, experts say. Low oil prices have made producing goods from virgin materials cheap, creating competition for recycled material, said CalRecycle's Oldfield. Because recycling centers that are under the California Redemption Value program are required to take all types of CRV-eligible material, the program stipulated from the beginning that the state would subsidize the costs of materials like plastic and glass that generally do not pay for themselves.



CalRecycle has to adjust the processing payments at least every January, according to the statute. But critics of the program say the formula is not responsive to what's happening in the market right now. Oldfield said CalRecycle is determining whether it will adjust payments in the remaining quarters of the year.

Murray said his group and other advocates have suggested potential fixes, such as returning subsidy payments to previous levels and allowing CalRecycle to provide supplemental money to rural recycling centers, which are most affected. The state Assembly's budget subcommittee on natural resources introduced some short-term adjustments to the program, but after the state Senate rejected its inclusion in the main state budget bill, it's unclear if or when those fixes would become law.

Until the state revamps the program in some way, advocates say recycling centers could continue to struggle and even close, leaving even fewer options for the many people who rely on them for income, and chipping away at California's efforts to increase recycling overall.

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Tags: [Environment](#), [Homelessness](#), [Regional](#), [Retail](#), [Small Business](#)

**Annie Sciacca** Annie Sciacca is a reporter at Bay Area News Group, where she writes about business and economy topics that affect consumers throughout the region. She joined the company in 2016 after three years at the San Francisco Business Times, where she covered the food, retail, manufacturing and hotels industries throughout the Bay Area. She holds an undergraduate degree from UC Berkeley and a master's degree in political science from San Francisco State University.

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BRIEF

## **Supreme Court decision over toner cartridges hailed as victory for 'right to repair'**

By Cole Rosengren • June 4, 2017

### **Dive Brief:**

- A recent Supreme Court decision stating that manufacturers cannot maintain perpetual patent rights once their products are sold, domestically or internationally, has been chalked up as a major victory for repair advocates. The case determined whether small company Impression Products had the right to refill and resell empty printer cartridges made by Lexmark International. The justices ruled in favor of Impression's position 7-1, with partial dissent from one justice on international patent applications, as reported by The New York Times.
- Chief Justice John Roberts wrote the majority decision, outlining the stance that patent rights "exhaust," and used a car repair analogy to make his case. "The business works because the shop can rest assured that, so long as those bringing in the cars own them, the shop is free to repair and resell those vehicles. That smooth flow of commerce would sputter if companies that make the thousands of parts that go into a vehicle could keep their patent rights after the first sale," he wrote.
- In an editorial for Wired and an interview with E-Scrap News, iFixit CEO Kyle Wiens said the decision was a key step in the debate over repairing consumer electronics and other

equipment. Though Wiens also noted that companies still have multiple ways to impede these efforts, such as end user license agreements.

### Dive Insight:

This decision's potential to reduce the high prices of printer ink will be welcomed by consumers and office managers alike, but its implications in the broader patent and repair discussion are what drew so much attention. Dell, Intel, Costco and others filed briefs in support of Impression's position. Dolby Laboratories, Nokia and others instead defended Lexmark. Though the recycling industry didn't take such public positions, this decision will have an effect on the e-waste conversation as well.

In an effort to preserve their market share, consumer electronics manufacturers have intentionally made it harder to refurbish or effectively dismantle their products. Companies such as Apple prefer to control the process and have consistently opposed efforts to open it up to the public. Yet if devices were designed with accessible parts, or companies provided the necessary schematics and tools, electronics recyclers could keep much more valuable material from going to waste.

The Institute of Scrap Recycling Industries (ISRI) has adopted a "right to reuse" policy for many of these reasons and "right to repair" legislation is now under consideration in 12 states. While advocates of these policies have faced stiff opposition so far, they often point to similar changes in the automotive industry as a sign of what is possible and have begun to gain more attention. This new Supreme Court decision could help give their cause additional momentum and raise awareness among the state legislators who could decide its fate next.

### Recommended Reading:

 The New York Times

Supreme Court Rules Patent Laws Can't Be Used to Prevent Reselling [↗](#)

 Wired

The Supreme Court Just Bolstered Your Right to Repair Stuff [↗](#)

 E-Scrap News

Supreme Court decision aids electronics repair industry [↗](#)

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