

Jim Oddie, **President**  
ACWMA

Peter Maass, **2<sup>nd</sup> Vice President**  
ACWMA

Jillian Buckholz, Recycling Programs

Bernie Camara, Recycling Materials Processing Industry

Nancy Deming, Environmental Educator

Sara Lamnin, ACWMA

Dianne Martinez, ACWMA

John Moore, Environmental Organization

Tim Rood, ACWMA

Matthew Southworth (Interim), Source Reduction Specialist

Vacant, Solid Waste Industry Representative

Wendy Sommer, Executive Director

## **AGENDA**

### **MEETING OF THE PLANNING COMMITTEE AND ALAMEDA COUNTY RECYCLING BOARD**

**Thursday, July 12, 2018**

**7:00 P.M.**

**Fremont Family Resource Center  
39155 Liberty Street  
Millennium, Ste. A120  
Fremont, CA 94538  
510-574-2000  
(Directions attached)**

**Teleconference  
Jillian Buckholz  
2807 Harrison Street #1  
Oakland CA 94611  
530-228-4520**

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

#### **I. CALL TO ORDER**

#### **II. ROLL CALL**

#### **III. ANNOUNCEMENTS BY THE PRESIDENT**

#### **Page IV. CONSENT CALENDAR**

- 1 1. Approval of the Draft Minutes of June 14, 2018 (Tom Padia)**
- 5 2. Board Attendance Record (Tom Padia)**
- 7 3. Written Report of Ex Parte Communications (Tom Padia)**
- 9 4. Grants Issued Under Executive Director Signature Authority (Wendy Sommer)**

#### **V. OPEN PUBLIC DISCUSSION**

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Board, but not listed on the agenda. Each speaker is limited to three minutes.

## **VI. REGULAR CALENDAR**

- 11      1. Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for Alameda County Industries (ACI) Transfer/Processing Expansion for facility located at 610 Aladdin Avenue in San Leandro (Anu Natarajan)**  
Staff recommends that the Recycling Board acting as the Local Task Force review and comment on the proposed CoIWMP amendment, and that the Planning Committee
- Recommend approval of the amendment to the Waste Management Authority
  - Recommend that the Waste Management Authority adopt findings that the proposed project conforms with the amended CoIWMP.
- 39      2. Five Year CoIWMP Review (Anu Natarajan)**  
Staff recommends that the Recycling Board, in its role as the Local Task Force, review the proposed 5-year review report, and provide comments (if any).
- 51      3. Changes to Recycling Board Rules of Procedure (Wendy Sommer & Farand Kan)**  
That the Recycling Board adopt the revisions to the Alameda County Source Reduction and Recycling Board Rules of Procedure.
- 79      4. Food Service Packaging, Litter and Marine Debris (Justin Lehrer)**  
This item is for information only.

## **VII. OTHER PUBLIC INPUT**

## **VIII. COMMUNICATIONS/MEMBER COMMENTS**

## **IX. ADJOURNMENT**

**Fremont Family Resource Center  
39155 Liberty St, Fremont, CA 94538**

**Directions**

**Directions to Fremont Family Resource Center from San Jose and points South:**

Take interstate 680 South to 880 north. Take the Mowry Avenue exit. Turn right onto Mowry Avenue. Keep on Mowry Ave. to State Street. Turn right onto State Street. Turn left onto Capital Ave. Turn right onto Liberty Street. The destination will be on your right.

**Directions to Fremont Family Resource Center from Walnut Creek and points East:**

Take interstate 680 South. Take exit 16 for Mission Boulevard/CA-238. Turn right onto CA-238 N/Mission Blvd. Use the left 2 lanes to turn left onto Stevenson Blvd. Turn right onto Paseo Padre Pkwy. Turn left onto Walnut Ave. Turn right onto Liberty Street. Destination is on the right.

**Directions to Fremont Family Resource Center from Oakland/San Francisco:**

From interstate 80 East, take the interstate 80 South exit toward Alameda/San Jose Airport. Merge onto I-880 South/interstate 880. Take the Mowry Avenue exit. Turn left onto Mowry Avenue. Keep on Mowry Ave. to State Street. Turn right onto State Street. Turn left onto Capital Ave. Turn right onto Liberty Street. The destination will be on your right.

**BART DIRECTIONS**

The Fremont Bart Station is a 10 minute walk to the Fremont Family Resource Center. Take BART Way to Liberty Street. Destination will be on the left.

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

**Thursday, June 14, 2018**

**4:00 P.M.**

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

**Teleconference  
Tim Rood  
San Jose City Hall  
3rd Floor Tower  
200 East Santa Clara St  
San Jose CA 95113  
408-535-8122**

**I. CALL TO ORDER**

Jim Oddie, President, called the meeting to order at 4:02 p.m.

**II. ROLL CALL**

Jillian Buckholz, Recycling Programs  
Bernie Camara, Recycling Materials Processing Industry  
Sara Lamnin, ACWMA  
Peter Maass, ACWMA  
Dianne Martinez, ACWMA  
John Moore, Environmental Organization  
Jim Oddie, ACWMA  
Tim Rood, ACWMA (teleconference)  
Sarah Vared, Source Reduction Specialist

**Absent:**

Toni Stein, Environmental Educator  
Vacant, Solid Waste Industry Representative

**Staff Present:**

Tom Padia, Deputy Executive Director  
Wendy Sommer, Executive Director  
Pat Cabrera, Administrative Services Director  
Miya Kitahara, Program Manager  
Justin Lehrer, Senior Program Manager  
Meghan Starkey, Senior Program Manager  
Audrey Beaman, Deputy County Counsel  
Arliiss Dunn, Clerk of the Board

**Others Participating:**

Heidi Obermeit, City of Berkeley  
Rebecca Parnes, City of Dublin  
Lori Marra, City of Fremont  
Tonya Alves-Richardson, City of San Leandro  
Arthur Boone

**III. ANNOUNCEMENTS BY THE PRESIDENT**

There were none.

**IV. CONSENT CALENDAR**

- 1. Approval of the Draft Minutes of May 10, 2018 (Tom Padia)**
- 2. Board Attendance Record (Tom Padia)**
- 3. Written Report of Ex Parte Communications (Tom Padia)**
- 4. Grants Issued Under Executive Director Signature Authority (Wendy Sommer)**

There were no public comments on the Consent Calendar. Board member Maass made the motion to approve the Consent Calendar. Board member Martinez seconded and the motion carried 9-0. (Ayes: Buckholz, Camara, Lamnin, Maass, Moore, Martinez, Oddie, Rood, Vared. Nays: None. Abstain: None. Absent: Stein. Vacant: Solid Waste Industry Representative).

**IV. OPEN PUBLIC DISCUSSION**

Arthur Boone provided public comment. Mr. Boone commented that the courts ruled that the litigation against the WMA was denied. Mr. Boone further commented that Waste Management, Inc. recently revised their previous proposal and the proposal now before the Air Board does not involve any anaerobic digestion, it will be an indoor aerobic compost operation which will negate any issues of methane production. Mr. Boone added his concern is with the ineffectiveness of mixed-waste processing.

**VI. REGULAR CALENDAR**

- 1. Proposed FY 2018-19 Budget (Wendy Sommer & Pat Cabrera)**  
Staff recommends that the Recycling Board adopt the RB FY 18-19 Budget Resolution (Attachment A).

Pat Cabrera provided an overview of the staff report. A link to the report is available here: [Proposed-FY18-19-Budget.pdf](#)

There was no public comment on this item. Board member Lamnin made the motion to adopt the Recycling Board FY 18-19 budget. Board member Martinez seconded and the motion carried 8-0 (Ayes: Buckholz, Camara, Lamnin, Maass, Moore, Martinez, Oddie, Vared. Nays: None. Abstain: None. Absent: Rood, Stein. Vacant: Solid Waste Industry Representative).

- 2. Circular Economy Principles for Materials Management (Miya Kitahara)**  
This item is for information only.

Miya Kitahara presented an overview of the staff report and presented a PowerPoint presentation. The report and the presentation is available here: [Circular-Economy-Presentation-06-14-18.pdf](#)

Ms. Sommer stated that this is the first in a series of informational items designed to prepare staff and the Board for the priority setting session in the fall and the presentation on the Circular Economy is intended to provide insight to the Board on how staff is implementing these approaches into our day-to-day projects, and to also assist in reaffirming these approaches when we have the priority setting session in the fall. Additionally, staff will be offering attendance to the upcoming conferences for Board members that are interested in attending.

Board member Maass inquired with respect to Built Environments and future-proofing whether there are projects in the bay area undertaking this goal. Ms. Kitahara stated that there is a project in Walnut Creek that is designed so that the parking structure can become retail or multi-family in the future. Another project is the Chartwell School in Seaside, CA. They designed the school for deconstruction and to be able to use the space differently as the needs of the school evolve. Board member Maass commented that there is a trend in education for schools to be built to use space in different ways. Board member Maass inquired if there has been discussion within the MacArthur foundation regarding the differences in the economic structure of Europe and the United States and the impact that a consumer driven economy may have on achieving circularity in the United States. Ms. Kitahara stated yes, especially on the non-corporate observer and there is difficulty in translating circular economy to the US. Justin Lehrer added, in terms of translating across countries, the USA is in the minority with Extended Producer Responsibility in terms of countries adopting more producer responsibility for consumer packaging. Belgium has a system where they assess fees to producers for the packaging that they put into the marketplace and the fees vary according to the packaging being produced. Packaging that is not designed for recyclability is assessed a disrupter fee. This type of Producer Responsibility is also spreading to Canada. Board member Martinez inquired about the incentive for companies that have agreed to produce products with more recyclability as it can help inform the Board during the priority setting process. Mr. Lehrer stated that the vast majority of companies that have made these commitments are operating in both Europe and the USA and they are on-board with EPR in Europe but are resistant in the US. President Oddie inquired with respect to business-to-business packaging if we have reached out to the Port of Oakland or companies such as FedEx or UPS to broaden our reach outside of the county. Mr. Lehrer stated FedEx and UPS are members of the Sustainable Packaging Coalition and we are participating in the dialogues that include these companies.

President Oddie thanked Ms. Kitahara and Mr. Lehrer for the presentation and discussion.

### **3. Municipal Panel: Adequate Space for Recycling/Enclosures (Meghan Starkey)**

This item is for information only.

Meghan Starkey provided an overview of the staff report and introduced the panelists: Heidi Obermeit, City of Berkeley; Rebecca Parnes, City of Dublin; Lori Marra, City of Fremont; and Tonya Alves-Richardson, City of San Leandro. The panelists shared their experience and insights in working with property owners, tenants, service providers and other city staff members to ensure adequate space for recycling and composting, as well as the current issues and solutions from their perspectives as front line staff, whose job it is to help ensure adequate space for recycling and composting.

A link to the staff report is available here: [Municipal-Panel-Recycling-Enclosures-06-14-18.pdf](#)

An audio link to the discussion is available here: [Municipal-Panel-Discussion-06-14-18](#)

There was no public comment on this item. President Oddie thanked Ms. Starkey and the panelists for their presentation.

**VII. OTHER PUBLIC INPUT**

There was none.

**VIII. COMMUNICATIONS/MEMBER COMMENTS**

President Oddie announced that Board member Stein had completed her second two-year term on the Recycling Board and this was her final meeting. President Oddie thanked Ms. Stein, in her absence, for her service.

Board member Lamnin inquired if the agency hosts an event for grantees that would provide an opportunity for them to network with each other. Ms. Sommer stated yes, twice a year the agency hosts an event for grantees to network and to provide input as to the kinds of grants that would be useful for them. Selected grantees also provide periodic presentations to the Board. Board member Lamnin suggested as encouragement to the grantees that staff provide the media posts that are provided to the Board also to the grantees. Ms. Sommer stated that is a good idea.

**IX. ADJOURNMENT**

The meeting adjourned at 5:30 p.m.

## 2018 - ALAMEDA COUNTY RECYCLING BOARD ATTENDANCE

	J	F	M	A	M	J	J	A	S	O	N	D
REGULAR MEMBERS												
J. Buckholz				X	X	X						
B. Camara	X	X	A	I	X	X						
S. Lamnin		X	X	X	X	X						
K. Lewis	X	X	A	A								
P. Maass	X	X	X	X	I	X						
D. Martinez	X	X	X	X	X	X						
J. Moore	X	X	X	X	X	X						
J. Oddie	X	X	X	A	X	X						
T. Rood	X	X	X	X	A	X						
T. Stein	X	X	X	X	X	A						
S. Vared	X	X	A	X	X	X						
INTERIM APPOINTEES												
Matthew Southworth				X								
J. Pentin					X							

Measure D: Subsection 64.130, F: Recycling Board members shall attend at least three fourths (3/4) of the regular meetings within a given calendar year. At such time, as a member has been absent from more than one fourth (1/4) of the regular meetings in a calendar year, or from two (2) consecutive such meetings, her or his seat on the Recycling Board shall be considered vacant.

X=Attended

A=Absent

I=Absent - Interim Appointed

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**DATE:** July 12, 2018  
**TO:** Recycling Board  
**FROM:** Tom Padia, Deputy Executive Director  
**SUBJECT:** Written Reports of Ex Parte Communications

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**BACKGROUND**

Section 64.130 (Q)(1)(b) of the Alameda County Charter requires that full written disclosure of ex parte communications be entered in the Recycling Board's official record. At the June 19, 1991 meeting of the Recycling Board, the Board approved the recommendation of Legal Counsel that such reports be placed on the consent calendar as a way of entering them into the Board's official record. The Board at that time also requested that staff develop a standard form for the reporting of such communications. A standard form for the reporting of ex parte communications has since been developed and distributed to Board members.

At the December 9, 1999 meeting of the Recycling Board, the Board adopted the following language:

*Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board's agenda, giving as much public notice as possible.*

Per the previously adopted policy, all such reports received will be placed on the consent calendar of the next regularly scheduled Recycling Board meeting.

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**Date:** June 27, 2018

**TO:** Recycling Board

**FROM:** Wendy Sommer, Executive Director

**SUBJECT:** Grants Issued Under Executive Director Signature Authority

### SUMMARY

The purchasing and grant policies were amended to simplify paperwork and Board agendas by giving the Executive Director authority to sign contracts and grant agreements less than \$50,000. A condition of the grant policy is that staff informs the Board of recently issued grants.

### Grants: June 2018

PROJECT NAME	GRANT RECIPIENT	PROJECT TYPE/DESCRIPTION	LOCATION	VERIFICATION	GRANT AMOUNT	BOARD
Community Outreach Project	Community Impact Lab	This non-profit focuses on supporting moms/families with young kids and providing resources to refugee and homeless families, as well as a local women's shelter. They will be engaging 20 members to take the Stop Food Waste Challenge and sharing food waste reduction tips through monthly Mommy and Me workshops and social media posts. Grant funds will be used to purchase reusable containers for the monthly dinners provided to a local women's shelter and printing a resource guide for refugee 'Lift Me Up' welcome packages.	San Leandro	Mini-grant contract	\$10,000	RB

Community Outreach Project	Women's Cancer Resource Center	The Center provides free psychosocial and practical support to individuals with cancer – predominantly low-income and underserved women. The center will engage 20 members to conduct the 'Fridge Reality Check' and share food waste prevention tips and videos throughout the year.	Oakland	Mini-grant contract	\$5,000	RB
Reusable Transport Packaging for CalDining	Daylight Foods, Inc.	Funds will go towards the purchase of 20 reusable pallet wraps, 20 reusable pallets, and 50 reusable totes to deliver produce daily from Milpitas to UC Berkeley.	Milpitas, CA (project impacts in Berkeley)	Mini-grant contract	\$5,000	RB

**Date:** July 12, 2018

**TO:** Recycling Board

**FROM:** Wendy Sommer, Executive Director

**BY:** Anu Natarajan, Legislative & Regulatory Affairs Manager

**SUBJECT:** Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for Alameda County Industries (ACI) Transfer/Processing Expansion for facility located at 610 Aladdin Avenue in San Leandro

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## **SUMMARY**

Alameda County Industries (ACI) is proposing modifications and expanded operations at its existing solid waste transfer and recycling facility located at 610 Aladdin Avenue in the City of San Leandro. ACI is seeking an amendment to the Alameda County Integrated Waste Management Plan (CoIWMP). This report sets forth the background, project description, CEQA compliance and staff recommendation to approve an amendment to the CoIWMP. The proposed project will be reviewed by the Recycling Board acting as the Local Task Force (LTF) prior to action by the Waste Management Authority (WMA).

## **DISCUSSION**

### Background

ACI (formerly San Leandro Disposal) has operated a recyclables collection, processing and transfer operation at its current location since 1995 under a franchise agreement with the City of San Leandro. ACI takes this waste to their direct transfer station at 610 Aladdin Avenue. Recyclables are also collected by ACI from local businesses and curbside recycling programs, and through a cardboard buy-back program. Materials collected include glass, metal, plastics, cardboard, newspapers, mixed paper, used motor oil, commingled green and food waste, and construction and demolition debris.

The recycling facility was constructed by ACI in 1998 and became operational that year. ACI was permitted for 150 tons per day of solid waste under the restrictions of their direct transfer station permit. In 2001, the ACWMA issued a CoIWMP amendment to ACI to include the Aladdin Avenue Facility as a direct transfer facility. The solid waste facility permit allows for 412 tons per day which includes MSW, current recyclables and a projected increase in C&D recyclables and co-collected plant and food waste.

### Project Description

As stated by the applicant, ACI is proposing its current expansion to meet increasing tonnages and from its current service area and in anticipation of the increasing trend in recyclables and organics diversion as a result of new State mandates and a successful outreach program. ACI is proposing to increase the maximum permitted tonnage, extend operating hours and material storage times to allow flexibility in transfer and processing operations to avoid peak traffic times and maximize recovery and diversion. However, the total number of vehicle trips per day will not increase from the currently permitted 193 vehicles per day.

ACI is making the following specific changes to its facility and operations:

- Increasing the overall permitted tonnage for the facility from 412 tons per day (tpd) to 620 tpd, along with temporary exceedances of up to 10 percent for a maximum of 20 days-per-year (62 tpd for up to 20 days).
- Removing the Transfer Facility's current maximum limit of 280 tpd.
- Extending the waste acceptance, transfer and processing hours to 24 hours-per-day, 7 days-per-week from the current 13 hours-per-day, Monday through Saturday.
- Accept food waste/organics and other materials from third party haulers and other jurisdictions for transfer and offsite processing.
- Modifying maximum material storage holding time for municipal solid waste and organic materials to 48 hours.
- Onsite pre-processing of food waste and organics.

### California Environmental Quality Act (CEQA) Compliance

For purposes of CEQA, the City of San Leandro acted as the lead agency for this project and prepared an initial study and mitigated negative declaration (IS/MND) dated October 5, 2017. The comment period for the IS/MND began on August 31, 2017 and concluded on October 5, 2017. The facilities and operations studied included the proposed projects described above, along with the construction of a 21,800-square-foot building over the existing transfer station to contain all transfer operations, construction of a second-story retrofit on the existing Materials Recovery Facility building for administrative purposes, and relocation of the existing maintenance shop, and increasing the volume limit for bulky materials delivered to the site (not to exceed 15 tpd).

Under the IS/MND, the proposed project was analyzed for multiple operational changes and site improvements. The purpose of all proposed project facilities is to increase the rate of waste diversion and recycling in the region and increase operational efficiency. The IS/MND determined that the proposed project would not have a significant effect on the environment.

The Authority is a responsible agency under CEQA and thus must consider the information in this IS/MND.

Consistent with the Public Resource Code (PRC 21166) and the CEQA Guidelines (section 15162), when a negative declaration has already been adopted, no subsequent or supplemental CEQA documentation shall be required by a responsible agency unless one or more of the following events occurs:

- (a) Substantial changes are proposed to the project that will require major revisions of the negative declaration due to new significant environmental effects,
- (b) Substantial changes occur with respect to the circumstance under which the project is being undertaken that will require major revisions in the negative declaration due to new significant environmental effects, or
- (c) New information, which was not known and could not have been known at the time the negative declaration was adopted, becomes available that will require major revisions of the negative declaration due to new significant environmental effects.

Authority staff has reviewed the City of San Leandro's documents for the IS/MND. Authority staff finds that, based on the whole record before it, the facility underwent the review required under CEQA and that the ColWMP amendment is within the scope of activities addressed by the City of San Leandro's IS/MND. Since preparation and adoption of the IS/MND, there have been no substantial changes to the project. In addition, the conditions at the project site have not changed since preparation of the IS/MND, nor are there any other substantial changed circumstances, or new information that has become available that would result in any new significant impacts or a substantial increase in impacts considered in the IS/MND.

The Authority Staff concurs with the City's finding that the proposed project will not have a significant impact on the environment since it involves an existing use and no major changes on site. A traffic study was prepared which determined less than significant cumulative impacts on nearby key intersections and roadways.

#### City Approvals

The City of San Leandro is responsible for updating its Non-Disposal Facility Element (NDFE) that identifies and describes existing and proposed Non-Disposal Facilities (NDFs) used in attaining the waste reduction goals identified in the City's Source Reduction and Recycling Element. NDFs include transfer and processing stations and material recovery facilities (MRFs) that receive unsorted waste. Recycling facilities that receive sorted materials are not part of the NDFs.

Any proposed expansion/modifications to existing facilities have to be described in the City's NDFE, and include land use permitting process along with CEQA review. The City of San Leandro approved a third amendment to its NDFE in May 2018. Prior to this process, the City of San Leandro approved the modified Conditional Use Permit (PLN17-007) for increased tonnage, expanded operating hours and holding times and other operational changes on October 5, 2017.

## **RECOMMENDATION**

Staff recommends that the Recycling Board acting as the Local Task Force review and comment on the proposed ColWMP amendment, and that the Planning Committee

- Recommend approval of the amendment to the Waste Management Authority
- Recommend that the Waste Management Authority adopt findings that the proposed project conforms with the amended ColWMP.

### **Attachments:**

#### **Attachment A: Ordinance 2018-01**

Exhibit 1: Text Changes to the Countywide Integrated Waste Management Plan

Exhibit 2: Siting Criteria Findings

Exhibit 3: Conditions of Approval

#### **Attachment B: Application Letter from Jillian Hogan, Environmental Compliance Manager, ACI**

#### **Attachment C: City of San Leandro Non-Disposal Facility Element – Third Amendment**

#### **Attachment D: Solid Waste Facility Permit**

## **Attachment A**

### **ORDINANCE 2018-01**

#### **AN ORDINANCE Adopting Amendments to the Countywide Integrated Waste Management Plan, and Finding Plan Conformance for the ALAMEDA COUNTY INDUSTRIES ALADDIN TRANSFER/PROCESSING FACILITY IN THE CITY OF SAN LEANDRO.**

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

##### **SECTION 1** (Enactment)

The Board of the Authority does hereby enact this Ordinance in full consisting of Section 1 through Section 5.

##### **SECTION 2** (Findings)

- (a) The Authority finds that the California Integrated Waste Management Act (California Public Resources Code §§ 40000 et seq.) requires the preparation and adoption of a Countywide Integrated Waste Management Plan (“ColWMP”).
- (b) The Authority finds that the Alameda County Joint Exercise of Powers Agreement for Waste Management directs that the Authority prepare, adopt, revise, amend, administer, enforce, and implement the ColWMP.
- (c) The Authority finds that it adopted a ColWMP, dated February 26, 2003, and has adopted minor amendments since then. A five-year review of the ColWMP was conducted in November 2009, a factual update was adopted in April 2010, and amendments were made in January 2011, December 2011, July 2013, April 2015, July 2016, January 2017, and March 2017.
- (d) The Authority finds that on October 5, 2017, the City of San Leandro granted an approval to Alameda County Industries Inc. (“ACI”) for the removal of limitations on the tonnage processed through the Materials Recovery Facility and Transfer Facility (collectively, the “Transfer Facility” or “project”) up to the 620 tons per day (“TPD”) total site capacity, for extending waste acceptance, transfer, a processing hours to 24 hours per day, and for other operational and site changes.
- (e) The Authority finds that on October 5, 2017, the City of San Leandro prepared, considered, and adopted a mitigated negative declaration and initial study for the project as required by the California Environmental Quality Act (“CEQA”) and approved the Conditional Use Permit for the project.
- (f) The Authority finds that on February 27, 2018, ACI submitted the required information to the Authority to amend the ColWMP to increase the tonnage processed at the project site to 620 TPD total site capacity and to remove the tonnage limitations

of the Transfer Facility's current maximum limit of 280 TPD at 610 Aladdin Ave, San Leandro and to make a finding of conformance with the ColWMP.

(g) The Authority finds that the Recycling Board, acting as the Local Task Force, has reviewed and commented on the proposed amendment, and the Planning Committee of the Authority has considered the ColWMP amendment, including any comments by the Local Task Force, and has recommended approval of the ColWMP amendment and conformance finding.

(h) The Authority finds that the Authority staff provided all required notice and held a duly noticed public hearing on July 25, 2018 to consider said ColWMP amendment and conformance finding.

(i) The Authority finds that the Authority Board of Directors reviewed the application and materials presented by ACI in support of the application, and considered all materials and testimony presented by the public, Local Task Force, ACI, and Authority staff.

(j) The Authority finds that it is a responsible agency under CEQA, that this project underwent the required review under CEQA, and that the Authority's action is within the scope the activities addressed by the City of San Leandro's mitigated negative declaration and initial study ("MND/IS").

(k) The Authority finds that the Authority Board has independently reviewed and considered the City of San Leandro's MND/IS.

(l) The Authority finds that since the City of San Leandro's adoption of the MND/IS, no substantial changes have occurred and no new information or changed circumstances exist that require revisions to the MND/IS due to new significant environmental effects or a substantial increase in the severity of previously identified significant environmental effects.

(m) The Authority concurs with the City of San Leandro that the project will not result in any significant environmental impacts.

### SECTION 3 (CEQA Determination)

The Authority's approval of the ColWMP and conformance determination, as conditioned, will have a less than significant impact on the environment as documented in the MND/IS.

### SECTION 4 (Amendment of ColWMP)

The Authority hereby amends the ColWMP as set forth in the ColWMP Amendment text attached hereto as Exhibit 1 and made a part of this Ordinance, subject to the Conditions of Approval attached hereto as Exhibit 3.



**SECTION 5** (Conformity Determination)

The Authority does hereby determine that the proposed project is in conformance with the CoIWMP as amended, including the siting criteria as set forth in the siting criteria findings attached hereto as Exhibit 2 and made a part of this Ordinance, and that the project, as conditioned by the Conditions of Approval attached hereto as Exhibit 3, would be in conformance with the CoIWMP as amended.

**SECTION 6** (Notice and Effective Date)

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

Passed and adopted this [26th day of September, 2018] by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

I certify that under penalty of perjury that the foregoing is a full, true and correct copy of ORDINANCE NO. 2018-01

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**WENDY SOMMER**  
**EXECUTIVE DIRECTOR**

## EXHIBIT 1

### TEXT CHANGES TO THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT PLAN for the Alameda County Industries (ACI) Transfer/Processing Facility

The Alameda County Countywide Integrated Waste Management Plan, adopted February 26, 2003 is hereby amended as set forth below. In the sections that follow, text to be added to the Plan is shown in **underline bold** and text to be deleted is shown in strikethrough.

1. Table 2-7, on page II-24, summarizes information regarding transfer stations in Alameda County. Amend Table 2-7 as provided below:

TRANSFER STATION	OWNER/ OPERATOR	WASTESHEDS	DISPOSAL TONNAGE TOTAL TPY/TPD-5	SITE ACREAGE	DESIGN/ PERMITTED CAPACITY
<b>ACI San Leandro</b>	Alameda County Industries	<del>MSW: City of San Leandro</del> <b>and</b> Recyclables: Alameda County No public self-haul allowed	Any combination of MSW, C&D or compostables, or other solid waste, <del>not to exceed 280 TPD by direct transfer operations and an unrestricted amount of or</del> recyclables as long as total site capacity of <b><u>412,620</u></b> TPD is not exceeded	2.17	<del>592,940</del> <b><u>412,620</u></b> TPD/TPD

2. On pages II-29 and II-30 under the heading “d) ACI Transfer/Processing Facility” amend the first, second and third paragraphs as follows:

The Alameda County Industries’ (ACI) Transfer/Processing facility located at 610 Aladdin Avenue in San Leandro operates under a full solid waste facility permit issued for **412,620** tons per day (TPD) total site capacity. ~~The ACI Transfer/Processing Facility operates under the following limitations: direct transfer operations for any combination of MSW, C&D, compostables or other solid waste not to exceed 280 TPD; and, an unrestricted amount of recyclables processed through the Material Recovery Facility provided the total site capacity maximum of 412 TPD is not exceeded. The Transfer/Processing Facility only receives MSW from within the City of San Leandro service area franchised in 2007 to ACI.~~

The Material Recovery Facility processes recyclables from San Leandro, Alameda and other jurisdictions. At the recommendation of the County Environmental Health Department, the Full Solid Waste Facility Permit was sought in 2007 to combine and expand the Direct Transfer Facility with the previously exempt Material Recovery Facility. The facility recycling rate is projected to be 57% for the ~~412620~~ TPD. As additional food waste is collected in place of MSW, the recycling rate is expected to increase to almost 70%. **The facility also pre-processes food waste and organics onsite.**

Collection vehicles using the facility include commercial front-loader trucks, and roll-off bin collection trucks, and side loaders used for residential collection. The solid waste is directly transferred from collection vehicles to a specially designed transfer trailer, which has the capacity to carry 19-20 tons per load. Direct transfer operations do not handle, separate, or otherwise process the incoming solid waste and no waste is stored at the facility for more than ~~an 8-hour~~ **a 48-hour** period. ~~There is no overnight storage of loaded trailers.~~ The solid waste is transferred only one time from the collection vehicle to the trailer; the waste does not touch the ground nor is it outside the confines of a container or vehicle before, during, or after the transfer. There is no acceptance of self-hauled MSW nor recyclables from the public.

## EXHIBIT 2

### SITING CRITERIA

#### for ColWMP Amendment and Conformity Determination for the Alameda County Industries Inc. Transfer/Processing Facility

The Alameda County Waste Management Authority (“Authority”) has reviewed the materials submitted in connection with Alameda County Industries Transfer/Processing facility (“facility”). Based on that review, the Authority hereby makes the following determinations pursuant to the relevant provisions of ColWMP Section VI, Table 6-2:

- **Seismic** – The facility is not located within 200 feet of a known active fault.
- **Floodplains** – The facility is not located within the 100-year flood plain.
- **Wetlands** – The facility is located in a fully developed industrial area within City of San Leandro; no wetlands are impacted by its development.
- **Endangered Species Habitat** – The facility is located in a fully developed industrial area within City of San Leandro. Potential impacts to endangered species habitat identified during the environmental review process for development of the facility have been fully mitigated.
- **Unstable Soils** – The existing structures and proposed transfer building have been designed in accordance with City-approved design standards which ensure the structural integrity of the facility. Unstable soils have not been identified during the design process.
- **Major Aquifer Recharge Areas** – The facility is not located in an aquifer recharge area.
- **Depth to Groundwater** – The facility is not located in an area identified with high groundwater.
- **Permeable Strata and Soils** – The facility is constructed on currently graded and paved site. Soils in the area are predominantly Clear Lake Clay and of generally low permeability, with approximately 50% clay content.
- **Non-attainment Air Areas** – ACI shall comply with all requirements of the Bay Area Air Quality Management District in the operation of the facility.
- **PSD Air Areas** – ACI shall comply with all requirements of the Bay Area Air Quality Management District in the operation of the facility.
- **Mineral Resources Area** – The facility is not located in a Mineral Resources Area of Alameda County.
- **Prime Agricultural Lands/Open Space** – The facility is located in a fully developed industrial area within City of San Leandro and not on agricultural lands or open space.

- **Military Lands** – The facility is located on private lands not owned by any military organization.
- **Other Federal, State, and Indian Lands** – The facility is located on private lands not owned by government or tribal organization.
- **Proximity to Major Transportation Routes** – The facility is located one block from an arterial roadway with arterial access to Highway 880, which is approximately 1.1 miles away via Alvarado St. and Marina Blvd. Incoming collection vehicles have access to the facility from all areas of the City via major roadways.
- **Proximity to Development** – The facility is located in an extensive industrial area in central San Leandro. Roadway access to the major transportation routes is not through residential areas and institutional facilities are not present. The facility is designed and will be operated to minimize impacts to the surrounding community, and to conform to the City of San Leandro standards including the approved conditions of its Conditional Use Permit, as well as state minimum standards in Title 14.
- **Proximity to Public Services** – The facility is located in a fully developed industrial park area and connected to public utilities. Fire, police, and emergency medical services are readily available at this semi-urban location.
- **Proximity to Waste Stream** – The facility is located in central San Leandro with access to all areas of the City via major roadways and highways. Collection areas are distributed to the north, south, and west of the facility.
- **Appropriate Zoning** – The facility is compatible with adjacent industrial land uses and zoning; it is located with the Industrial General (IG) Zone.
- **Conformance with Approved Countywide Siting Element of the Integrated Waste Management Plan** – The facility is consistent with the goals and policies of the Countywide Siting Element and has been designed to enhance landfill diversion of materials for the City of San Leandro and other jurisdictions within the county, and is an integral part of the countywide waste management system.
- **Recreational, Cultural, or Aesthetic Areas** – The facility is not located in an area of recreational, cultural, or aesthetic significance.
- **Airport Zones** – The facility is not located near an airport, within a Federal Aviation Agency approach zone, installation compatible use zone, or safety zone.
- **Gas Migration/Emission** – Not Applicable.
- **Contingency** – The facility maintains an Emergency Contingency Plan to provide for continuity of service in the event of disruptions caused by natural or man-made events.

## **EXHIBIT 3**

### **Conditions of Approval for ColWMP Amendment and Conformity Determination for the Alameda County Industries Inc. Transfer/Processing Facility**

Pursuant to the Joint Powers Agreement establishing the Alameda County Waste Management Authority (“Authority”), the Alameda County Integrated Waste Management Plan, and state law, the ColWMP amendment and conformity determination enacted by the ordinance to which this exhibit is attached is subject to the conditions below:

1. Operations at the Alameda County Industries Inc. (“ACI”) Transfer/Processing Facility located at 610 & 601 Aladdin Avenue, San Leandro, California (“Facility”) shall comply with all requirements governing the design and operation of Transfer/Processing Facility, as set forth in Title 14 of the California Code of Regulations.
2. The materials that may be processed through the Facility are limited to the materials that the Facility is currently permitted to accept.
3. The total permitted capacity of 620 TPD shall not be exceeded except as otherwise permitted in the modified Conditional Use Permit issued by the City of San Leandro on October 5, 2017 (“CUP”), and the Facility shall operate within the conditions contained within the CUP.
4. The Facility shall be constructed and operate in compliance with the descriptions and assumptions made in the Final Initial Study – Mitigated Negative Declaration adopted by the City of San Leandro to the extent applicable to the Facility.
5. The transfer station operator must identify the weight of all waste materials received at the transfer station, by jurisdiction of origin, and report the results to the Authority, as provided by Authority Ordinance 98-01. The transfer station operator must identify the weight of all material transferred for disposal, by landfill destination.
6. The ordinance to which these Conditions of Approval is attached shall take effect only upon ACI’s acceptance of these conditions and its agreement to indemnify and hold harmless the Authority, its agents, officer, and employees according to the terms in paragraph 7 below.
7. ACI shall defend (with counsel acceptable to the Authority), indemnify and hold harmless the Authority, its agents, officers and employees for any costs, including attorneys’ fees, incurred by the Authority, its agents, officers or employees in the defense of any action brought against the Authority, its agents, officers or employees, in connection with the approval or implementation of Authority Ordinance No. 2018-01. The Authority may elect, at its sole discretion, to participate in the defense of such action, and ACI shall reimburse the Authority, its agents, officers or employees for any

costs, including attorneys' fees, that the Authority, its agents, officers or employees incur as a result of such action. This indemnification shall be binding upon the Authority, ACI and all their successors and assigns.

8. ACI shall comply with the Alameda County Integrated Waste Management Plan, all applicable existing and future ordinances and resolutions of the Authority (including, but not limited to, Ordinance 2009-01 and Resolution 2009-03), and all conditions imposed by the City of San Leandro and other regulatory agencies.

9. These conditions of approval shall restrict the operation of the Facility and shall be incorporated in, and enforceable under, the ACI Solid Waste Facilities Permit issued by the Alameda County Local Enforcement Agency and may be enforced by the City of San Leandro in connection with its enforcement of its permits for the Facility.

10. Any activities beyond those provided for by Ordinance 2011-02 shall require a new ColWMP amendment and conformance determination by the Authority.

**ACCEPTANCE BY APPLICANT ACI**

This ColWMP amendment and conformance determination is hereby accepted upon the express terms and conditions hereof, and shall have no force or effect unless and until agreed to, in writing, by applicant. The undersigned hereby acknowledges the approved terms and conditions and agrees to fully conform to and comply with said terms and conditions.

\_\_\_\_\_  
By:

Its:

\_\_\_\_\_  
Date



February 27, 2018

Ms. Anu Natarajan  
Legislative & Regulatory Affairs Manager  
Alameda County Waste Management Authority  
1537 Webster Street  
Oakland, CA 94612

**RE: Determination of Conformance with the Alameda County ColWMP - Alameda County Industries Transfer/Processing Facility Expansion**

Dear Ms. Natarajan:

Alameda County Industries (ACI) submits this letter as the County Integrated Waste Management Plan Amendment (ColWMP) application for the Alameda County Industries Transfer/Processing Facility (Facility) Expansion. ACI is currently working with the Alameda County Environmental Health Department, acting in their role as the Local Enforcement Agency (LEA) for California Department of Resources Recovery and Recycling (CalRecycle), to revise our existing Solid Waste Facilities Permit (SWFP) No. 01-AA-0290.

The purpose of this letter is to formally request that the Alameda County Waste Management Authority (ACWMA) initiate the process to determine conformance with the Alameda County Integrated Waste Management Plan (ColWMP). Included with this letter is a check in the amount of \$10,000.

**Project Description**

Alameda County Industries (ACI) currently owns and operates a solid waste transfer and recycling facility on a 2.82 acre parcel (APN 077B-0800-015) located at 610 Aladdin Avenue in the City of San Leandro.

At this time, ACI seeks to revise the existing Solid Waste Facility Permit (SWFP No. 01-AA-0290) to expand operations at the ACI Facility, by making the following operational changes that are considered significant changes by the California Department of Resources, Recycling, and Recovery (CalRecycle):

- Increase the overall permitted tonnage for the Facility from 412 tons per day (TPD) to 620 TPD and remove the TF's current maximum limit of 280 TPD.



- Extend the waste acceptance, transfer and processing hours to 24 hours per day, 7 days per week.
- Accept MSW from all jurisdictions serviced by ACI and accept food waste / organics and other materials from third party waste haulers and jurisdictions for transfer and offsite processing.
- Modify material storage holding time for municipal solid waste (MSW) and organic materials to 48 hours.

ACI is expanding to meet increasing tonnages from its current service area and in anticipation of the increasing trend in recyclables and organics diversion, as a result of new State and local mandates, expansion of outreach programs, an improved economy, and other program impacts. ACI is proposing to increase the maximum permitted tonnage and extend operating hours and materials storage times to allow flexibility in transfer and processing operations to avoid peak traffic times and effectively process materials to maximize recovery and diversion. The Solid Waste Facility Permit traffic will not be increased with respect to the currently-permitted limits of 193 vehicles per day (VPD) for the ACI Facility.

ACI, and formerly San Leandro Disposal, has operated a recyclables collection, processing, and transfer operation at the project site since 1995. The land use entitlement history is provided as a reference in Table 1 that follows. A Registration Solid Waste Facility Permit (SWFP) was issued by the Alameda County Department of Environmental Health, acting as Local Enforcement Agency (LEA), in September 2001 for a Direct Transfer Facility (TF) handling up to 150 TPD of MSW. A Full SWFP was issued by the LEA in July 2007, and the SWFP has been amended to incorporate minor operational changes.

#### Land Use Approval

The site is in the City's General Plan General Industrial (IG) Zone. The ACI operations are consistent with the zoning and General Plan for the area as determined by the City of San Leandro with the approval of Conditional Use Permit (CUP) (PLN2001-00049) on August 2, 2001; approval of a CUP modification for increased tonnages and traffic, with an Initial Study/ Negative Declaration (PLN2006-00061), approved on February 15, 2007; and most recently approval of a CUP modification to increase tonnage, expand operating hours and holding times, and other operational changes, with an Initial Study/ Mitigated Negative Declaration (PLN17-0007), approved on October 5, 2017 by the City of San Leandro.

### CEQA Conformance

The ACI Facility project has been reviewed for its conformance with the California Environmental Quality Act (CEQA) in conjunction with the approvals listed in Table 1 below.

**Table 1**

#### **Land Use Entitlement History**

<b>Date</b>	<b>Land Use Entitlement</b>	<b>Operations</b>
08/17/1995	CU-95-10	Approved for collection and processing of recycled materials; outdoor storage of materials and vehicles; and mobile office trailer.
10/17/1996	CU-96-18	Approval of 17,500 s.f. building to cover recycled materials processing area.
07/17/1997	CU-97-7	Approval of 27,950 s.f. building to over the processing facility for recyclable materials.
06/27/2000	Administrative Approval letter	Administrative approval for green waste collection and processing.
03/15/2001	Administrative Approval letter	Administrative approval for C&D collection and processing.
08/02/2001	PLN2001-00049	CUP for implementation of a solid waste direct transfer operation.
2/15/2007	PLN2006-00061	Approval of CUP modification for increased Tonnages and Traffic with a new Initial Study/ Negative Declaration.
11/2010	Administrative Approval letter	Minor modification of CUP for increase in hours and removal of tiered tonnage limits.
9/2011	Administrative Approval letter	Clarification of 11/2010 approval; limit on TF tonnage to 280 TPD.
10/2017	PLN17-007	Approval of CUP, Initial Study and Mitigated Negative Declaration for increased tonnage, expanded hours, storage times and service areas, and other modifications.

### Facility Siting Criteria

- **Seismic** – The facility is not located within 200 feet of a known active fault.
- **Floodplains** – The facility is not located within the 100-year flood plain.
- **Wetlands** –The facility is located in a fully developed industrial area within City of San Leandro; no wetlands are impacted by its development.
- **Endangered Species Habitat** – The facility is located in a fully developed industrial area within City of San Leandro. Potential impacts to endangered species habitat identified

during the environmental review process for development of the facility have been fully mitigated.

- Unstable Soils – The existing structures have been designed in accordance with City-approved design standards which assure the structural integrity of the facility. Unstable soils have not been identified during the design process.
- Major Aquifer Recharge Areas – The facility is not located in an aquifer recharge area.
- Depth to Groundwater – The facility is not located in an area identified with high groundwater.
- Permeable Strata and Soils – The facility is constructed on currently graded and paved site. Soils in the area are predominantly Clear Lake Clay and of generally low permeability, with approximately 50% clay content.
- Non-attainment Air Areas – ACI shall comply with all requirements of the Bay Area Air Quality Management District in the operation of the facility.
- PSD Air Areas – ACI shall comply with all requirements of the Bay Area Air Quality Management District in the operation of the facility.
- Mineral Resources Area – The facility is not located in a Mineral Resources Area of Alameda County.
- Prime Agricultural Lands/Open Space – The facility is located in a fully developed industrial area within City of San Leandro and not on agricultural lands.
- Military Lands – The facility is located on private lands not owned by any military organization.
- Other Federal, State, and Indian Lands – The facility is located on private lands not owned by government or tribal organization.
- Proximity to Major Transportation Routes – The facility is located one block from an arterial roadway with arterial access to Highway 880, which is approximately 1.1 miles via Alvarado St. and Marina Blvd. Incoming collection vehicles have access to the facility from all areas of the City via major roadways.
- Proximity to Development – The facility is located in an extensive industrial area in central San Leandro. Roadway access to the major transportation routes is not through residential areas and institutional facilities are not present. The facility is designed to conform to the City of San Leandro standards and will be operated in a manner which will conform to approved conditions of its permit, as well as state minimum standards in Title 14, and minimize impacts to the surrounding community.
- Proximity to Public Services – The facility is located in a fully developed industrial park area and connected to public utilities. Fire, police, and emergency medical services are readily available at this semi-urban location.

- Proximity to Waste Stream – The facility is located in central San Leandro with excellent access to all areas of the City via major roadways and highways. Collection areas are distributed to the north, south, and west of the facility.
- Appropriate Zoning – The facility is compatible with adjacent industrial land uses and zoning; it is located with the General Industrial (IG) Zone.
- Conformance with Approved Countywide Siting Element of the Integrated Waste Management Plan – The facility is consistent with the goals and policies of the Countywide Siting Element and has been designed to enhance landfill diversion of materials for the City of San Leandro and other jurisdictions within the County, and is an integral part of the countywide system.
- Recreational, Cultural, or Aesthetic Areas – The facility is not located in an area of any recreational, cultural, or aesthetic significance.
- Airport Zones – The facility is not located near an airport, within a Federal Aviation Agency approach zone, installation compatible use zone, or safety zone.
- Gas Migration/Emission – Not Applicable.
- Contingency – The facility maintains an Emergency Contingency Plan to provide for continuity of service in the event of disruptions caused by natural or man-made events.

Included with this letter are the following attachments for your review:

- ✓ City of San Leandro, Conditions of Approval (PLN17-0007)
- ✓ Initial Study / Mitigated Negative Declaration (dated October 2017)
- ✓ Copy of current Solid Waste Facility Permit No. 01-AA-0290

We look forward to working with you during the process in front of us. Please provide a schedule of the expected dates for the ACWMA subcommittees and ACWMA meeting schedule for this ColWMP process. Should you have any questions, please contact me at (510) 346.8148 or by email: [jhogan@alamedacountyindustries.com](mailto:jhogan@alamedacountyindustries.com).

Thank you,



Jillian Hogan  
Environmental Compliance Manager

Cc: Chris Valbusa, Alameda County Industries  
Neil Edgar, Edgar & Associates

## CITY OF SAN LEANDRO NON-DISPOSAL FACILITY ELEMENT (NDFE)

### Non-Disposal Facility Element Objectives:

The purpose of this element is to identify and describe existing and/or planned Non-Disposal Facilities (NDFs) to be utilized by the City of San Leandro in attaining the waste reduction goals identified in the City's Source Reduction and Recycling Element. NDFs include transfer and processing stations, material recovery facilities (MRFs) that receive unsorted waste, and composting facilities. Recycling facilities that receive sorted materials and other facilities that do not require County solid waste facility permits normally do not fall under this definition of NDFs.

A proposed new NDF or NDF expansion in San Leandro cannot be considered for development until it has been identified and described in the City's NDFE. Of course, each proposed facility must also comply with appropriate project specific CEQA environmental review, the land use permitting process, and the permit processes of various other federal, state, regional and countywide agencies. In addition, the Alameda County Waste Management Authority, the Joint Powers Authority for Alameda County waste management planning, must make a determination of conformance as to whether or not proposed new or expanded NDFs conform to the Countywide Element of the ColWMP.

This NDFE amends the previously approved NDFE submitted in 1993. This amendment is necessary because the original NDFE included a proposed new facility that was never developed. This NDFE identifies three non-disposal facilities which the City is currently utilizing to attain its waste diversion goals. Only one of the three non-disposal facilities, the Davis Street Station for Material Recycling and Transfer, has a solid waste facility permit. The other two non-disposal facilities do not have solid waste facility permits, but have nevertheless been included to provide the State with a more complete picture of the City's waste reduction activities.

The following sections provide information on the non-disposal facilities presently used by the City. This information includes a facility description, location, and information about materials handled



**SECTION I. EXISTING NON-DISPOSAL FACILITIES OUTSIDE THE CITY OF SAN LEANDRO USED TO IMPLEMENT THE CITY OF SAN LEANDRO'S SRRE PROGRAMS**

**This facility does not have a solid waste facility permit.**

**FACILITY NAME, TYPE AND ADDRESS:**

Smurfit-Stone Recycling Company  
800 77<sup>th</sup> Avenue  
Oakland, CA 94621

Smurfit-Stone Recycling Company operates a material recovery facility which processes glass, metal, plastic and paper. Smurfit-Stone Recycling Company began operations at this site in 1997.

**TYPE OF MATERIALS ACCEPTED FOR DIVERSION FROM LANDFILL/ TRANSFORMATION:**

Smurfit-Stone Recycling Company diverts cardboard, paper, glass, metal, and plastics. Waste Management of Alameda County, which is the franchised hauler in the southern portion of San Leandro, sends its commercial recycling trucks to this facility. Smurfit-Stone also receives and processes paper transferred from the Davis Street SMaRT.

**ESTIMATED AMOUNT OF WASTE SENT TO THE FACILITY:**

Waste Management of Alameda County sends approximately 500 tons per year of paper to Smurfit-Stone Recycling Company.

## SECTION II. EXISTING NON-DISPOSAL FACILITIES WITHIN THE CITY OF SAN LEANDRO USED TO IMPLEMENT SRRE PROGRAMS

This facility has a solid waste facility permit.

### FACILITY NAME, TYPE AND ADDRESS:

Davis Street Station for Material Recycling and Transfer (SMaRT)  
2615 Davis Street  
San Leandro, CA 94577

This facility is a transfer station for municipal solid waste and a processing facility for various recyclables received from businesses, curbside programs, and the drop-off and buy-back center. Curbside recyclables collected from local communities are processed on site. The SMaRT Recycling Center offers buyback and drop-off services for cans, bottles, papers, and wine bottles. The Convenience Area for Recycling (C.A.R.E.) Center offers bulky goods recycling for major appliances, clean fill/dirt, scrap metal, concrete, porcelain toilets and sinks, and foam carpet pad. There is a waste oil collection center for used motor oil. Yard materials and wood waste are collected and processed. Some of this material is sent off-site for composting. There is an on-site tire recycling and crumb rubber factory operated by Bay Area Tire Recycling. A 100-ton per day mini-MRF facility is on-site for processing dry, mixed roll-off and self-haul loads to recover wood, metal, and cardboard.

### TYPE OF MATERIALS ACCEPTED FOR DIVERSION FROM LANDFILL/ TRANSFORMATION:

Cardboard	Wood/tree trunks/logs	Appliances
Newspaper	Clean fill/dirt	Concrete
Mixed paper	Porcelain toilets and sinks	Tires
Glass	Metal cans and scrap metal	Foam carpet pad and carpet
Plastics	Yard materials	Used motor oil

### LAND USE DESIGNATION:

The facility is zoned I2 General Industrial.

### LAND USE PERMIT STATUS:

The facility is currently operating under Conditional Use Permit #CU-96-1 Modified.

### FACILITY SIZE: (per Land Use Permit)

The facility is 53 acres.

### MAXIMUM CAPACITY OF FACILITY: (per Land Use Permit)

The maximum capacity at the facility is not to exceed 5,600 tons per day, based on the 1998 permit.

### DIVERSION RATE:

Davis St. Transfer Station diverted 219,326 tons of recyclables in 1998 which represents 23 percent of all materials received at the transfer station.

### PARTICIPATING JURISDICTIONS:

Jurisdictions in northern/central Alameda County and in central Contra Costa County

**SECTION II. EXISTING NON-DISPOSAL FACILITIES WITHIN THE CITY OF SAN  
(continued) LEANDRO USED TO IMPLEMENT SRRE PROGRAMS**

**This facility does not have a solid waste facility permit.**

**FACILITY NAME, TYPE AND ADDRESS:**

San Leandro Recycling, Inc.  
610 Aladdin Ave.  
San Leandro, CA 94577

San Leandro Recycling, Inc. operates a processing facility for various recyclables collected from local businesses and curbside programs. There is also a buy-back program for cardboard. This facility was constructed in 1998 and became operational in November of 1998.

**TYPE OF MATERIALS ACCEPTED FOR DIVERSION FROM LANDFILL/  
TRANSFORMATION:**

Glass, metal, narrow-neck plastics, cardboard, newspapers, mixed paper (includes magazines, junk mail, paperboard boxes, computer paper, catalogs, paper bags, telephone books, etc.), used motor oil

**LAND USE DESIGNATION:**

IG - Industrial General

**LAND USE PERMIT STATUS:**

Conditional Use Permits:

CU-95-10  
CU-96-18  
CU-97-7

**FACILITY SIZE: (per Land Use Permit)**

2.82 acres

**MAXIMUM CAPACITY OF FACILITY: (per Land Use Permit)**

A maximum capacity is not specified in the land use permit.

**PARTICIPATING JURISDICTIONS:**

San Leandro, Alameda, Castro Valley, Hayward



<b>SOLID WASTE FACILITY PERMIT</b>		<b>Facility Number:</b>  <div style="text-align: center; font-size: 1.2em;"><b>01-AA-0290</b></div>																																				
<b>1. Name and Street Address of Facility:</b>  Alameda County Industries Transfer / Processing Facility 610 Aladdin Avenue San Leandro, CA. 94577-4302	<b>2. Name and Mailing Address of Operator:</b>  Alameda County Industries, LLC 610 Aladdin Avenue San Leandro, CA. 94577-4302	<b>3. Name and Mailing Address of Owner:</b>  Alameda County Industries, LLC 610 Aladdin Avenue San Leandro, CA. 94577-4302																																				
<b>4. Specifications:</b>  <div style="display: flex; justify-content: space-between;"> <div style="width: 60%;"> <b>a. Permitted Operations:</b>    <input type="checkbox"/> Solid Waste Disposal Site               <input checked="" type="checkbox"/> Transfer/Processing Facility (MRF)               <input type="checkbox"/> Composting Facility (MSW/green material/C&amp;G)         </div> <div style="width: 35%;"> <input type="checkbox"/> Transformation Facility  <input checked="" type="checkbox"/> Other: _____         </div> </div> <b>b. Permitted Hours of Operation:</b> <b>Direct Transfer Facility – Receipt and Transfer of Materials/Wastes:</b> 5:00 a.m. to 6:00 p.m., Monday through Friday, inbound and outbound MSW up to 2:00 a.m. in order to transfer within 8 hrs. of receipt. <b>Material Recovery Facility:</b> <b>a. Receipt and Transfer of Materials:</b> 5:00 a.m. to 6:00 p.m., Monday to Friday with occasional overtime work on weekends (Saturdays 5:00 a.m. to 6:00p.m.) <b>b. Processing of Materials:</b> 5:00 a.m. to 10:00 p.m., Monday to Saturday <b>Office Hours:</b> 8:00 a.m. to 5:00 p.m., Monday to Friday <b>Maintenance of Equipment:</b> 24 Hours  <b>c. Permitted Maximum Tonnage:</b> <u>      </u> Total: 412 Tons per Day (280 tpd maximum from the Transfer Facility)  <b>d. Permitted Traffic Volume:</b> <u>      </u> 193 <u>      </u> Vehicles per Day  <b>e. Key Design Parameters (Detailed parameters are shown on site plans bearing EA and CalRecycle validations):</b> <table border="1" style="width: 100%; border-collapse: collapse; margin-top: 10px;"> <thead> <tr> <th></th> <th style="text-align: center;">Total</th> <th style="text-align: center;">Disposal</th> <th style="text-align: center;">Transfer/Processing</th> <th style="text-align: center;">Composting</th> <th style="text-align: center;">Transformation</th> </tr> </thead> <tbody> <tr> <td>Permitted Area (in acres)</td> <td style="text-align: center;">2.17 acres</td> <td></td> <td style="text-align: center;">2.17 acres</td> <td></td> <td></td> </tr> <tr> <td>Design Capacity (cu.yds)</td> <td style="text-align: center;">802 tpd</td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Max. Elevation (Ft. MSL)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Max. Depth (Ft. MSL)</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> <tr> <td>Estimated Closure Year</td> <td></td> <td></td> <td></td> <td></td> <td></td> </tr> </tbody> </table>				Total	Disposal	Transfer/Processing	Composting	Transformation	Permitted Area (in acres)	2.17 acres		2.17 acres			Design Capacity (cu.yds)	802 tpd					Max. Elevation (Ft. MSL)						Max. Depth (Ft. MSL)						Estimated Closure Year					
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Estimated Closure Year																																						

021A

**SOLID WASTE FACILITY PERMIT**

Facility Number:

**01-AA-0290****1. Name and Street Address of Facility:**

Alameda County Industries  
Transfer/Processing Facility  
610 Aladdin Avenue  
San Leandro, CA 95477-4302

**2. Name and Mailing Address of Operator:**

Alameda County Industries, LLC  
610 Aladdin Avenue  
San Leandro, CA 95477-4302

**3. Name and Mailing Address of Owner:**

Alameda County Industries, LLC  
610 Aladdin Avenue  
San Leandro, CA 95477-4302

**4. Specifications:****a. Permitted Operations:**☐ Solid Waste Disposal Site☐ Transformation Facility☒ Transfer/Processing Facility☒ Other: Material Recovery Facility☐ Composting Facility**b. Permitted Hours of Operation:**

Closed: Sundays, New Year's,  
Thanksgiving and Christmas

**Direct Transfer Facility - Receipt and Transfer of Materials/Wastes:** 5:00 a.m. to 6:00 p.m.,  
Monday to Friday, inbound and outbound MSW up to 2:00 a.m. in order to transfer within 8 hrs.  
of receipt

**Material Recovery Facility:**

a. Receipt and Transfer of Materials: 5:00 a.m. to 6:00 p.m., Monday to Friday with  
occasional overtime work on weekends (Saturdays, 5:00 a.m. to 6:00 p.m.)

b. Processing of Materials: 5:00 a.m. to 10:00 p.m., Monday to Saturday

Office Hours: 8:00 a.m. to 5:00 p.m., Monday to Friday

Maintenance of Equipment: 24 Hours

**c. Permitted Maximum Tonnage:**

Total: 412 Tons per Day (280 tpd maximum from the Transfer Facility)

**d. Permitted Traffic Volume:**

193 Vehicles per Day - round trips

**e. Key Design Parameters (Detailed parameters are shown on site plans bearing EA and CalRecycle validations):**

Permitted Area (in acres)

2.17 acres

Design Capacity (cu. yds)

802 tpd

Max. Elevation (Ft. MSL)

Max. Depth (Ft. MSL)

Estimated Closure Year

Total	Disposal	Transfer/Processing/ MRF	Composting	Transformation
2.17 acres		2.17 acres		
802 tpd				

Upon a significant change in design or operation from that described herein, this permit is subject to revocation or suspension. The attached permit findings and conditions are integral parts of this permit and supersede the conditions of any previously issued solid waste facility permit.

**5. Approval:**

Approving Officer Signature:

Arii Levi, Director of Environmental Health

**6. Enforcement Agency Name and Address:**

Alameda County Department of Environmental Health  
Office of Solid/Medical Waste Management  
1131 Harbor Bay Parkway  
Alameda, CA 94502

**7. Date Received by CalRecycle:**

NOV 28 2011

**8. CalRecycle Concurrence Date:**

DEC 27 2011

**9. Permit Issued Date:**

JAN 03 2012

**10. Permit Review Due Date:**

JAN 03 2017

**11. Owner/Operator Transfer Date:**

# SOLID WASTE FACILITY PERMIT

Facility Number

01-AA-0290

## 12. Legal Description of Facility:

The legal description of this facility is contained in pages 5-7 of the Transfer/Processing Report dated May 2011, Revised October 2011. 37°42'37.07" N, 122°09'05.06" W. APN 77B-800-15.

## 13. Findings:

- a. This permit is consistent with the Alameda County Waste Management Authority Plan, which was approved by CalRecycle on April 24, 1996. The location of the facility is identified in the Nondisposal Facility Element, pursuant to Public Resources Code (PRC), Section 50001(a).
- b. This permit is consistent with the standards adopted by CalRecycle, pursuant to PRC 44010.
- c. The design and operation of the facility is consistent with the State Minimum Standards for Solid Waste Handling and Disposal as determined by the enforcement agency, pursuant to PRC 44009.
- d. The City of San Leandro Fire Department has determined that the facility is in conformance with applicable fire standards, pursuant to PRC, 44151.
- e. A Negative Declaration was filed with the State Clearinghouse (SCH #2007-012055) and approved by the City of San Leandro on February 15, 2007. The Negative Declaration describes and supports the design and operation, which will be authorized by the issuance of this permit. A Notice of Determination was filed with the State Clearinghouse on February 23, 2007.

## 14. Prohibitions:

The permittee is prohibited from accepting the following wastes:

Hazardous, radioactive, medical (as defined in Chapter 6.1, Division 20 of the Health and Safety Code), liquid, designated, or other wastes requiring special treatment or handling, except as identified in the Report of Facility Information and approved amendments thereto and as approved by the enforcement agency and other federal, state, and local agencies.

## 15. The following documents describe and/or restrict the operation of this facility:

	Date		Date
Transfer/Processing Report	May 2011 Revised Oct 2011	Land Use and/or Conditional Use Permit CU-95-10 CU-96-18 CU-97-7 PLN2001-00049 PLN2006-00061 Minor modification to CUP PLN2006-00061 Notice of Exemption Clarification of 11/16/10 approval	Aug. 17, 1995 Oct. 17, 1996 July 7, 1997 Aug. 2, 2001 Feb. 15, 2007 Nov. 16, 2010 Jan. 4, 2011 Sept. 26, 2011
NPDES WDIID No. 2011015900	June 29, 2000	Negative Declaration (SCH # 2007-012055)	Feb. 15, 2007

# SOLID WASTE FACILITY PERMIT

Facility Number:

01-AA-0290

## 16. Self Monitoring:

The owner/operator shall submit the results of all self monitoring programs to the Enforcement Agency within 30 days of the end of the reporting period (for example, 1st quarter = January – March, the report is due by April 30, etc. Information required on an annual basis shall be submitted with the 4th quarter monitoring report, unless otherwise stated.)

Program	Reporting Frequency
a. The types and quantities (in tons) of waste, including separated or commingled recyclables, entering the facility per day.	Monthly
b. The number and types of vehicles using the facility per day.	Monthly
c. Results of the hazardous waste load checking program, including the quantities and types of hazardous wastes, medical wastes or otherwise prohibited wastes found in the waste stream and the disposition of these materials.	Record in Operating Records
d. Copies of all written complaints regarding this facility and the operator's actions taken to resolve these complaints.	Notify LEA within 24 hrs. Written Report Quarterly
e. Log of Special Occurrences, which includes records of fires, explosion, injury and property damage accidents, flooding, incidence of unlawful disposal of prohibited material and other unusual events, such as facility closure with brief description of the response to and resolution of occurrence. Include visits by regulatory agencies.	Daily (Maintain log availability for LEA Inspection)
f. The type and quantities (in tons) of material, including waste, recovered recyclables, etc. that are transferred from the facility per day.	Monthly
g. Documentation for all self-monitoring programs that are described in the facility Transfer and Processing Report.	Provide upon request by the LEA
h. Maintain a log of training for employees that need special training e.g. asbestos, hazardous material and biohazardous material handling.	Record in Operating Records Provide upon request by the LEA

# SOLID WASTE FACILITY PERMIT

Facility Number:

01-AA-0290

## 17. Enforcement Agency (EA) Conditions:

- a. The operator shall comply with all State Minimum Standards for solid waste handling and disposal as specified in Title 14, California Code of Regulations.
- b. The operator shall maintain a log of special/unusual occurrences. This log shall include, but is not limited to, fires, explosions, the discharge and disposition of hazardous or unpermitted wastes, and significant injuries, accidents or property damage. Each log entry shall be accompanied by a summary of any actions taken by the operator to mitigate the occurrence. The log shall be available to site personnel and the Local Enforcement Agency (LEA) at all times.
- c. Additional information concerning the design and operation of the facility shall be furnished upon request and within the time frame specified by the LEA.
- d. The maximum permitted daily tonnage for this facility is 412 tons per day total, with no more than 280 tons per day at the Transfer Facility and shall not receive more than this amount without a revision of this permit.
- e. This permit is subject to review by the EA and may be suspended, revoked, or revised at any time for sufficient cause.
- f. The LEA reserves the right to suspend or modify waste receiving and handling operations when deemed necessary due to an emergency, a potential health hazard, or the creation of a public nuisance.
- g. Any change that would cause the design or operation of the facility not to conform to the terms and conditions of this permit is prohibited. Such a change may be considered a significant change, requiring a permit revision. In no case shall the operator implement any change without first submitting a written notice of the proposed change, in the form of an RFI amendment, to the LEA at least 180 days in advance of the change.
- h. A copy of this permit and the Transfer Processing Report shall be maintained at the facility.
- i. Records of employee training for health and safety, operation and maintenance of the site shall be maintained on-site and be available for inspection to the LEA.
- j. Stored recyclables shall neither interfere with facility operations nor cause a public health nuisance. The LEA reserves the authority to reduce the maximum storage time of recyclables as necessary to protect public health and minimize odors, litter, vectors and other nuisances.
- k. All boxes, bins, loading docks, tipping floors or other waste containers including waste transport vehicles shall be cleaned on a regular schedule to prevent a public health hazard or nuisance caused by litter, odors or vectors.
- l. Municipal solid waste, including green waste commingled with food waste material awaiting transfer shall not be stored on site for longer than 48 hours and shall be transported to a facility in compliance with Title 14 and/or Title 27.
- m. Prohibited waste that is inadvertently received at the facility shall be managed in accordance with procedures that are outlined in the Transfer/Processing Report and in compliance with all applicable laws and regulations.
- n. The maximum permitted vehicle trips per day for this facility is 193, and shall not exceed this amount without a revision of this permit.
- o. Municipal solid wastes or recyclable materials that are inadvertently dropped onto the loading dock during the truck-to-truck transfer of waste material must be cleaned up immediately.
- p. The LEA reserves the right to implement mitigation measures to minimize noise and other nuisances from the operation of equipment or processing of materials/wastes at the site as necessary to protect public health, safety or the environment.

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**DATE:** July 12, 2018

**TO:** Recycling Board/Local Task Force

**FROM:** Wendy Sommer, Executive Director

**BY:** Anu Natarajan, Legislative & Regulatory Affairs Manager

**SUBJECT:** Five Year CoIWMP Review

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## **SUMMARY**

CalRecycle requests a five year review report be submitted indicating whether the Countywide Integrated Waste Management Plan (CoIWMP) needs to be updated. Our last five year review was submitted to CalRecycle in 2015 (although technically due in 2013), which was followed up by a voluntary factual update conducted in 2015. The intent of the review is to ensure that the programs included will comply with the State mandated 50% diversion goal, and to show 15 years of landfill capacity. Both in 2015 and currently, all of our cities exceed the 50% diversion goal, now expressed in disposal pounds per person, and the county has significantly more than 15 years of landfill capacity.

Since 2012, the Recycling Board has been operating as the Local Task Force under State law. The role of the Local Task Force is to review and provide input, as needed, on any proposed changes or amendments to the CoIWMP and 5-year review reports. This meeting serves as an opportunity to receive comments from the Recycling Board.

## **DISCUSSION**

To implement the California Integrated Waste Management Act (AB 939, Sher, Chapter 1095, Statutes of 1989 as amended [IWMA]), counties were required to prepare and submit to the California Integrated Waste Management Board (effective January 1, 2010, the Department of Resources Recycling and Recovery, or CalRecycle) a Countywide Integrated Waste Management Plan (CIWMP or CoIWMP). This plan includes the Source Reduction and Recycling Element (SRRE), Household Hazardous Waste Element (HHWE), and Nondisposal Facility Element (NDFE) for each jurisdiction in the county, and a Countywide Siting Element (SE) and Summary Plan (SP) for the county. A county's five-year review report is an analysis regarding the continuing adequacy of the most recently amended individual planning documents.

Landfill capacity: The remaining landfill capacity for Alameda County is conservatively estimated to last over 30 years. This will depend on actual rates of fill and landfill compaction rates. The Countywide diversion rate, estimated using the State's current disposal based methodology was 72% in 2016, the latest year for which data is available.

Plan Review: The waste management plan addresses waste management conditions within the respective county or regional agency. It also provides an overview of the actions that will be taken to achieve the 50% disposal target and to maintain 15-year disposal capacity. The focus of the five-year review is to determine if the planning documents are still adequate or should be revised.

Our review of the current Countywide Integrated Waste Management Plan finds a number of policies and projects that need to be updated. While an update is not required by the State, since the Agency and stakeholders use the ColWMP for various purposes, we plan to update the document later this year.

## **RECOMMENDATION**

Staff recommends that the Recycling Board, in its role as the Local Task Force, review the proposed 5-year review report, and provide comments (if any).

## **Attachment**

Five-year ColWMP Review Report 2018 (CalRecycle Form 709)



## **CALRECYCLE FORM 709**

### **Five-Year CIWMP/RAIWMP Review Report Template**

Public Resources Code (PRC) Sections 41770 and 41822, and Title 14, California Code of Regulations (CCR) Section 18788 require that each countywide or regional agency integrated waste management plan (CIWMP or RAIWMP), and the elements thereof, be reviewed, revised if necessary, and submitted to the Department of Resources Recycling and Recovery (CalRecycle) every five years. CalRecycle developed this Five-Year CIWMP/RAIWMP Review Report template to streamline the Five-Year CIWMP/RAIWMP review, reporting, and approval process.

A county or regional agency may use this template to document its compliance with these regulatory review and reporting requirements and as a tool in its review, including obtaining Local Task Force (LTF) comments on areas of the CIWMP or RAIWMP that need revision, if any. This template also can be finalized based on these comments and submitted to CalRecycle as the county or regional agency's Five-Year CIWMP or RAIWMP Review Report.

The [Five-Year CIWMP/RAIWMP Review Report Template Instructions](#) describe each section and provide general guidelines with respect to preparing the report. Completed and signed reports should be submitted to the CalRecycle's Local Assistance & Market Development (LAMD) Branch at the address below. Upon report receipt, LAMD staff may request clarification and/or additional information if the details provided in the report are not clear or are not complete. Within 90 days of receiving a *complete* Five-Year CIWMP/RAIWMP Review Report, LAMD staff will review the report and prepare their findings for CalRecycle consideration for approval.

If you have any questions about the Five-Year CIWMP/RAIWMP Review Report process or how to complete this template, please contact your LAMD representative at (916) 341-6199. Mail the completed and signed Five-Year CIWMP/RAIWMP Review Report to:

Dept. of Resources Recycling & Recovery  
Local Assistance & Market Development, MS-9  
P. O. Box 4025  
Sacramento, CA 95812-4025

<b>SECTION 1.0 COUNTY OR REGIONAL AGENCY INFORMATION</b>			
I certify that the information in this document is true and correct to the best of my knowledge, and that I am authorized to complete this report and request approval of the CIWMP or RAIWMP Five-Year Review Report on behalf of:			
County or Regional Agency Name  ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY		County(s) [if a RAIWMP Review Report]	
Authorized Signature		Title  Executive Director	
Type/Print Name of Person Signing Wendy Sommer		Date	Phone (510)-891-6500
Person Completing This Form (please print or type) Anu Natarajan		Title Legislative Affairs Manager	Phone (510)-891-6519
Mailing Address 1537 Webster Street	City Oakland	State CA	Zip 94612
E-mail Address <a href="mailto:anatarajan@stopwaste.org">anatarajan@stopwaste.org</a>			

## **SECTION 2.0 BACKGROUND**

This is Alameda County's FOURTH Five-Year Review Report since the approval of the CIWMP.

The following changes have occurred since the approval of the County's planning documents or the last Five-Year CIWMP Review Report (whichever is most recent):

- ☐ Diversion goal reduction
- ☐ New regional agency
- ☐ Changes to regional agency
- ☐ New city (name(s) \_\_\_\_\_)
- ☐ Other \_\_\_\_\_

*Additional Information (optional)*

The CIWMP was updated in 2011 to reflect the Agency's strategic plan objectives and programs. This update reflects the Agency's on-going commitment to the strategic plan goals and objectives. The CIWMP was further amended in March 2015 for factual updates, separate and apart from various amendments for facility conformance. The most recent facility conformance amendment was March 2017.

The Agency is embarking on a comprehensive review of its CIWMP to update programs and policies.

**SECTION 3.0 LOCAL TASK FORCE REVIEW**

- a. In accordance with Title 14 CCR, Section 18788, the Local Task Force (LTF) reviewed each element and plan included in the CIWMP and finalized its comments

☒ at the LTF meeting. ☐ electronically (fax, e-mail) ☐ other (Explain):

- b. The County received the written comments from the LTF on xxxx

- c. A copy of the LTF comments

☒ is included as Appendix \_\_\_\_.

☐ was submitted to CalRecycle on \_\_\_\_.

**SECTION 4.0 TITLE 14, CALIFORNIA CODE of REGULATIONS SECTION 18788 (3) (A) THROUGH (H)**

The subsections below address not only the areas of change specified in the regulations, but also provide specific analyses regarding the continued adequacy of the planning documents in light of those changes, including a determination on any need for revision to one or more of the planning documents.

**Section 4.1 Changes in Demographics in the County or Regional Agency**

When preparing the CIWMP Review Report, the county or regional agency must address at least the changes in demographics.

The following resources are provided to facilitate this analysis:

1. Demographic data, including population, taxable sales, employment, and consumer price index by jurisdiction for years up to 2006, are available at:  
<http://www.calrecycle.ca.gov/LGCentral/Tools/DivMeasure/JuAdjFac.asp>. Data for years beyond 2006 can be found on the following websites:
  - Population: [Department of Finance](#)
  - Taxable Sales: [Board of Equalization](#)
  - Employment: [Employment Development Department](#) Click on the link to Local Area Profile, select the county from the drop down menu, then click on the "View Local Area Profile" button.
  - Consumer Price Index: [Department of Industrial Relations](#)

2. The Demographic Research Unit of the California Department of Finance is designated as the single official source of demographic data for State planning and budgeting (e.g., find E-5 City/County Population and Housing Estimates under Reports and Research Papers and then Estimates).
3. The Department of Finance's Demographic Research Unit also provides a list of State Census Data Center Network Regional Offices.

Table 1: DEMOGRAPHICS IN CITIES OF ALAMEDA COUNTY

POPULATION OF JURISDICTION	2014	2018	% CHANGE
City of Alameda	75,988	78,863	3.6%
City of Albany	18,472	19,053	3.04%
City of Berkeley	117,372	121,874	3.6%
City of Dublin	53,462	63,241	15.4%
City of Emeryville	10,491	11,994	12.5%
City of Fremont	223,972	235,439	4.8%
City of Hayward	151,037	162,030	6.7%
City of Livermore	84,952	91,411	7.06%
City of Newark	43,856	47,467	7.6%
City of Oakland	404,355	428,827	5.7%
City of Piedmont	11,023	11,318	2.6%
City of Pleasanton	73,067	79,201	7.7%
City of San Leandro	87,691	87,598	-0.10%
City of Union City	72,155	72,991	1.1%
Unincorporated Population	145,461	148,895	2.3%
<b>Total Countywide Population</b>	<b>1,573,254</b>	<b>1,660,202</b>	<b>5.5%</b>

Source: CA Department of Finance

Table 2: EMPLOYMENT

Employment Factor	2014	2017	% Change
	762,900	817,400	7.14%

Source: CA Employment Development Department

Table 3: TAXABLE SALES

Taxable Sales 2012 (in 1000s)	Taxable Sales 2016 (in 1000s)	% Change
28,377,714	30,958,480	8.34%

Source: Board of Equalization

### Analysis

Upon review of demographic changes since 2014:<sup>1</sup>

- ☒ The demographic changes since the development of the CIWMP do not warrant a revision to any of the Countywide planning documents.
- ☐ These demographic changes since the development of the CIWMP warrant a revision to one or more of the Countywide planning documents. Specifically,. See Section 7 for the revision schedule(s).

### Additional Analysis (optional)

## **Section 4.2 Changes in Quantities of Waste within the County or Regional Agency; and Changes in Permitted Disposal Capacity and Waste Disposed in the County or Regional Agency**

A number of tools to facilitate the analysis and review of such changes in the waste stream are available from the following CalRecycle sources:

1. Various statewide, regional, and local disposal reports are available at <http://www.calrecycle.ca.gov/LGCentral/Reports/DRS/Default.aspx>.
  - a. CalRecycle's Disposal Reporting System tracks and reports the annual estimates of the disposal amounts for jurisdictions in California; additional California solid waste statistics are also available.
  - b. CalRecycle's Waste Flow by Destination or Origin reports include solid waste disposal, export, and alternative daily cover. They show how much waste was produced within the boundaries of an individual city, or within all jurisdictions comprising a county or regional agency. These data also cover what was disposed at a particular facility or at all facilities within a county or regional agency.
2. The Waste Characterization Database provides estimates of the types and amounts of materials in the waste streams of *individual California jurisdictions* in 1999. For background information and more recent statewide characterizations, please see <https://www2.calrecycle.ca.gov/WasteCharacterization/Study/>
3. CalRecycle's Countywide, Regionwide, and Statewide Jurisdiction Diversion Progress Report provides both summary and detailed information on compliance, diversion rates/50 percent equivalent per capita disposal target and rates, and waste diversion program implementation for all California jurisdictions. Diversion program implementation summaries are available at <http://www.calrecycle.ca.gov/lgcentral/reports/diversionprogram/jurhist.aspx> and <http://www.calrecycle.ca.gov/lgcentral/reports/diversionprogram/jurhist.aspx>.

Together, these reports help illustrate changes in the quantities of waste within the county or regional agency as well as in permitted disposal capacity. This information also summarizes each jurisdiction's progress in implementing the Source Reduction and Recycling Element (SRRE) and complying with the 50 percent diversion rate requirement (now calculated as the 50 percent equivalent per capita disposal target), see Per Capita

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<sup>1</sup> The year of the data included in the planning documents, which is generally 1990 or 1991.

Disposal and Goal Measurement (2007 and Later) for details

- ☒ The county or regional agency (if it includes the entire county) continues to have adequate disposal capacity (i.e., equal to or greater than 15 years).
- ☐ The County does not have 15 years remaining disposal capacity within its physical boundaries, but the Siting Element does provide a strategy<sup>2</sup> for obtaining 15 years remaining disposal capacity.
- ☐ The County does not have 15 years remaining disposal capacity and the Siting Element does not provide a strategy<sup>2</sup> for obtaining 15 years remaining disposal capacity. See Section 7 for the revision schedule(s).

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<sup>2</sup> Such a strategy includes a description of the diversion or export programs to be implemented to address the solid waste capacity needs. The description shall identify the existing solid waste disposal facilities, including those outside of the county or regional agency, which will be used to implement these programs. The description should address how the proposed programs shall provide the county or regional agency with sufficient disposal capacity to meet the required minimum of 15 years of combined permitted disposal capacity.

Jurisdiction	1990	1995	2000	2005	2010	2011	2012	2013	2014	2015	2016
Alameda	96,383	59,671	49,410	49,962	37,710	40,967	36,625	35,121	35,880	32,036	33,626
Albany	18,483	11,909	10,779	9,575	5,655	7,202	5,428	6,427	5,989	6,096	5,447
Berkeley	155,358	109,658	139,790	120,328	63,127	69,145	73,917	60,659	68,874	67,246	92,311
Dublin	41,707	35,895	30,635	41,779	24,860	27,383	24,478	27,919	34,787	34,731	33,643
Emeryville	26,816	14,738	24,938	17,571	13,341	20,855	18,052	17,973	10,811	8,419	12,429
Fremont	221,000	185,576	203,701	193,963	135,606	142,836	144,771	138,179	158,694	160,861	168,694
Hayward	215,837	144,208	172,482	144,139	119,483	108,371	106,953	101,757	93,153	106,975	110,625
Livermore	80,621	86,205	112,699	91,577	65,600	64,031	57,720	57,317	60,456	64,811	65,998
Newark	58,298	51,999	52,298	45,760	35,241	31,429	31,370	35,891	33,081	36,190	32,312
Oakland	583,298	488,676	392,776	383,505	287,823	292,298	284,151	281,139	269,850	254,262	263,917
Piedmont	9,486	6,664	5,763	6,204	3,994	4,999	4,731	3,304	3,026	3,156	4,489
Pleasanton	105,692	98,534	126,420	121,034	73,852	70,102	77,170	80,682	74,666	91,292	97,599
San Leandro	140,782	98,188	119,310	110,192	83,714	61,727	103,238	115,220	73,145	76,743	99,228
Union City	136,488	66,762	57,281	63,287	36,854	39,653	36,778	36,959	37,208	36,223	37,813
Unincorporated Alameda County	168,590	83,833	81,370	102,206	83,036	59,812	71,243	71,235	76,340	70,996	47,171
	1990	1995	2000	2005	2010	2011	2012	2013	2014	2015	2016
Total	2,058,839	1,542,516	1,579,652	1,501,082	1,069,896	1,040,810	1,076,625	1,069,782	1,035,960	1,050,037	1,105,303

### Diversion Rates by Jurisdiction (based on CalRecycle formula)

Jurisdiction	1990	1995	2000	2005	2010	2011	2012	2013	2014	2015	2016
Alameda	15%	48%	65%	68%	75%	72%	76%	77%	76%	79%	79%
Albany	20%	42%	62%	70%	83%	79%	84%	81%	82%	82%	84%
Berkeley	18%	41%	49%	53%	76%	74%	73%	78%	75%	76%	68%
Dublin	12%	26%	54%	55%	75%	73%	76%	74%	70%	71%	73%
Emeryville	10%	51%	48%	64%	77%	65%	70%	70%	83%	87%	82%
Fremont	19%	49%	62%	63%	74%	73%	72%	74%	71%	71%	69%
Hayward	9%	41%	52%	62%	67%	71%	72%	74%	76%	73%	73%
Livermore	4%	26%	50%	63%	73%	74%	77%	77%	76%	75%	76%
Newark	15%	27%	53%	62%	69%	72%	73%	69%	72%	69%	73%
Oakland	11%	27%	52%	58%	65%	65%	66%	67%	68%	71%	71%
Piedmont	25%	47%	63%	64%	75%	69%	71%	80%	82%	81%	73%
Pleasanton	15%	28%	48%	53%	71%	73%	70%	69%	72%	67%	64%
San Leandro	10%	34%	51%	59%	69%	77%	62%	58%	74%	73%	64%
Union City	11%	49%	61%	62%	77%	75%	77%	77%	78%	78%	77%
Unincorporated Alameda County	10%	56%	65%	60%	67%	76%	72%	72%	71%	73%	82%
	1990	1995	2000	2005	2010	2011	2012	2013	2014	2015	2016
Countywide Weighted Rate	14%	37%	54%	60%	70%	72%	71%	71%	73%	73%	72%

#### Analysis

- ☒ These changes in quantities of waste and changes in permitted disposal capacity since the development of the CIWMP do not warrant a revision to any of the Countywide planning documents.
- ☐ These changes in quantities of waste and changes in permitted disposal capacity since the development of the CIWMP warrant a revision to one or more of the planning documents.

#### Additional Analysis (optional)

### Section 4.3 Changes in Funding Source for Administration of the Siting Element (SE) and Summary Plan (SP)

Since the approval of the CIWMP or the last Five-Year CIWMP Review Report (whichever is most recent), the County experienced the following significant changes in funding for the SE or SP:

Analysis

- ☒ There have been no significant changes in funding for administration of the SE and SP or the changes that have occurred do not warrant a revision to any of the Countywide planning documents. Specifically.
- ☐ These changes in funding for the administration of the SE and SP warrant a revision to one or more of the Countywide planning documents. Specifically. See Section 7 for the revision schedule(s).

Additional Analysis (optional)

**Section 4.4 Changes in Administrative Responsibilities**

The County experienced significant changes in the following administrative responsibilities since the approval of the CIWMP or the last Five-Year Review Report (whichever is most recent):

Analysis

- ☒ There have been no significant changes in administrative responsibilities or the changes in administrative responsibilities do not warrant a revision to any of the planning documents. Specifically,
- ☐ These changes in administrative responsibilities warrant a revision to one or more of the planning documents. Specifically. See Section 7 for the revision schedule(s).

Additional Analysis (optional)

The Alameda County Waste Management Authority (as a Joint Powers Agency) , acts on behalf of the County of Alameda for the administrative responsibilities described above.

**Section 4.5 Programs that Were Scheduled to Be Implemented, But Were Not**

This section addresses programs that were scheduled to be implemented, but were not; why they were not implemented; the progress of programs that were implemented; a statement as to whether programs are meeting their goals; and if not, what contingency measures are being enacted to ensure compliance with Public Resources Code Section 41751.

1. Progress of Program Implementation

a. SRRE and Household Hazardous Waste Element (HHWE)

- ☒ All program implementation information has been updated in the CalRecycle Electronic Annual Report (EAR), including the reason for not implementing specific programs, if applicable.
- ☐ All program implementation information has not been updated in the EAR. Attachment lists the SRRE and/or HHWE programs selected for implementation, but which have not yet been implemented, including a statement as to why they were not implemented.

b. Nondisposal Facility Element (NDFE)

- ☒ There have been no changes in the use of nondisposal facilities (based on the current NDFEs and any amendments and/or updates).
- ☐ Attachment lists changes in the use of nondisposal facilities (based on the current NDFEs).



c. Countywide Siting Element (SE)

☒ There have been no changes to the information provided in the current SE.

☐ Attachment lists changes to the information provided in the current SE.

d. Summary Plan

☐ There have been no changes to the information provided in the current SP.

☐ Attachment lists changes to the information provided in the current SP.

2. Statement regarding whether Programs are Meeting their Goals

☒ The programs are meeting their goals.

☐ The programs are not meeting their goals. The discussion that follows in the analysis section below addresses the contingency measures that are being enacted to ensure compliance with PRC Section 41751 (i.e., specific steps are being taken by local agencies, acting independently and in concert with, to achieve the purposes of the California Integrated Waste Management Act of 1989) and whether the listed changes in program implementation necessitate a revision to one or more of the planning documents.

Analysis

☒ The aforementioned changes in program implementation do not warrant a revision to any of the planning documents. While the changes do not require a revision, StopWaste tries to keep this document up to date and as current as possible and it is time to make a factual update to the document. Specifically, facts, demographic information and other factual changes have been made.

☐ Changes in program implementation warrant a revision to one or more of the planning documents.

Additional Analysis (optional)

**Section 4.6 Changes in Available Markets for Recyclable Materials**

The County experienced changes in the following available markets for recyclable materials since the approval of the CIWMP or the last Five-Year CIWMP Review Report (whichever is most recent):

Analysis

☒ There are no significant changes in available markets for recycled materials to warrant a revision to any of the planning documents. ☐ Changes in available markets for recycled materials warrant a revision to one or more of the planning documents.

Additional Analysis (optional)

While the China National Sword and the ban on materials do not have an impact on this report, The Agency recognizes the need to stay engaged and be proactive in addressing the issue. Local jurisdictions and the waste management and recycling industry in California are responding by taking steps to encourage waste prevention, reduce contamination of recyclable materials, and improve post-collection processing. StopWaste has convened a regional task force to share information, plan public outreach responses and produce recommendations for changes to local recycling programs. The task force includes recycled commodity brokers, local haulers/processors, facility operators and government officials.

#### **Section 4.7 Changes in the Implementation Schedule**

The following addresses changes to the County's implementation schedule that are not already addressed in Section 4.5:

##### Analysis

- ☒ There are no significant changes in the implementation schedule to warrant a revision to any of the planning documents. ☐ Changes in the implementation schedule warrant a revision to one or more of the planning documents.

##### Additional Analysis (optional)

Note: Consider for each jurisdiction within the county or regional agency the changes noted in Sections 4.1 through 4.7 and explain whether the changes necessitate revisions to any of the jurisdictions' planning documents.

#### **SECTION 5.0 OTHER ISSUES OR SUPPLEMENTARY INFORMATION (optional)**

The following addresses any other significant issues/changes in the County and whether these changes affect the adequacy of the CIWMP to the extent that a revision to one or more of the planning documents is needed:

##### Analysis

#### **SECTION 6.0 ANNUAL REPORT REVIEW**

- ☒ The Annual Reports for each jurisdiction in the County have been reviewed, specifically those sections that address the adequacy of the CIWMP elements. No jurisdictions reported the need to revise one or more of these planning documents.
- ☐ The Annual Reports for each jurisdiction in the County have been reviewed, specifically those sections that address the adequacy of the CIWMP (or RAIWMP) elements. The following jurisdictions reported the need to revise one or more of these planning documents, as listed.

##### Analysis

#### **SECTION 7.0 REVISION SCHEDULE (if required)**



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**DATE:** July 12, 2018

**TO:** Recycling Board

**FROM:** Wendy Sommer, Executive Director  
Farand C. Kan, Deputy County Counsel

**SUBJECT:** Changes to Recycling Board Rules of Procedure

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## SUMMARY

At the March 8 meeting, staff and County counsel presented proposed changes to the Recycling Board Rules of Procedure. A link to the staff report is available here: [Changes-Recycling-Board-Rules-of-Procedure-03-8-18.pdf](#). The item was continued to allow more time to address questions raised by board members. At the July 12 meeting, the Recycling Board will be asked to review and adopt the updated Rules of Procedure.

## DISCUSSION

Following are the clarifications and additional changes based on board members comments:

### **Section 3-8 Teleconferencing**

Recycling Board members who are unable to attend a meeting in person may participate via teleconference, but are encouraged to have an interim (appointed by the Alameda County Waste Management Authority Board for WMA representative, or the Alameda County Board of Supervisors for county appointee) to attend in their place.

### **Section 4-4 (e) Public Comment or Motion**

Deleted. County counsel agreed that it is non-standard for public meetings to have both pre-deliberation and post-motion public comment.

### **Section 4-6 Motion to Reconsider**

The motion to reconsider revives a matter that has already been deliberated and acted upon, and therefore should rarely occur, be limited in duration, and only made by eligible movants. The section will be revised to conform with Rosenberg's Rules:

A motion to reconsider must be made at the same meeting where the item was first voted upon, in accordance with the following:

1. The motion must be made by a member who voted on the prevailing side, when the item was first voted upon; and
2. The motion is debatable and has precedence over a pending motion

**Section 4-14 Voting Ineligibility**

No changes to the proposed language. Board members not eligible to vote due to a conflict of interest under the Political Reform Act are required to leave the room as required by the Fair Political Practices Commission. Board members ineligible to vote for other reasons are required to leave the table.

**RECOMMENDATION**

That the Recycling Board adopt the revisions to the Alameda County Source Reduction and Recycling Board Rules of Procedure.

**Attachments:**

Attachment A – Recycling Board Rules of Procedure (clean version)

Attachment B – Recycling Board Rules of Procedure (redline version)

Attachment C – Rosenberg’s Rules of Order

## Attachment A

### ALAMEDA COUNTY SOURCE REDUCTION AND RECYCLING BOARD RULES OF PROCEDURE

Revised July 12, 2018

#### Article 1 General Provisions

- Section 1-1 **Name of Board.** The name of the Board is the Alameda County Source Reduction and Recycling Board, hereinafter referenced as the "Recycling Board".
- Section 1-2 **Authority for Rules.** These rules apply to the Recycling Board (including Committees of the Recycling Board), and are adopted pursuant to the Initiative Charter Amendment known as County of Alameda Charter Section 64, hereinafter "Initiative", which became effective December 20, 1990, and is hereby incorporated by this reference.
- Section 1-3 **Purpose of Rules.** The purpose of these rules is to provide for the orderly conduct of meetings of the Recycling Board.

#### Article 2 Organization of Board

- Section 2-1 **Composition of Recycling Board.** The Recycling Board is composed of eleven (11) members appointed pursuant to the Initiative creating the Recycling Board.
- Section 2-2 **Officers.** The Officers of the Recycling Board shall be President, First Vice-President and Second Vice-President, who shall serve until the elections of their successor in accordance with Section 2-4.
- Section 2-3 **Committees.** The Recycling Board may appoint such committees from time to time as may be appropriate to administer the powers and programs of the Recycling Board. A majority of Recycling Board appointed committee members shall constitute a quorum of the committee. A majority vote of the committee members in attendance shall be required for the transaction of business, however, the committee is not empowered to take final action on behalf of the Recycling Board. All other rules followed by the Recycling Board apply to committee meetings unless otherwise determined by the committee. Committee Chairs, or the procedure for selection of a committee Chair, shall be specified by the Recycling Board when the committee is appointed.

In addition to the aforementioned, any committee that constitutes a quorum of the Recycling Board (see Section 3-5) shall be noticed as both a meeting of the committee and a meeting of the Recycling Board.

The Executive Director or designee shall monitor the composition of all Committees on which one or more Recycling Board members sit and notice the meetings as appropriate and required in compliance with the Ralph M. Brown Act (California Government Code Section 54950 et.seq), requiring open and public meetings for the legislative body of a local agency.

- Section 2-4 **Election of Officers.** The Officers shall be elected at the regular meeting of the Recycling Board in the month of December of each year or such other time as the Board may decide when an officer departs the Recycling Board. They shall be elected by a majority of 53

those present and voting. An abstention to vote by any member shall be construed as that member not voting. No member may serve more than one term in the same leadership position on the Recycling Board within a two-year time frame. This does not limit a person who has served in one office for a year serving in a different office the following year (e.g., the First Vice President in one year serving as the President the next year).

Section 2-5 **Term of Office.** Each term of office shall be no more than one (1) year duration, commencing January 1 or such other time as the Board may require to fill vacancies, and expiring December 31 of the same calendar year.

Section 2-6 **Executive Director.** The Executive Director of the Recycling Board shall be the Executive Director of the Alameda County Waste Management Authority Board.

Section 2-7 **Duties of President.** The President shall serve as Chair and preside at all meetings of the Recycling Board, and shall conduct the business of the Recycling Board in the manner prescribed by these Rules. The President shall preserve order and decorum using the Rules of Conduct of Meetings listed in Article 4 and the discussion ground rules listed in Article 4, and shall decide all questions of order subject to the action of a majority of the Recycling Board.

Section 2-8 **Duties of the First and Second Vice-President.** In the absence or inability of the President to act, the Vice-Presidents shall perform the duties of the President in order of their succession.

Section 2-9 **Duties of the Executive Director.** The Executive Director shall perform the following duties:

- a) Attend each meeting of the Recycling Board.
- b) Prepare an agenda for each meeting.
- c) Appoint a Clerk of the Board to:
  - Notify all Recycling Board members of the time and place of each meeting;
  - Maintain all records of the Recycling Board;
  - Maintain a record of the proceedings of Recycling Board and committee meetings;
- d) Perform other duties directed by law or the Recycling Board. These duties may be delegated as determined necessary by the Executive Director.

### **Article 3**

#### **Meetings of Recycling Board**

Section 3-1 **Regular Meetings.** Regular meetings of the Recycling Board will be set by a majority vote of those present and voting. An abstention to vote by any member shall be construed as that member not voting.

Section 3-2 **Special Meetings.** Special meetings of the Recycling Board may be called by order of the President of the Recycling Board or by a majority of the members at a regularly scheduled meeting. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.

Section 3-3 **Adjourned Meetings.** Any regular meeting of the Recycling Board may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may also be adjourned, and any adjourned special meeting is part of the special meeting.

- Section 3-4 **Effect of Holiday.** If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Recycling Board shall be rescheduled by the Recycling Board.
- Section 3-5 **Quorum.** A majority of the members of the Recycling Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time pursuant to Section 3-6 of these Rules.
- Section 3-6 **Absence of Quorum.** In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director or a representative shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.
- Section 3-7 **Notice of Meetings.** All meetings of the Recycling Board shall be held subject to the provisions of the Ralph M. Brown Act (California Government Code section 54950 *et seq.*) requiring open and public meetings for the legislative body of a local agency. Agendas will typically be released five (5) days in advance of regular meetings.
- Section 3 -8 **Teleconferencing.** Recycling Board members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section, but are encouraged to have interim appointees attend in their place. Interims are appointed by the Alameda County Waste Management Authority (WMA) Board for WMA representatives, and by the Alameda County Board of Supervisors for county resident representatives. No more than two Recycling Board members may utilize teleconferencing at a Committee/Recycling Board meeting at no more than two teleconferencing locations. A Board member wishing to utilize teleconferencing for a meeting must notify the Executive Director (or designee) prior to the release of the agenda for that meeting, of the teleconference location. The teleconference location must be accessible to the public. The Executive Director will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee/ Recycling Board meeting where teleconferencing is utilized will be taken by roll call. If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the Recycling Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.
- Section 3-9 **Compensation.** Recycling Board members and interim appointments are compensated in accordance with compensation policies approved by the Recycling Board. Recycling Board members must attend a Recycling Board meeting to be compensated for that meeting.

## **Article 4**

### **Conduct of Meetings**

- Section 4-1 **Order of Business.** The Business of each meeting of the Recycling Board shall be transacted as far as is practicable in the following order:
- (a) Call to order
  - (b) Roll call of attendance
  - (c) Announcements by President
  - (d) Open public comment
  - (e) Approval of minutes of prior meetings (may be included in the consent calendar)

- (f) Consent calendar
- (g) Regular calendar
- (h) Member Comments and communications from the Executive Director; and
- (i) Adjournment

The above order of business may be suspended or changed at any time upon order of the Chair. The consent calendar may contain those matters the nature of which have been determined by the Executive Director to be routine, and items that have been recommended by a Committee for Recycling Board approval, and will be approved by a single action. Any item shall be removed from the consent calendar and placed for discussion on the regular calendar at the request of any member. Recycling Board members who were not in attendance at a meeting but have read the minutes of the meeting may vote in connection with approval of those minutes. The regular calendar shall contain all other matters and business.

Open public comment from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Recycling Board, but not listed on the agenda. Each speaker is limited to three minutes unless a shorter period of time is set by the Chair.

Section 4-2 **Right of Floor.** Any member desiring to speak shall first be recognized by the Chair and shall, with the exception of open public comment period, confine any remarks to the subject under consideration.

Section 4-3 **Ground Rules for Recycling Board and Committee Discussions:**

- a) Speak briefly and to the point.
- b) Focus on solutions rather than positions. If disagreeing, offer an alternative rather than merely stating disagreement.
- c) Seek input from those who have not spoken before anyone speaks a second time on a given agenda item.
- d) Seek group consensus and use voting only when further discussion seems unlikely to change the outcome, or circumstances require an immediate decision.
- e) Consensus on any item shall be stated for the written record by the meeting Chair. All motions shall be stated for the written record prior to voting.
- f) Identify the next step at the end of each agenda item.
- g) The meeting Chair shall prevent personal, verbal attacks on Recycling Board members, staff, or citizens, but shall not prevent criticisms of the policies, procedures, programs or services of the Recycling Board, or the acts or omissions of the Recycling Board or members of the Recycling Board.
- h) The meeting Chair, but no other member, may interrupt a speaker to enforce these rules.
- i) Serious complaints from one Recycling Board member about the behavior of another Recycling Board member shall be first brought to the attention of the Chair.

Section 4-4 **Procedures Regarding Public Hearings and Action Items**

- (a) Introduction
  - 1) Chair announces subject of the public hearings and declares the public hearing open.
  - 2) Chair may set time limit for each speaker and may limit number of appearances 56 per speaker.



- (b) Staff and Written Material Presentation
  - 1.) Staff summary report and other written material included in the agenda packet is received and filed. Written comments (e.g. protest, etc.) are noted for the record.
  - 2.) Written material not in the agenda packet, if any, is received and filed.
  - 3.) Oral staff report, if any, is presented by staff member.
  - 4.) Staff responds to Recycling Board member questions.
- (c) Public Comment
  - 1.) The purpose of this portion of the public hearing is to provide an opportunity to concerned members in the audience who wish to testify in support of or opposition to the matter being heard.
  - 2.) The Chair shall instruct members of the audience:
    - (a) to speak from the podium;
    - (b) to give their name and address before speaking;
    - (c) that repetition should be avoided.
  - 3.) Question by speakers will be noted and addressed prior to Recycling Board deliberation.
- (d) Recycling Board Deliberation
  - 1.) After the Chair has determined that no other member of the audience wishes to speak, the matter is returned to the Recycling Board for deliberation.
  - 2.) The Chair may ask questions of speakers for clarification.
  - 3.) Staff and/or Recycling Board answers prior speakers' questions.
  - 4.) The Recycling Board makes a motion and debates.
- (e) Recycling Board Action
  - 1.) Recycling Board may, at this time, continue the open public hearing.
    - (a) This should be done if any additional information is requested (e.g. a staff report).
    - (b) Continuing a public hearing to a specific date does not require additional notice.
  - 2.) The Recycling Board may:
    - (a) close the public hearings and vote on the item;
    - (b) offer amendments or substitute motions allowing additional public comment; or
    - (c) close the public hearing and continue the matter to a later date for a decision. (No additional reports or testimony may be received after the hearing has been closed).

#### Section 4-5 **Precedence of Motions**

When a motion is pending before the Recycling Board, no further motion shall be entertained except:

- (a) Motion to Amend – A motion to amend is debatable only as it relates to the amendment.

An amendment which modifies the motion is in order; however, a substitute motion is in order if the intent is changed. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments are voted on first; the main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There shall only be one amending motion on the floor at any one time.

- (b) **Motion to Postpone** – A motion to postpone indefinitely is debatable. If such a motion is adopted, the principal question is lost. A motion to postpone to a definite time is subject to debate and amendment only as it relates to propriety of the postponement and time set.
- (c) **Motion to Table** – A motion to table is not debatable and not subject to amendment. A motion to table is only in order when another item later on the agenda is time-sensitive. The tabled item is taken up for discussion upon completion of the time-sensitive item.

#### Section 4-6 **Motion to Reconsider**

A motion to reconsider any action taken by the Recycling Board must be made at the same meeting where the item was first voted upon, in accordance with the following:

- (1) The motion must be made by a member who voted on the prevailing side, when the item was first voted upon; and
- (2) The motion is debatable and has precedence over a pending motion.

#### Section 4-7 **Comments from the Public**

Recycling Board members may ask questions but the Recycling Board shall not discuss or act in connection with such citizen comment, if the subject is not on the agenda for action. A Recycling Board member may, however, refer a subject to staff or other resources for factual information or for action, if appropriate. In addition, members of the public may comment on any item if recognized for that purpose by the meeting Chair. The Chair has full discretion over the time allowed for public input.

Section 4-8 **Parliamentary Rules.** The rules laid down by Rosenberg’s Rules of Order are hereby adopted for this Recycling Board in all cases not otherwise provided for in these rules.

Section 4-9 **Vote Required.** A majority of the total authorized vote of the Recycling Board shall be required for the adoption of the following:

- (a) Adopt the annual work program and budget
- (b) Adopt policies, rules of procedure, etc. for operations of the Recycling Board and staff

A majority vote of those present and voting shall be required for any other action. An abstention to vote by any member shall be construed as that member not voting on a particular matter.

Section 4-10 **Interim Member Vote.** An interim member may vote on any matter under consideration 58 only in the absence of the regular member from the meeting.

Section 4-11 **Roll Call.** Each roll call of the Recycling Board shall be in alphabetical order, except that the Chair shall be called last.

Section 4-12 **Roll Call Votes.** Roll call votes shall proceed in the following manner:

(a) The Chair will direct the Clerk of the Board to report on the Recycling Board members who have joined or left the meeting since the roll call of attendance at the beginning of the meeting;

(b) The Chair will ask for a voice vote on the matter;

(c) If there are no “nay” votes or abstentions, the Chair will direct that the matter be reported as passed unanimously with the names of all Recycling Board members in attendance reported as voting in favor;

(d) If there are any “nay” votes or abstentions, the Chair will direct the Clerk of the Board to call the name of each member and record the vote of the member and then report the total number of “aye,” “nay” and “abstain” votes. The Chair shall be called last.

Section 4-13 **Roll Call Not Required.** The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of objection, the Chair may order the motion unanimously approved.

Section 4-14 **Voting Ineligibility.** Any Recycling Board member attending a Recycling Board meeting and ineligible to vote on any matter under consideration by the Recycling Board at that meeting shall briefly describe the reason for being ineligible and then shall leave the Recycling Board table before the matter is considered and refrain from participation in any action concerning the matter. If the member is ineligible due to a conflict of interest under the Political Reform Act, the member’s disclosure shall include the information required by that Act and the member shall leave the room and not be counted towards a quorum. Notwithstanding the foregoing, a member is not required to leave the Recycling Board table or room for matters that are on the consent calendar.

Section 4-15 **Ex Parte Communications.** Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board’s agenda, giving as much public notice as possible.

## Attachment B

### ALAMEDA COUNTY SOURCE REDUCTION AND RECYCLING BOARD RULES OF PROCEDURE

Revised ~~June 9, 2011~~ March 8 July 12, 2018

#### Article 1 General Provisions

- Section 1-1 **Name of Board.** The name of the Board is the Alameda County Source Reduction and Recycling Board, hereinafter ~~known-referenced~~ as the "Recycling Board".
- Section 1-2 **Authority for Rules.** These rules apply to the Recycling Board (including Committees of the Recycling Board), and are adopted pursuant to the Initiative Charter Amendment known as County of Alameda Charter Section 64, hereinafter "Initiative", which became effective December 20, 1990, and is hereby incorporated by this reference.
- Section 1-3 **Purpose of Rules.** The purpose of these rules is to provide for the orderly conduct of meetings of the Recycling Board.

#### Article 2 Organization of Board

- Section 2-1 **Composition of Recycling Board.** The Recycling Board is composed of eleven (11) members appointed pursuant to the Initiative creating the Recycling Board.
- Section 2-2 **Officers.** The Officers of the Recycling Board shall be President, First Vice-President and Second Vice-President, who shall serve until the elections of their successor in accordance with Section 2-4.
- Section 2-3 **Committees.** The Recycling Board may appoint such committees from time to time as may be appropriate to administer the powers and programs of the Recycling Board. A majority of Recycling Board appointed committee members shall constitute a quorum of the committee. A majority vote of the committee members in attendance shall be required for the transaction of business, however, the committee is not empowered to take final action on behalf of the Recycling Board. ~~All other-~~ rules followed by the Recycling Board apply to committee meetings unless otherwise determined by the committee. Committee Chairs, or the procedure for selection of a committee Chair, shall be specified by the Recycling Board when the committee is appointed.

In addition to the aforementioned, any committee that constitutes a quorum of the Recycling Board (see Section 3-5) shall be noticed as both a meeting of the committee and a meeting of the Recycling Board.

The Executive Director or designee shall monitor the composition of all Committees on which one or more Recycling Board members sit and notice the meetings as appropriate and required in compliance with the Ralph M. Brown Act (California Government Code Section 54950 et seq), requiring open and public meetings for the legislative body of a local agency.

Section 2-4 **Election of Officers.** The Officers shall be elected at the regular meeting of the Recycling Board in the month of December of each year or such other time as the Board may decide when an officer departs the Recycling Board. They shall be elected by a majority of those present and voting. An abstention to vote by any member shall be construed as that member not voting. No member may serve more than one term in the same leadership position on the Recycling Board within a two-year time frame. This does not limit a person who has served in one office for a year serving in a different office the following year (e.g., the First Vice President in one year serving as the President the next year).

Section 2-5 **Term of Office.** Each ~~full~~ term of office shall be no more than one (1) year duration, commencing from January 1 or such other time as the Board may require to fill vacancies, each year to and expiring December 31 of the same calendar year.

Section 2-6 ~~Secretary~~**Executive Director.** The Executive Director of the Recycling Board ~~Secretary to the Board~~ shall be the Executive Director of the Secretary to the Alameda County Waste Management Authority Board.

Section 2-7 **Duties of President.** The President shall serve as Chair and preside at all meetings of the Recycling Board, and shall conduct the business of the Recycling Board in the manner prescribed by these Rules. The President shall preserve order and decorum using at a minimum, the Rules of Conduct of Meetings listed in Article 4 and the discussion ground rules listed in ~~Section 2-10~~Article 4, and shall decide all questions of order subject to the action of a majority of the Recycling Board.

Section 2-8 **Duties of the First and Second Vice-President.** In the absence or inability of the President to act, the Vice-Presidents shall perform the duties of the President in order of their succession.

Section 2-9 **Duties of ~~the Executive Director~~Secretary.** The ~~Secretary~~ Executive Director shall perform the following duties:

- (a) Attend each meeting of the Recycling Board;
- ~~(b) Maintain a record of all proceedings of the Recycling Board;~~
- ~~(c) Prepare an draft agenda for each meeting. The meeting Chair may review and comment on the draft agenda within 48 hours. Where the meeting Chair is not the Recycling Board President, the Recycling Board President will be copied on the draft agenda;~~
- ~~(c) Appoint a Clerk of the Board to:~~
  - Notify all Recycling Board
  - ~~M~~members of the time and place of each meeting;
  - Maintain all records of the Recycling Board;
  - \_\_\_\_\_ Maintain a record of the proceedings of Recycling Board and committee meetings;
- ~~(gd)~~ Perform other duties directed by law or the Recycling Board. These duties may be delegated as determined necessary by the Executive Director~~Secretary~~.

~~Section 2-10~~ **~~Ground Rules for Recycling Board and Committee Discussions:~~**

- ~~1. Speak briefly and to the point.~~
- ~~2. Focus on solutions rather than positions. If disagreeing, offer an alternative rather than merely stating disagreement.~~

3. ~~Seek input from those who have not spoken before anyone speaks a second time on a given agenda item.~~
4. ~~Seek group consensus and use voting only when further discussion seems unlikely to change the outcome, or circumstances require an immediate decision.~~
5. ~~Consensus on any item shall be stated for the written record by the meeting Chair. All motions shall be stated for the written record prior to voting.~~
6. ~~Identify the next step at the end of each agenda item.~~
7. ~~The meeting Chair shall prevent personal, verbal attacks on Recycling Board members, staff, or citizens, but shall not prevent criticisms of the policies, procedures, programs or services of the Recycling Board, or the acts or omissions of the Recycling Board or members of the Recycling Board.~~
8. ~~The meeting Chair, but no other member, may interrupt a speaker to enforce these rules.~~
9. ~~Serious complaints from one Recycling Board member about the behavior of another Recycling Board member shall be first brought to the attention of the Chair.~~

~~Section 2-11 **Processing Board Member Requested Items.** Items requested by Board members to be processed to a Committee or Board shall use one of the following processes:~~

- ~~(a) Information to fellow Board members:  
— Scheduled at Board members' request for a Committee meeting.~~
- ~~(b) Project status report requested by Board member:  
— Scheduled by staff for a Committee meeting.~~
- ~~(c) Review of existing Procedures/Policies; New Policy Direction; New Project Direction:
 
  1. ~~Scheduled on next Committee or Board agenda or future agenda, as agreed to by Board member. Agendized for information.~~
  2. ~~Written description provided by Board member.  
Preliminary analysis by staff included in packet, at staff discretion.~~~~

~~— (f) Urgency Item. Notwithstanding the above, the Brown Act rules apply.~~

### Article 3 Meetings of Recycling Board

Section 3-1 **Regular Meetings.** Regular meetings of the Recycling Board will be set by a majority vote of those present and voting. An abstention to vote by any member shall be construed as that member not voting.

Section 3-2 **Special Meetings.** Special meetings of the Recycling Board may be called by order of the President of the Recycling Board or by a majority of the members at a regularly scheduled meeting. The order calling the special meeting shall specify the time of the meeting and the business to be transacted at such meeting.

Section 3-3 **Adjourned Meetings.** Any regular meeting of the Recycling Board may be adjourned to any date prior to the date established for the next regular meeting. Any adjourned regular meeting is part of the regular meeting. Any special meeting may also be adjourned, and any adjourned special meeting is part of the special meeting.

- Section 3-4 **Effect of Holiday.** If any meeting day or adjourned meeting day falls on a holiday, the meeting of the Recycling Board shall be rescheduled by the Recycling Board.
- Section 3-5 **Quorum.** A majority of the members of the Recycling Board shall constitute a quorum for the transaction of business, except that less than a quorum may adjourn from time to time pursuant to Section 3-~~67~~ of these Rules.
- Section 3-6 **Absence of Quorum.** In the absence of a quorum, the members present shall adjourn the meeting to a stated time and place, and the absent members shall be notified. If all members are absent, the Executive Director~~secretary~~ or a representative shall adjourn the meeting to a stated time and place and notify all members pursuant to Section 3-7 of these Rules.
- Section 3-7 **Notice of Meetings.** All meetings of the Recycling Board shall be held subject to the provisions of the Ralph M. Brown Act, ~~(California Government Code being see Sections 54950 et seq.) requiring open and public meetings for the legislative body of a local agency.~~  
~~of the State of California Government Code, and other applicable laws of the State of California requiring notice of meetings of the Recycling Board.~~

Agendas will typically be released five (5) days in advance of regular meetings.

- Section 3 -8 **Teleconferencing.** Recycling Board members unable to attend a meeting in person may participate in meetings by teleconference in accordance with this section, but are encouraged to have interim appointees attend in their place. Interims are appointed by the Alameda County Waste Management Authority (WMA) Board for WMA representatives, and by the Alameda County Board of Supervisors for county resident representatives. No more than ~~two~~two Recycling Board members may utilize teleconferencing ~~per~~at a Committee/Recycling Board meeting at no more than ~~two~~two teleconferencing locations. A Board member wishing to utilize teleconferencing for a meeting must~~should~~ notify the Clerk of the Board~~Executive Director~~ (or designee) at least eight (8) days~~at least~~ prior to the release of the agenda for that the affected Committee/~~Recycling Board~~ meeting, of the teleconference location. The teleconference location must be that is~~must be that is~~ accessible to the public. ~~Agendas are typically released five (5) days in advance of the meeting.~~The Executive Director will identify the teleconference location in the agenda of the meeting and ensure posting of the agenda at the teleconference location. Votes at a Committee/ Recycling Board meeting where teleconferencing is utilized will be taken by roll call. If more than two members request teleconferencing, the two selected shall be chosen on the basis of the order of request, and in the case of ties, by seniority on the Recycling Board. Members shall be compensated for attendance via teleconferencing on the same basis they would be if they were physically present.
- Section 3-9 **Compensation.** Recycling Board members and interim appointments are compensated in accordance with compensation policies approved by the Recycling Board. Recycling Board members must attend a Recycling Board meeting to be compensated for that meeting.

## Article 4

### Conduct of Meetings

Section 4-1 **Order of Business.** The Business of each meeting of the Recycling Board shall be transacted as far as is practicable in the following order:

- (a) Call to order
- (b) Roll call of attendance
- ~~(c) Comments from the public~~
- ~~(d) Announcements by the President~~
- ~~(d) Open public discussion from the floor~~ Open public comment
- ~~(e) Approval of minutes of prior meetings (may be included in the consent calendar)~~
- (f) Consent calendar
- (g) Regular calendar
  - ~~(1) Unfinished business~~
  - ~~(2) New Business~~
- ~~(h) Other public input~~
- ~~(i) Member Comments and communications from the Executive Director/Communications~~; and
- (j) Adjournment

The above order of business may be suspended or changed at any time upon order of the President ~~Chair~~ Board. The consent calendar may contain those matters the nature of which have been determined by the Executive Director ~~Secretary~~ to be routine, and items that have been recommended by a Committee for Recycling Board approval, administrative or financial, and will be approved by a single action. Any item shall ~~may~~ be removed from the consent calendar and placed for discussion on the regular calendar at the request of any member. Recycling Board members who were not in attendance at a meeting but have read the minutes of the meeting may vote in connection with approval of those minutes. The regular calendar shall contain all other matters and business.

Open public discussion-comment from the floor is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Recycling Board, but not listed on the agenda. Each speaker is limited to three minutes; unless a shorter period of time is set by the Chair.

Section 4-2 **Right of Floor.** Any member desiring to speak shall first be recognized by the Chair and shall, with the exception of Public Comments open public Discussion Comment period, confine any remarks to the subject under consideration.

#### Section 4-3 Ground Rules for Recycling Board and Committee Discussions:

1. Speak briefly and to the point.
2. Focus on solutions rather than positions. If disagreeing, offer an alternative rather than merely stating disagreement.
3. Seek input from those who have not spoken before anyone speaks a second time on a given agenda item.
4. Seek group consensus and use voting only when further discussion seems unlikely to change the outcome, or circumstances require an immediate decision.
5. Consensus on any item shall be stated for the written record by the meeting Chair. All motions shall be stated for the written record prior to voting.
6. Identify the next step at the end of each agenda item.
7. The meeting Chair shall prevent personal, verbal attacks on Recycling Board members, staff, or citizens, but shall not prevent criticisms of the policies, procedures, programs or services of the Recycling Board, or the acts or omissions of the Recycling Board or members of the Recycling Board.



8. The meeting Chair, but no other member, may interrupt a speaker to enforce these rules.
9. Serious complaints from one Recycling Board member about the behavior of another Recycling Board member shall be first brought to the attention of the Chair.

#### Section 4-~~3~~-4 **Procedures Regarding Public Hearings and Action Items**

##### (a) Introduction

- 1.) ~~President~~ Chair announces subject of the public hearings and declares the public hearing open.
- 2) President ~~Chair~~ may set time limit for each speaker and may limit number of appearances per speaker.

##### (b) Staff and Written Material Presentation

- 1.) Staff summary report and other written material included in the agenda packet is received and filed. Written comments (e.g. protest, etc.) are noted for the record.
- 2.) Written material not in the agenda packet, if any, is received and filed.
- 3.) Oral staff report, if any, is presented by staff member.
- 4.) Staff responds to Recycling Board member questions.

##### (c) Public Comment

- 1.) The purpose of this portion of the public hearing is to provide an opportunity to concerned members in the audience who wish to testify in support of or opposition to the matter being heard.
- 2.) The President ~~Chair~~ shall instruct members of the audience:
  - (a) to speak from the podium;
  - (b) to give their name and address before speaking;
  - (c) that repetition should be avoided.
- 3.) Question by speakers will be noted and addressed prior to Recycling Board deliberation.

##### (d) Recycling Board Deliberation

- 1.) After the President ~~Chair~~ has determined that no other member of the audience wishes to speak, the matter is returned to the Recycling Board for deliberation.
- 2.) The President ~~Chair~~ may ask questions of speakers for clarification.
- 3.) Staff and/or Recycling Board answers prior speakers' questions.
- 4.) The Recycling Board makes a motion and debates.

##### ~~(e) Public Comment on Motion~~

- ~~1.) At the conclusion of Recycling Board motion, President asks if anyone in the audience wishes to comment on the motion.~~

##### (ef) Recycling Board Action

- 1.) Recycling Board may, at this time, continue the open public hearing.

- (a) This should be done if any additional information is requested (e.g. a staff report).
  - (b) Continuing a public hearing to a specific date does not require additional notice.
- 2.) The Recycling Board may:
- (a) close the public hearings and vote on the item;
  - (b) offer amendments or substitute motions allowing additional public comment; or
  - (c) close the public hearing and continue the matter to a later date for a decision. (No additional reports or testimony may be received after the hearing has been closed).

#### Section 4-~~4~~5 **Precedence of Motions**

When a motion is pending before the Recycling Board, no further motion shall be entertained except:

- (a) Motion to Amend – A motion to amend is debatable only as it relates to the amendment.

An amendment which modifies the motion is in order; however, a substitute motion is in order if the intent is changed. A substitute motion on the same subject shall be acceptable, and voted on before a vote on the amendment. Amendments are voted on first; the main motion vote is last. A motion may be amended more than once with each amendment being voted on separately. There shall only be one amending motion on the floor at any one time.

- (b) Motion to Postpone – A motion to postpone indefinitely is debatable.

If such a motion is adopted, the principal question is lost. A motion to postpone to a definite time is subject to debate and amendment only as it relates to propriety of the postponement and time set.

- (c) Motion to Table – A motion to table is not debatable and not subject to amendment.

A motion to table is only in order when another item later on the agenda is time-sensitive. The tabled item is taken up for discussion upon completion of the time-sensitive item.

#### Section 4-~~5~~6 **Motion to Reconsider**

A motion to reconsider any action taken by the Recycling Board ~~may be made no later than the subsequent Recycling Board meeting~~must be made at the same meeting where the item was first voted upon, in accordance with the following:

- (1) The motion must be made ~~and seconded by a member of the prevailing side~~by a member who voted on the prevailing side, when the item was first voted upon;  
and

(2) The motion is debatable and has precedence over a pending motion.

~~(3) If the matter was the subject of a public hearing and any person interested may have left the meeting, a new notice of hearing must be given before the matter is considered again.~~

#### Section 4-~~6-7~~ **Comments from the Public**

Recycling Board members may ask questions but the Recycling Board shall not discuss or act in connection with such citizen comment, if the subject is not on the agenda for action. A Recycling Board member may, however, refer a subject to staff or other resources for factual information or for action, if appropriate. In addition, members of the public may comment on any item if recognized for that purpose by the meeting Chair. The Chair has full discretion over the time allowed for public input.

Section 4-~~7-8~~ **Parliamentary Rules.** The rules laid down by ~~Rosenberg's~~Robert's Rules of Order are hereby adopted for this Recycling Board in all cases not otherwise provided for in these rules.

Section 4-~~8-9~~ **Vote Required.** A majority of the total authorized vote of the Recycling Board shall be required for the adoption of the following:

(a) Adopt the annual work program and budget

(b) Adopt policies, rules of procedure, etc. for operations of the Recycling Board and staff

A majority vote of those present and voting shall be required for any other action. An abstention to vote by any member shall be construed as that member not voting on a particular matter.

Section 4-~~9-10~~ **Interim Member Vote.** An interim member may vote on any matter under consideration only in the absence of the regular member from the meeting.

Section 4-~~10-11~~ **Roll Call.** Each roll call of the Recycling Board shall be in alphabetical order, except that the ~~President~~Chair shall be called last.

Section 4-~~11-12~~ **Roll Call Votes.** ~~Upon demand by any Recycling Board member, made before the "Nays" are called for, a roll call vote shall be taken on the motion before the Recycling Board.~~ Roll call votes shall proceed in the following manner:

(a) The Chair will direct the Clerk of the Board to report on the Recycling Board members who have joined or left the meeting since the roll call of attendance at the beginning of the meeting;

(b) The Chair will ask for a voice vote on the matter;

(c) If there are no "nay" votes or abstentions, the Chair will direct that the matter be reported as passed unanimously with the names of all Recycling Board members in attendance reported as voting in favor;

(d) If there are any "nay" votes or abstentions, the Chair will direct the Clerk of the Board to call the name of each member and record the vote of the member and then report the total number of "aye," "nay" and "abstain" votes. The Chair shall be called last.

Section 4-~~12~~13 **Roll Call Not Required.** The roll need not be called in voting upon a motion except when requested by a member. If the roll is not called, in the absence of objection, the President may order the motion unanimously approved.

Section 4-~~13~~14 **Voting Ineligibility.** Any Recycling Board ~~M~~member attending a Recycling Board meeting and ineligible to vote on any matter under consideration by the Recycling Board at that meeting shall briefly describe the reason for being ineligible and then shall leave the Recycling Board table before the matter is considered and refrain from participation in any action concerning the matter. If the member is ineligible due to a conflict of interest under the Political Reform Act, the member's disclosure shall include the information required by that Act and the member shall leave the room and not be counted towards a quorum. Notwithstanding the foregoing, a member is not required to leave the Recycling Board table or room for matters that are on the consent calendar.

Section 4-~~14~~15 **Ex Parte Communications.** Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board's agenda, giving as much public notice as possible.



# Rosenberg's Rules of Order

REVISED 2011

*Simple Rules of Parliamentary Procedure for the 21st Century*

*By Judge Dave Rosenberg*



## MISSION AND CORE BELIEFS

To expand and protect local control for cities through education and advocacy to enhance the quality of life for all Californians.

## VISION

To be recognized and respected as the leading advocate for the common interests of California's cities.

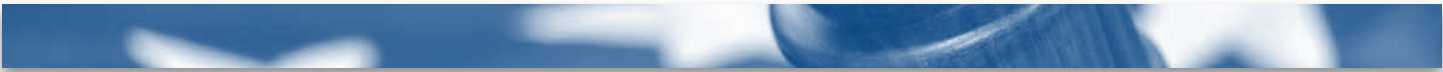
### About the League of California Cities

Established in 1898, the League of California Cities is a member organization that represents California's incorporated cities. The League strives to protect the local authority and autonomy of city government and help California's cities effectively serve their residents. In addition to advocating on cities' behalf at the state capitol, the League provides its members with professional development programs and information resources, conducts education conferences and research, and publishes Western City magazine.

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### ABOUT THE AUTHOR

Dave Rosenberg is a Superior Court Judge in Yolo County. He has served as presiding judge of his court, and as presiding judge of the Superior Court Appellate Division. He also has served as chair of the Trial Court Presiding Judges Advisory Committee (the committee composed of all 58 California presiding judges) and as an advisory member of the California Judicial Council. Prior to his appointment to the bench, Rosenberg was member of the Yolo County Board of Supervisors, where he served two terms as chair. Rosenberg also served on the Davis City Council, including two terms as mayor. He has served on the senior staff of two governors, and worked for 19 years in private law practice. Rosenberg has served as a member and chair of numerous state, regional and local boards. Rosenberg chaired the California State Lottery Commission, the California Victim Compensation and Government Claims Board, the Yolo-Solano Air Quality Management District, the Yolo County Economic Development Commission, and the Yolo County Criminal Justice Cabinet. For many years, he has taught classes on parliamentary procedure and has served as parliamentarian for large and small bodies.



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## INTRODUCTION

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The rules of procedure at meetings should be simple enough for most people to understand. Unfortunately, that has not always been the case. Virtually all clubs, associations, boards, councils and bodies follow a set of rules — *Robert's Rules of Order* — which are embodied in a small, but complex, book. Virtually no one I know has actually read this book cover to cover. Worse yet, the book was written for another time and for another purpose. If one is chairing or running a parliament, then *Robert's Rules of Order* is a dandy and quite useful handbook for procedure in that complex setting. On the other hand, if one is running a meeting of say, a five-member body with a few members of the public in attendance, a simplified version of the rules of parliamentary procedure is in order.

Hence, the birth of *Rosenberg's Rules of Order*.

What follows is my version of the rules of parliamentary procedure, based on my decades of experience chairing meetings in state and local government. These rules have been simplified for the smaller bodies we chair or in which we participate, slimmed down for the 21st Century, yet retaining the basic tenets of order to which we have grown accustomed. Interestingly enough, *Rosenberg's Rules* has found a welcoming audience. Hundreds of cities, counties, special districts, committees, boards, commissions, neighborhood associations and private corporations and companies have adopted *Rosenberg's Rules* in lieu of *Robert's Rules* because they have found them practical, logical, simple, easy to learn and user friendly.

This treatise on modern parliamentary procedure is built on a foundation supported by the following four pillars:

1. **Rules should establish order.** The first purpose of rules of parliamentary procedure is to establish a framework for the orderly conduct of meetings.
2. **Rules should be clear.** Simple rules lead to wider understanding and participation. Complex rules create two classes: those who understand and participate; and those who do not fully understand and do not fully participate.
3. **Rules should be user friendly.** That is, the rules must be simple enough that the public is invited into the body and feels that it has participated in the process.
4. **Rules should enforce the will of the majority while protecting the rights of the minority.** The ultimate purpose of rules of procedure is to encourage discussion and to facilitate decision making by the body. In a democracy, majority rules. The rules must enable the majority to express itself and fashion a result, while permitting the minority to also express itself, but not dominate, while fully participating in the process.

### Establishing a Quorum

The starting point for a meeting is the establishment of a quorum. A quorum is defined as the minimum number of members of the body who must be present at a meeting for business to be legally transacted. The default rule is that a quorum is one more than half the body. For example, in a five-member body a quorum is three. When the body has three members present, it can legally transact business. If the body has less than a quorum of members present, it cannot legally transact business. And even if the body has a quorum to begin the meeting, the body can lose the quorum during the meeting when a member departs (or even when a member leaves the dais). When that occurs the body loses its ability to transact business until and unless a quorum is reestablished.

The default rule, identified above, however, gives way to a specific rule of the body that establishes a quorum. For example, the rules of a particular five-member body may indicate that a quorum is four members for that particular body. The body must follow the rules it has established for its quorum. In the absence of such a specific rule, the quorum is one more than half the members of the body.

### The Role of the Chair


While all members of the body should know and understand the rules of parliamentary procedure, it is the chair of the body who is charged with applying the rules of conduct of the meeting. The chair should be well versed in those rules. For all intents and purposes, the chair makes the final ruling on the rules every time the chair states an action. In fact, all decisions by the chair are final unless overruled by the body itself.

Since the chair runs the conduct of the meeting, it is usual courtesy for the chair to play a less active role in the debate and discussion than other members of the body. This does not mean that the chair should not participate in the debate or discussion. To the contrary, as a member of the body, the chair has the full right to participate in the debate, discussion and decision-making of the body. What the chair should do, however, is strive to be the last to speak at the discussion and debate stage. The chair should not make or second a motion unless the chair is convinced that no other member of the body will do so at that point in time.

### The Basic Format for an Agenda Item Discussion

Formal meetings normally have a written, often published agenda. Informal meetings may have only an oral or understood agenda. In either case, the meeting is governed by the agenda and the agenda constitutes the body's agreed-upon roadmap for the meeting. Each agenda item can be handled by the chair in the following basic format:





**First**, the chair should clearly announce the agenda item number and should clearly state what the agenda item subject is. The chair should then announce the format (which follows) that will be followed in considering the agenda item.

**Second**, following that agenda format, the chair should invite the appropriate person or persons to report on the item, including any recommendation that they might have. The appropriate person or persons may be the chair, a member of the body, a staff person, or a committee chair charged with providing input on the agenda item.

**Third**, the chair should ask members of the body if they have any technical questions of clarification. At this point, members of the body may ask clarifying questions to the person or persons who reported on the item, and that person or persons should be given time to respond.

**Fourth**, the chair should invite public comments, or if appropriate at a formal meeting, should open the public meeting for public input. If numerous members of the public indicate a desire to speak to the subject, the chair may limit the time of public speakers. At the conclusion of the public comments, the chair should announce that public input has concluded (or the public hearing, as the case may be, is closed).

**Fifth**, the chair should invite a motion. The chair should announce the name of the member of the body who makes the motion.

**Sixth**, the chair should determine if any member of the body wishes to second the motion. The chair should announce the name of the member of the body who seconds the motion. It is normally good practice for a motion to require a second before proceeding to ensure that it is not just one member of the body who is interested in a particular approach. However, a second is not an absolute requirement, and the chair can proceed with consideration and vote on a motion even when there is no second. This is a matter left to the discretion of the chair.

**Seventh**, if the motion is made and seconded, the chair should make sure everyone understands the motion.

This is done in one of three ways:

1. The chair can ask the maker of the motion to repeat it;
2. The chair can repeat the motion; or
3. The chair can ask the secretary or the clerk of the body to repeat the motion.

**Eighth**, the chair should now invite discussion of the motion by the body. If there is no desired discussion, or after the discussion has ended, the chair should announce that the body will vote on the motion. If there has been no discussion or very brief discussion, then the vote on the motion should proceed immediately and there is no need to repeat the motion. If there has been substantial discussion, then it is normally best to make sure everyone understands the motion by repeating it.

**Ninth**, the chair takes a vote. Simply asking for the “ayes” and then asking for the “nays” normally does this. If members of the body do not vote, then they “abstain.” Unless the rules of the body provide otherwise (or unless a super majority is required as delineated later in these rules), then a simple majority (as defined in law or the rules of the body as delineated later in these rules) determines whether the motion passes or is defeated.

**Tenth**, the chair should announce the result of the vote and what action (if any) the body has taken. In announcing the result, the chair should indicate the names of the members of the body, if any, who voted in the minority on the motion. This announcement might take the following form: “The motion passes by a vote of 3-2, with Smith and Jones dissenting. We have passed the motion requiring a 10-day notice for all future meetings of this body.”

## Motions in General

Motions are the vehicles for decision making by a body. It is usually best to have a motion before the body prior to commencing discussion of an agenda item. This helps the body focus.

Motions are made in a simple two-step process. First, the chair should recognize the member of the body. Second, the member of the body makes a motion by preceding the member’s desired approach with the words “I move ... ”

A typical motion might be: “I move that we give a 10-day notice in the future for all our meetings.”

The chair usually initiates the motion in one of three ways:

1. **Inviting the members of the body to make a motion**, for example, “A motion at this time would be in order.”
2. **Suggesting a motion to the members of the body**, “A motion would be in order that we give a 10-day notice in the future for all our meetings.”
3. **Making the motion**. As noted, the chair has every right as a member of the body to make a motion, but should normally do so only if the chair wishes to make a motion on an item but is convinced that no other member of the body is willing to step forward to do so at a particular time.

## The Three Basic Motions

There are three motions that are the most common and recur often at meetings:

**The basic motion**. The basic motion is the one that puts forward a decision for the body’s consideration. A basic motion might be: “I move that we create a five-member committee to plan and put on our annual fundraiser.”

**The motion to amend.** If a member wants to change a basic motion that is before the body, they would move to amend it. A motion to amend might be: “I move that we amend the motion to have a 10-member committee.” A motion to amend takes the basic motion that is before the body and seeks to change it in some way.

**The substitute motion.** If a member wants to completely do away with the basic motion that is before the body, and put a new motion before the body, they would move a substitute motion. A substitute motion might be: “I move a substitute motion that we cancel the annual fundraiser this year.”

“Motions to amend” and “substitute motions” are often confused, but they are quite different, and their effect (if passed) is quite different. A motion to amend seeks to retain the basic motion on the floor, but modify it in some way. A substitute motion seeks to throw out the basic motion on the floor, and substitute a new and different motion for it. The decision as to whether a motion is really a “motion to amend” or a “substitute motion” is left to the chair. So if a member makes what that member calls a “motion to amend,” but the chair determines that it is really a “substitute motion,” then the chair’s designation governs.

A “friendly amendment” is a practical parliamentary tool that is simple, informal, saves time and avoids bogging a meeting down with numerous formal motions. It works in the following way: In the discussion on a pending motion, it may appear that a change to the motion is desirable or may win support for the motion from some members. When that happens, a member who has the floor may simply say, “I want to suggest a friendly amendment to the motion.” The member suggests the friendly amendment, and if the maker and the person who seconded the motion pending on the floor accepts the friendly amendment, that now becomes the pending motion on the floor. If either the maker or the person who seconded rejects the proposed friendly amendment, then the proposer can formally move to amend.

## Multiple Motions Before the Body

There can be up to three motions on the floor at the same time. The chair can reject a fourth motion until the chair has dealt with the three that are on the floor and has resolved them. This rule has practical value. More than three motions on the floor at any given time is confusing and unwieldy for almost everyone, including the chair.

When there are two or three motions on the floor (after motions and seconds) at the same time, the vote should proceed *first* on the *last* motion that is made. For example, assume the first motion is a basic “motion to have a five-member committee to plan and put on our annual fundraiser.” During the discussion of this motion, a member might make a second motion to “amend the main motion to have a 10-member committee, not a five-member committee to plan and put on our annual fundraiser.” And perhaps, during that discussion, a member makes yet a third motion as a “substitute motion that we not have an annual fundraiser this year.” The proper procedure would be as follows:

**First**, the chair would deal with the *third* (the last) motion on the floor, the substitute motion. After discussion and debate, a vote would be taken first on the third motion. If the substitute motion *passed*, it would be a substitute for the basic motion and would eliminate it. The first motion would be moot, as would the second motion (which sought to amend the first motion), and the action on the agenda item would be completed on the passage by the body of the third motion (the substitute motion). No vote would be taken on the first or second motions.

**Second**, if the substitute motion *failed*, the chair would then deal with the second (now the last) motion on the floor, the motion to amend. The discussion and debate would focus strictly on the amendment (should the committee be five or 10 members). If the motion to amend *passed*, the chair would then move to consider the main motion (the first motion) as *amended*. If the motion to amend *failed*, the chair would then move to consider the main motion (the first motion) in its original format, not amended.

**Third**, the chair would now deal with the first motion that was placed on the floor. The original motion would either be in its original format (five-member committee), or if *amended*, would be in its amended format (10-member committee). The question on the floor for discussion and decision would be whether a committee should plan and put on the annual fundraiser.

## To Debate or Not to Debate


The basic rule of motions is that they are subject to discussion and debate. Accordingly, basic motions, motions to amend, and substitute motions are all eligible, each in their turn, for full discussion before and by the body. The debate can continue as long as members of the body wish to discuss an item, subject to the decision of the chair that it is time to move on and take action.

There are exceptions to the general rule of free and open debate on motions. The exceptions all apply when there is a desire of the body to move on. The following motions are not debatable (that is, when the following motions are made and seconded, the chair must immediately call for a vote of the body without debate on the motion):

**Motion to adjourn.** This motion, if passed, requires the body to immediately adjourn to its next regularly scheduled meeting. It requires a simple majority vote.

**Motion to recess.** This motion, if passed, requires the body to immediately take a recess. Normally, the chair determines the length of the recess which may be a few minutes or an hour. It requires a simple majority vote.

**Motion to fix the time to adjourn.** This motion, if passed, requires the body to adjourn the meeting at the specific time set in the motion. For example, the motion might be: “I move we adjourn this meeting at midnight.” It requires a simple majority vote.



**Motion to table.** This motion, if passed, requires discussion of the agenda item to be halted and the agenda item to be placed on “hold.” The motion can contain a specific time in which the item can come back to the body. “I move we table this item until our regular meeting in October.” Or the motion can contain no specific time for the return of the item, in which case a motion to take the item off the table and bring it back to the body will have to be taken at a future meeting. A motion to table an item (or to bring it back to the body) requires a simple majority vote.

**Motion to limit debate.** The most common form of this motion is to say, “I move the previous question” or “I move the question” or “I call the question” or sometimes someone simply shouts out “question.” As a practical matter, when a member calls out one of these phrases, the chair can expedite matters by treating it as a “request” rather than as a formal motion. The chair can simply inquire of the body, “any further discussion?” If no one wishes to have further discussion, then the chair can go right to the pending motion that is on the floor. However, if even one person wishes to discuss the pending motion further, then at that point, the chair should treat the call for the “question” as a formal motion, and proceed to it.

When a member of the body makes such a motion (“I move the previous question”), the member is really saying: “I’ve had enough debate. Let’s get on with the vote.” When such a motion is made, the chair should ask for a second, stop debate, and vote on the motion to limit debate. The motion to limit debate requires a two-thirds vote of the body.

**NOTE:** A motion to limit debate could include a time limit. For example: “I move we limit debate on this agenda item to 15 minutes.” Even in this format, the motion to limit debate requires a two-thirds vote of the body. A similar motion is a *motion to object to consideration of an item*. This motion is not debatable, and if passed, precludes the body from even considering an item on the agenda. It also requires a two-thirds vote.

## Majority and Super Majority Votes

In a democracy, a simple majority vote determines a question. A tie vote means the motion fails. So in a seven-member body, a vote of 4-3 passes the motion. A vote of 3-3 with one abstention means the motion fails. If one member is absent and the vote is 3-3, the motion still fails.

All motions require a simple majority, but there are a few exceptions. The exceptions come up when the body is taking an action which effectively cuts off the ability of a minority of the body to take an action or discuss an item. These extraordinary motions require a two-thirds majority (a super majority) to pass:

**Motion to limit debate.** Whether a member says, “I move the previous question,” or “I move the question,” or “I call the question,” or “I move to limit debate,” it all amounts to an attempt to cut off the ability of the minority to discuss an item, and it requires a two-thirds vote to pass.

**Motion to close nominations.** When choosing officers of the body (such as the chair), nominations are in order either from a nominating committee or from the floor of the body. A motion to close nominations effectively cuts off the right of the minority to nominate officers and it requires a two-thirds vote to pass.

**Motion to object to the consideration of a question.** Normally, such a motion is unnecessary since the objectionable item can be tabled or defeated straight up. However, when members of a body do not even want an item on the agenda to be considered, then such a motion is in order. It is not debatable, and it requires a two-thirds vote to pass.

**Motion to suspend the rules.** This motion is debatable, but requires a two-thirds vote to pass. If the body has its own rules of order, conduct or procedure, this motion allows the body to suspend the rules for a particular purpose. For example, the body (a private club) might have a rule prohibiting the attendance at meetings by non-club members. A motion to suspend the rules would be in order to allow a non-club member to attend a meeting of the club on a particular date or on a particular agenda item.

## Counting Votes

The matter of counting votes starts simple, but can become complicated.


Usually, it’s pretty easy to determine whether a particular motion passed or whether it was defeated. If a simple majority vote is needed to pass a motion, then one vote more than 50 percent of the body is required. For example, in a five-member body, if the vote is three in favor and two opposed, the motion passes. If it is two in favor and three opposed, the motion is defeated.

If a two-thirds majority vote is needed to pass a motion, then how many affirmative votes are required? The simple rule of thumb is to count the “no” votes and double that count to determine how many “yes” votes are needed to pass a particular motion. For example, in a seven-member body, if two members vote “no” then the “yes” vote of at least four members is required to achieve a two-thirds majority vote to pass the motion.

What about tie votes? In the event of a tie, the motion always fails since an affirmative vote is required to pass any motion. For example, in a five-member body, if the vote is two in favor and two opposed, with one member absent, the motion is defeated.

Vote counting starts to become complicated when members vote “abstain” or in the case of a written ballot, cast a blank (or unreadable) ballot. Do these votes count, and if so, how does one count them? The starting point is always to check the statutes.

In California, for example, for an action of a board of supervisors to be valid and binding, the action must be approved by a majority of the board. (California Government Code Section 25005.) Typically, this means three of the five members of the board must vote affirmatively in favor of the action. A vote of 2-1 would not be sufficient. A vote of 3-0 with two abstentions would be sufficient. In general law cities in



California, as another example, resolutions or orders for the payment of money and all ordinances require a recorded vote of the total members of the city council. (California Government Code Section 36936.) Cities with charters may prescribe their own vote requirements. Local elected officials are always well-advised to consult with their local agency counsel on how state law may affect the vote count.

After consulting state statutes, step number two is to check the rules of the body. If the rules of the body say that you count votes of “those present” then you treat abstentions one way. However, if the rules of the body say that you count the votes of those “present and voting,” then you treat abstentions a different way. And if the rules of the body are silent on the subject, then the general rule of thumb (and default rule) is that you count all votes that are “present and voting.”

Accordingly, under the “present and voting” system, you would **NOT** count abstention votes on the motion. Members who abstain are counted for purposes of determining quorum (they are “present”), but you treat the abstention votes on the motion as if they did not exist (they are not “voting”). On the other hand, if the rules of the body specifically say that you count votes of those “present” then you **DO** count abstention votes both in establishing the quorum and on the motion. In this event, the abstention votes act just like “no” votes.

*How does this work in practice?*

*Here are a few examples.*

Assume that a five-member city council is voting on a motion that requires a simple majority vote to pass, and assume further that the body has no specific rule on counting votes. Accordingly, the default rule kicks in and we count all votes of members that are “present and voting.” If the vote on the motion is 3-2, the motion passes. If the motion is 2-2 with one abstention, the motion fails.

Assume a five-member city council voting on a motion that requires a two-thirds majority vote to pass, and further assume that the body has no specific rule on counting votes. Again, the default rule applies. If the vote is 3-2, the motion fails for lack of a two-thirds majority. If the vote is 4-1, the motion passes with a clear two-thirds majority. A vote of three “yes,” one “no” and one “abstain” also results in passage of the motion. Once again, the abstention is counted only for the purpose of determining quorum, but on the actual vote on the motion, it is as if the abstention vote never existed — so an effective 3-1 vote is clearly a two-thirds majority vote.

Now, change the scenario slightly. Assume the same five-member city council voting on a motion that requires a two-thirds majority vote to pass, but now assume that the body **DOES** have a specific rule requiring a two-thirds vote of members “present.” Under this specific rule, we must count the members present not only for quorum but also for the motion. In this scenario, any abstention has the same force and effect as if it were a “no” vote. Accordingly, if the votes were three “yes,” one “no” and one “abstain,” then the motion fails. The abstention in this case is treated like a “no” vote and effective vote of 3-2 is not enough to pass two-thirds majority muster.

Now, exactly how does a member cast an “abstention” vote?

Any time a member votes “abstain” or says, “I abstain,” that is an abstention. However, if a member votes “present” that is also treated as an abstention (the member is essentially saying, “Count me for purposes of a quorum, but my vote on the issue is abstain.”) In fact, any manifestation of intention not to vote either “yes” or “no” on the pending motion may be treated by the chair as an abstention. If written ballots are cast, a blank or unreadable ballot is counted as an abstention as well.

Can a member vote “absent” or “count me as absent?” Interesting question. The ruling on this is up to the chair. The better approach is for the chair to count this as if the member had left his/her chair and is actually “absent.” That, of course, affects the quorum. However, the chair may also treat this as a vote to abstain, particularly if the person does not actually leave the dais.

## The Motion to Reconsider

There is a special and unique motion that requires a bit of explanation all by itself; the motion to reconsider. A tenet of parliamentary procedure is finality. After vigorous discussion, debate and a vote, there must be some closure to the issue. And so, after a vote is taken, the matter is deemed closed, subject only to reopening if a proper motion to consider is made and passed.

A motion to reconsider requires a majority vote to pass like other garden-variety motions, but there are two special rules that apply only to the motion to reconsider.

First, is the matter of timing. A motion to reconsider must be made at the meeting where the item was first voted upon. A motion to reconsider made at a later time is untimely. (The body, however, can always vote to suspend the rules and, by a two-thirds majority, allow a motion to reconsider to be made at another time.)

Second, a motion to reconsider may be made only by certain members of the body. Accordingly, a motion to reconsider may be made only by a member who voted in the majority on the original motion. If such a member has a change of heart, he or she may make the motion to reconsider (any other member of the body — including a member who voted in the minority on the original motion — may second the motion). If a member who voted in the minority seeks to make the motion to reconsider, it must be ruled out of order. The purpose of this rule is finality. If a member of minority could make a motion to reconsider, then the item could be brought back to the body again and again, which would defeat the purpose of finality.

If the motion to reconsider passes, then the original matter is back before the body, and a new original motion is in order. The matter may be discussed and debated as if it were on the floor for the first time.





## Courtesy and Decorum

The rules of order are meant to create an atmosphere where the members of the body and the members of the public can attend to business efficiently, fairly and with full participation. At the same time, it is up to the chair and the members of the body to maintain common courtesy and decorum. Unless the setting is very informal, it is always best for only one person at a time to have the floor, and it is always best for every speaker to be first recognized by the chair before proceeding to speak.

The chair should always ensure that debate and discussion of an agenda item focuses on the item and the policy in question, not the personalities of the members of the body. Debate on policy is healthy, debate on personalities is not. The chair has the right to cut off discussion that is too personal, is too loud, or is too crude.

Debate and discussion should be focused, but free and open. In the interest of time, the chair may, however, limit the time allotted to speakers, including members of the body.

Can a member of the body interrupt the speaker? The general rule is “no.” There are, however, exceptions. A speaker may be interrupted for the following reasons:

**Privilege.** The proper interruption would be, “point of privilege.” The chair would then ask the interrupter to “state your point.” Appropriate points of privilege relate to anything that would interfere with the normal comfort of the meeting. For example, the room may be too hot or too cold, or a blowing fan might interfere with a person’s ability to hear.

**Order.** The proper interruption would be, “point of order.” Again, the chair would ask the interrupter to “state your point.” Appropriate points of order relate to anything that would not be considered appropriate conduct of the meeting. For example, if the chair moved on to a vote on a motion that permits debate without allowing that discussion or debate.

**Appeal.** If the chair makes a ruling that a member of the body disagrees with, that member may appeal the ruling of the chair. If the motion is seconded, and after debate, if it passes by a simple majority vote, then the ruling of the chair is deemed reversed.

**Call for orders of the day.** This is simply another way of saying, “return to the agenda.” If a member believes that the body has drifted from the agreed-upon agenda, such a call may be made. It does not require a vote, and when the chair discovers that the agenda has not been followed, the chair simply reminds the body to return to the agenda item properly before them. If the chair fails to do so, the chair’s determination may be appealed.

**Withdraw a motion.** During debate and discussion of a motion, the maker of the motion on the floor, at any time, may interrupt a speaker to withdraw his or her motion from the floor. The motion is immediately deemed withdrawn, although the chair may ask the person who seconded the motion if he or she wishes to make the motion, and any other member may make the motion if properly recognized.

## Special Notes About Public Input

The rules outlined above will help make meetings very public-friendly. But in addition, and particularly for the chair, it is wise to remember three special rules that apply to each agenda item:

**Rule One:** Tell the public what the body will be doing.

**Rule Two:** Keep the public informed while the body is doing it.

**Rule Three:** When the body has acted, tell the public what the body did.



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**DATE:** July 12, 2018

**TO:** Planning Committee/Recycling Board

**FROM:** Tom Padia, Deputy Executive Director

**BY:** Justin Lehrer, Senior Program Manager

**SUBJECT:** Food Service Packaging, Litter and Marine Debris

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## SUMMARY

At its May 23, 2018 meeting, the WMA Board adopted a process and timeline for its fall Priority Setting, which will update guiding principles to inform the Agency's focus, work plan and budget for the next two years. This report and presentation on food service packaging and marine debris is part of a series of presentations to provide context and background for a thoughtful decision-making process.

## DISCUSSION

Pollution associated with single-use plastics, including food ware (straws, cups, lids, utensils, takeout containers) and plastic bags has increased in prominence as an international environmental issue in recent years. Media coverage is at an all-time high, and has contributed to greater public awareness and desire to take action. There is greater pressure on the industries linked to the proliferation of single-use plastic items that often end up as contamination in compost, litter on land or in marine environments.

Urgency of the issue has been buoyed by alarming data on the scale of the problem. A 2015 Ocean Conservancy/McKinsey study estimates greater than 80% of ocean plastic originates from land-based sources, and another study found that 60% of the land-based plastic in the ocean originates from five Asian countries. Locally, Clean Water Action's Bay Area litter study identified that food and beverage packaging comprises a majority of the litter in our region.

The issues related to single-use plastics are complex and lack a straightforward solution. There has been significant research and investment into compostable and other degradable plastics, but actual performance, certification/labeling, collection and processing remain fraught with challenges. Many items end up as contamination in the recycling and composting streams or become litter in the environment where they can break down into microscopic pieces, becoming increasingly toxic by absorbing contaminants from municipal and agricultural runoff. Wildlife mistake plastic pieces for food, which then passes plastics up the food chain. Alternative fiber-based food ware often contains harmful fluorinated compounds (PFA's) that persist and can bioaccumulate in living organisms.

There is increasing recognition that recycling is not a viable solution for the endless flow of small plastic items, particularly those used for food service. Material Recovery Facilities are not equipped to deal with small-sized

items, and there is now zero tolerance for food contamination. Currently around 9% of plastics are captured for recycling or recovery worldwide.

In order to develop a thoughtful and effective approach to this issue, we need to consider the lens we are viewing the issue through, the problem we are trying to solve, and the most effective role for StopWaste:

- Waste Reduction – focus on reducing the amount of single-use plastics produced to address stormwater/marine pollution from plastics discarded as litter, illegal dumping, or other uncontrolled dispersion into the environment. Support reusables to enable a shift away from single-use plastic food ware and related packaging.
- Toxics Reduction – focus on eliminating the use of fluorinated compounds (PFA's) in fiber-based packaging, to allow these materials to be used for human consumption and enter the composting stream without adverse environmental and human health effects.
- Proper Recycling – focus on maximizing recycling or composting of food service ware and packaging discarded into the formal solid waste system and keeping materials out of the landfill and contaminants out of the recycling and compost.

## **Efforts to Date**

### StopWaste

Up to this point, StopWaste has emphasized voluntary waste reduction and choosing reusables whenever possible, in support of circular economy principles to keep materials cycling through the economy as higher value products. With our support, the Rethink Disposable campaign ([www.rethinkdisposable.org](http://www.rethinkdisposable.org)) has reached 430 businesses, with 50 sites implementing measures that reduced over 11,000 lbs. of disposable single-use food ware products. The *Purchasing Compostable Food Service Ware* guide provides food service operations with information on compostable/recyclable purchasing choices when single-use items must be used. The Agency also supports the Reuse to Go campaign ([www.reusetogo.org](http://www.reusetogo.org)), a regional reuse campaign developed through the Bay Area Recycling Outreach Coalition in partnership with the nine Bay Area counties.

Our countywide Reusable Bag Ordinance has reduced the number of bags used and flowing into the storm water system since 2013. While solid waste reduction and resource conservation are achieved to some extent, a major success of the ordinance has been litter reduction and increased public awareness.

### State and Local

- In California, the current legislative session includes six bills aimed at reducing plastic pollution.
- Many local governments around the country, including over 100 in California, have adopted a food ware ordinance of some kind to address this waste stream.
- At least 12 jurisdictions in Alameda County already have expanded polystyrene (EPS) food ware bans in place, with several also requiring all compostable or recyclable packaging for food ware.
- Alameda and Oakland passed ordinances requiring straws by request, and Berkeley and other cities in Alameda County are considering new policies targeting all takeout food ware.

### International

A number of jurisdictions around the globe have employed legislative and policy tools to address single-use plastics. Several countries, such as France, India, and the United Kingdom have passed legislation banning



specific single-use plastics, and the European Union is currently considering a proposed ban on all single-use plastics.

#### Private Industry

A number of multinational companies have taken notice and announced commitments as well:

- Nestle, PepsiCo and Unilever have pledged to make packaging more recyclable, compostable, biodegradable and from higher recycled content by 2025, and continue to face pressure from major investors organized by As You Sow, a nonprofit shareholder advocacy group based in Oakland.
- Proctor & Gamble aims to reduce its plastic packaging by 20 percent by 2020 and about 90 percent of its packaging is already recyclable.
- McDonald's is phasing out plastic straws from all of their 1,391 stores in the UK.
- IKEA has committed to phase out single use plastic products from its stores and restaurants by 2020.

#### Additional Opportunities

Given the heightened awareness and assertive approach toward solutions favored by the public and local governments, the presentation of this item will allow time for discussion of approaches StopWaste could take in upcoming years to address the issues outlined above. Some possibilities include:

- Research and develop a countywide food ware ordinance, or customizable model ordinance for local adoption.
- Support Member Agencies with countywide outreach efforts.
- Continue to offer technical assistance and grant funding to businesses for reusable food ware and to brand owners for circular packaging design for reuse, recycling, and composting.
- Develop additional guidance on safe food ware options and waste prevention in food service.
- Support statewide legislation that incorporates design for circularity, such as requiring increased recycled content in single-use plastics to drive increased recycling, and banning problematic materials that are not recyclable, compostable, and that contain PFA's or other harmful additives.

#### **RECOMMENDATION**

This item is for information only.

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## What 'chemicals of concern' are in your food packaging?

By Packaging Digest Staff in Food Packaging (/taxonomy/term/365) on June 08, 2018

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3



PFAS chemicals in packaging provide water and grease resistance but are highly persistent in the environment and should be replaced with a safer alternative.

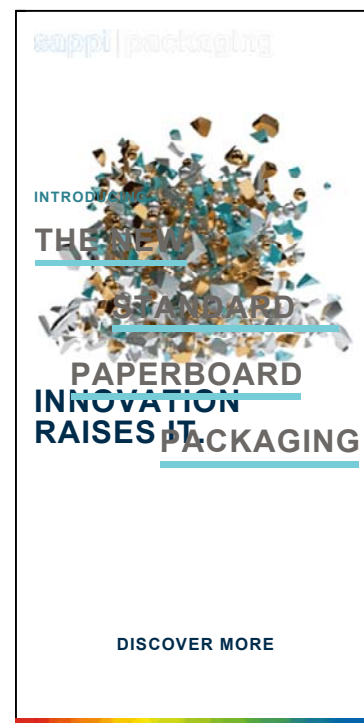
Hazardous chemicals that persist indefinitely in the ecosystem have no place in a circular economy. Brand owners using packaging materials that contain per- and polyfluoroalkyl (PFAS), for example, should look for better replacements to ensure the health and safety of consumers and the environment.

By Elizabeth Ritch

Per- and polyfluoroalkyl substances (PFAS) have gotten a lot of criticism recently from environmental groups (<https://www.ewg.org/research/update-mapping-expanding-pfas-crisis#.WvSu4dMvxTY>) and the media (<https://www.cnn.com/2017/02/01/health/fast-food-packaging-chemicals-pfas-study/index.html>). Do you know what they are, and whether they're in the packaging of the products you sell?

PFAS are a large family of chemicals that share a similar structure—they are all based on a backbone of carbon and fluorine bonds, which are stable and persistent in the environment. These chemicals have been widely used for commercial and industrial applications, including water-, oil- and stain-repellent fabrics, nonstick products and fire-fighting foams.

PFAS are also widely used in food packaging, where they provide water and grease resistance. A 2017 study (<https://pubs.acs.org/doi/abs/10.1021/acs.estlett.6b00435>) found widespread use of fluorinated chemicals in dessert and bread wrappers, sandwich and burger wrappers, and paperboard food packaging, and the Center for Environmental



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Health found PFAS (<https://www.keh.org/campaigns/endocrine-disrupting-chemicals/edc-resources/>) in 100% of the microwave popcorn bags and molded fiber food serviceware they tested.

Certain PFAS based on a chain of eight carbon atoms (such as perfluorooctanoic acid [PFOA] and perfluorooctanesulfonic acid [PFOS], also referred to as C8 chemicals) were widely used for decades and have been associated ([http://www.c8sciencepanel.org/prob\\_link.html](http://www.c8sciencepanel.org/prob_link.html)) with high cholesterol, ulcerative colitis, thyroid disease, testicular cancer, kidney cancer, and pregnancy-induced hypertension and preeclampsia. These particular chemicals are no longer manufactured in the United States, following a phase-out initiative (<https://www.epa.gov/assessing-and-managing-chemicals-under-tsca/risk-management-and-polyfluoroalkyl-substances-pfass#tab-3>) led by the Environmental Protection Agency (EPA). However, due to the strength and stability of the carbon-fluorine bond, they are highly persistent in the environment, so people are still exposed to them via drinking water (<https://www.ewg.org/research/mapping-contamination-crisis#.Wrk-M9PwZTY>) and other sources.

When C8 PFAS were phased out, chemical suppliers and product manufacturers looked for replacement chemicals that would provide similar performance, particularly for water, grease and stain resistance. Many turned to shorter-chain PFAS that were structurally similar to those that had been phased out, but contained fewer carbon atoms, such as GenX (manufactured by DuPont and its successor Chemours).

Unfortunately, these replacement PFAS are based on the same extremely stable carbon-fluorine bonds, meaning they are also highly persistent in the environment. While less toxicity data is available about these newer chemicals, they have been associated with liver and kidney damage (<https://www2.mst.dk/Udgiv/publications/2015/05/978-87-93352-15-5.pdf>), and animal studies suggest an association with increased rates of certain cancers (<https://files.nc.gov/ncdeq/GenX/GenX%20factsheet%20FINAL%2013Sep2017.pdf>). The replacement of long-chain PFAS with short-chain PFAS seems to be a case of regrettable substitution (<https://www.hsph.harvard.edu/news/hsph-in-the-news/harmful-chemicals-removed-from-products-often-replaced-with-something-as-bad-or-worse/>): the substitute chemical may have similar health concerns or be only marginally better than the original.

Short-chain PFAS are still approved by the U.S. Food and Drug Administration for use in food contact packaging. This is a problem both because PFAS can migrate ([https://www.researchgate.net/publication/5539983\\_Migration\\_of\\_fluorochemical\\_paper\\_additives\\_from\\_food-contact\\_paper\\_into\\_foods\\_and\\_food\\_simulants](https://www.researchgate.net/publication/5539983_Migration_of_fluorochemical_paper_additives_from_food-contact_paper_into_foods_and_food_simulants)) from packaging into food, and because the chemicals persist after the end of the useful life of the package. PFAS have been detected in leachate from landfills (<https://pubs.acs.org/doi/abs/10.1021/acs.est.6b05005>) and biosolids from wastewater (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC3776589/>). When biosolids are applied to agricultural fields, the PFAS can be taken up by crops and enter the food supply ([https://cfpub.epa.gov/si/si\\_public\\_record\\_report.cfm?dirEntryId=307369&simpleSearch=1&searchAll=Perfluorochemicals+OR+Perfluoroalkyl+OR+Perfluorinated+OR+Polyfluorinated+OR+Pol](https://cfpub.epa.gov/si/si_public_record_report.cfm?dirEntryId=307369&simpleSearch=1&searchAll=Perfluorochemicals+OR+Perfluoroalkyl+OR+Perfluorinated+OR+Polyfluorinated+OR+Pol)). In fact, the short-chain PFAS that are on the market today are actually more mobile (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5834591/>) in the environment than the long-chain PFAS they replaced. Since all PFAS are so persistent, including the new short-chain PFAS, the more we use them, the more will eventually end up in the environment—all the more reason to avoid them in the first place.

Increasingly, advocacy groups, the public and regulators are recognizing that substitute PFAS aren't the solution. Recently, Washington State became the first in the country (<https://toxicfreefuture.org/governor-inslee-signs-ban-nonstick-chemicals-food-packaging/>) to ban all PFAS from fiber-based food packaging. The ban will go into effect on Jan. 1, 2022, as long as safer alternatives are identified by the Washington Department of Ecology by Jan. 1, 2020. At SPC Impact (<https://sustainablepackaging.org/events/spc-impact-2018/>) in April 2018, Jen Jackson of the San Francisco Department of the Environment said that the city of San Francisco is implementing procurement strategies and considering possible ordinances to support markets for PFAS-free compostable food serviceware.

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While certain progressive jurisdictions are starting to take action, the fact is that regulations don't always keep up with the latest information about chemical hazards in packaging. So how can brands ensure that they are part of the solution?

Malene Teller Blume, quality manager for Coop Denmark, the largest retailer in Denmark, shared her company's story at SPC Impact. In September 2014, in light of growing evidence of harm caused by PFAS, the company decided to ban PFAS in all its private label products. At the time, it wasn't able to find PFAS-free microwave popcorn bags, so in 2015 it actually stopped selling microwave popcorn in its stores until a safer alternative could be found. In less than six months, PFAS-free microwave popcorn bags were back on store shelves, and the positive publicity received from its strong public stance more than made up for the lost sales.

Brands that enact comprehensive, proactive policies to eliminate chemicals of concern from their packaging will be better positioned both to deal with PFAS now, as well as the next emergent chemical of concern. Given how little we know about so many of the chemicals in commerce today, there will almost certainly be more problematic chemicals that come to light.

Safer alternatives do exist, and now is the time for companies to take action. Companies should make sure they understand what chemicals are in the products and packages they sell, and what the hazards associated with those chemicals are, to avoid replacing a hazardous chemical with an equally hazardous substitute. Hazardous chemicals that persist indefinitely in the environment have no place in a circular economy.



*Elizabeth Ritch joined GreenBlue, the parent organization of the Sustainable Packaging Coalition (<http://www.sustainablepackaging.org>), in May 2016 as a project associate focusing on the CleanGredients program. She works with manufacturers of chemical products to find, use and market greener chemistries. Prior to joining GreenBlue, she worked with Ramboll Environ as an environmental consultant helping companies evaluate environmental risks in the context of business transactions, providing litigation support related to soil and groundwater contamination issues, and assessing compliance with environmental regulations. Ritch holds a BA in Environmental Thought and Practice and Physics from the University of Virginia.*

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## Business

## Investors Demand Nestle, Pepsi and Others Cut Plastic Use

By [Emily Chasan](#)

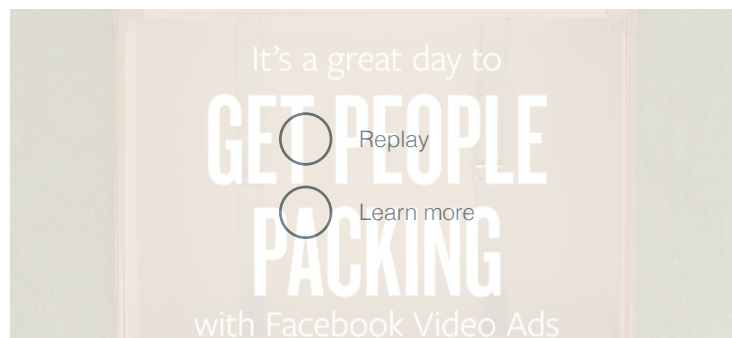
June 21, 2018, 11:57 AM PDT

Updated on June 21, 2018, 12:11 PM PDT

A group of 25 investors managing more than \$1 trillion in assets are demanding that [Nestle SA](#), [PepsiCo Inc.](#), [Procter & Gamble Co.](#) and [Unilever NV](#) reduce their plastic packaging, calling it environmentally damaging.

The initiative was organized by As You Sow, a nonprofit shareholder advocacy group that pushes companies to act responsibly. It was signed by investment firms including [Hermes Investment Management](#), [Impax Asset Management](#), [NEI Investments](#) and [Walden Asset Management](#).

“Without fundamental redesign and innovation, about 30 percent of plastic packaging will never be reused or recycled,” the investors said in their [letter](https://static1.squarespace.com/static/59a706d4f5e2319b70240ef9/t/5b229ff2575d1f6a38d62f59/1528995827094/Investor+Declaration+on+Plastic+Pollution+2018.pdf) <https://static1.squarespace.com/static/59a706d4f5e2319b70240ef9/t/5b229ff2575d1f6a38d62f59/1528995827094/Investor+Declaration+on+Plastic+Pollution+2018.pdf>. “These materials can persist in the environment, partially degraded, for hundreds of years, which, as well as causing damage to marine life, could also have impact by exposing companies to reputational damage.”



The group is asking the companies to disclose annual plastic packaging use, set plastic use reduction goals, facilitate recycling and transition to recyclable, reusable, or compostable packaging as much as possible.

The investors said they want to push the companies to hold to those promises after five of the Group of Seven nations, excluding the U.S. and Japan, adopted [a blueprint](https://g7.gc.ca/en/official-documents/charlevoix-blueprint-healthy-oceans-seas-resilient-coastal-communities/) aimed at significantly reducing single-use plastic by 2040.

Similarly, Nestle, PepsiCo and Unilever have pledged to make packaging more recyclable, compostable, biodegradable and from higher recycled content by 2040.

P&G aims to reduce its plastic packaging by 20 percent by 2020 and about 90 percent of its packaging is already recyclable. “We agree we must be part of the reduce plastic waste,” the company said in an emailed statement.

“We share concerns about the growing accumulation of packaging waste and the need to do something to minimize its impact on the environment,” Nestle said in a statement. The company said it has already eliminated more than 100,000 tons of packaging materials from its production processes through last year, under several environmental projects.

Pepsi and Unilever didn’t immediately respond to requests for comment.

– With assistance by Lauren Coleman-Lochner, and Craig Giammona

(Adds P&G response in seventh paragraph.)

In this article

NESN			
NESTLE SA-REG			
79.74	CHF	▲ +0.54	+0.68%
PEP			
PEPSICO INC			
109.73	USD	▲ +0.18	+0.17%
PG			
PROCTER & GAMBLE			
79.47	USD	▲ +0.26	+0.32%
UNA			
UNILEVER NV-CVA			
47.85	EUR	▼ -0.12	-0.24%



# The Guardian

## Our plastic pollution crisis is too big for recycling to fix

*Annie Leonard*

Recycling alone will never stem the flow of plastics into our ocean. We must address the problem at the source

Sat 9 Jun 2018 06.00 EDT



'The truth is that we cannot recycle our way out of this mess.' Photograph: Daniel Leal-Olivas/AFP/Getty Images

Every minute, every single day, the equivalent of a truckload of plastic enters our oceans. In the name of profit and convenience, corporations are literally choking our planet with a substance that does not just “go away” when we toss it into a bin. Since the 1950s, some 8.3bn tons of plastic have been produced worldwide, and to date, only 9% of that has been recycled. Our oceans bear the brunt of our plastics epidemic - up to 12.7m tons of plastic end up in them every year.

Just over a decade ago, I launched the Story of Stuff to help shine a light on the ways we produce, use and dispose of the stuff in our lives. The Story of Stuff is inextricably linked to the story of plastics - the packaging that goes along with those endless purchases. We buy a soda, sip it for a few minutes, and toss its permanent packaging “away”. We eat potato chips, finish them, then throw their permanent packaging “away”. We buy produce, take it out of the unnecessary plastic wrap, then throw its permanent packaging “away”.

The cycle is endless, and it happens countless times every single day. But here’s the catch - there is no “away”. As far as we try to toss a piece of plastic - whether it’s into a recycling bin or not - it does not disappear. Chances are, it ends up polluting our communities, oceans or waterways in some form.

For years, we’ve been conned into thinking the problem of plastic packaging can be solved through better individual action. We’re told that if we simply recycle we’re doing our part. We’re told that if we bring reusable bags to the grocery store, we’re saving the world. We think that if we drink from a reusable bottle, we’re making enough of a difference. But the truth is that we cannot recycle our way out of this mess.

Recycling alone will never stem the flow of plastics into our oceans; we have to get to the source of the problem and slow down the production of all this plastic waste. Think about it: if your home was flooding because you had left the faucet on, your first step wouldn’t be to start mopping. You’d first cut the flooding off at its source - the faucet. In many ways, our plastics problem is no different.



'We need corporations to step up and show real accountability.'

Photograph: Bloomberg/Bloomberg via Getty Images

We need corporations - those like Coca-Cola, Unilever, Starbucks and Nestlé that continue to churn out throwaway plastic bottles, cups, and straws - to step up and show real accountability for the mess they've created. Drink companies produce over 500bn single-use plastic bottles annually; there is no way that we can recycle our way out of a problem of that scale.

Municipal bag, cup and straw bans like those in Morocco, Iceland, Vancouver and some US cities are a great start, but also not enough. And while clean-up efforts are helpful in addressing litter problems, they can't begin to touch the problems created by microplastics - the tiny particles of plastic that now permeate our waterways and broader environment.

Not long ago, we existed in a world without throwaway plastic, and we can thrive that way again. The world's largest corporations - with all their profits and innovation labs - are well positioned to help move us beyond single-use plastics. All over the world people are already innovating toward solutions that focus on reusing and reducing plastics. It's time to accelerate this process and move beyond half measures and baby steps. Corporations are safe when they can tell us to simply recycle away their pollution.

But we aren't buying that any more. This is their crisis to tackle. We will continue to do our part, but it's time for the world's largest corporations to do theirs. Some 322m tons of plastic were produced in 2015, and that number is expected to double by 2025. The good news is that we are at a turning point. All over the world, people and businesses are waking up to the dangers created by single-use plastic. Now, we must demand a new era that prioritizes people and planet over profit and convenience.

*Annie Leonard is the executive director of Greenpeace USA*

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# Plastic Straws Aren't the Problem

Skipping straws may be hip. But there are much better ways to fight pollution.

By **Adam Minter**

29 June 7, 2018, 2:00 PM PDT



They're fine. *Photographer: Patrick Pleul/DPA*

New York's top cocktail bars are facing something of a crisis. A fashionable global protest movement has nightlife venues [scrambling](https://www.bloomberg.com/news/articles/2018-06-05/the-fight-for-paper-straws-is-getting-fierce-in-new-york-bars) [to replace their plastic straws](https://www.bloomberg.com/news/articles/2018-06-05/the-fight-for-paper-straws-is-getting-fierce-in-new-york-bars) with more sustainable alternatives, such as paper ones, on the theory that doing so will reduce plastic waste in the oceans. It all sound virtuous -- but in reality, it's likely to make matters worse. Straws make up a trifling percentage of the world's plastic products, and campaigns to eliminate



them will not only be ineffective, but could distract from far more useful efforts.

The anti-straw movement took off in 2015, after a [video](https://www.youtube.com/watch?v=4wH878t78bw) of a sea turtle with a straw stuck in its nose went viral. Campaigns soon followed, with activists often citing [studies](http://science.sciencemag.org/content/347/6223/768) of the growing ocean plastics problem. Intense media interest in the so-called Great Pacific Garbage Patch [-- a floating, France-sized gyre of oceanic plastic --](https://www.theguardian.com/environment/2018/jun/05/man-begins-six-month-swim-through-great-pacific-garbage-patch) only heightened the concern.

But this well-intentioned campaign assumes that single-use plastics, such as straws and coffee stirrers, have much to do with ocean pollution. And that assumption is based on some highly dubious data. [Activists](https://thelastplasticstraw.org/) and [news media](https://www.nytimes.com/2018/05/01/travel/straw-bans-hotels-resorts.html) often claim that Americans use 500 million plastic straws per day, for example, which sounds awful. But the [source of this figure](https://reason.com/blog/2018/01/25/california-bill-would-criminalize-restau) turns out to be a survey conducted by a nine-year-old. Similarly, two Australian scientists [estimate](https://phys.org/news/2018-04-science-amount-straws-plastic-pollution.html) that there are up to 8.3 billion plastic straws scattered on global coastlines. Yet even if all those straws were suddenly washed into the sea, they'd account for about .03 percent of the [8 million metric tons](https://jambeck.engr.uga.edu/landplasticinput) of plastics estimated to enter the oceans in a given year.

In other words, skipping a plastic straw in your next Bahama Mama may feel conscientious, but it won't make a dent in the garbage patch. So what will?

A recent survey [by](https://www.nature.com/articles/s41598-018-22939-w) scientists affiliated with Ocean Cleanup, a group developing technologies to reduce ocean plastic, offers one answer. Using surface samples and aerial surveys, the group determined that at least 46 percent of the plastic in the garbage patch by weight comes from a single product: fishing nets. Other fishing gear makes up a good chunk of the rest.

The impact of this junk goes well beyond pollution. Ghost gear, as it's sometimes called, goes on fishing long after it's been abandoned, to the great detriment of marine habitats. In 2013, the Virginia Institute of Marine Science estimated that lost and abandoned crab pots take in 1.25 million blue crabs each year.

This is a complicated problem. But since the early 1990s <http://www.fao.org/blogs/blue-growth-blog/towards-voluntary-guidelines-on-marking-fishing-gear/en/> , there's been widespread agreement on at least one solution: a system to mark commercial fishing gear, so that the person or company that bought it can be held accountable when it's abandoned. Combined with better onshore facilities to dispose of such gear -- ideally by recycling -- and penalties for dumping at sea, such a system could go a long way toward reducing marine waste. Countries belonging to the United Nation's Food and Agriculture Organization have even agreed <http://www.fao.org/news/story/en/item/1099767/icode/> on guidelines for the process.

But while rich countries should be able to meet such standards with ease, in the developing world -- where waste management is largely informal -- the problem is much harder. In Indonesia, for example, one study <http://www.fao.org/fi/static-media/MeetingDocuments/FishingGear/Inf4e.pdf> concluded that fishermen have little incentive to bring someone else's net to a disposal point unless they're getting paid to do so.

That's where all that anti-straw energy could really help. In 1990, after years of consumer pressure, the world's three largest tuna companies agreed [https://gps.ucsd.edu/\\_files/faculty/gourevitch/gourevitch\\_cs\\_kwon.pdf](https://gps.ucsd.edu/_files/faculty/gourevitch/gourevitch_cs_kwon.pdf) to stop intentionally netting dolphins. Soon after, they introduced a "dolphin safe" certification label and tuna-related dolphin deaths declined precipitously. A similar campaign to pressure global seafood companies to adopt gear-marking practices -- and to help developing regions pay for them -- could have an even more profound impact. Energized consumers and activists in rich countries could play a crucial role in such a movement.

That's a harder sell than trendy anti-straw activism, of course. But unlike those newly virtuous night clubs, it might actually accomplish something useful.

*This column does not necessarily reflect the opinion of the editorial board or*

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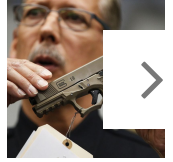
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# Straws. Bottle caps. Polyester. These are the new targets of California's environmental movement



By ROSANNA XIA  
MAY 28, 2018 | SACRAMENTO





A shorebird walks amid trash that washed ashore after a storm. (Mark Boster / Los Angeles Times)



It took years of activist campaigns to turn the plastic bag into a villain, and hard-fought legislation to reduce its presence in oceans and waterways. Now, environmentalists and lawmakers are deploying similar tactics against a new generation of plastic pollutants.

There are drinking straws, which as a viral video shows can get stuck in a sea turtle's nose. The hundreds of thousands of bottle caps that wind up on beaches. And the microfibers that wash off polyester clothes, making their way into the ocean, the stomachs of marine life and ultimately our seafood.



Each is the subject of statewide legislation under debate in Sacramento, as California again considers new environmental law that's at once pioneering and controversial.



Their action comes as plastic takes center stage as the environmental concern du jour.



There could be more plastic by weight than fish in the world's oceans by 2050, according to a widely cited World Economic Forum report. A recent UC Davis study sampled seafood sold at local markets in Half Moon Bay and found that one-quarter of fish and one-third of shellfish contained plastic debris.



A survey comparing 150 tap-water samples from five continents found synthetic microfibers in almost every sample — 94% in the United States. The Great Pacific Garbage Patch is at 1.8 trillion pieces of trash, most of it plastic, and counting. The European Commission on Monday proposed new across-the-board rules, including a ban on single-use plastic products "where alternatives are readily available and affordable."

The call to break the world's disposable-plastic habit is resonating, especially in California. More than half a dozen bills aimed at plastic pollution were introduced in Sacramento this year alone — by both coastal legislators and more moderate inland colleagues who see the potential damage not just in oceans but also rivers, lakes and the state's water supply. No one, they

said, wants to drink a glass of water and wonder if they're also downing a glass of plastic.

As the White House pulls back on environmental issues, California leaders say it's on them to push forward. The state, after all, was the first in the nation to ban single-use plastic bags, setting the stage for others to follow. When a state law barred exfoliating beauty products with plastic microbeads, the industry impact was so large the ban was adopted at the national level in President Obama's final year.



"What we do has not just national, but international implications. We're the fifth-largest economy in the world," said Assembly Majority Leader Ian Calderon (D-Whittier), who introduced a bill this year that bars sit-down restaurants from providing plastic straws unless a customer requests one. "You better believe that if we do something and it works here, everyone's going to adopt it."



[Read more: Plastic trash could top 13 billion tons by 2050. And recycling doesn't help much »](#)

Calderon has also teamed up with Assemblyman Mark Stone (D-Scotts Valley), a longtime environmental leader, on a law that would prohibit retailers from selling single-use plastic bottles with caps that do not remain tethered to the container after opening.

A bill by Assemblyman Richard Hershel Bloom (D-Santa Monica), who had authored the microbeads bill and is a co-author on the straws and caps bills, requires all new clothing made with more than 50% synthetic material have a label that warns of microfiber shedding during washing.



All three have passed committee and are expected to go to the Assembly floor this week.



These bills have sparked intense pushback by conservatives and a coalition of manufacturers and industry groups. Assemblyman Travis Allen (R-Huntington Beach), not shy to use Trumpian tactics in his campaign to be California's next governor, took to Twitter to lambaste the straw proposal.

"California Democrat Leader Ian Calderon wants to ban PLASTIC STRAWS. Is there any part of your life that Democrats don't want to control? As Governor, this is exactly the type of legislation that I will VETO."



**Travis Allen**

@JoinTravisAllen

California Democrat Leader Ian Calderon wants to ban PLASTIC STRAWS. Is there any part of your life that Democrats don't want to control? As Governor, this is exactly the type of legislation that I will VETO [latimes.com/politics/essen...](https://www.latimes.com/politics/essen...)

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The concerns from the Plastics Industry Assn., California Chamber of Commerce, International Bottled Water Assn. and dozens of others have been more measured. Most have backed off on the straws bill, acknowledging that giving customers the option to request one was a reasonable compromise.



Their opposition questions the limited existing research on microfiber pollution and the approach of the bottle cap bill, saying these changes "would negatively impact tens of thousands of manufacturers and retailers that do business with California."



"We understand the desire to reduce plastic waste, but feel that this will not solve the problem," they said in a joint statement on the connect-the-cap bill. "A more effective approach would be to educate consumers about recycling lids with the bottles."

And while the microfiber issue is important, another coalition said, a label doesn't solve the problem, which needs more study, and would just cause confusion for consumers and create potential liability for producers.

Nate Herman, senior vice president of supply chain for the American Apparel & Footwear Assn., said an additional label would also "add extensive cost" to product development and ultimately would force companies to "add labeling to all impacted products even if being sold in other states."

Supporters say this year's suite of bills present a range of actions that could be taken to address plastic pollution: Encouraging change in consumer habits, requesting a redesign by manufacturers and raising public awareness — especially with microfiber.

Synthetic fabrics such as polyester, nylon, acrylic and spandex are everywhere, and so are their sheddings. A Patagonia study found that a microfleece jacket could release more than 1,000 milligrams of microfibers per wash. Laundry machines today are not equipped to filter out microfibers, usually less than 5 millimeters long, and up to 40% of microfibers pass through wastewater treatment plants.

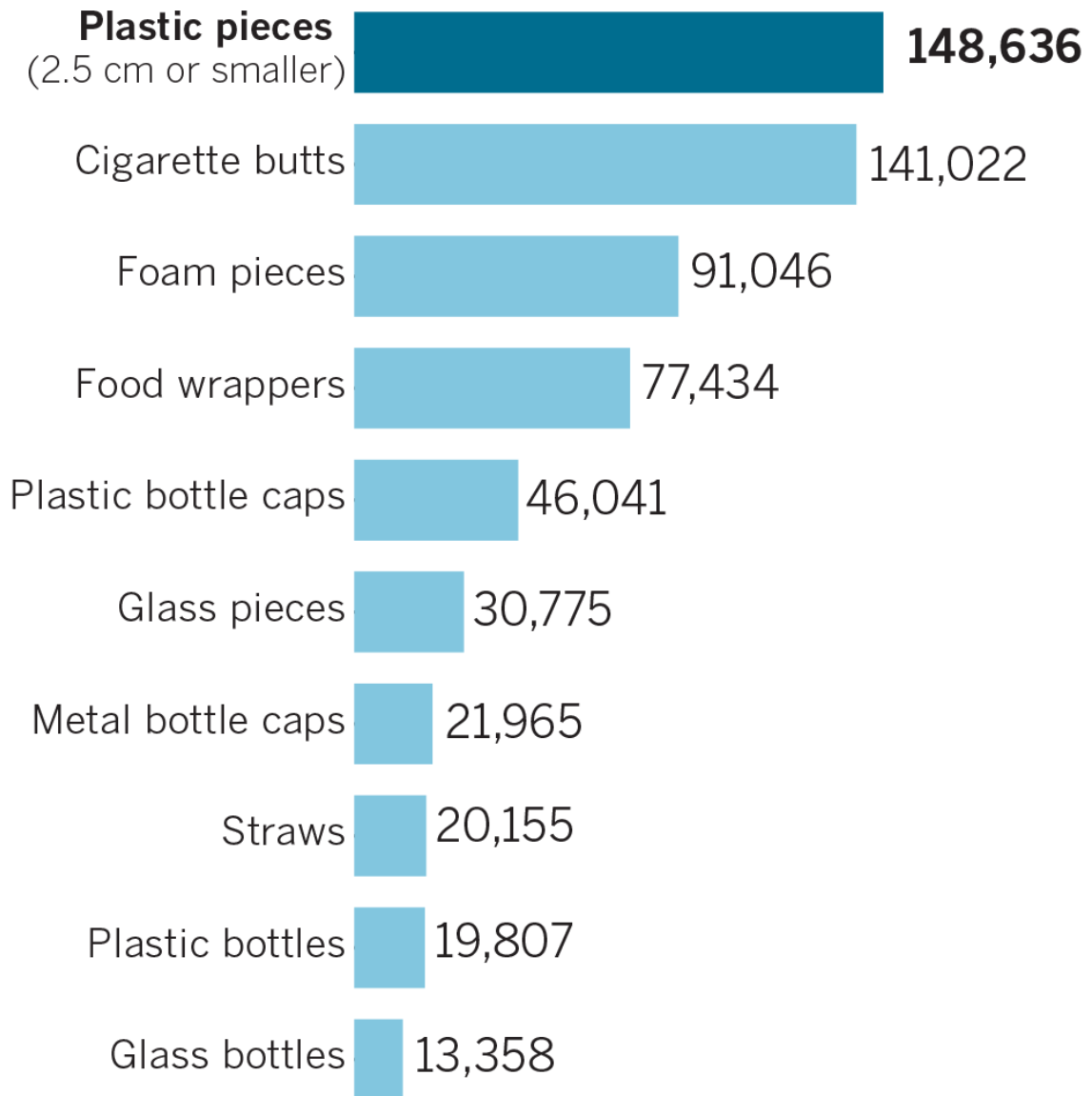
The study, conducted with UC Santa Barbara, found that a single treatment plant discharged 3.73 billion microfibers, estimated at 179 pounds, per day.



# One day of trash on California beaches

Hundreds of thousands of items were collected during a one-day coastal cleanup in 2017\* on beaches across California.

## Most common trash found on Coastal Cleanup Day



\*2017 data is preliminary

Sources: Ocean Conservancy,  
California Coastal Commission

@latimesgraphics



Some environmentalists were disappointed the bills — AB 1884, AB 2779 and AB 2379 — didn't go further. Others say any step toward a fundamental consumer or manufacturing change helps.



This is Stone's second year trying to get bottle manufacturers to redesign lids. In last-minute efforts to work with opposition before the bill went before Assembly, he scaled back the requirement to just plastic water bottles, not all beverage bottles. Smaller companies that sell bottled beverages will also be exempt.

"Californians are becoming more interested in being responsible toward the impacts that plastics have on our environment, but trying to push through policy in Sacramento is a very different calculation," Stone said. "It took more than 125 local jurisdictions doing the plastic bag ban for the Legislature to finally say 'OK, we're going to step in.'"

The state's plastic bag ban, which set off one of the fiercest lobbying battles in 2014, took eight years and has paved much of the way for today's bills. In 2016, plastic bag makers spent \$6 million in an effort to convince voters to overturn the bag ban through two ballot measures. Californians upheld the ban, which went into effect at the end of that year.

Shoppers have adapted with little grumbling and the economic impacts so far have not been dramatic, advocates say. The decline in bags found on beaches has been substantial: The number of plastic bags collected on the most recent annual Coastal Cleanup Day dropped more than 60% compared to 2010.

(Los Angeles Times)



Justin Malan of Ecoconsult, which works with the Clean Seas Lobbying Coalition, says California has come a long way from the days when it was a political "pitchfork battle against just about everybody except the coastal advocates."

"This issue has become much more mainstream," Malan said.  
"We don't have to fight some of those earlier environmental

fight."

Helping the momentum are the many cities that have already banned plastic straws: Malibu, Santa Monica, Manhattan Beach and San Luis Obispo.

Considering the magnitude of the plastic problem, however, this item-by-item, city-by-city approach isn't a long-term solution, Heal the Bay President Shelley Luce said.

"It's still cheaper for the manufacturer and the consumer to use single-use disposable plastic everything than it is to use a bamboo replacement or metal replacement or something that is more easily reused or recycled," Luce said. "We have to think about incentivizing new designs and helping manufacturers move toward new materials."

Sara Aminzadeh, a state coastal commissioner and executive director of California Coastkeeper Alliance, agrees that the more complete solution is part cultural, part market-driven.

"Companies will need to take responsibility for the amount of plastic that they're producing," she said, "and we need to proactively acknowledge that and include them as part of the solution."

In Malibu, where restaurants and coffee shops have been testing paper and bamboo straws before the city's ban begins this summer, owners said the new rules might be a little more costly but worth it in the long run.

Colette Richardson, manager of Le Cafe de la Plage by Point Dume, said she's also switching to wooden spoons to serve the cafe's handcrafted ice cream.

Her last 10 boxes of plastic straws will be donated to a local artist, who's collecting from businesses around town to create a public sculpture.

Sitting outside, Jimmy Summerall considered what it would be like using a paper straw for the smoothie and iced coffee he had just purchased from SunLife Organics. Wouldn't it get soggy?

He's good about recycling but admits straws are not the first item he thinks of when it comes to being environmentally friendly. Summerall is not one to ask for straws, he said, and only finds himself using them when a shop sticks one in his beverage.

"I'll definitely be thinking about straws more," he said. "You really can't unsee it."

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**Interested in coastal issues? Follow [@RosannaXia](#) on Twitter.**

**UPDATES:**

**3:50 p.m.:** This article was updated to include the European Commission's proposed ban on single-use plastic.

This article was originally published at 3 a.m.

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## Essential California Newsletter

Monday - Saturday

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## Rosanna Xia



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Rosanna Xia covers the environment, with a focus on California's coastline. She previously reported on natural disasters and wrote articles that connected science, infrastructure and policy. With a team of reporters, she published a series in 2013 that prompted lawmakers and the public to confront thousands of buildings at risk of collapse in a major earthquake. She has also covered higher education for The Times and reported for the Business section. An East Coast transplant, she graduated from Tufts University.

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COMMENTS (102)

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