

**Authority Board (WMA), Energy Council (EC),
and Recycling Board Members**

Dan Kalb, **WMA President**
City of Oakland, WMA, EC
Mike Hannon, **WMA 1st Vice President**
City of Newark, WMA, EC
Dave Sadoff, **WMA 2nd Vice President**
Castro Valley Sanitary District, WMA
Lorin Ellis, **EC President**
City of Union City, WMA, EC
Dianne Martinez, **EC 1st Vice President, RB 2nd Vice President**
City of Emeryville, WMA, EC, RB
Jim Oddie, **EC 2nd Vice President**
City of Alameda, WMA, EC
Tim Rood, **RB President**
Piedmont, WMA, EC, RB
Toni Stein, **RB 1st Vice President**
Environmental Educator, RB
Keith Carson, County of Alameda, WMA, EC
Peter Maass, City of Albany, WMA, EC, RB
Susan Wengraf, City of Berkeley, WMA, EC
Don Biddle, City of Dublin, WMA, EC
Suzanne Lee Chan, City of Fremont, WMA, EC
Al Mendall, City of Hayward, WMA, EC
Laureen Turner, City of Livermore, WMA, EC
Shelia Young, Oro Loma Sanitary District, WMA
Jerry Pentin, City of Pleasanton, WMA, EC, RB
Deborah Cox, City of San Leandro, WMA, EC
John Moore, Environmental Organization, RB
Bernie Larrabe, Recycling Materials Processing Industry, RB
Adan Alonzo, Recycling Programs, RB
Michael Peltz, Solid Waste Industry Representative, RB
Steve Sherman, Source Reduction Specialist, RB
Wendy Sommer, Executive Director

AGENDA

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

Wednesday, September 28, 2016

3:00 P.M.

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

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

I. CALL TO ORDER

II. ROLL CALL

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

Page **IV. CONSENT CALENDAR**

- | | | |
|---|---|--------------------|
| 1 | 1. Approval of the Draft Minutes of July 27, 2016 (Wendy Sommer) | Action |
| 5 | 2. Financial Services Manager Position (Pat Cabrera)
The P&A Committee recommends that the WMA Board approve the new Financial Services Manager position, job description and new monthly salary range of \$8,866- \$10,773. Furthermore, the P&A Committee recommends that the WMA Board eliminate the Chief Financial Officer position, job description and monthly salary range or \$9,598 - \$11,661. | Action |
| 7 | 3. Minutes of the July 19, 2016, August 16, 2016, & September 20, 2016 Technical Advisory Group (Karen Kho) | Information |

V. OPEN PUBLIC DISCUSSION

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

VI. REGULAR CALENDAR

- | | | |
|----|---|--------------------|
| 19 | 1. Reusable Bag Ordinance Expansion – Introduction of Ordinance 2016-2 and Adoption of Addendum to Environmental Impact Report (Meri Soll)
Staff recommends that the WMA Board 1) consider the formally amended ordinance (Attachment A) by title only, waiving a full reading of the full text, 2) introduce the ordinance for consideration of adoption at the October 26 WMA meeting and 3) adopt a resolution (Attachment B) adopting the Addendum to the Final Environmental Impact Report for the Mandatory Recycling and Single Use Bag Reduction Ordinance. | Action |
| 61 | 2. Support Position for Proposition 67, the Plastic Bag Ban Referendum (Debra Kaufman)
Staff recommends that the Authority Board adopt a position of “support” on Proposition 67 to uphold Senate Bill 270, the Plastic Bag Ban. | Action |
| 67 | 3. Priority Setting Exercise (Wendy Sommer)
This item is for information only. | Information |
| | 4. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)
(P&O and Recycling Board meeting, October 13, 2016 at 4:00 pm – StopWaste, 1537 Webster St, Oakland) | Action |

VII. COMMUNICATIONS/MEMBER COMMENTS

VIII. CLOSED SESSION (WMA only)

Pursuant to Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Executive Director
(confidential materials mailed separately)

CLOSED SESSION (WMA only)

Pursuant to Government Code Section 54957.6
CONFERENCE WITH LABOR NEGOTIATOR
Agency Designated Representatives: Board Members Kalb, Hannon, Sadoff, Pentin
Unrepresented Employee: Executive Director
(confidential materials mailed separately)

IX. ADJOURNMENT

DRAFT

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

Wednesday, July 27, 2016

3:00 P.M.

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

I. CALL TO ORDER

Dianne Martinez, First Vice President, WMA, called the meeting to order at 3:01 p.m. President Kalb arrived shortly thereafter.

II. ROLL CALL

WMA & EC

County of Alameda	Keith Carson, WMA, EC
City of Alameda	Jim Oddie, WMA, EC
City of Albany	Peter Maass, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Danny Akagi, WMA
City of Dublin	Don Biddle, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Fremont	Suzanne Lee Chan, WMA, EC
City of Hayward	Al Mendall, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Tim Rood, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC

Absent:

City of Livermore	Laureen Turner, WMA, EC
City of Union City	Lorin Ellis, WMA, EC
City of Pleasanton	Jerry Pentin, WMA, EC

Staff Participating:

Wendy Sommer, Executive Director
Tom Padia, Deputy Executive Director
Richard Taylor, Legal Counsel, Authority Board
Chinwe Omani-Venable, Executive Assistant
Wesley Sullens, Program Manager
Miya Kitahara, Program Manager

III. ANNOUNCEMENTS BY THE PRESIDENTS

DRAFT

Vice President Martinez welcomed Board member Al Mendall to the Board as the new representative for the City of Hayward.

IV. CONSENT CALENDAR

- | | | |
|----|--|--------------------|
| 1. | Approval of the Draft Minutes of June 22, 2016 (Wendy Sommer) | Action |
| 2. | Minutes of the June 21, 2016 Technical Advisory Group (Karen Kho) | Information |
| 3. | Grants under \$50,000 (Wendy Sommer) | Information |

Board member Young made the motion to approve the Consent calendar. Board member Wengraf seconded and the motion carried 16-0 (Ellis, Pentin, Turner and Hannon absent).

V. OPEN PUBLIC DISCUSSION

There was none.

VII. REGULAR CALENDAR

- | | | |
|----|--|-----------------------|
| 1. | Vision Recycling Compost Facility ColWMP Amendment – Public Hearing and Adoption Action/ (Debra Kaufman). | Public Hearing |
| | The Recycling board and the WMA Board recommend that the WMA Board hold a public hearing, second reading and adoption of Ordinance 2016-01 on July 27. | |

Tom Padia presented an overview of the staff report in Debra Kaufman's absence. A link to the report is available here: [Vision Recycling ColWMP memo-07-27-16.pdf](#)

President Kalb opened the public hearing. There were no speakers on this item. Board member Wengraf made a motion to close the public hearing, Board member Cox seconded and the motion carried 16-0 (Ellis, Pentin, Turner and Hannon absent). Board member Carson made the motion to adopt Ordinance 2016-01. Board member Chan seconded and the motion carried 16-0 (Ellis, Turner, Pentin and Hannon absent).

- | | | |
|----|---|---------------|
| 2. | Priority Setting: Overview and Timeline (Wendy Sommer) | Action |
| | Staff recommends that the Authority Board approve the priority setting process described in the staff report. | |

Wendy Sommer provided an overview of the staff report and presented a PowerPoint presentation. The report and presentation is available here: [Priority Setting memo-07-27-16.pdf](#)

President Kalb asked Ms. Sommer to make sure that a copy of the Strategic Plan is provided to Board members prior to the September 28 meeting. Ms. Sommer responded that she would provide a link to the strategic plan as well as a link to the recalibrated targets. President Kalb asked Board members to consider if the timeline is realistic and encouraged Board members to be informed about their TAC representatives as they can provide valuable insight on the agency's targets and programs. Ms. Sommer stated that TAC would be meeting tomorrow and staff intends to introduce the questions to TAC at that meeting. Ms. Sommer also iterated that the priority setting process is not to replace the current strategic plan but to possibly refine some of the priorities.

Board member Chan commended Ms. Sommer for bringing this forward and stated the importance of revisiting the current strategic plan and considering environmental and market factors that could possibly refocus the agency's priorities. She concurred with President Kalb regarding the necessity of consulting with member agency staff (TAC) as a valuable resource. Board member Chan added we should go forward with the recommended timeline and added we can always modify the timeline if necessary. Board member Young stated that Ms. Sommer has done what the Board has directed her to do and agreed with Board

member Chan in commending Ms. Sommer and staff for bringing a “fresh look” at our current plan and she is comfortable with the proposed timeline.

Board Member Chan made the motion to approve the timeline and priority setting process. Board Member Young seconded and the motion carried 17-0 (Ellis, Turner & Pentin absent).

**3. Industry trends: Circular Economy and Consumption Based Emission Inventory Information
(Wes Sullens & Miya Kitahara)**

Staff members Wes Sullens & Miya Kitahara presented a summary of the staff report and presented a PowerPoint presentation. The report and presentation is available here: [Industry Trends memo 07-27-16.pdf](#)

Board member Martinez inquired if any of the Cities have moved in the direction of including the GHG Emissions Inventory in their climate action plans. Ms. Kitahara stated that the City of Oakland has included upstream emissions for business and energy usage but consumption based is primarily focused on households. This information came out last October and none of the local agencies have incorporated this methodology. President Kalb called the information groundbreaking and inquired if the Air Resources Board has considered this as part of their local air reduction program. Ms. Kitahara stated that she is not sure if this information is being used by the ARB but they have incorporated information from similar projects. Mr. Sullens added CARB (California Air Resources Board) has funded embodied emissions studies but they haven’t incorporated a framework such as this one.

Board member Rood stated that this is complementary to the current climate action plans and inquired how this might affect what the cities do in the next climate action planning. Ms. Kitahara stated the initial inventory should remain as it aligns with international protocol. Board member Rood stated that the City of Piedmont is interested in how electric vehicles are having an effect on greenhouse gas emissions and there appears to be a lack of data on this. Ms. Kitahara stated this inventory struggles with the same limitations with respect to vehicle travel data. Board member Hannon stated that he is concerned about the lack of markets for the goods that we are sending to the recycling centers and the profits that the companies used to realize are not there. He further inquired about what we are doing to incentivize so that those goods would be recycled and not end up in the landfill. Mr. Sullens stated that there are local incentives and we need to continue to discourage the bad behavior and create a foundation for being more profitable to recycle than to landfill. Mr. Padia added some franchise agreements, both residential and commercial, have rate mechanisms that share in the uptimes and downtimes of the markets. However, the unregulated free markets are sensitive to the current values of the materials. Ms. Sommer added the conversation surrounding industry trends is important to have when considering the priority setting session as we have done a great job at addressing the low hanging fruit but it is time to look upstream.

President Kalb thanked staff for their hard work and for providing an informative discussion.

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

(P&O and Recycling Board meeting, August 11, 2016 at 4:00pm – StopWaste, 1537 Webster St, Oakland, CA)

There were no requests for interim appointments for either the August 11 or the September 8 P&O and RB meetings.

VII. COMMUNICATION/MEMBER COMMENTS Information

There were none.

VIII. ADJOURNMENT

The meeting adjourned at 4:06 p.m.

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DATE: September 28, 2016

TO: Waste Management Authority

FROM: Wendy Sommer, Executive Director

BY: Pat Cabrera, Administrative Services Director

SUBJECT: Financial Services Manager Position

SUMMARY

At the September 8, 2016 Programs and Administration (P&A) Committee meeting, staff recommended replacing the Chief Financial Officer (CFO) position with a Financial Services Manager position, including approving the Financial Services Manager job description and corresponding salary range. The staff memo to the P&A Committee can be found at: [Financial Services Manager-memo-09-08-16.pdf](#)

P&A COMMITTEE ACTION

With a vote of **9-0 (Carson, Ellis, Turner absent)**, the P&A Committee unanimously recommended forwarding the staff recommendation below to the Authority Board for approval.

RECOMMENDATION

The P&A Committee recommends that the WMA Board approve the new Financial Services Manager position, job description and new monthly salary range of \$8,866- \$10,773. Furthermore, the P&A Committee recommends that the WMA Board eliminate the Chief Financial Officer position, job description and monthly salary range of \$9,598 - \$11,661.

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MEETING NOTES

Energy Council TECHNICAL ADVISORY GROUP (TAG)

Tuesday, July 19 2016 – 1:00 pm to 3:00 pm

Attendance:

City of Albany: Claire Griffing

City of Berkeley: Billi Romain, Caytie Campbell-Orrrock (Civic Spark)

City of Dublin: Shannan Young

City of Emeryville: Nancy Humphrey, Hoi Fei Mok (Civic Spark)

City of Fremont: Rachel DiFranco

City of Hayward: Mary Thomas

City of Oakland: Shayna Hirshfield-Gold, Ben Silverman (Civic Spark)

City of Piedmont: Matt Anderson (Piedmont)

City of Union City: Avalon Schultz (phone)

StopWaste: Heather Larson, Candis Mary-Dauphin, Miya Kitahhara

Guests: Kacia Brockman (San Francisco Dept of the Environment), Katie Van Dyke (City of Berkeley),

Marna Schwartz (City of Berkeley), Zipul Gore (Gridscape Solutions)

Board Updates

- No EC items going to the board at this time

CCE Updates

- JPA formation is in process. Most cities are planning to bring JPA membership to Council in October. Hayward is planning to go in September.
- The board will have a 9-member community steering committee the chair of which will be a nonvoting member of the board of supervisors
- Solar siting survey updates were discussed at last meeting
- Uncertainty remains around how energy efficiency and renewable energy programs fit into the existing program landscape
- Based on independently conducted member agency research, the additional cost of a 100% green option for existing CCA's is 1.5 cents. PG&E's deep green option has a 2.8 cent premium.

Program Updates

- Bay REN business plan discussion will be held on Friday.
- Single family homeowner workshops are winding down for the summer and will re-launch in the fall. Member agencies were requested to take Home Upgrade and Home Energy Score collateral to permit counters. Five packets were distributed.
- Multifamily outreach in Alameda will resume in the fall. StopWaste is seeking jurisdictions interested in hosting a workshop
- BayREN Codes & Standards training courses have been updated to include 2016 energy code changes. Berkeley and Piedmont have requested trainings, Fremont is considering.

- BayREN Commercial PACE Year-1 progress report findings and recommendations presented.

GPC Inventory Coordination

- ICLEI is designing and facilitating a GPC inventory training for September.
- Civic Spark Fellows attending the training will transition shortly afterward, so StopWaste will coordinate a follow up training sometime after October

Community Scale Energy and Micro-grid Project Presentations

Presentations available in TAG Dropbox folder

- Solar + Storage for Resiliency
 - Kacia Brockman, San Francisco Dept of the Environment
- Micro-grids on Critical Fire Station Facilities
 - Rachel DiFranco, City of Fremont & Zipul Gore, Gridscape Solutions
- The Oakland Eco Block- A ZNE Low Water Use Retrofit Neighborhood Demonstration
 - Shayna Hirshfield-Gold, City of Oakland
- Peninsula Advanced Energy Community
 - Rachael Londer, San Mateo County
- Berkley Energy Assurance Transformation (BEAT) project
 - Katie Van Dyke, City of Berkeley
- The group of presenters is interested in checking back in in approximately a year to share progress, challenges, and lessons learned with one another and the group.

Member Comments & Discussion

3:00-4:30 pm Civic Spark Coordination

NEXT TAG MEETING: August 16, 2016 1-3pm + Civic Spark 2016 Close-out Event 3-4:30 pm.

MEETING NOTES

Energy Council TECHNICAL ADVISORY GROUP (TAG)

Tuesday, August 16 2016 – 1:00 pm to 3:00 pm

Attendance:

City of Berkeley: Billi Romain, Caytie Campbell-Orrrock (Civic Spark)

City of Dublin: Shannan Young

City of Hayward: Mary Thomas, Gilee Corral (CivicSpark)

City of Livermore: Judy Erlandson (phone)

City of Newark: Myvan Khuu-Seeman (phone)

City of Oakland: Shayna Hirshfield-Gold, Ben Silverman (Civic Spark)

City of Piedmont: Emily Alvarez, Matt Anderson (Civic Spark)

City of San Leandro: Sally Barros

StopWaste: Karen Kho, Heather Larson, Wes Sullens, Miya Kitahara, Tommy Fenster, Wendy Sommer

Guests: East Bay Clean Power Alliance Jessica Tovar, Al Weinrub, Chuck Roselle

Meeting Notes

CCE Updates

- JPA went to County board of supervisors on August 2. Board needed more time so item was delayed to September. City process for JPA adoption will be delayed.
 - Supervisors had some good questions and felt it was a little rushed so pushed back to make an informed decisions
 - LEAN will be following up with cities about rescheduling JPA item

East Bay Clean Power Alliance Presentation and Discussion

- Vision for ideal CCA for Alameda County and activities they have engaged in to develop this program. (see handout)
 - New agency does not look like a utility. Role is to be a green economic driver for the community. Revenues stay in the community not to shareholders.
 - Demand reduction/energy efficiency/optimization is just as important as generation of new resources
 - Would like to see a plan and optimal build out development of local assets.
 - i. First, leveling the demand profile of energy use in the community
 - ii. Second part is new local generation
 - 1. Mostly solar. Examine energy generation potential, where it is located and economics as well as social factors associated with it.
 - a. County said they would do a solar siting survey

- iii. Integration of Demand reduction and local generation so that it is an optimum flexible system. Do not want to get boxed in from the outset via procurement deals.
- A lot of the work will happen in regards to behind the meter programs and incentives (customer side, as opposed to grid side).
 - Economic development/employment pathways along union apprenticeships, regulations, etc.
- Long term viability of this program depends on local assets. Cannot just rely on what the CCA can purchase on the open market, because it is volatile.
- Community organizing efforts as part of East Bay Clean Power Alliance.
 - Focus on environmental justice issues. They have 52 community signatories.
 - Advocating for a unionized workforce that can install and do maintenance on the whole system instead of just being constrained to smaller jobs. (ie solar installers)
- Concern that CCA doesn't get sucked into same problems of large utilities: dealing with the costs of stranded power producing assets. Utilities have large central generators that they depend on running. Consumers get stuck with paying for these out of date assets.
- To have low cost flexible program: essential to have a sound business plan that focuses on being able to finance local generation, create standards for creating energy, have whatever gets built up be able to be integrated into PG&E's grid for backup scenarios.
- Solar more expensive locally because permitting and standards are out of date. These soft costs drive up the prices. Proper smart regulation allows solar to compete with utility sized solar in places like the desert.
- The CCA can also provide coordination for the development of larger community projects.
- If the coastal counties go with CCA, then over 50% of California will be part of CCA. If the CCAs depend on market procurement it will just look like a utility with demand driving up prices.
- Requires new business model. Need to develop local infrastructure that can provide a model for the other CCAs on how to provide power in an efficient fashion.
 - MCE started as a market procurement program and are building out local resources with net revenue. This is a slow model. In Alameda County infrastructure could be built up with upfront investment, and returns over the long term.
 - Sonoma Clean Power is ahead of MCE because they have substantial local generation potential (ie geothermal). Still no real business development plan
 - SF developed a business plan with investment and returns, but it was killed politically because it's PG&E's headquarters.
 - Most new CCA's (Peninsula, Silicon Valley) are following the Marin model.
 - Need a new model that does not build incrementally. This would be groundbreaking, but none of it technologically infeasible. All the pieces are happening separately. City of Lancaster in So Cal is the closest to this approach.

- Seems to be a need for coordination between cities micro/ smart grid infrastructure and CCA efforts.
- How will local build-out be financed?
 - Most revolutionary thing is the development of solar bonds for individuals and cities to build up solar.
 - Currently largest amount of bond funding going to JPA's in CA.
- Questions from Shayna (Oakland): Cities working hard to build solar. Are they wholly against market procurement? Are they working with powerhouse (SF fund cube) and other solar incubators on unionization? Are they working on easing regulation for building on brown fields and opening up financing on these sites?
 - Not against market procurement. Recognize on day 1 that you will need to procure. Just want a plan on how to displace that as quickly as possible.
- EBCPA participates in CCE monthly steering committee meetings and occasional city council meetings, but has not been communicating directly with city representatives
 - TAG members suggested that EBCPA go through the city's CCE steering committee member to get on Council Agendas

Program Updates

- BayREN
 - 2017 will be another bridge year for funding. Longer term budget request won't begin until January.
 - SF and MF on track (see handouts)
- REACH Codes (see excel spreadsheet)
 - Fremont met with Build it Green. Thinking of developing codes for solar requirements. BIG working on a cost study to look at efficiency and PV.
 - BIG has the ability to respond to REACH code assistance requests. Any cities that are interested can work with BIG to develop REACH codes.
 - Berkeley strongly considering mandatory solar for buildings. Interested in getting consultation on requirements and best path forward.
 - Piedmont pushing back READ policy until after November
 - Albany will be looking at REACH codes in regards to EV and solar in the fall.
 - Rachel Di Franco will send out BIG Reach codes summary document to the cities

Circular Economy

- StopWaste is undertaking priority setting for the WMA and RB; Energy Council priorities were adopted earlier in the year. (see ppt)
 - Consumption based emissions inventory (CBEI) allows for a new lens to look at Climate Action Plans. Provides more options for cities and citizens to address climate change and more accurately reflects where emissions come from.

- Disposal tonnage in CA going down, but beginning to tick up as recycling rates are flatlining
- Agency has spent a lot of time on the recycle piece of the 4Rs, but needs to move upstream and beyond to reduce our emissions in CBEI. Farther up the hierarchy we go the greater energy and GHG benefits we reap.
- New business models around circular economies: Rethink, redesign, repair, reuse, redistribute.
- If we continue current trends plastic will grow and take up a bigger part of GHG emissions. Only 2% of plastic is part of a closed loop.
- Goal is to look at optimization in the built environment and economy of our resources
- Mary (Hayward) interested in where other cities are going with consumption based inventories.
 - i. Circular economy provides answers for what to do with results from consumption based inventories.
- Shayna said purchasing guidelines and strengthening presents a huge opportunity to think about embodied energy and how to reduce our consumption based inventories.
 - i. CBEI can help shape decisions for EPP guidelines.
 - ii. Karen Cook and Rachel Balsley have a purchasing roundtable.
 - iii. Can even use this information in negotiating RFPs, etc..
- Billi from Berkeley said a spec library would be useful.
- Mary said a circular economy presentation would be useful for City Staff.
- Cities very excited about the messaging and campaign around circular economy.

Member Comments and Discussion

- Piedmont looking to take CivicSpark decision to council.
- EBEW SAC will officially vote on 9/6 on approving the funding

NEXT TAG MEETING: September 20, 2016 1-3pm

MEETING NOTES

Energy Council TECHNICAL ADVISORY GROUP (TAG)

Tuesday, September 20, 2016 – 1:00 pm to 3:00 pm

Attendance:

County of Alameda: Damien Gosset
City of Alameda: Maria DiMeglio (phone)
City of Albany: Claire Griffing
City of Berkeley: Billi Romain
City of Dublin: Melinda Denis
City of Emeryville: Hoi Fei Mok
City of Fremont: Rachel DiFranco
City of Hayward: Mary Thomas, Gilee Corral (Civic Spark)
City of Oakland: Shayna Hirshfield – Gold
City of Piedmont: Emily Alvarez
City of Pleasanton: Melinda Denis (phone)
City of San Leandro: Sally Barros
City of Union City: Avalon Schultz (phone)
StopWaste: Heather Larson, Candis Mary-Dauphin, Judi Ettlinger, Tommy Fenster
Guests: Lisa Altieri – Community Climate Solutions, Margaret Bruce – LGSEC, Jerry Lahr – ABAG (phone), Cara Bautista-Rao – City of Walnut Creek, Amanda Booth – City of San Pablo (phone)

Meeting Notes

Contra Costa County Jurisdictions invited to participate in this meeting as some items might relate to current issues being addressed through EBEW (East Bay Energy Watch) which is a two county partnership.

Board Updates

No board updates this month

CCE Updates

- The board of supervisors has a retreat today to hold CCE discussion
- Process was pushed back and include the following next steps:
 - Meeting will be held on October 4th to discuss the item. After hearing the item, the board will decide whether or not to adopt the JPA.

- Then it's up to the cities to bring it to Council. Every city has the item scheduled. Aiming to have every council to join by the end of November. Second readings no later than December.
- Solar siting analysis still in process

Residential Engagement Climate Software

- City of Fremont's Residential Green Challenge (www.FremontGreenChallenge.org) presented by Rachel Di Franco, City of Fremont
 - Community Based Social Marketing initiative for residential engagement is a component of Fremont's energy strategy developed for participation in the Georgetown University Prize.
 - Residential engagement built out in a software platform that allows local residents to pledge and track CO2 reductions successes and access rebates and incentives
 - Software allows the city to roll up the effects of the campaign
- Go CO2 Free www.goco2free.org presented by Lisa Altieri Community Climate Solutions
 - Community focused, online platform to provide information, actions, info on incentives and rebates with a social aspect.
 - Customizable by city – can select name, domain & images. Lead-in page is a letter from a local official/leader.
 - Assessment is easy for residents to understand
 - Baseline calculations integrate assessment info with green button data program – data comes into the back end. Residents can still use the site if they don't want to do assessment – they'll be assigned an average.
 - Dashboard includes about 70 actions – mostly energy, also water, waste, and community. Each action has a page, includes information, points and savings that are customized to baseline generated by backend calculator.
 - The site includes an "action" portion which allows residents to discuss with other users, and residents can form small affiliation groups which can compete.
 - City can upload resources that are relevant to their city. Other cities can pull them into their site from the database once they're loaded into the database.
 - The dashboard includes points from actions taken, actual savings, ranking (against avg baseline per capita), actions planned with due dates, community level stats, success stories.
 - Cities would need to have someone moderating comment board.
 - Includes a page for posting sustainability community happenings and events. Can also utilize user emails to engage with the group.
 - Cost – sliding scale based on ability to pay and size of the community - ranges from \$3k to \$10k

- Jurisdictions to discuss interest in this platform as part of EBEW residential program design discussion, potentially follow-up with Climate Solutions pending outcome of those discussions. Climate Solutions can offer a regional pilot pricing structure.

LGC/LGSEC Statewide Local Government Energy Efficiency Proposal

- Margaret Bruce, LGSEC Director presented on their proposal to the CPUC for all Local Government Partnership rate-payer funding to be administered via the Local Government Commission (rather than by the four Investor Owned Utilities which is the current administrative structure). TAG members provided suggestions about how the forthcoming Business Plan which will detail this proposal might support east bay program priorities. Points discussed from one-page draft of the concept include:
 - Unprecedented for a nonprofit to play a statewide role in EE Administration
 - Plan does not yet include key stakeholder input, and LGSEC is looking to gather and integrate throughout the proposal development process
 - CPUC is looking for change in the way the EE program is administered and funded. A lot of variations among the IOUs – difficult to navigate for local program implementers.
 - A statewide EE program is an inefficient way of accessing resources – can we do something statewide for local governments to access funds and recognizes needs for uniformity and flexibility? This could be done with a statewide implementer that acknowledges local differences, but understands need for standardization
 - Will submit proposal on 18th of October, will engage in a more formal stakeholder process after draft is submitted
 - Once stakeholder comments are integrated, a proposed business plan will go to the CPUC on January 15th
 - Desired outcome – that EE aspects that are working well for local governments are maintained. LGSEC wants to empower success at the local government level, accelerates innovation, and enable community level activity
 - BayREN member counties abstained on voting on whether it would want to sponsor the development of the business plan, most counties cited need for more detail on the proposal. SocalREN is likely to sponsor the business plan development as it requires a current Program Administrator to bring the proposal through the CAEECC process.
 - Phase 1: Guiding community that includes IOUs, RENs, LGPs and members of the community. There'd ideally be a firewall between this committee and the LGC board. Phase 2: LGC as program implementer
 - CCAs kick off a lot of revenue that could go into EE program admin, but there are already state dollars. As long as there is no duplicability, that's fine, but it gives jurisdictions choice. With the statewide proposal, LGC could communicate best practices with all jurisdictions.

- Fremont defined success as making sure all gaps are covered, and that there's no overlap
- In this proposal, all sectors that LGPS are currently serving (ie hospitality, small commercial) will be put under public sector
- Oakland wanted to confirm that there would be space to allow jurisdictions to focus on moving toward ZNE. Response: the outcome of proposal will be transitioning from measuring in kWh towards measuring in carbon. This is a core vision of the proposal, but they'll have to coordinate with stakeholders outside of the CPUC funding infrastructure to materialize this objective.
- It would be helpful for the proposal to spell out how non-EE funding would stream through LGP (i.e. cap and trade), if the objective of meeting a carbon reduction, rather than just energy use reduction, is to be achieved.
- Oakland and Fremont suggested coordinating with CAISO
- Suggestions for coordination of service delivery between certain sectors – figuring out who is focusing on what sectors in the EE program world? It needs to be explicit in the business plan. Who has first right of refusal by geography and customer type?
- A lot of LGPs serving a large variety of sectors (small commercial, hospitality, residential, etc in addition to just municipal buildings) want to continue to serve them. LGPs will also want to see stated in the business plan how they'll maintain currently enjoyed autonomy over how they'll run their regional programs if a statewide approach is pursued.
- Next steps – Business plan will be submitted on 10/18, draft submittal on 10/19 for comment, CAEEC meetings on 10/19, 11/2, 11/16, stakeholder comments are due by 11/21, Final business plan goes to the CPUC on January 15th 2017.

Civic Spark 2017 Coordination

- ICLEI GHG inventory orientation Oct 17-19
 - Civic spark cities would prefer to condense the training into 2 days
 - Participation is not limited to fellows – staff can/should attend as well. This is the case for all Civic Spark trainings
 - Additional training topics of interest mentioned:
 - Integrating waste training – San Leandro and Union City are including recycling components within Civic Spark scope
 - Covenant of Mayors and Beacon Award – data needed, program levels, timeline, adaptation and mitigation requirements
 - Amy Dao to discuss energy data that they give the cities
 - Portfolio manager/ benchmarking training
 - Home energy score training

Program Updates

- Green Realtor Training November 9-10. Tommy will send info
- BayREN submitted latest version of residential business plan for presentation to the CAEECC (posted on drop box), may be of interest to jurisdictions who are discussing CYES residential program design/ EBEW Strategic Energy Resource funding allocation for residential activities
- Multifamily outreach in the fall – Candis will reach out about workshop and sending letters to property owners within your jurisdiction
- Permit data requested from Tommy; Piedmont and Oakland provided it and it was useful for identifying contractors for Home Upgrade outreach, the invitation is still open if additional jurisdictions can pull the data

Member Comments & Discussion

No additional discussion

NEXT TAG MEETING: Oct, 18 2016 1-3pm

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DATE: September 28, 2016

TO: Waste Management Authority Board

FROM: Wendy Sommer, Executive Director

BY: Meri Soll, Senior Program Manager

SUBJECT: Reusable Bag Ordinance Expansion – Introduction of Ordinance 2016-2 and Adoption of Addendum to Environmental Impact Report

SUMMARY

At the March 23, 2016 Waste Management Authority meeting, the Board unanimously directed staff to prepare an ordinance amending Ordinance 2012-2 (Regulating The Use Of Carryout Bags And Promoting The Use Of Reusable Bags) to apply to all retail stores and restaurants. At the September 28, 2016 Board meeting, staff will present (1) an update on expansion activities; (2) Ordinance 2016-2 amending Ordinance 2012-2 (Attachment A) for introduction and (3) a resolution adopting an addendum to the Ordinance 2012-2 Final Environmental Impact Report regarding the expansion (Attachment B). If introduced by the Board at this meeting, Ordinance 2016-2 would be presented to the Board for adoption at its meeting in October.

DISCUSSION

Staff has prepared amendments to Ordinance 2012-2 so that it would apply to a larger set of stores as follows:

- Expansion to cover all retail stores and restaurants in Alameda County
- Beginning May 1, 2017, all retail stores will be required to follow current ordinance requirements:
 - Provide customers only compliant bags
 - Charge a minimum of 10 cents per compliant bag
 - Itemize bag charge on receipt
- Beginning November 1, 2017, Public Eating Establishments will be required to implement the following requirements:
 - Compliant paper bags can be distributed at *no charge*
 - Minimum 10 cents charge for compliant reusable bags
 - Itemize receipt of reusable bag charge
- The County and city member agencies may opt out of the expansion by resolution adopted prior to December 9, 2016.

Revised Definitions:

- Revised definition of “Store” expands the ordinance to apply to all types of retail stores “operating from a permanent enclosed structure that sells perishable or non-perishable goods including but not limited to clothing, food and personal items directly to a customer.”
- Revised language and definition relating to “Public Eating Establishments” expands the ordinance to apply to restaurants and take-out food establishments; including food trucks and vendors who distribute food in bags.

Exemptions:

- Public Eating Establishments may make available to a customer a recycled content paper bag at no charge. They are required to charge for a compliant reusable bag for a minimum price of ten cents.
- Stores operating in certified farmers’ markets are not subject to the ordinance.
- The existing exemptions for produce/product bags and Nonprofit Charitable Reuse Organizations remain in effect.

(A more detailed expansion synopsis can be found in Attachment C)

In addition to preparing the attached Ordinance 2016-2, staff has undertaken the following to allow for the expansion of the Reusable Bag Ordinance:

1. Completed CEQA Review: Addendum to Final Environmental Impact Report

In December, 2011, the WMA certified a Final Environmental Impact Report (FEIR) for the Mandatory Recycling and Single Use Bag Reduction Ordinances that included analysis of the environmental impacts that could result from a reusable bag ordinance applying to all retail establishments in Alameda County. The WMA ultimately adopted Ordinance 2012-2, which affected a subset of all retail stores (stores that sell packaged food and liquor). The 2011 FEIR did not consider restrictions on public eating establishments.

The attached ordinance would amend Ordinance 2012-2 to apply to all of the roughly 10,300 retail stores and 4,000 public eating establishments in Alameda County. The California Environmental Quality Act requires the Lead Agency to prepare an addendum to a previously certified EIR if changes or additions are made to the project. As the 2011 FEIR only analyzed the impacts of applying the ordinance to all retail stores, an addendum to the FEIR was needed to analyze environmental impacts that may result from modifying the ordinance to apply to public eating establishments.

David J Powers and Associates prepared the attached addendum to the 2011 FEIR. The analysis found that the proposed changes to Ordinance 2012-2 *would not* result in any new significant environmental impacts that were not addressed in the FEIR and would not cause any impacts to be substantially greater than were identified in the FEIR. Nor are there any changed circumstances or new information indicating that the ordinance would have any significant impacts not considered in

the FEIR or result in increases in the severity of any impacts identified in the EIR. (The Addendum to FEIR is found in Attachment D.)

2. Completed Memorandum of Understanding (MOU) with Alameda County Clean Water Program regarding \$180,000 financial commitment for program expansion

An MOU between the WMA and the Alameda County Clean Water Program (Program) has been drafted and approved by both entities (awaiting final signature from Board of Supervisors). The MOU can be found in Attachment E. The Program's management committee has approved and committed \$180,000 in contribution to the WMA to support the expansion of the Reusable Bag ordinance as long as the expanded ordinance applies, at a minimum, to all retail stores within Alameda County. A provision to allow specific cities or the County to opt-out of the expanded ordinance (an "opt-out provision") is acceptable to the Program. If the Authority amends Ordinance 2012-2 to apply to all retail stores within Alameda County, the Program will remit \$180,000 in financial assistance to the WMA within ninety (90) days after adoption of the amended ordinance.

3. Outreach to member agencies and stakeholders.

In April, staff distributed the amended ordinance language, a synopsis of expansion activities and offered presentations to all member agencies. Staff provided presentations to eleven member agencies on expansion activities and parameters. For the most part, response to these presentations has been in support of an expanded ordinance to affect all retail and restaurants.

Staff also reached out to Chambers of Commerce, business/downtown associations, mall operators and restaurants.

RECOMMENDATION

Staff recommends that the WMA Board 1) introduce Ordinance 2016-2 (Attachment A) by title only, waiving a full reading of the text, 2) direct staff to place the ordinance on the agenda for consideration of adoption at the October 26 WMA meeting and 3) approve a resolution (Attachment B) adopting the Addendum to the Final Environmental Impact Report for the Mandatory Recycling and Single Use Bag Reduction Ordinances.

Although the Recycling Board does not have the authority to adopt ordinances and cannot vote on this item, their participation in discussion of this recommendation is welcomed.

ATTACHMENT A	Ordinance 2016-2 Amending Ordinance 2012-2, Regulating The Use Of Carryout Bags And Promoting The Use Of Reusable Bags
ATTACHMENT B	Resolution Adopting Addendum to the Final Environmental Impact Report for the Mandatory Recycling and Single Use Bag Reduction Ordinances
ATTACHMENT C	Synopsis of Reusable Bag Expansion language
ATTACHMENT D	Addendum to 2011 Final Environmental Impact Report
ATTACHMENT E	Alameda County Clean Water Program Memorandum of Understanding

ATTACHMENT A
ORDINANCE 2016-02
AMENDING ORDINANCE 2012-02

**ORDINANCE REGULATING THE USE OF CARRYOUT BAGS
AND PROMOTING THE USE OF REUSABLE BAGS**

The Board of the Alameda County Waste Management Authority (“Authority”) finds that:

1. In 2012 the Authority adopted Ordinance 2012-02, the Ordinance Regulating The Use Of Carryout Bags and Promoting the Use of Reusable Bags. For the reasons set forth in the findings in Exhibit A, the Authority wishes to amend the ordinance to apply its requirements to stores not subject to the original ordinance and to make minor clarifying changes.
2. The Board of the Alameda County Waste Management Authority held a public meeting on September 28, 2016, and after considering all testimony and written materials provided in connection with that meeting introduced this ordinance and waived the reading thereof.

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

Section 1. Adoption.

Ordinance 2012-02, the Ordinance Regulating The Use Of Carryout Bags and Promoting the Use of Reusable Bags is hereby amended as set forth in Exhibit A. Text to be added is indicated in bold double underlined font (e.g., **underlined**) and text to be deleted is indicated in strikeout font (e.g., ~~strikeout~~).

Section 2. Severability.

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

Section 3. Publication.

Within 15 days after adoption of a summary of the ordinance with the names of those voting for and against, the ordinance shall be published and a certified copy of the full text with the names of those voting for and against the ordinance shall either (i) be posted on the Authority’s website or (ii) be posted in the Authority offices.

- Continued on following page -

Following introduction on September 28, 2016, passed and adopted October 26, 2016 by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of the ORDINANCE NO. 2016-02.

Wendy Sommer
EXECUTIVE DIRECTOR

Exhibit A

ORDINANCE 2012-2 AS AMENDED BY ORDINANCE 2016-2

ORDINANCE REGULATING THE USE OF CARRYOUT BAGS AND PROMOTING THE USE OF REUSABLE BAGS

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 ~~11~~10.

SECTION 2 (Findings)

- (a) The purpose of this Ordinance is to reduce the use of single use carryout bags and promote the use of reusable bags at the point of sale in Alameda County.
- (b) The Authority has the power to enact this Ordinance pursuant to the Joint Exercise of Powers Agreement for Waste Management (“JPA”). The JPA grants the Authority the power, duty, and responsibility to prepare, adopt, revise, amend, administer, enforce and implement the County Integrated Waste Management Plan (“CoIWMP”), and pursuant to Section 5.m of the JPA, the power to adopt ordinances necessary to carry out the purposes of the JPA.
- (c) Reducing single use bag use is reasonably necessary to carry out the purposes of the JPA and implement the CoIWMP, including the following goals and policies.
- (d) Goal 1 of the CoIWMP is to promote environmental quality, ensure protection of public health and safety, and to minimize environmental impacts in all aspects of solid waste management. Policy 1.4.1 includes reduction of hard to recycle materials.
- (e) Goal 2 of the CoIWMP calls on the Authority and its member agencies to achieve maximum feasible waste reduction and to reduce the amount of waste disposed at landfills through improved management and conservation of resources.
- (f) Policy 2.1.1 adopts a waste management hierarchy that ranks management of waste through source reduction and then recycling and composting above landfill disposal.
- (g) Goal 7 of the CoIMWP is to Promote Inter-jurisdictional Cooperation. Policy 7.1.3 states that the Authority shall coordinate with other organizations as needed to fulfill its countywide role including coordinating on related issues such as water and litter. Objective 7.8 states that the Authority will coordinate and facilitate program implementation by individual or subregional groupings of member agencies.

- (h) Numerous studies have documented the prevalence of plastic carry-out bags littering the environment, blocking storm drains and fouling beaches.
- (i) Plastic bags are a substantial source of marine debris.
- (j) Plastic bags cause operational problems at County landfills and transfer stations and contribute to litter countywide.
- (k) ~~The Authority has participated in a campaign with The Bay Area Recycling Outreach Coalition to promote reusable bags countywide for several years. Despite these efforts, plastic bags comprise 9.6% of litter collected during coastal cleanup days (based on 2008 data) in Alameda County. Additionally, plastic bags continue to cause processing equipment problems at County transfer stations.~~ Agency studies show that as a result of Ordinance 2012-2, there has been a 44% decrease in plastic bags found in Alameda County Storm drains and a 69% decrease in paper and plastic bags at point of sale, and the number of shoppers bringing a reusable bag to affected stores, or not using a bag at all, has more than doubled.
- (l) Member Agencies are required by the Municipal Regional Permit (MRP) for storm water to reduce trash by 70% by 2017 and 100% by 2022, with cities having the option to implement plastic bag bans to achieve these requirements.
- (m) There are several alternatives to single-use carry-out bags readily available.
- (n) ~~Studies document that banning single use plastic bags and charging for single use paper bags will dramatically reduce the single use of both types of bags.~~ Despite the positive impacts of the existing ordinance, it is estimated that 62% of the projected 764 million bags distributed in Alameda County are distributed by currently affected stores. Further efforts are needed to decrease single-use checkout bags.
- (o) The Authority prepared the Mandatory Recycling and Single Use Bag Reduction Ordinances Environmental Impact Report, which considered two separate projects and included the environmental review required by the California Environmental Quality Act for this Ordinance. The Authority certified those portions of the EIR relevant to this Ordinance. The Authority prepared an Addendum that analyzed the environmental impacts associated with amending the reusable bag ordinance and found that the amendments would not result in any new significant environmental impacts that were not addressed in the EIR and will not cause any impacts to be substantially greater than were identified in the EIR. Nor do changed circumstances or new information reveal the ordinance would have any significant impacts not considered in the EIR or result in increases in the severity of any impacts identified in the EIR.
- (p) This ordinance will be enforced using the principle of progressive enforcement with the objective of bringing the regulated community into compliance.

Progressive enforcement measures shall be used in the following order in order to promote compliance: (i) official notification of non-compliance, (ii) warning of an impending administrative citation and related fine, (iii) issuance of an administrative citation and fine, and (iv) civil enforcement and/or criminal enforcement if warranted by the nature of the violation.

SECTION 3 (Definitions)

The definitions set forth in this Section shall govern the application and interpretation of this ordinance.

- (a) “Alameda County” means all of the territory located within the incorporated and unincorporated areas of Alameda County.
- (b) “Authority” means the Alameda County Waste Management Authority created by the Joint Exercise of Powers Agreement for Waste Management (JPA).
- (c) “Authority Representative” means any agent of the Authority designated by the Enforcement Official to implement this Ordinance, including Member Agency employees, or private contractors hired for purposes of monitoring and enforcement.
- (d) “Covered Jurisdiction” means a Member Agency of the JPA that has not opted out of coverage under **Ordinance 2012-02 or Ordinance 2016-02** this Ordinance pursuant to Section ~~98~~ of this Ordinance. **“2012 Covered Jurisdiction” means a Member Agency. “2016 Covered Jurisdiction” means a Member Agency that has not opted out of coverage under Ordinance 2016-02.**
- (e) “Customer” means any Person obtaining goods from a Store.
- (f) “Enforcement Official” means the Executive Director of the Authority or his or her authorized designee.
- (g) “Executive Director” means the individual appointed by the Authority Board to act as head of staff and perform those duties specified by the Authority Rules of Procedure and by the Board.
- (h) “Member Agency” means a party to the JPA. Current member agencies are the County of Alameda, the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, Union City, and the Castro Valley and Oro Loma Sanitary Districts. The service areas for the purpose of Section ~~98~~ of this Ordinance are:
 - (1) The legal boundaries of each of the 14 incorporated municipalities within Alameda County.
 - (2) The unincorporated sections of the County.

- (i) "Nonprofit Charitable Reuse Organization" means a charitable organization recognized as having Section 501 (c)(3) status by the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and receives more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.
- (j) "Person" means an individual, firm, public or private corporation, limited liability company, partnership, industry or any other entity whatsoever.
- (k) "Postconsumer recycled material" means a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. Postconsumer recycled material does not include materials and byproducts generated from, and commonly reused within, an original manufacturing and fabrication process.
- (l) "Primary Enforcement Representative" is the chief executive of a Covered Jurisdiction or a qualified designee who will coordinate with the Authority regarding implementation of the Ordinance. A qualified designee shall have at least two years of municipal code enforcement experience or have undergone at least the level one municipal code compliance training program of the California Association of Code Enforcement Officers, or equivalent training program approved by the Enforcement Official.
- (m) **"Produce/Product Bags" are bags that are integral to the packaging of the product, or bags without handles provided to the Customer (i) to transport produce, bulk food or meat from a produce, bulk food or meat department within a Store to the point of sale, (ii) to hold prescription medication dispensed from a pharmacy, or (iii) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Content Paper Bag.**
- (n) "Public Eating Establishment" means a restaurant, take-out food establishment or other business **(including, but not limited to, food sales from vehicles or temporary facilities open to the public)** that receives 90% or more of its revenue from the sale of **prepared and ready-to-consume** foods and/or drinks **to the public** ~~prepared on the premises.~~
- (o) "Recycled **Content** Paper Bag" means a paper bag provided by a Store to a Customer at the check stand, cash register, point of sale, or other location for the purpose of transporting food or merchandise out of the Store and that contains no oldgrowth fiber and a minimum of forty percent (40%) postconsumer recycled material; is one hundred percent (100%) recyclable and compostable, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; and has printed in a highly visible manner on the outside of the bag the words "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.

- (p) "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: 1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; 2) has a minimum volume of 15 liters; 3) is machine washable or is made from a material that can be cleaned or disinfected; 4) does not contain lead, cadmium or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations for packaging or reusable bags; 5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and 6) if made of plastic, is a minimum of at least 2.25 mils thick.
- (q) "Single-Use Carryout Bag" means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other location for the purpose of transporting food or merchandise out of the Store. Single-Use Carryout Bags do not include Produce/Product Bags, bags that are integral to the packaging of the product, or bags without handles provided to the Customer (i) to transport produce, bulk food or meat from a produce, bulk food or meat department within a Store to the point of sale, (ii) to hold prescription medication dispensed from a pharmacy, or (iii) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Paper Bag.
- (r) "Store" means any of the following stores located within Covered Jurisdictions:
- (1) **Within 2012 Covered Jurisdictions a** A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;
 - (2) **Within 2012 Covered Jurisdictions a** A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
 - (3) **Within 2012 Covered Jurisdictions a** A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of goods that include milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.
 - (4) **Within 2016 Covered Jurisdictions on and after May 1, 2017 the stores listed in sections 3(r)(1), (2) and (3) above and any other commercial establishment operating from a permanent enclosed structure that sells perishable or nonperishable goods including, but not limited to, clothing, food and personal items directly to a customer; and**

(5) Within 2016 Covered Jurisdictions on and after November 1, 2017 any Public Eating Establishment.

SECTION 4 (Carryout Bag Restrictions)

- (a) No Store shall provide a Single-Use Carryout Bag or Reusable Bag to a Customer at the check stand, cash register, point of sale or other location for the purpose of transporting food or merchandise out of the Store ~~after January 1, 2013~~ except as provided in this Section.
- (b) ~~On or before January 1, 2015, a~~ **A** Store may make available for sale to a Customer a Recycled **Content** Paper Bag or a Reusable Bag for a minimum price of ten cents (\$0.10).
- (c) **A Store that is a Public Eating Establishment may make available to a Customer a Recycled Content Paper Bag at no charge, or a Reusable Bag for a minimum price of ten cents (\$0.10).** ~~On or after January 1, 2015, a Store may make available for sale to a Customer a Recycled Paper Bag or a Reusable Bag for a minimum price of twenty-five cents (\$0.25). This restriction, however, shall not apply if the Authority finds, after January 1, 2014, that the Ordinance has achieved its goal to substantially reduce the environmental impacts of the use of Single Use Carryout Bags, in which case the minimum ten cents (\$0.10) per bag price provided in Section 4(b) shall apply.~~
- (d) No Store may make available for sale a Recycled **Content** Paper Bag or Reusable Bag unless the amount of the sale of the Recycled **Content** Paper Bag and Reusable Bag is separately itemized on the sales receipt.
- (e) A Store may provide a Reusable Bag at no charge if it is distributed as part of an infrequent and limited time promotion. An infrequent and limited time promotion shall not exceed a total of 90 days in any consecutive 12 month period.
- (f) A Store may provide free Reusable Bags or free Recycled **Content** Paper Bags at the point of sale to a Customer participating in the California Special Supplemental Food Program for Women, Infants, and Children pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the California Health and Safety Code; **a Customer participating in Calfresh pursuant to Chapter 1 commencing with Section 18900) of Part 6 of Division 9 of the California Welfare and Institutions Code;** and a Customer participating in the Supplemental Food Program pursuant to Chapter 10 (commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code, as necessary to carry the items purchased at the Store by each such Customer.

SECTION 5 (Permitted Bags)

Nothing in this Ordinance prohibits Customers from using bags of any type that they bring to the Store themselves or from carrying away goods that are not placed in a bag.

SECTION 6 (Exemptions)

This Ordinance does not apply to:

- (a) ~~Single-Use Carryout Bags or Reusable Bags~~ **Produce/Product Bags** distributed to Customers by food providers for the purpose of safeguarding public health and safety during the transportation of take-out foods and drinks prepared on the food provider's premises but intended for consumption at or away from the food provider's premises.
- (b) Single-Use Carryout Bags or Reusable Bags used by ~~Public Eating Establishments or Nonprofit Charitable Reuse Organizations.~~
- (c) **Stores operating in a certified farmers' market registered in accordance with Section 47020 of the California Food and Agricultural Code.**

SECTION 7 (Recordkeeping and Inspection)

- (a) ~~Every Store shall keep complete and accurate records of the number of Recycled Paper Bags and the number of Reusable Bags purchased and sold each month at the Store during the period commencing July 1, 2012 and ending December 31, 2013. The store shall also keep complete and accurate records of the days on which free Reusable Bags are distributed pursuant to section 4(e) of this Ordinance. All records required by this Ordinance shall be available for inspection within 7 days of the Authority's request at no cost to the Authority during regular business hours by any Authority Representative authorized to enforce this Ordinance. Unless an alternative location or method of review is mutually agreed upon, the records or documents shall be available at the Store address.~~
- (b) ~~The provision of false information including incomplete records or documents to the Authority shall be a violation of this Ordinance.~~
- (c) ~~Authority Representatives are authorized to conduct any other inspections reasonably necessary to further the goals of this Ordinance, subject to applicable laws.~~

SECTION 87 (Enforcement and Phasing)

- (a) **Pre-enforcement Consultation.** An enforcement action shall not be taken in any Covered Jurisdiction without written approval from the Primary Enforcement Representative of that Covered Jurisdiction. The Primary Enforcement Representative

shall provide approval or disapproval of a proposed enforcement action in a timely manner.

- (b) **Administrative Enforcement.** Violation of any provision of this Ordinance shall constitute grounds for assessment of a notice of violation and fine by an Authority Representative in accordance with Government Code § 53069.4 or as the code shall subsequently be amended or reorganized. Where an enforcement action is necessary to enforce this Ordinance, the Enforcement Official will typically issue a notice of violation as authorized in this subsection prior to taking the actions authorized pursuant to sections 78(c) or 78(d) of this Ordinance. A separate notice of violation and fine may be imposed for each day on which a violation occurs. The fine shall not exceed the amounts detailed for misdemeanors in Section 78(d) of this Ordinance. The notice of violation shall list the specific violation and fine amount and describe how to pay the fine and how to request an administrative hearing to contest the notice of violation. The fine must be paid within 30 days of the notice of violation and must be deposited prior to any requested hearing. A hearing, by a hearing officer, will be held only if it is requested within 30 days of the notice of violation. Evidence may be presented at the hearing. If it is determined that no violation occurred, the amount of the fine shall be refunded within 30 days. The Authority shall serve the final order on the Person subject to the notice of violation by first class, overnight or certified mail.
- (c) **Civil Action.** Violation of any provision of this Ordinance may be enforced by a civil action including an action for injunctive relief.
- (d) **Infractions and Misdemeanors.** Violation of any provision of this Ordinance shall constitute a misdemeanor punishable by a fine not to exceed \$500 for the first violation, a fine not to exceed \$750 for the second violation within one year and a fine not to exceed \$1000 for each additional violation within one year. Violation of any provision of this Ordinance may also be enforced as an infraction punishable by a fine not to exceed \$100 for the first violation, a fine not to exceed \$200 for the second violation within one year and a fine not to exceed \$500 for each additional violation within one year. There shall be a separate offense for each day on which a violation occurs.
- (e) **Authorized Representatives.** Enforcement pursuant to this Ordinance may be undertaken by the Authority through its Executive Director, counsel, or any Authority Representative. In any enforcement action, the Authority shall be entitled to recover its attorneys' fees and costs from any Person who violates this Ordinance. **Authority Representatives are authorized to conduct any inspections reasonably necessary to further the goals of this Ordinance, subject to applicable laws.**
- (f) **Phasing. Notwithstanding the foregoing inspection and enforcement authorization** ~~Enforcement of this ordinance~~ **the amendments to this ordinance adopted by Ordinance 2016-02** shall be phased on the following schedule. Prior to January 1, 2013, ~~the date that a type of establishment will be considered a Store, those establishments~~ Stores will be notified and public education and outreach activities will take place. ~~Warnings and enforcement~~ **Enforcement** actions will be

taken as needed **beginning November 1, 2017 for Stores described in Section 3(r)(4) and beginning May 1, 2018 for Stores described in Section 3(r)(5)** January 1, 2013.

SECTION 98 (Local Regulation and Opt-Out and Opt-In Provisions)

- (a) Local Regulation. Nothing in this Ordinance shall be construed to prohibit any Member Agency from enacting and enforcing ordinances and regulations regarding the distribution of Single-Use Carryout Bags and Reusable Bags, including more stringent requirements than those in this Ordinance.
- (b) Opt-Out Provision. Any Member Agency by a resolution of its governing body prior to ~~March 2, 2012 may choose to exclude its service area from this Ordinance~~ **December 9, 2016 may choose to exclude its service area from the amendments to Ordinance 2012-02 adopted by Ordinance 2016-02 on October 26, 2016.**
- (c) Opt-In Provision. Any Member Agency that chooses to exclude its service area may request of the Authority by a resolution of its governing board to be re- included in coverage of the Ordinance at any subsequent time. Such coverage under the Ordinance, however, shall not occur unless it is accepted in writing by the Enforcement Official or the Authority Board, and shall become effective only on the date specified in such written acceptance. Such acceptance shall not be unreasonably withheld or delayed.
- (d) Dispute Resolution. In the event of a dispute between the Authority and a Covered Jurisdiction regarding the implementation of this Ordinance, either party may request a meeting, in which case the Enforcement Official and the Primary Enforcement Representative for the Covered Jurisdiction (or other designee of the chief executive of the Covered Jurisdiction) shall meet to discuss implementation of the Ordinance. After such meeting, the parties may agree to enter into mediation to resolve any disputes between the parties related to implementation of the Ordinance. In addition, after meeting to seek to resolve any disputes between the parties and possible mediation, the Authority Board or the governing body of the Covered Jurisdiction, with at least 30 days public notice, may by resolution choose to exclude the service area of the Covered Jurisdiction from this Ordinance.

SECTION 40 2 (Severability)

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

SECTION 41 10 (Notice and Verification)

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

ATTACHMENT B

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2016 - 03**

**MOVED:
SECONDED:**

AT THE MEETING HELD SEPTEMBER 28, 2016

**RESOLUTION ADOPTING ADDENDUM TO ENVIRONMENTAL IMPACT REPORT
FOR SINGLE USE BAG REDUCTION ORDINANCE**

WHEREAS, on December 14, 2011, the Alameda County Waste Management Authority (ACWMA) certified a Final Environmental Impact Report for the Mandatory Recycling and Single Use Bag Reduction Ordinances (FEIR); and

WHEREAS, the FEIR analyzed the impacts of two ordinances: a Single Use Bag Reduction Ordinance and a Mandatory Recycling Ordinance; and

WHEREAS, the Single Use Bag Reduction Ordinance considered in the FEIR prohibited the free distribution of single use carryout paper and plastic bags at the point of sale for all retail establishments in Alameda County except public eating establishments and nonprofit charitable reuse organizations, while allowing the distribution of single use paper bags containing at least 40 percent recycled content or reusable bags for a charge of at least 10 cents; and

WHEREAS, ACWMA adopted a limited version of the single use bag ordinance evaluated in the FEIR that applies only to some retail establishments, such as grocery stores, supermarkets, convenience stores, liquor stores, and drug stores (Original Ordinance); and

WHEREAS, ACWMA now proposes to modify the Original Ordinance to apply to all retail establishments regardless of size and type (which were evaluated in the FEIR), as well as public eating establishments (which were not evaluated in the FEIR); and

WHEREAS, since adoption of the Original Ordinance, studies conducted by ACWMA have revealed new information regarding how a single use bag reduction ordinance impacts the use of paper bags, finding that the Original Ordinance did not lead to the increase in paper bag usage that was assumed in the FEIR but did result in the anticipated reduction in single use plastic bag usage; and

WHEREAS, ACWMA prepared an Addendum to the FEIR that analyzed the environmental impacts that may result from the proposed modifications to the Original Ordinance and the new information regarding the use of paper bags; and

WHEREAS, the Addendum found that the proposed modifications to the Original Ordinance would not result in any new significant environmental impacts that were not addressed in the

FEIR and will not cause any impacts to be substantially greater than were identified in the FEIR, and that neither changed circumstances nor new information reveal the modifications to the Original Ordinance would have any significant impacts not considered in the FEIR or result in increases in the severity of any impacts identified in the FEIR.

NOW THEREFORE, BE IT RESOLVED, by the Alameda County Waste Management Authority:

1. ACWMA hereby finds that the foregoing recitals are true and correct; and
2. ACWMA hereby certifies that it has independently reviewed and considered the Addendum to the Final Environmental Impact Report for the Mandatory Recycling and Single Use Bag Reduction Ordinances, and the Addendum reflects the independent judgment and analysis of the ACWMA; and
3. ACWMA hereby finds that the proposed modifications to the Original Ordinance would not result in any new significant environmental impacts that were not addressed in the FEIR and will not cause any impacts to be substantially greater than were identified in the FEIR, and that neither changed circumstances nor new information reveal the modifications to the Original Ordinance would have any significant impacts not considered in the FEIR or result in increases in the severity of any impacts identified in the FEIR; and
4. ACWMA hereby adopts the Addendum to the Final Environmental Impact Report for the Mandatory Recycling and Single Use Bag Reduction Ordinances.

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAINED:

Wendy Sommer
Executive Director



BACKGROUND

Reusable Bag Ordinance 2012-2 went into effect January 2013 and applies to 1,300 grocery, drug and liquor stores in Alameda County that traditionally distribute a high volume of single-use bags. The ordinance promotes the use of reusable bags to prevent waste from happening in the first place, as well as reducing litter and keeping plastic bags out of local waterways.

Ordinance Requirements

As of January 1, 2013, affected stores can only distribute compliant reusable bags or bags made of recycled content paper and only if the store charges a minimum price of 10 cents per bag, itemized on the receipt.

Ordinance Effectiveness

Since implementation, the reusable bag ordinance has had dramatic results:

- Overall bag purchases by affected Alameda County retail stores have **declined by 85 percent**.
- The number of shoppers bringing a reusable bag, or not using a bag at all, has more than **doubled**.
- A 44% decrease in plastic bags found in Alameda County Storm drains.
- Stores are participating with a compliance rate of 90%.

Ordinance Expansion

Given the effectiveness of the current ordinance, the Waste Management Authority (WMA) Board has directed staff to plan for an expansion of the reusable bag ordinance to include all retail stores and restaurants. The WMA is expected to vote on an amended ordinance at the first reading in September, 2016. If approved, an additional 13,000 stores and restaurants would be affected by the ordinance.

TIMELINE

<u>January 2012</u>	Reusable Bag Ordinance 2012-2 adopted by WMA Board. The ordinance covers approximately 1300 stores that sell packaged food and liquor. Board stated it would consider possible expansion of the ordinance at a later time, once effectiveness of original ordinance was determined.
<u>January 2013</u>	Ordinance became effective in all Alameda County jurisdictions. Single-use plastic bags no longer available at stores that sell milk, bread, soda, and snack foods as well and/or liquor. A minimum of 10 cents must be charged for each paper bag or reusable bag distributed at point of sale, itemized on receipt.
<u>September 2014</u>	WMA Board finds that ordinance has achieved its goal to substantially reduce environmental impacts.
<u>October 2014</u>	WMA Board approved process for expansion activities; directed staff to further develop budget and scope for potential expansion of the ordinance. WMA supported the need for buy in from <i>all</i> member agencies that participate in the current ordinance.
<u>March 2015</u>	Alameda County Clean Water Program committed \$180,000 in funding support for expansion of ordinance to a larger set of stores.
<u>July 2015</u>	WMA committed additional funding and staff hours to conduct research and stakeholder outreach relating to ordinance expansion activities.

<u>December 2015</u>	WMA Board directed staff to develop budget and draft ordinance language to expand to all retail stores (9,000 additional stores) and restaurants (4,000 public eating establishments), with a phase-in approach for restaurants.
<u>March 2016</u>	WMA approved the proposed reusable bag ordinance expansion language.

ORDINANCE AMENDMENTS

Revised definitions:

Store: Any commercial establishment operating from a permanent enclosed structure that sells perishable or nonperishable goods including, but not limited to, clothing, food and personal items directly to a customer. (Intent: to capture all types of retail stores. Any place where you can walk into a “brick and mortar” store and purchase a tangible item is covered by the ordinance).

Public Eating Establishment: Any restaurant, take-out food establishment or other business (including but not limited to food sales from vehicles or temporary facilities open to the public) that receive 90% or more of its revenue from the sale of prepared and ready-to-consume foods and/or drinks to the public. (Intent: to cover food trucks and vendors who distribute food in bags)

Exemptions:

Produce/Product Bags: bags that are integral to the packaging of the product, or bags without handles provided to the Customer (i) to transport produce, bulk food or meat from a produce, bulk food or meat department within a Store to the point of sale, (ii) to hold prescription medication dispensed from a pharmacy, or (iii) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag or Recycled Content Paper Bag.

Stores operating in a certified farmers’ market registered in accordance with Section 47020 of the California Food and Agricultural Code. (Only 20 CA certified markets operate in the county, and many use the produce bags without handles, which are already exempt)

Public Eating Establishments are not required to charge customers if distributing recycled content *paper* bags, but must charge a minimum of 10 cents for a compliant reusable bag.

Other Changes:

Recordkeeping requirements for bag sales and purchasing are removed.

Switch routine inspections to complaint-based inspection only.

NEXT STEPS

<u>April - July 2016</u>	Staff available to attend or present (upon request) to member agency governing boards to provide overview of ordinance revisions.
<u>September 2016</u>	Ordinance introduced and first reading by WMA Board, approval of EIR Addendum
<u>October 2016</u>	Ordinance second reading and adoption by WMA Board. All member agencies automatically opted in.
<u>December 2016</u>	Any member agency choosing to opt out must do so by a resolution of its governing body by December 9, 2016.
<u>May 2017</u>	Ordinance effective for expanded retail stores.
<u>November 2017</u>	Ordinance effective for all restaurants.

Please contact Meri Soll at 510/891-6500 or msoll@stopwaste to schedule a presentation or for more information.

**Addendum to the
Final Environmental Impact Report
ATTACHMENT D**

**Mandatory Recycling and
Single Use Bag Reduction
Ordinances**

State Clearinghouse # 2011042012



August 2016

ADDENDUM TO THE FINAL ENVIRONMENTAL IMPACT REPORT FOR THE MANDATORY RECYCLING AND SINGLE USE BAG REDUCTION ORDINANCES

August 2016

1.0 PURPOSE OF ADDENDUM

The California Environmental Quality Act (CEQA) recognizes that between the date an environmental document is completed and the date the project is fully implemented, one or more of the following changes may occur: 1) the project may change; 2) the environmental setting in which the project is located may change; 3) laws, regulations or policies may change in ways that impact the environment; and/or 4) previously unknown information can arise. Before proceeding with a project, CEQA requires the Lead Agency to evaluate these changes to determine whether or not they affect the conclusions in the environmental document.

In 2011, the Alameda County Waste Management Authority (ACWMA) certified the Final Environmental Impact Report (2011 FEIR) for the Mandatory Recycling and Single Use Bag Reduction Ordinances (SCH #2011042012). The 2011 FEIR analyzed the environmental impacts resulting from adoption of two ordinances: 1) a Mandatory Recycling Ordinance that would require all Alameda County single-family, multi-family, and commercial generators to segregate recyclable and organic materials for recovery, and 2) a Single Use Bag Reduction Ordinance that would prohibit the free distribution of single use carryout paper and plastic bags at the point of sale for all retail establishments in Alameda County except public eating establishments and nonprofit charitable reuse organizations, while allowing the distribution of single use paper bags containing at least 40 percent recycled content or reusable bags for a charge of at least 10 cents. The ACWMA adopted a limited version of the Single Use Bag Reduction Ordinance evaluated in the 2011 FEIR that only applies to some retail establishments, such as grocery stores, supermarkets, convenience stores, liquor stores, and drug stores.

Since certification of the 2011 FEIR and approval of the Ordinances, changes to the Single Use Bag Reduction Ordinance have been proposed, which are the subject of this Addendum. In addition, studies conducted since adoption of the Single Use Bag Ordinance have revealed new information regarding how a single use bag reduction ordinance impacts the use of paper bags. The purpose of this Addendum is to analyze the impacts which may result from the modified ordinance and new information (see Section 2.0, *Description of the Proposed Changes to the Project*, Section 3.0, *New Information*).¹ The CEQA Guidelines Section 15162 states that when an EIR has been certified or a negative declaration adopted for a project, no subsequent EIR shall be prepared for that project

¹ As described elsewhere in this Addendum, the 2011 FEIR analyzed the impacts of an ordinance that applied to all retail establishments in the County. The assessment of impacts in this Addendum, therefore, focuses on impacts that may result from modifying the ordinance to also apply to public eating establishments.

unless the Lead Agency determines, on the basis of substantial evidence in light of the whole record, one or more of the following:

1. Substantial changes are proposed in the project which will require major revisions of the previous EIR or negative declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects;
2. Substantial changes occur with respect to the circumstances under which the project is undertaken which will require major revisions of the previous EIR or Negative Declaration due to the involvement of new significant environmental effects or a substantial increase in the severity of previously identified significant effects; or
3. New information of substantial importance, which was not known and could not have been known with the exercise of reasonable diligence at the time the previous EIR was certified as complete or the Negative Declaration was adopted, shows any of the following:
 - a. The project will have one or more significant effects not discussed in the previous EIR or negative declaration;
 - b. Significant effects previously examined will be substantially more severe than shown in the previous EIR;
 - c. Mitigation measures or alternatives previously found not to be feasible would in fact be feasible and would substantially reduce one or more significant effects of the project, but the project proponents decline to adopt the mitigation measure or alternative; or
 - d. Mitigation measures or alternatives which are considerably different from those analyzed in the previous EIR would substantially reduce one or more significant effects on the environment, but the project proponents decline to adopt the mitigation measure or alternative.

CEQA Guidelines Section 15164 states that the Lead Agency or a Responsible Agency shall prepare an addendum to a previously certified EIR if some changes or additions are necessary, but none of the conditions described in 15162 calling for preparation of a subsequent EIR have occurred.

2.0 DESCRIPTION OF THE PROPOSED CHANGES TO THE PROJECT

2.1 Summary of Previously Approved Project

The 2011 FEIR analyzed the environmental impacts resulting from adoption of a Single Use Bag Reduction Ordinance that would prohibit the free distribution of single use carryout paper and plastic bags at the point of sale for all retail establishments in Alameda County except public eating establishments and nonprofit charitable reuse organizations, while allowing the distribution of compliant single use paper bags or reusable bags for a charge of at least 10 cents. The 2011 FEIR recognized that compliant reusable bags may include a thicker more durable plastic bag.

The ACWMA adopted a limited version of the Single Use Bag Reduction Ordinance analyzed in the 2011 FEIR that applied only to the following categories of retail establishments in the County:

- (1) Within 2012 Covered Jurisdictions: A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;
- (2) Within 2012 Covered Jurisdictions: A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
- (3) Within 2012 Covered Jurisdictions: A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of goods that include milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

With the specifications listed above, the adopted ordinance is currently applicable to roughly 1,300 of the approximately 10,300 retail establishments located in both incorporated and unincorporated areas in the County.

2.2 Proposed Changes to the Approved Project

The ACWMA proposes to modify the ordinance to apply to all retail establishments, regardless of size (as evaluated in the 2011 FEIR initially), as well as public eating establishments (which were not evaluated in the 2011 FEIR). With the new proposed language, the modified ordinance would apply to all retail establishments listed below:

- (1) Within 2016 Covered Jurisdictions on and after May 1, 2017: The stores listed in sections 2.1 (1), (2) and (3) above and any other commercial establishment operating from a permanent enclosed structure that sells perishable or nonperishable goods including, but not limited to, clothing, food and personal items directly to a customer; and
- (2) Within 2016 Covered Jurisdictions on and after November 1, 2017: Any Public Eating Establishment.

“Public Eating Establishment” means a restaurant, take-out food establishment or other business (including, but not limited to, food sales from vehicles or temporary facilities open to the public) that receives 90% or more of its revenue from the sale of prepared and ready-to-consume foods and/or drinks to the public.

The modifications to the ordinance would effectively expand its applicability to include all of the roughly 10,300 retail establishments and 4,000 public eating establishments in Alameda County. Public eating establishments would not be required to charge for paper bags distributed to customers, but would be required to charge at least ten cents for any reusable bag.

3.0 NEW INFORMATION

Subsequent to adoption and implementation of the ordinance, data was collected by the ACWMA to determine its effectiveness. To assess consumer behavior change, ACWMA staff conducted visual observations of customers at a sample of affected retail stores before and after the ordinance went into effect. Staff observed shoppers leaving retail stores for one hour and counted the number and type of bags, or lack of a bag, that customers used to carry their purchases. Observations were made at 17 stores for the years 2012 (pre-ordinance) through 2015 (post-ordinance). The stores included a variety of store types such as grocery, pharmacy, convenience and big box stores throughout Alameda County. As shown in Table 3.0-1 below, contrary to the assumption in the 2011 FEIR that single use paper bag use could increase substantially as a result of the ordinance, the surveys found that the use of single use paper bags increased only slightly (4.9 percent) in 2013, and returned to pre-ordinance levels by 2015. Additionally, the use of cloth or cloth-like reusable bags steadily increased each year after implementation of the ordinance, reaching a 210 percent increase in 2015 compared to pre-ordinance levels. The percentage of customers utilizing no bag followed a similar pattern, increasing by 280 percent by 2015.

Table 3.0-1 Change in Consumer Behavior Compared to Pre-Ordinance Conditions				
Year	Single Use Plastic Bags	Single Use Paper Bags	Cloth-Like Reusable Bags	No Bag
2013	- 100%	+ 4.9%	+ 151%	+ 157%
2014	- 100%	+ 2.4%	+ 190%	+ 199%
2015	- 100%	+/- 0%	+ 210%	+ 280%

To measure change in bag purchasing activities by affected stores, ACWMA staff collected data from five different types of large and small “chain” stores with a presence in Alameda County for the years 2012 through 2015. Chain stores were comprised of a variety of store types: pharmacy, grocery, gas station markets, and big box stores. Purchasing data for an average of 70 stores across the five chain stores was compiled for each given year. As shown in Table 3.0-2, below, stores surveyed ceased purchasing single use plastic bags after 2012, when the ordinance was implemented. Additionally, contrary to the assumption in the 2011 FEIR that single use paper bag use could increase as a result of the ordinance, purchases of single use paper bags by stores actually decreased after implementation of the ordinance, indicating a reduction in demand from customers.

Table 3.0-2 Pre- and Post-Ordinance Bag Purchasing by Retail Establishments		
Year	Single Use Plastic Bags	Single Use Paper Bags
2012 (Pre-Ordinance)	36,802,300	13,173,800
2013	0	8,334,000
2014	0	7,853,059
2015	0	8,117,721

While the data on customer behavior and store purchasing patterns runs contrary to the assumptions in the 2011 FEIR regarding the potential negative consequences of the ordinance, other data collected by the ACWMA indicates that some of the positive outcomes of the ordinance assumed in the 2011 FEIR have come to pass. For example, the ACWMA partnered with the Alameda Countywide Clean Water Program to conduct an Alameda Countywide Storm Drain Trash Monitoring and Characterization Study. One of the goals of the study was to assess the effectiveness of the ordinance by evaluating the rate at which plastic bags were observed in storm drains fitted with storm drain capture devices prior to and after the ordinance became effective. The number of bags observed during this study (conducted in 2014) was significantly less than the number observed in a similar 2011 study conducted for the Bay Area Stormwater Management Agencies Association (BASMAA). Plastic bags found in storm drains decreased by roughly 44 percent, indicating that the ordinance has been successful in reducing single use plastic bag litter.

The results described above are corroborated by data collected in the nearby City of San Jose, which implemented a similar bag reduction ordinance in 2012. Litter surveys demonstrated a reduction in bag litter of approximately 62 percent in the storm drain system, 60 percent in the creeks and rivers, and 59 percent in City streets and neighborhoods, when compared to data collected prior to implementation of the ordinance. Observational surveys of store customers showed that reusable bag use increased greatly following the implementation of the ordinance, from almost four percent of bags observed to approximately 62 percent of bags observed. In addition, the percentage of customers that chose not to use a bag, and instead carry items by hand, more than doubled. The overall impact was that the average number of single-use bags used per customer decreased from three bags to 0.3 bags per visit following the implementation of the ordinance. Results from store observations reflect that the ordinance has had the intended effect of reducing the use of single-use bags.^{2,3}

Based on the real-world outcomes of the bag reduction ordinances in Alameda County and the City of San Jose, where the use of single use plastic bags was essentially eliminated in affected retail establishments, the use of single use paper bags did not increase substantially, and the percentage of customers utilizing reusable bags or no bag at all increased dramatically, it can be reasonably inferred that the positive impacts identified in the 2011 FEIR resulting from the elimination of plastic bags in the County were achieved, while the negative impacts identified in the 2011 FEIR resulting from a potential increase in the use of paper bags were largely avoided.

² City of San Jose. Memorandum to Transportation and Environment Committee – Subject: Bring Your Own Bag Ordinance Implementation Results and Actions to Reduce EPS Foam Food Ware. November 20, 2012. Available at: http://www3.sanjoseca.gov/clerk/CommitteeAgenda/TE/20121203/TE20121203_d5.pdf.

³ City of San Jose, Memorandum to Honorable Mayor and City Council – Subject: Amendment to the Single-Use Carryout Bag Regulations. September 12, 2013. Available at: <http://sanjoseca.gov/DocumentCenter/View/21329>.

4.0 ENVIRONMENTAL IMPACTS OF THE PROPOSED CHANGES TO THE PROJECT

The discussion below describes the environmental impacts of the modified project, as they compare with the impacts of the previously evaluated project in the 2011 FEIR and the approved project, which was a limited version of the project evaluated in the 2011 FEIR. This Addendum only addresses those resource areas that would be potentially negatively affected by the proposed changes to the previously evaluated project and limited-scale approved project.

The negative environmental effects of the Single Use Bag Reduction Ordinance are primarily associated with a potential increase in paper bag manufacturing, transport, and disposal, and the positive effects are associated with a reduction in plastic bag manufacturing, transport, and disposal, including litter. The revisions to the project would have no effect or would result in a reduction in impacts in regards to the following environmental issues, either because the impact area is not affected by an increase in paper bag use, or because a further reduction in plastic bag use would have beneficial effects:

- Aesthetics
- Agricultural and Forestry Resources
- Cultural Resources
- Geology and Soils
- Hazards and Hazardous Materials
- Land Use
- Mineral Resources
- Noise
- Population and Housing
- Public Services
- Recreation

Impacts in these areas would be consistent with those disclosed in the 2011 FEIR, and no further discussion is warranted.

The revised project expands the number of establishments (i.e. public eating establishments) subject to the Single Use Bag Reduction Ordinance, resulting in a potential increase in the distribution of single use paper bags in lieu of single use plastic bags in the County. This Addendum, therefore, focuses on the potential negative effects of an increase in paper bag usage compared to the analysis in the 2011 FEIR, and evaluates the impacts of the revised project in regards to the following environmental issues:

- Air Quality
- Biological Resources
- Greenhouse Gas Emissions
- Hydrology and Water Quality
- Transportation
- Utilities and Service Systems
- Energy
- Cumulative Impacts

4.0.1 Methodology

To analyze the environmental impacts of the Single Use Bag Reduction Ordinance, the 2011 FEIR relied on estimates of pre-ordinance usage of single use paper and plastic bags, then applied data from other jurisdictions that previously implemented bag reduction ordinances, as well as survey results from local residents, to estimate the change in bag usage that would occur as a result of the ordinance. Data from various scientific studies on the relative environmental impacts related to the

manufacture, distribution, and disposal of individual paper, plastic, and reusable bags was then applied to the projected bag usage totals to help determine the environmental impacts of the proposed ordinance compared to existing conditions.

The 2011 FEIR estimated that, prior to the ordinance, approximately 763,993,000 single use plastic bags and 104,181,000 single use paper bags were distributed annually in Alameda County. Based on data from other jurisdictions and survey results from local residents, the 2011 FEIR estimated that the proposed ordinance would result in 65 percent of people using a reusable bag or no bag at retail establishments, while 35 percent would pay the 10 cent charge for a paper bag. It was also assumed that public eating establishments and nonprofit charitable reuse organizations accounted for five percent of the overall number of single use bags distributed in the County. Since those establishments would be exempt from the ordinance, it was assumed that five percent, or 38,200,000, of the 763,993,000 single use plastic bags distributed annually in the County would continue to be distributed after implementation of the ordinance. Using these assumptions, the 2011 FEIR estimated that the ordinance would result in an annual reduction in the distribution of single use plastic bags of 725,793,000 (rounded to 726 million in the 2011 FEIR text). The 2011 FEIR also estimated that the ordinance would result in a maximum annual increase in the distribution of single paper bags of up to 101,634,000 (rounded to 102 million in the 2011 FEIR text).

As described previously, although the ACWMA ultimately adopted a Single Use Bag Reduction Ordinance that applied to a limited number of retail establishments in the County, the 2011 FEIR analyzed the environmental impacts resulting from an ordinance that applied to all retail establishments. Therefore, the impacts of the proposed modification to the ordinance to expand its applicability to all retail establishments in the County were analyzed in the 2011 FEIR. As shown by the data collected after implementation of the ordinance (refer to Section 3.0, *New Information*), the analysis in the 2011 FEIR represents an overly conservative assessment of impacts resulting from the ordinance in that it assumed a substantial increase in the usage of single use paper bags of 98 percent, which has not occurred. The 2011 FEIR, therefore, fully analyzed the environmental impacts that could result from the proposed expansion of the ordinance to cover all retail establishments in the County, and no further analysis is required in this area.

The 2011 FEIR did not, however, analyze the environmental impacts of a Single Use Bag Reduction Ordinance that would apply to public eating establishments. The analysis in this Addendum, therefore, focuses on potential impacts associated with a change in the nature of bag usage at public eating establishments in Alameda County.

Unlike retail establishments covered by the existing ordinance, under the proposed ordinance, public eating establishments would not be required to charge a 10 cent fee for single use paper bags distributed to customers. Additionally, the nature of purchases at public eating establishments differs from those at retail establishments in that takeout food is often bagged either prior to the customer's arrival or in the back of the house, and customers might be more averse to using reusable bags for freshly prepared food out of concerns that the food might spill and soil the bag. The analysis in this Addendum, therefore, conservatively assumes that the proposed modification to the ordinance would result in a replacement of the use of plastic bags to the use of paper bags in public eating establishments in the County at a 1:1 ratio. As described previously, the 2011 FEIR assumed that public eating establishments and nonprofit charitable reuse organizations, which were exempt from the proposed ordinance, accounted for five percent of pre-

ordinance single use plastic bag distribution. To be conservative, this Addendum assumes that the entire five percent, or 38,200,000 bags annually, is attributable to public eating establishments, and that the proposed modification to the ordinance would result in a reduction of 38,200,000 single use plastic bags along with a corresponding increase of 38,200,000 single use paper bags distributed annually in the County. This assumption is likely overly conservative because less than 20 percent of the public eating establishments in the County are take-out establishments that regularly utilize single use bags to package food given to customers. The remainder of the public eating establishments are sit-down restaurants where single use bags are utilized much less frequently. Additionally, some of the take-out establishments already utilize single use paper bags as the primary means of packaging, and would not increase their use of single use paper bags as a result of the proposed modifications to the ordinance.

The change in bag usage associated with the proposed modifications to the ordinance described above was not analyzed in the 2011 FEIR, and the environmental impacts that may result are discussed below. The analysis utilizes the same methodologies and source materials that were used in the 2011 FEIR to determine impacts on a per-bag basis, where applicable.

4.1 AIR QUALITY

Air quality impacts related to carryout bags include the release of emissions during the manufacturing, transport, and disposal processes. Various life cycle assessments (LCAs) of shopping bags have been completed in support of bag regulation policies worldwide, and many of them were consulted during the preparation of the 2011 FEIR. Most LCAs try to account for air emissions during all stages of product life, from product creation to disposal. While LCAs do not have consistent methodologies, and frequently use assumptions that differ from each other, and from local conditions, they provide a useful means to quantify emissions associated with any increase in the use of single use paper bags. Based on data from LCAs and the projected changes in bag usage resulting from the proposed ordinance, the 2011 FEIR estimated that the project (as applied to all retail establishments) could result in overall annual reductions in emissions of nitrous oxides (NO_x) by seven tons and carbon monoxide (CO) by 40 tons, and an overall annual increase in emissions of sulfur oxides (SO_x) by 24 tons, all of which are classified as criteria pollutants by the US EPA.

The emissions resulting from the project would occur in the locations where paper bags are manufactured, along roadways on which they are transported, and at facilities where they are recycled or disposed of, all of which are dispersed over large geographic areas and multiple air basins. As a result, the 2011 FEIR made the following determination regarding air quality impacts of the proposed ordinance:

Impact AQ-3: Although an increase in certain air quality emissions from increased paper bag manufacturing could occur as a result of the ordinance, these emissions would be dispersed throughout the country in the various locations where paper bags are manufactured. There is no evidence to suggest these emissions would occur in any one location in amounts that would conflict with or obstruct implementation of an applicable air quality plan, violate any air quality standard or contribute substantially to an existing or projected air quality violation, or result in a

cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors. (Less Than Significant Impact)

As described in Section 3.0 above, data collected throughout Alameda County after implementation of the ordinance shows that the project did not lead to the increase in paper bag usage that was assumed in the 2011 FEIR but did result in the anticipated reduction in single use plastic bag usage. In fact, the use of single use paper bags returned to pre-ordinance levels by 2015. The 2011 FEIR assumed an annual increase in the distribution of single use paper bags of up to 101,634,000, and analyzed the environmental impacts of such a scenario. Because this increase never materialized, and the corresponding negative impacts never occurred, the impacts associated with a potential increase of 38,200,000 single use paper bags resulting from the proposed modification to the ordinance would fall well within the impacts already identified in the 2011 FEIR. The proposed changes to the project, therefore, would not result in any new or more significant air quality impacts than those identified in the 2011 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

In addition to analyzing the environmental impacts associated with the proposed modifications to the ordinance assuming only a negligible increase in paper bag usage from the original ordinance, this addendum also considers the potential environmental impacts of the proposed modifications of the ordinance assuming paper bag use does increase. Applying the same conservative analytical scenario that was used in the 2011 FEIR, which assumed that post ordinance paper bag use would increase, an additional 38,200,000 increase in paper bags *could* occur as a result of the proposed modification to the ordinance to include public eating establishments.

Based on data from LCAs utilized in the 2011 FEIR, under this scenario, accounting for the corresponding decrease in single use plastic bag distribution, emissions of SO_x, CO, and NO_x associated with manufacturing, transporting, and disposing of paper bags could all increase compared to what was assumed in the 2011 FEIR. SO_x emissions could increase by 23 tons for a net increase of 47 tons, CO emissions could increase by two tons for a net decrease of 38 tons, and NO_x emissions could increase by nine tons for a net increase of two tons.

Despite the potential increases in emissions described above, the conclusion of the 2011 FEIR would still apply to the modified ordinance even under this extremely conservative scenario, since there is no evidence to suggest these emissions would occur in any one location in amounts that would conflict with or obstruct implementation of an applicable air quality plan, violate any air quality standard or contribute substantially to an existing or projected air quality violation, or result in a cumulatively considerable net increase of any criteria pollutant for which the project region is classified as non-attainment under an applicable federal or state ambient air quality standard including releasing emissions which exceed quantitative thresholds for ozone precursors.

4.2 BIOLOGICAL RESOURCES

The 2011 FEIR determined that an increase in paper bag use resulting from the ordinance could result in an increase in trees cut down for virgin material to manufacture the paper bags. Although most trees used for paper bag manufacturing are grown for the purpose of harvesting, an increase in paper bag demand in Alameda County might cause trees to be harvested sooner than they would otherwise have been used. The plantations where these trees are harvested, however, are replanted and new trees grown to replace them. While the short term loss of trees is a negative impact, this increase is a relatively minor increase in wood used for commercial paper manufacturing, should the increased demand in the County occur. The habitat loss and any associated impacts to biological resources resulting from this incremental addition to tree removal would be short term, relatively minor, and would not be a significant impact. For these reasons, the 2011 FEIR reached the following conclusion:

Impact BIO-4: Any increased tree removal resulting from an increased use of paper bags would not result in significant biological resources impacts based on the thresholds identified at the beginning of this section. (Less Than Significant Impact)

As described in Section 3.0 above, data collected throughout Alameda County after implementation of the ordinance shows that the project did not lead to the increase in paper bag usage that was assumed in the 2011 FEIR but did result in the anticipated reduction in single use plastic bag usage. In fact, the use of single use paper bags returned to pre-ordinance levels by 2015. The 2011 FEIR assumed an annual increase in the distribution of single use paper bags of up to 101,634,000, and analyzed the environmental impacts of such a scenario. Because this increase never materialized, and the corresponding negative impacts never occurred, the impacts associated with a potential increase of 38,200,000 single use paper bags resulting from the proposed modification to the ordinance would fall well within the impacts already identified in the 2011 FEIR. The proposed changes to the project, therefore, would not result in any new or more significant impacts to biological resources than those identified in the 2011 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

In addition to analyzing the environmental impacts associated with the proposed modifications to the ordinance assuming only a negligible increase in paper bag usage from the original ordinance, this addendum also considers the potential environmental impacts of the proposed modifications of the ordinance assuming paper bag use does increase. Applying the same conservative analytical scenario that was used in the 2011 FEIR, which assumed that post ordinance paper bag use would increase, an additional 38,200,000 increase in paper bags *could* occur as a result of the proposed modification to the ordinance to include public eating establishments.

If significant additional paper bag usage did occur as a result of adding public eating establishments to the affected store set, additional tree removal for paper bag manufacturing may occur. However, trees utilized in commercial paper manufacturing are primarily grown for the purpose of harvesting, and are replanted with replacement trees. As described in the 2011 FEIR, the habitat loss and any

associated impacts to biological resources resulting from this incremental addition to tree removal would be short term, relatively minor, and would not be a significant impact.

4.3 GREENHOUSE GAS EMISSIONS

The 2011 FEIR determined that, even using the most conservative assumptions, there could be a net annual reduction in greenhouse gas emissions of 11,000 tons of CO₂e compared to existing conditions with the reduction in plastic bag use and the anticipated increase in paper bag use, and made the following impact determination:

Impact GHG-3: The proposed ordinance would result in a net reduction in greenhouse gas emissions related to the manufacture and use of carryout bags. (Beneficial Impact)

As described in Section 3.0 above, data collected throughout Alameda County after implementation of the ordinance shows that the project did not lead to the increase in paper bag usage that was assumed in the 2011 FEIR but did result in the anticipated reduction in single use plastic bag usage. In fact, the use of single use paper bags returned to pre-ordinance levels by 2015. The 2011 FEIR assumed an annual increase in the distribution of single use paper bags of up to 101,634,000, and analyzed the environmental impacts of such a scenario. Because this increase never materialized, and the corresponding negative impacts never occurred, the impacts associated with a potential increase of 38,200,000 single use paper bags resulting from the proposed modification to the ordinance would fall well within the impacts already identified in the 2011 FEIR. The proposed changes to the project, therefore, would not result in any new or more significant impacts than those identified in the 2011 FEIR, which found that the project would result in a net reduction in greenhouse gas emissions. **[Same Impact as Approved Project (Beneficial Impact)]**

In addition to analyzing the environmental impacts associated with the proposed modifications to the ordinance assuming only a negligible increase in paper bag usage from the original ordinance, this addendum also considers the potential environmental impacts of the proposed modifications of the ordinance assuming paper bag use does increase. Applying the same conservative analytical scenario that was used in the 2011 FEIR, which assumed that post ordinance paper bag use will increase, an additional 38,200,000 increase in paper bags *could* occur as a result of the proposed modification to the ordinance to include public eating establishments. This could result in an increase in greenhouse gas emissions of 2,000 tons of CO₂e per year compared to the previously evaluated project. The project as a whole, however, would still result in a net decrease in greenhouse gas emissions of 9,000 tons of CO₂e per year compared to conditions without the ordinance in effect.

4.4 HYDROLOGY AND WATER QUALITY

The paper bag manufacturing process requires more water than the plastic bag manufacturing process. As a result, the 2011 FEIR determined that the ordinance could result in an increased use of fresh water, should an increase in paper bag use occur. This increase in water use would likely occur at various pulp and paper manufacturing plants that would supply the bags that might be sold in Alameda County. It is not known where these plants are located, but they are likely dispersed throughout the western U.S., if not the entire U.S. and parts of Canada. Paper manufacturing plants that require substantial quantities of water are typically located in areas that have appropriate water supplies. Modern plants reuse incoming water multiple times, according to representatives of the paper industry, and clean it up between uses and prior to discharge. An incremental increase in water use at various paper plants, therefore, would not be likely to result in a significant environmental impact.

The 2011 FEIR also determined that incremental increases in water quality impacts would not result in a significant impact at paper bag manufacturing plants that meet current national Clean Water Act standards for water discharged back into the environment, and the following conclusion was reached:

Impact HYD-4: Incremental and temporary increases in water quality impacts related to increased paper manufacturing, should they occur as a result of this ordinance, would not be significant at a paper bag manufacturing plant that meets current national Clean Water Act standards for water discharged back into the environment. (Less Than Significant Impact)

As described in Section 3.0 above, data collected throughout Alameda County after implementation of the ordinance shows that the project did not lead to the increase in paper bag usage that was assumed in the 2011 FEIR but did result in the anticipated reduction in single use plastic bag usage. In fact, the use of single use paper bags returned to pre-ordinance levels by 2015. The 2011 FEIR assumed an annual increase in the distribution of single use paper bags of up to 101,634,000, and analyzed the environmental impacts of such a scenario. Because this increase never materialized, and the corresponding negative impacts never occurred, the impacts associated with a potential increase of 38,200,000 single use paper bags resulting from the proposed modification to the ordinance would fall well within the impacts already identified in the 2011 FEIR. The proposed changes to the project, therefore, would not result in any new or more significant hydrology and water quality impacts than those identified in the 2011 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

In addition to analyzing the environmental impacts associated with the proposed modifications to the ordinance assuming only a negligible increase in paper bag usage from the original ordinance, this addendum also considers the potential environmental impacts of the proposed modifications of the ordinance assuming paper bag use does increase. Applying the same conservative analytical scenario that was used in the 2011 FEIR, which assumed that post ordinance paper bag use would increase, an additional 38,200,000 increase in paper bags *could* occur as a result of the proposed modification to the ordinance to include public eating establishments.

If significant additional paper bag usage did occur as a result of adding public eating establishments to the affected store set, the project could result in additional water usage at paper manufacturing plants. This increase would represent a negligible percentage of overall paper manufactured in the U.S. Given this negligible increase in the amount of water usage, the fact that the use of water would be distributed throughout the western United States, and that paper manufacturing plants would adhere to Clean Water Act standards for water discharged back into the environment, the proposed modifications to the ordinance would result in a less than significant impact on water supply and water quality.

4.5 TRANSPORTATION

The 2011 FEIR determined that the proposed ordinance could lead to an increase in the frequency of truck trips needed to deliver a greater number of single use paper carryout bags to Alameda County. Any increase in truck trips related to paper bag delivery would be at least partially offset by a substantial reduction in truck trips related to single use plastic carryout bag delivery, and any net increase in truck traffic resulting from the change in bag use would be negligible.

The 2011 FEIR consulted three EIRs completed for similar single use bag reduction ordinances in the Cities of San Jose and Santa Monica, and the County of Los Angeles to determine the potential increase in truck trips that could result from the ordinance. Using the County of Los Angeles estimate, which was the most conservative, and adjusting the total to reflect the population of Alameda County, the 2011 FEIR determined that the proposed ordinance could result in approximately five new trucks trips per day. These trips would be spread throughout Alameda County.

In reality, since bags are delivered in mixed loads of merchandise, there would probably be no more truck trips necessary to deliver paper bags. Other mechanisms, such as including single use paper bags in deliveries more frequently or increasing routing efficiencies could be used.

For the purposes of this project, a transportation impact is considered significant if it does not conform to Alameda County's LOS standard. Project traffic impacts are measured against existing traffic volumes on the existing transportation roadway network in conformance with CEQA. The 2011 FEIR determined that, considered under the criteria of the County's LOS standard, any increased traffic generated by the proposed single use bag reduction ordinance would be minimal and would not exceed the established threshold required for preparing a Traffic Impact Analysis (*i.e.*, it would not generate a substantial increase in peak hour traffic), and that the project conforms to the County's transportation policies. The 2011 FEIR reached the following conclusion:

Impact TRANS-3: No significant increase in traffic would occur as a result of adoption of the proposed ordinance to reduce the use of single use bags in Alameda County. No significant impacts were identified to any element of the transportation system. (Less Than Significant Impact)

As described in Section 3.0 above, data collected throughout Alameda County after implementation of the ordinance shows that the project did not lead to the increase in paper bag usage that was assumed in the 2011 FEIR but did result in the anticipated reduction in single use plastic bag usage. In fact, the use of single use paper bags returned to pre-ordinance levels by 2015. The 2011 FEIR assumed an annual increase in the distribution of single use paper bags of up to 101,634,000, and analyzed the environmental impacts of such a scenario. Because this increase never materialized, and the corresponding negative impacts never occurred, the impacts associated with a potential increase of 38,200,000 single use paper bags resulting from the proposed modification to the ordinance would fall well within the impacts already identified in the 2011 FEIR. The proposed changes to the project, therefore, would not result in any new or more significant transportation impacts than those identified in the 2011 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

In addition to analyzing the environmental impacts associated with the proposed modifications to the ordinance assuming only a negligible increase in paper bag usage from the original ordinance, this addendum also considers the potential environmental impacts of the proposed modifications of the ordinance assuming paper bag use does increase. Applying the same conservative analytical scenario that was used in the 2011 FEIR, which assumed that post ordinance paper bag use would increase, an additional 38,200,000 increase in paper bags *could* occur as a result of the proposed modification to the ordinance to include public eating establishments.

If significant additional paper bag usage did occur as a result of adding public eating establishments to the affected store set, the project could result in an additional two truck trips per day, for a total of seven truck trips added to roadways in Alameda County as a result of the project. These minimal additional truck trips would not result in a significant impact.

4.6 UTILITIES AND SERVICE SYSTEMS

The analysis of the project's effects on Utilities and Service Systems in the 2011 FEIR focused on impacts to water supply and wastewater, stormwater and drainage, and solid waste. The effects of the proposed modification to the ordinance on water supply and wastewater are discussed in Section 3.4, above. The 2011 FEIR determined that the proposed ordinance would have a beneficial impact in the area of stormwater and drainage due to the reduction in plastic bag litter that would occur as a result of the project. The proposed modification to the ordinance would result in the same beneficial impact by removing even more plastic bags from the County that might end up as litter entering the storm drainage system.

In the area of solid waste, the 2011 FEIR determined that the project could have a negative effect related to an increase in paper bag usage. The paper bag lifecycle produces more solid waste than plastic bags, partly because more solid waste is produced during paper manufacture and partly because the bag creates a greater weight of solid waste at the end of its lifetime simply by being heavier than an equivalent plastic bag. As a result, the 2011 FEIR estimated that the ordinance

could lead to a slight increase in solid waste entering landfills and the County's recycling system in the form of paper bags. Paper bags, however, are more easily handled by the County's recycling system than plastic bags, and recycled paper bags offer a greater market value than recycled plastic bags, increasing the likelihood of post-consumer use. The 2011 FEIR determined that landfills and recycling facilities in the County have adequate capacity to accommodate a potential increase in paper bags being disposed of or recycled as a result of the ordinance, and reached the following conclusion:

Impact UTIL-3: The proposed ordinance would not result in any significant utilities and service systems impacts, based on the thresholds identified at the beginning of this section. (Less Than Significant Impact)

As described in Section 3.0 above, data collected throughout Alameda County after implementation of the ordinance shows that the project did not lead to the increase in paper bag usage that was assumed in the 2011 FEIR but did result in the anticipated reduction in single use plastic bag usage. In fact, the use of single use paper bags returned to pre-ordinance levels by 2015. The 2011 FEIR assumed an annual increase in the distribution of single use paper bags of up to 101,634,000, and analyzed the environmental impacts of such a scenario. Because this increase never materialized, and the corresponding negative impacts never occurred, the impacts associated with a potential increase of 38,200,000 single use paper bags resulting from the proposed modification to the ordinance would fall well within the impacts already identified in the 2011 FEIR. The proposed changes to the project, therefore, would not result in any new or more significant impacts to utilities and service systems than those identified in the 2011 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

In addition to analyzing the environmental impacts associated with the proposed modifications to the ordinance assuming only a negligible increase in paper bag usage from the original ordinance, this addendum also considers the potential environmental impacts of the proposed modifications of the ordinance assuming paper bag use does increase. Applying the same conservative analytical scenario that was used in the 2011 FEIR, which assumed that post ordinance paper bag use would increase, an additional 38,200,000 increase in paper bags *could* occur as a result of the proposed modification to the ordinance to include public eating establishments.

If significant additional paper bag usage did occur as a result of adding public eating establishments to the affected store set, the project could result in additional paper bags entering landfills or being processed in the County's recycling or composting system. This potential increase would be spread throughout various locations in the County, and no single landfill, composting, or recycling facility would receive a substantially greater amount of paper in relation to existing throughput. The existing solid waste system in the County has adequate capacity to accommodate the potential increase in paper bag disposal and recycling that could result from the proposed modification to the ordinance, and no new or modified facilities would be needed, resulting in a less than significant impact.

4.7 ENERGY

Based on the LCAs consulted in preparation of the 2011 FEIR, the life cycle of a single use paper bag requires more energy than that of a single use plastic bag. The 2011 FEIR determined that the proposed ordinance would result in a net reduction in energy use due to the presumed shift away from the use of single use bags in favor of reusable bags. Although reusable bags often require more energy to manufacture than both single use paper and plastic bags, when they are reused many times the result is a net reduction in energy use associated with the use of bags for carrying items out of retail establishments due to the number of single use bags, and their associated energy use, that are no longer needed.

As described in Section 3.0 above, data collected throughout Alameda County after implementation of the ordinance shows that the project did not lead to the increase in paper bag usage that was assumed in the 2011 FEIR but did result in the anticipated reduction in single use plastic bag usage. In fact, the use of single use paper bags returned to pre-ordinance levels by 2015. The 2011 FEIR assumed an annual increase in the distribution of single use paper bags of up to 101,634,000, and analyzed the environmental impacts of such a scenario. Because this increase never materialized, and the corresponding negative impacts never occurred, the impacts associated with a potential increase of 38,200,000 single use paper bags resulting from the proposed modification to the ordinance would fall well within the impacts already identified in the 2011 FEIR. The proposed changes to the project, therefore, would not result in any new or more significant energy impacts than those identified in the 2011 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

In addition to analyzing the environmental impacts associated with the proposed modifications to the ordinance assuming only a negligible increase in paper bag usage from the original ordinance, this addendum also considers the potential environmental impacts of the proposed modifications of the ordinance assuming paper bag use does increase. Applying the same conservative analytical scenario that was used in the 2011 FEIR, which assumed that post ordinance paper bag use would increase, an additional 38,200,000 increase in paper bags *could* occur as a result of the proposed modification to the ordinance to include public eating establishments.

If significant additional paper bag usage did occur as a result of adding public eating establishments to the affected store set, the project could lead to an increase in energy use associated with bag manufacture, transport, and disposal. Even with this increase, however, because of the decrease in energy usage associated with the reduction in the use of single use plastic bags, the ordinance as a whole would not result in the use of fuel or energy in a wasteful manner, nor would it result in a substantial increase in demand upon energy resources, resulting in a less than significant impact.

4.8 CUMULATIVE IMPACTS

At the time of preparation of the 2011 FEIR, many jurisdictions were considering adopting ordinances regulating the distribution of single use bags, but few ordinances had been adopted and implemented for a long enough period of time to determine the change in bag use behavior patterns that would result. The 2011 FEIR determined that negative environmental effects could conceivably occur if the cumulative effect of these various programs lead to a large increase in paper bag use compared to existing conditions, but did not identify significant cumulative impacts to which the project would contribute.

As described in Section 3.0 above, data collected throughout Alameda County after implementation of the ordinance shows that the project did not lead to the increase in paper bag usage that was assumed in the 2011 FEIR but did result in the anticipated reduction in single use plastic bag usage. In fact, the use of single use paper bags returned to pre-ordinance levels by 2015. Similar results were seen in the nearby City of San Jose, where a single use bag reduction ordinance resulted in a nearly complete elimination of single use plastic bags without a substantial increase in the use of paper bags.^{4,5} It can be inferred from this data that other bag reduction ordinances adopted in the Bay Area and throughout the State since the preparation of the 2011 FEIR achieved similar results. Potential cumulative impacts associated with a large increase in paper bag use, therefore, have not occurred.

Although the proposed modification to the ordinance could result in an increase in the use of single use paper bags, because of the relatively insubstantial increase in paper bags and the new information showing the 2011 FEIR significantly overestimated the cumulative increase in paper bag use, the modified project would not result in new or more significant cumulative impacts than those identified in the 2011 FEIR. **[Same Impact as Approved Project (Less Than Significant Impact)]**

⁴ City of San Jose. Memorandum to Transportation and Environment Committee – Subject: Bring Your Own Bag Ordinance Implementation Results and Actions to Reduce EPS Foam Food Ware. November 20, 2012. Available at: http://www3.sanjoseca.gov/clerk/CommitteeAgenda/TE/20121203/TE20121203_d5.pdf.

⁵ City of San Jose, Memorandum to Honorable Mayor and City Council – Subject: Amendment to the Single-Use Carryout Bag Regulations. September 12, 2013. Available at: <http://sanjoseca.gov/DocumentCenter/View/21329>.

5.0 CONCLUSION

Based on the above analysis and discussion, no substantive revisions are needed to the *Mandatory Recycling and Single Use Bag Reduction Ordinances FEIR*. No new significant impacts or impacts of substantially greater severity would result from the modified project because there have been no changes in circumstances in the project area that would result in new significant environmental impacts or substantially more severe impacts; and no new information has come to light that would indicate the potential for new significant impacts or substantially more severe impacts than were identified in the 2011 FEIR. Therefore, no further evaluation is required, and no Subsequent EIR is needed pursuant to State CEQA Guidelines Section 15162. An Addendum to the 2011 FEIR is the appropriate review document for the modified project, pursuant to Section 15164.

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ATTACHMENT E

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding ("MOU") is made and entered into on this ___ day of September, 2016 by and between the Alameda County Flood Control And Water Conservation District ("District") and the Alameda County Waste Management Authority ("Authority").

RECITALS

1. On January 25, 2012, the Authority adopted an Ordinance Regulating the Use of Carryout Bags and Promoting the Use of Reusable Bags ("Ordinance 2012-2" or "ordinance") to reduce the use of single use carryout bags and promote the use of reusable bags at the point of sale in Alameda County. The ordinance applies to certain retail establishments that sell packaged food and liquor, such as grocery stores, supermarkets, convenience stores, liquor stores, and drug stores.
2. The Authority has the power to enact and amend Ordinance 2012-2 pursuant to the Joint Exercise of Powers Agreement for Waste Management ("JPA"). The JPA grants the Authority the power, duty, and responsibility to prepare, adopt, revise, amend, administer, enforce and implement the County Integrated Waste Management Plan, and pursuant to Section 5.m of the JPA, the power to adopt ordinances necessary to carry out the purposes of the JPA.
3. Based on the success of Ordinance 2012-2, the Authority is considering expanding the ordinance to a larger set of affected stores to include all retail stores and public eating establishments in Alameda County to further reduce single use bag usage. The Authority expects to vote on whether to adopt expansion of the ordinance on October 26, 2016.
4. The Authority implements and enforces the ordinance on behalf of the member agencies and would implement and enforce any amendments to the ordinance.
5. The Alameda Countywide Clean Water Program ("Program") is a consortium of local government entities working together with the community to protect creeks, wetlands and the San Francisco Bay. The Program's member agencies are: County of Alameda, the cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro and Union City, the District, and the Zone 7 Water Agency.
6. The District is the Program's Fiscal Agent and Program Manager, and is responsible for administrative matters, subject to the direction of the Program's Management Committee.

7. The Program's member agencies are issued stormwater discharge permits from the San Francisco Bay Regional Water Quality Control Board. These permits require the member agencies to conduct activities to reduce pollutants being discharged to local creeks and the Bay.

8. The current stormwater discharge permit (Municipal Regional Stormwater Permit No. R2-2015-0049) requires the member agencies to reduce the discharge of trash by 70% by July 2017 and 80% by July 2019. Expanding the ordinance to include all retail stores within Alameda County will assist member agencies in complying with this requirement and will efficiently further the Parties shared interest in trash reduction.

9. The Program's management committee has approved a \$180,000 contribution to the Authority to support the costs of implementing and enforcing an expanded ordinance, A provision to allow specific member agencies of the Authority to opt-out of the expanded ordinance (an "opt-out provision") is acceptable.

NOW, THEREFORE, the Authority and the District (on behalf of the Program) (the "Parties") agree as follows:

1. If the Authority amends Ordinance 2012-2 to apply to all retail stores within Alameda County (an opt-out provision is acceptable), the Program shall remit \$180,000 ("Funds") in financial assistance for implementing and enforcing the expanded ordinance to the Authority within ninety (90) days after the adoption of such amendment to the ordinance and the receipt of an invoice for said amount. If the Authority does not amend Ordinance 2012-2 on or before December 31, 2017, then this MOU shall immediately terminate.

2. The Funds shall be used at the Authority's discretion for implementation and enforcement of the amended ordinance. Any Funds not so used within three (3) years shall be returned to the District for the Program.

3. The Program shall have no involvement with the use of the Funds or the implementation or enforcement of any amended ordinance. Notwithstanding the foregoing, the Program may help to educate the public about any amendment and assist with any other ordinance implementation agreed to by the Parties. The Program and each member of the Program shall bear no liability whatsoever for the proceedings to amend the ordinance, the implementation of the ordinance, the enforcement of the ordinance, or any costs of any kind not specifically provided for herein. Authority agrees to fully defend, indemnify, and hold harmless the Program, its member agencies, and their officers, employees, agents, and officials (collectively, "indemnified parties"), to the maximum extent permitted by law from and against all claims, suits, losses, damages, injuries, expenses, liabilities, liens, actions, causes of action, charges, assessments, fines and penalties of any kind, from any cause, arising out of or relating directly or indirectly to the ordinance or the performance of this MOU, except to the extent attributable to the active negligence or willful misconduct of the indemnified parties.

4. Except as otherwise required by paragraph 2, above, this MOU does not obligate the Authority to take any particular action with regard to any amendments to the ordinance or with regard to implementation or enforcement of any amended ordinance, and the Authority shall have no obligations to the Program as a result of this MOU.

5. This MOU is entered into and will be performed in Alameda County, California, and shall be governed by the laws of California.

IN WITNESS WHEREOF, EACH PARTY HEREBY APPROVES AND EXECUTES THIS MEMORANDUM OF UNDERSTANDING

District	Authority
 _____ President, Board of Supervisors DATE: _____	 _____ Wendy Sommer, Executive Director DATE: _____
APPROVED AS TO FORM: County Counsel By: _____ Kathy Lee, Deputy County Counsel	APPROVED AS TO FORM: By: _____ Richard Taylor, Authority Counsel

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DATE: September 28, 2016

TO: Waste Management Authority Board

FROM: Wendy Sommer, Executive Director

BY: Debra Kaufman, Senior Program Manager
Meri Soll, Senior Program Manager

SUBJECT: Support Position for Proposition 67, the Plastic Bag Ban Referendum

SUMMARY

Typically the Agency does not take positions on ballot measures. Proposition 67, the Plastic Bag Ban Referendum, however, is so closely aligned with an Agency project and goal, that staff is recommending that the Board adopt a support position.

DISCUSSION

In 2014, the Governor signed a statewide bag law, Senate Bill (SB) 270, which prohibits stores that sell packaged food and liquor (the same set of stores that the Authority's ordinance currently covers) from providing single use plastic carry-out bags. It requires these stores to charge customers 10 cents for any carry out bag it provides at checkout. The state law closely models our own ordinance. The law does not preempt any of the Agency's adopted ordinance provisions (as our ordinance was adopted in 2012, prior to the state law) and would allow for expansion to additional stores, as is currently being considered.

A referendum to overturn SB 270 has qualified for the ballot and the fate of the law will be determined by the results at the upcoming general election. Proposition 67 is the referendum on SB 270. A "yes" vote on Prop 67 upholds SB 270 and implements the statewide bag ban. SB 270 will only apply to cities and counties that do not already have their own single use carryout bag law as of September, 2014.

The importance of keeping plastic bags out of our streets, waterways and landfills has been recognized by many local governments and as of June 2016, there were single-use carryout bag laws in approximately 150 cities and counties, covering about 40 percent of California's population. This law will help to reduce the estimated 15 billion single-use plastic carryout bags provided to customers in California and save our state and local communities tens of millions of dollars in litter clean-up costs.

The referendum has received a position of support from Berkeley, Pasadena, Santa Cruz, Contra Costa and Marin Counties and the League of California Cities, as well as a many other organizations dedicated to improving water quality and reducing waste. Attachment A provides the text of the Ballot Measure.

Another related measure, Proposition 65, will also be on the ballot, and we are not recommending a position on this measure. Proposition 65 would dedicate the bag fees collected under Proposition 67 to a new state fund instead of to the retailers to help offset their bag costs. Proposition 65 is sponsored by plastics manufacturers and is suspected of causing consumer confusion around this issue.

RECOMMENDATION

Staff recommends that the Authority Board adopt a position of “support” on Proposition 67 to uphold Senate Bill 270, the Plastic Bag Ban.

Attachment A: Ballot Measure Description

PROPOSITION 67 BAN ON SINGLE-USE PLASTIC BAGS. REFERENDUM.

OFFICIAL TITLE AND SUMMARY

PREPARED BY THE ATTORNEY GENERAL

A "Yes" vote approves, and a "No" vote rejects, a statute that:

- Prohibits grocery and certain other retail stores from providing single-use plastic or paper carryout bags to customers at point of sale.
- Permits sale of recycled paper bags and reusable bags to customers, at a minimum price of 10 cents per bag.

SUMMARY OF LEGISLATIVE ANALYST'S ESTIMATE OF NET STATE AND LOCAL GOVERNMENT FISCAL IMPACT:

- Relatively small fiscal effects on state and local governments. Minor increase of less than a million dollars annually for state administrative costs, offset by fees. Possible minor savings to local governments from reduced litter and waste management costs.

ANALYSIS BY THE LEGISLATIVE ANALYST

BACKGROUND

Carryout Bag Usage. Stores typically provide their customers with bags to carry out the items they buy. One type of bag commonly provided is the "single-use plastic carryout bag," which refers to a thin plastic bag used at checkout that is not intended for continued reuse. In contrast, "reusable plastic bags" are thicker and sturdier so that they can be reused many times. Many stores also provide single-use paper bags. Stores frequently provide single-use paper and plastic carryout bags to customers for free, and some stores offer reusable bags for sale. Each year, roughly 15 billion single-use plastic carryout bags are provided to customers in California (an average of about 400 bags per Californian).

Many Local Governments Restrict Single-Use Carryout Bags. Many cities and counties in California have adopted local laws in recent years restricting or banning single-use carryout bags. These local laws have been implemented due to concerns about how the use of such bags can impact the environment. For example, plastic bags contribute to litter and can end up in waterways. In addition, plastic bags can be difficult to recycle because they can get tangled in recycling machines. Most of these local laws ban single-use plastic carryout bags at grocery stores, convenience stores, pharmacies, and liquor stores. They also usually require the store to charge at least 10 cents for the sale of any carryout bag. Stores are allowed to keep the resulting revenue. As of June 2016, there were local carryout bag laws in about 150 cities and counties—covering about 40 percent of California's population—mostly in areas within coastal counties.

Passage of Statewide Carryout Bag Law. In 2014, the Legislature passed and the Governor signed a statewide carryout bag law, Senate Bill (SB) 270. As described in more detail below, the law prohibits certain stores from providing single-use plastic carryout bags. It also requires these stores to charge

customers for any other carryout bag provided at checkout.

PROPOSAL

Under the State Constitution, a new state law can be placed before voters as a referendum to determine whether the law can go into effect. This proposition is a referendum on SB 270. Below, we describe what a "yes" and "no" vote would mean for this measure, its major provisions, and how this measure could be affected by another proposition on this ballot.

What a "Yes" and "No" Vote Mean

"Yes" Vote Upholds SB 270. Certain stores would be prohibited from providing single-use plastic carryout bags and generally required to charge at least 10 cents for other carryout bags. These requirements would apply only to cities and counties that did not already have their own single-use carryout bag laws as of the fall of 2014.

"No" Vote Rejects SB 270. A store could continue to provide single-use plastic carryout bags and other bags free of charge unless it is covered by a local law that restricts the use of such bags.

Main Provisions of Measure

Prohibits Single-Use Plastic Carryout Bags. This measure prohibits most grocery stores, convenience stores, large pharmacies, and liquor stores in the state from providing single-use plastic carryout bags. This provision does not apply to plastic bags used for certain purposes—such as bags for unwrapped produce.

Creates New Standards for Reusable Plastic Carryout Bags. This measure also creates new standards for the material content and durability of reusable plastic carryout bags. The California Department of Resources Recovery and Recycling (CalRecycle) would be responsible for ensuring that bag manufacturers

ANALYSIS BY THE LEGISLATIVE ANALYST

CONTINUED

meet these requirements. The measure also defines standards for other types of carryout bags.

Requires Charge for Other Carryout Bags. This measure generally requires a store to charge at least 10 cents for any carryout bag that it provides to consumers at checkout. This charge would not apply to bags used for certain purposes—such as bags used for prescription medicines. In addition, certain low-income customers would not have to pay this charge. Under the measure, stores would retain the revenue from the sale of the bags. They could use the proceeds to cover the costs of providing carryout bags, complying with the measure, and educational efforts to encourage the use of reusable bags.

Another Proposition on This Ballot Could Affect Implementation of This Measure

This ballot includes another measure—Proposition 65—that could direct revenue from carryout bag sales to the state if approved by voters. Specifically, Proposition 65 requires that revenue collected from a state law to ban certain bags and charge fees for other bags (like SB 270 does) would have to be sent to a new state fund to support various environmental programs.

If both measures pass, the use of the revenues from carryout bag sales would depend on which measure receives more votes. Figure 1 shows how the major provisions of SB 270 would be implemented differently depending on different voter decisions on the two measures. Specifically, if Proposition 67 (this referendum on SB 270) gets more “yes” votes, the revenue would be kept by stores for specified purposes. However, if Proposition 65 (initiative) gets more “yes” votes, the revenue would be used for environmental programs. We note that Proposition 65 includes a provision that could be interpreted by the courts as preventing SB 270 from going into effect at all should

both measures pass and Proposition 65 gets more “yes” votes. However, this analysis assumes that the other provisions of SB 270 not related to the use of revenues—such as the requirement to ban single-use plastic carryout bags and charge for other bags—would still be implemented.

FISCAL EFFECTS

Minor State and Local Fiscal Effects. This measure would have relatively small fiscal effects on state and local governments. Specifically, the measure would result in a minor increase of less than a million dollars annually in state costs for CalRecycle to ensure that bag manufacturers meet the new reusable plastic bags requirements. These costs would be offset by fees charged to makers of these bags. The measure could also result in other fiscal effects—such as minor savings to local governments from reduced litter cleanup and waste management costs.

Visit <http://www.sos.ca.gov/measure-contributions> for a list of committees primarily formed to support or oppose this measure. Visit <http://www.fppc.ca.gov/transparency/top-contributors/nov-16-gen-v2.html> to access the committee's top 10 contributors.

Figure 1

Implementation of Referendum Would Be Affected by Outcome of Proposition 65

	Proposition 67 (SB 270 Referendum) Passes	Proposition 67 (SB 270 Referendum) Fails
Proposition 65 (Initiative) Passes	Statewide carryout bag law in effect. Use of revenues from sale of carryout bags depends on which proposition gets more votes: <ul style="list-style-type: none"> • If more “yes” votes for referendum, revenue is kept by stores. • If more “yes” votes for initiative, revenue goes to state for environmental programs.^a 	No statewide carryout bag law. Revenue from any future statewide law similar to SB 270 would be used for environmental programs.
Proposition 65 (Initiative) Fails	Statewide carryout bag law in effect and revenue from the sale of carryout bags is kept by stores.	No statewide carryout bag law.

^a Alternatively, a provision of Proposition 65 could be interpreted by the courts as preventing Senate Bill (SB) 270 from going into effect at all.

★ ARGUMENT IN FAVOR OF PROPOSITION 67 ★

67

YES on 67 to REDUCE LITTER, PROTECT OUR OCEAN and WILDLIFE, and REDUCE CLEAN-UP COSTS.

Single-use plastic shopping bags create some of the most visible litter that blows into our parks, trees and neighborhoods, and washes into our rivers, lakes and ocean. A YES vote will help keep discarded plastic bags out of our mountains, valleys, beaches and communities, and keep them beautiful. The law also will save our state and local communities tens of millions of dollars in litter clean-up costs.

PLASTIC BAGS ARE A DEADLY THREAT TO WILDLIFE.

"Plastic bags harm wildlife every day. Sea turtles, sea otters, seals, fish and birds are tangled by plastic bags; some mistake bags for food, fill their stomachs with plastics and die of starvation. YES on 67 is a common-sense solution to reduce plastic in our ocean, lakes and streams, and protect wildlife."—Julie Packard, Executive Director, Monterey Bay Aquarium

YES on 67 CONTINUES CALIFORNIA'S SUCCESS IN PHASING OUT PLASTIC BAGS.

A YES vote will keep in place a law passed by the Legislature and signed by the Governor that will stop the distribution of wasteful single-use plastic shopping bags. This law has strong support from organizations that are committed to protecting the ocean, wildlife, consumers, and small businesses.

It will be fully implemented statewide once voters approve Prop. 67.

Many local communities are already phasing out plastic bags. In fact, nearly 150 local cities and counties have banned single-use plastic bags. These laws have already been a success; some communities have seen a nearly 90 percent reduction in single-use bags, as well as strong support from consumers.

OUT-OF-STATE PLASTIC BAG COMPANIES ARE OPPOSING CALIFORNIA'S PROGRESS.

Opposition to this law is funded by four large out-of-state plastic bag companies. They don't want California to take leadership on plastic bag waste, and are trying to defeat this measure to protect their profits.

Don't believe their false claims. We should give California's plastic bag law a chance to work, especially with so much success already at the local level.

YES on 67 to PROTECT CALIFORNIA'S PLASTIC BAG LITTER REDUCTION LAW.

JULIE PACKARD, Executive Director
Monterey Bay Aquarium

JOHN LAIRD, Chairperson
California Ocean Protection Council

SCOTT SMITHLINE, Director
California Department of Resources Recycling and Recovery

★ REBUTTAL TO ARGUMENT IN FAVOR OF PROPOSITION 67 ★

WE ALL WANT TO PROTECT THE ENVIRONMENT, BUT PROP. 67 IS A FRAUD.

It is a \$300 million per year HIDDEN BAG TAX on California consumers who will be forced to pay a minimum 10 cents for every paper and thick plastic grocery bag they are given at checkout.

AND NOT ONE PENNY WILL GO TO THE ENVIRONMENT.

Instead, the Legislature gave all \$300 million in new bag tax revenue to grocers as extra profit.

THAT'S \$300 MILLION EVERY YEAR!

STOP THE SPECIAL INTEREST SWEETHEART DEAL.

In a sweetheart deal brokered by special interest lobbyists, Proposition 67 will grow profits for grocery stores by up to \$300 million a year.

Big grocery store chains get to keep ALL of the new tax revenue.

Grocers will grow \$300 million richer every year on the backs of consumers.

DON'T BE FOOLED; NOT ONE PENNY OF THE BAG BAN TAX GOES TO THE ENVIRONMENT.

The Legislature could have dedicated the new tax revenue to protect the environment, but their goal wasn't to protect the environment . . . IT WAS ABOUT GROWING PROFITS FOR GROCERY STORES AND LABOR UNIONS.

The measure SPECIFICALLY REQUIRES GROCERS TO KEEP ALL OF THE NEW TAX AS PROFIT! STOP THE SWEETHEART DEAL AND HIDDEN BAG TAX.

VOTE NO ON PROP. 67.

DOROTHY ROTHROCK, President
California Manufacturers & Technology Association

THOMAS HUDSON, Executive Director
California Taxpayer Protection Committee

DEBORAH HOWARD, Executive Director
California Senior Advocates League

★ **ARGUMENT AGAINST PROPOSITION 67** ★

DON'T BE FOOLED BY PROP. 67.

It is a \$300 million per year **HIDDEN TAX INCREASE** on California consumers who will be forced to pay a minimum 10 cents for every paper and thick plastic grocery bag they are given at the checkout.

And not one penny goes to the environment.

Instead, the Legislature gave all \$300 million in new tax revenue to grocers as extra profit.

Stop the sweetheart special interest deal . . . **VOTE NO ON PROP. 67.**

STOP THE BAG TAX

Prop. 67 bans the use of plastic retail bags and **REQUIRES** grocers to charge and keep a minimum 10 cent tax on every paper or thicker plastic reusable bag provided at checkout.

Consumers will pay \$300 million more every year just to use shopping bags grocery stores used to provide for free.

TAX REVENUE GOES TO GROCERS, SPECIAL INTERESTS

Proposition 67 will grow profits for grocery stores by up to \$300 million a year.

Big grocery store chains get to keep all of the tax revenue.

Grocers will grow \$300 million richer on the backs of consumers.

NOT ONE PENNY OF THE BAG TAX GOES TO HELP THE ENVIRONMENT

The Legislature could have dedicated the new tax revenue to protect the environment, but it did not. Instead, it **REQUIRED** grocery stores to keep the new bag tax revenue.

STOP THE SPECIAL INTEREST BAG TAX DEAL

Prop. 67 is a deal cooked up by special interest lobbyists in Sacramento to grow profits for grocery stores.

The Legislature passed SB 270 and hidden in the fine print is a **NEW BAG TAX** on consumers—a minimum 10 cents on every paper and thick plastic reusable bag provided to shoppers—all dedicated to grocer profits.

STOP THE SWEETHEART DEAL AND HIDDEN BAG TAX

VOTE NO ON PROP. 67.

DOROTHY ROTHROCK, President

California Manufacturers & Technology Association

THOMAS HUDSON, Executive Director

California Taxpayer Protection Committee

DEBORAH HOWARD, Executive Director

California Senior Advocates League

★ **REBUTTAL TO ARGUMENT AGAINST PROPOSITION 67** ★

A YES vote on 67 confirms that California can move forward with its ban on plastic grocery bags. It's that simple.

Don't be fooled by the deceptive campaign waged by plastic bag corporations from Texas and South Carolina, who claim they are looking out for our environment. Phasing out single-use plastic bags brings major benefits to California.

These bags kill wildlife, pollute our oceans, ruin recycling machines, and cause litter that is expensive to clean up.

Many local communities across California have already phased out plastic grocery bags, and a YES vote would continue this progress.

"Don't buy the industry spin! . . . shoppers can avoid the 10-cent fee on paper or reusable plastic bags simply by bringing their own."—The Los Angeles Times editorial board

"Across California, small local grocery stores like ours support a YES vote on Prop. 67. In our local

community, we have a ban on single-use plastic bags that is working well. Our customers are bringing their own reusable bags, and are happy to do their part to reduce unneeded plastic litter. It's good for small businesses and consumers."—Roberta Cruz, La Fruteria Produce

"Californians are smarter than the plastic bag makers, especially those from out of state, seem to think."—Sacramento Bee Editorial Board

Vote YES on 67 to protect California's success in phasing out plastic bag litter and waste.

DOLORES HUERTA, Co-Founder

United Farm Workers

SAM LICCARDO, Mayor

City of San Jose

MARY LUÉVANO, Commissioner

California Coastal Commission



DATE: September 28, 2016

TO: Waste Management Authority Board
Source Reduction and Recycling Board

FROM: Wendy Sommer, Executive Director

SUBJECT: Priority Setting Exercise

SUMMARY

At the July, 2016 Waste Management Authority meeting, staff provided an overview and timeline for priority setting activities. At the September 28 Waste Management Authority meeting, staff will facilitate an activity designed to obtain a better understanding of Board member perspectives on a number of high-level decision points.

DISCUSSION

The priority setting process includes conversations with staff, Boards, member agency staff (TAC, city managers), and input from stakeholders such as the Northern California Recycling Association, the Measure D committee, and industry representatives. The work will culminate in November with the Board approving a priority framework that staff will use to inform budget development for the next two years. Financially, our goal is to match core expenditures with core revenues (with no new fees), and align programmatic work with our goals, strengths, and current external conditions.

As a reminder, this is not intended to be an in-depth strategic planning process and we are not trying to replace the current Strategic Plan 2010. Rather, we aim to develop guiding principles that can be applied to our budgeting process, for example: should we emphasize recovery and prevention of organic waste over packaging? It is also an opportunity to include other indicators of success, which will complement the lofty and aspirational goal of “under 10 by 2020.”

The priority setting process will also help us determine what type of programs and skill sets are needed for our agency in the short and long terms.

We are currently gathering stakeholder input and will come back in October to propose guiding principles for you to adopt in November.

RECOMMENDATION

This item is for information only.

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October 2016 Meetings Schedule

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

(Meetings are held at StopWaste Offices unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
						1
2	3	4	5	6.	7	8
9	10	11	12	13 9:00 AM Programs & Administration Committee Key Items: 1. Enforcement Update 2. Technical Assistance Update <hr/> 4:00 PM Planning & Organization Committee /Recycling Board Key Items: 1. Legislative Results 2. Enforcement update 3. Technical Assistance Update	14	15
16	17	18	19	20	21	22
23	24	25	26 3:00 PM Waste Management Authority & Energy Council Key Items: 1. Legislative Results 2. Bags Expansion– 2nd Reading/Adoption 3. Reappt. Maass and Rood to RB-2nd term 4. Priority setting focus areas	27	28	29
30	31					

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Why are Bay Area recycling centers closing -- and can anything save them?

By Annie Sciacca and Sophie Mattson, asciacca@bayareanewsgroup.com, smattson@bayareanewsgroup.com
East Bay Times

Posted: Tue Jul 26 18:47:20 MDT 2016

As recycling redemption centers continue to close around the state, the remaining Bay Area locations are struggling to keep up with demand, leaving residents looking to cash in on recyclables with a dwindling number of options.

The value of plastic, glass and aluminum has decreased, forcing many redemption centers to shut their doors, despite a state subsidy program designed to help them weather market downturns.

That puts pressure on the existing centers, which are struggling to meet the demand with little funds.

"It's a lot busier," said Robert Holcomb, owner of Recycle It in Martinez, following the closure of another recycling center nearby and a slew of centers in Contra Costa County.

However, Holcomb's center is not benefiting from the increased demand. Rather, he has to hire more people to keep the center running, but the value of scrap materials -- where many recycling centers make their profits -- is so bad, he said, that it is difficult to support the operation.

California is one of 10 states that charges customers a deposit -- the California Redemption Value -- when they buy bottles and cans. Recyclers can claim those refunds at recycling redemption centers, which then sell the recyclables to processing centers for the value of the CRV and a possible scrap price. The scrap value has been in a downward slide.

For example, as the price of oil has dropped, so too has the cost of plastic, making recycled plastic products less competitive with new products and lowering the scrap value of the recyclables. The price of plastic has fallen from \$400 a ton 18 months ago to about \$190 today, according to Mark Oldfield of the state's recycling program, CalRecycle.

The recycling struggle is due to both local and global challenges. As recycling centers face high operating costs in the Bay Area, because of increased minimum wages and high real estate costs, commodities prices have plummeted worldwide.

Paper has been in a downward slide for several years, and aluminum prices have fallen because of oversupply and lower demand from China, which has been one of the largest buyers of recycled materials from the United States.

Fred Arjo, owner of Martin's Recycling in Gilroy, said his company's profits started taking a hit from the reduced scrap prices about eight or nine months ago.

"We are struggling to stay in the business," Arjo said. "Even the customers are complaining because the prices are down."

The price of scrap metal has depreciated so dramatically that his company doesn't even take it anymore.

Samantha Miskell, a sales manager for A&S Metals, which has locations in Gilroy and throughout the Central Valley, said its centers, too, have seen an influx of bottles and cans in recent months because of the closure of so many other local recycling companies, but the company has taken a hit from the reduced scrap prices, especially for glass bottles.

By law, recycling centers are obligated to ship redeemed material to a certified processor. Although there are many processors throughout the region that can take plastic and aluminum bottles and cans, there is only one processor in the Bay Area, Strategic Material Inc., which takes clean, sorted glass, leaving no competition for recyclers' glass prices, Miskell said. SMI also moved from San Leandro to Fairfield, driving up trucking costs for some Bay Area recyclers.

Recycling centers are increasingly dependent on the state's subsidy program, but critics say the payouts are too slow to arrive and the subsidies aren't adjusted quickly enough to reflect changing market conditions. CalRecycle bases subsidies on a 12-month average of scrap value from a previous year, which does not keep up with real-time changes in scrap value prices, according to a report from nonprofit Container Recycling Institute.

That causes a problem for busy centers like Concord Recycling Center, which often buys \$15,000 worth of recyclables from residents in a day.

"The system is antiquated," said Mike Jennings, manager of the Concord Recycling Center.

Hundreds of California recycling centers have shuttered in the past year, many because of financial hardship. Ontario-based RePlanet, one of the largest private recycling center operators in California, closed 191 recycling centers and laid off 278 employees at the beginning of 2016. The company cited higher operating costs and "unprecedented declines" in prices of plastic and aluminum as the reason for the closures.

California has had an average of 2,100 recycling centers in recent years, but in the past year, that dropped to an existing 1,773. The decline is having an impact on consumers.

Mike Lavino, a local resident who regularly recycles bottles and cans at the Martinez Recycle It center, said there are often long wait times at the center now that other centers around Contra Costa County have closed.

"This is the only place in town," he said. "There is just no money in it anymore."

Advocates worry that the decline in recycling centers will particularly affect people who rely on the centers for income.

Glass King Recyclers, better known as Alliance, in West Oakland, has faced pressure to close from neighbors wary of the crowds it draws. The cost of operating amid fines from the city and legal fees prompted the owners to agree to close the center, but as the deadline approaches, its owners, community groups and even the American Civil Liberties Union are urging the Oakland City Council to let the center continue operating until it can find a different site.

"(Alliance) serves the neighborhood, especially very low-income people," said Dan Radoff, who runs a recycling program to benefit schools and has worked with the center. "This allows them to make an honest living by going out and collecting bottles and cans."

Radoff pointed out that the decline in recycling centers could hurt the state's goal to recycle more, marked by a recent legislative bill that calls for 75 percent recycling, composting or reduction of waste by 2020.

Many suggest the decades-old state recycling program needs an overhaul.

Steve Weissman, a lecturer at the Goldman School of Public Policy at UC Berkeley, said that since the prices of scrap materials change quite often, it is crucial for the long-term success of recycling efforts to have more consistency in options for redeeming deposits on cans, bottles and scrap metal.

"Policies that could help maintain that stability and predictability of the market could be an important factor to help balance out issues like fluctuating prices," Weissman said.

Contact Annie Sciacca at asciacca@bayareanewsgroup.com or 925-943-8073. Follow her at [Twitter.com/AnnieSciacca](https://twitter.com/AnnieSciacca).

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"My name is Ian. I make landfill."

Published on September 5, 2016



Ian Coats MacColl | [Follow](#)
Chief Creative Officer at Green Toys Inc.



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Sobering reflections on a career making waste.

I am an industrial designer and I know lots of different ways to make landfill.

In my profession you are considered to be successful if you make a lot of landfill. Really, it's true. We designers brag to each other about how much landfill we create and we respect those who make the most. In my world, you get awards and adulation for creating landfill. There are a lot of us and we are really proud of what we have achieved.

Okay, we do not actually gloat to each other explicitly about how much landfill we make. Rather, we talk about how many of something we designed have been sold—the more the better, regardless of whether or not anyone actually needs or uses the product. In reality, most of this stuff ends up in landfill.

I learned early in my career from some of the best mentors in the profession at [IDEO](#). And, as a professor of industrial design at [California College of the Arts](#), I have been teaching a new generation how to do it just as well for the last 20 years. This way, young designers can make lots of landfill and be successful like me. It is really impressive how much additional landfill we have created by sharing our successful methods.

By these measures, I am a very “successful” industrial designer.

“Nothing succeeds like excess.”

Oscar Wilde

Where does our motivation come from? Are we evil?

My theory is that all creatures are wired to procreate—we can’t help it, it is part of being a human. I am pretty sure Darwin pointed this out a while ago. I believe you can link making lots of landfill to our desire to procreate.

We see the products we create, reproduced far and wide, as extensions of our influence, part of our personal DNA. Perhaps we even confuse these products with having offspring. Except these offspring do not need care and feeding like human kids. Manufactured products are simply out there representing how clever you (the parent) are and they (the products) don’t make much of a fuss. Since we don’t have to worry much about them after they are manufactured, the more the better.

Industrial designers feel influential through creating very specific tools to help other members of the species be more productive. Honestly, we are trying to help people be healthier, have more pleasure, play, stay safer, prepare better food, communicate remotely, learn, etc. Our intentions are good—we just ignore the crappy part at the end when the tools stop working or someone creates a better one to replace them.

We hate the ending part. We are *beginning* people. We innovate! We strategize! We disrupt! (Our design tribe ascribes a lot of importance to these principles.) Beginnings are full of freshness and optimism but typically come at the expense of endings. But endings are not so interesting to those who are focused on beginnings. We naïvely believe there are other people who will deal with the ending so we tend to ignore it.

Essentially, we are well-intentioned humans trying to procreate, assist, and influence; however, we tend to be in denial of the consequences we create downstream of our inspired beginnings.

Many of you are enabling me.

It's inevitable that people want new things. New clothes often feel better than old clothes. New tweets/emails/posts are more interesting than the old ones. That new car says you are successful. Buying new cars regularly says you are really successful. We are pretty sure this makes us more attractive to other humans.

With increasing frequency, our value in society is measured by how much we consume, not by how much we conserve. In my country, the United States, our society is addicted to new products and the advertising supporting this is ubiquitous. Shopping in and of itself has become very important to how people view themselves.

Lots of consumers desiring more new stuff means people like me are in great demand. In our minds, we are just providing design for what consumers "need." As it turns out, it is not what they need; rather, it is what they want, activated by clever marketing.

Anybody who is a parent has described to a child the difference between "need" and "want." Why can't most adults understand something that is pretty clear to a six year old?

I [learned](#) that only one percent of things we buy are still in use six months after the date of sale. Think about that for a moment. Are these really things we "need"? I am afraid many of us are guilty of feeding this beast. It is not your fault; marketers are good at making us feel this way.

*"Sometimes you can only find Heaven
by slowly backing away from Hell."*

Carrie Fisher

Some designers are doing things differently.

I have started looking around for a different way. It is not easy: turns out this landfill thing is a really hard problem.

Annie Leonard has been exploring the full impact of a linear product manufacturing process and uncovered some troublesome things that describe the problem very well. Her movie *The Story of Stuff* is a great place to start as it explains a complex issue in a simple visual medium. It illuminates how our society is unnecessarily programmed to operate a certain way, and we reward handsomely those who create a lot of unnecessary things.

The [Ellen MacArthur Foundation](#) is teaching the world about the “circular economy.” I had never heard of it. The circular economy is in contrast to the linear economy, which mines natural and social resources and transforms them into products that eventually end up as landfill (also known as the “take, make, and dispose” economy). The circular economy is a business process that endeavors to create a sustainable way to meet demand while conserving our planet’s resources, both physical and social.

William Myers eloquently addresses a new radical approach to design that draws on biological tenets in *Biodesign*. Biodesign refers specifically to the incorporation of living organisms as essential components, enhancing the design process and the function of the finished work in applications like buildings and consumer products. I do not completely understand how to incorporate biodesign into my new work process, but I am investigating how it might be used instead of the current linear paradigm.

Nathan Shedroff wrote the book *Design is the Problem* in 2009. He accurately identifies our tribe as contributing to the destruction of our closed system known as earth and he suggests strategies for how we might change our behaviors. He nailed it—why did it take me so long to read it and actually start taking some actions?

So, there are some smart minds both educating us on the problem and crafting meaningful solutions. The good news is that designers with the same skillset that created the problem can actually solve it. This is a big hairy problem—exactly the kind that we are trained to address using research, concept generation, and collaboration. Until now we have simply been solving the wrong problem.

*Addiction is a medical condition that is
characterized by compulsive
engagement in rewarding stimuli,
despite adverse consequences.*

Wikipedia

I am getting treatment for my addiction.

Fortunately, there is help out there for people like me —admitting to my addiction is an important first step. It has helped me start to see the destruction of my own actions and compelling me to re-evaluate how we live. I have new religion and want to share it with the world.

But I am going to have to be careful with the evangelizing. My conversion can quickly get misinterpreted as rooted in a tree-hugging eco-activist context. Nothing wrong with the tree-huggers, but the argument is better couched in terms of changing the prevailing business paradigm. Capitalism will remain relevant, but we need to start considering the whole product and not just the initial excitement of conception, development, and sales.

I have a lot to learn . . . and un-learn. The first step is to first understand the broader advantages of a circular business. Next come the small meaningful actions that start to change the paradigm. First strategy, then tactics. As with most things, success will be determined by getting lots of details right and the details are usually the hardest part.

I am honored to be joining a successful team doing things in a more responsible way. [Green Toys](#) is founded on the principle of creating products that are made from recycled materials, designed to last for generations, are easily recyclable, and are made domestically in the USA. Green Toys is admirably "circular" in an industry that makes a tremendous amount of short-lived and under-utilized products. Moving forward, the mission is to take this successful business model, refine it, and expand into other categories dominated by traditional linear thinking companies. Grow not solely for growth's sake, but rather to develop products and communities with a long-term sustainable view. This gets me really excited!

I am also going to reset the way I teach industrial design. I will be teaching a class on sustainable design with my friend Nathan who correctly stated that design is the problem. The first few years will be difficult as new courses always are; in this case I will be not just learning the course material but retraining my well-oiled "successful" landfill model honed over the last 25 years. Helping with this transformation will be our students as—they always bring critical thinking to the conversation. Eventually, through collaboration, consensus, and experimentation, I hope that our entire department will embrace the circular model of product development. Once we educate and retrain ourselves, we can help spread the process to other institutions. And once we change design education, it is only a matter of time before companies will align with this new philosophy.

Finally, we need to develop a new way to reward creative people. Let there be awards and adulation for making things that last a long time, products that are easily upgradable, or things not made at all. Let these be the heroes of our industry and not the ones creating trendy or popular products that sell well but have tragically short lives. Many organizations that bestow design awards are already moving in this direction and I applaud their efforts.

I have hit rock bottom – now it's time to challenge everything I know professionally and academically. I understand that it's easy to be enthusiastic at the beginning of a journey; the real work comes when problems present themselves that are not easily solved by conventional methods. Success will be determined by how well I can persevere personally and influence other designers to do the same (mirroring a step in recovery when you sponsor others addicts). It will not be easy, but treating an addiction never is.

Ian Coats MacColl is the new Chief Creative Officer at Green Toys, located in Sausalito, California. He is also an Associate Professor of Industrial Design at California College of the Arts in San Francisco. His most recent article on Pulse, [Dear Jony](#), addresses the need for design professionals to teach. He lives in Mill Valley, California with his wife and three young kids. You can reach him via www.linkedin.com/in/ianmaccoll.

Resources for those who also need help.

[The Story of Stuff](#) Annie Leonard

[Design is the Problem](#) Nathan Shedroff

[Confessions of a Radical Industrialist](#) Ray Anderson

[Natural Capitalism](#) Paul Hawken, Amory Lovins, and Hunter Lovins

[Let My People Go Surfing](#) Yvon Chouinard

[Biodesign](#) William Myers

SF not as green as it thinks on garbage

By **Heather Knight** | September 17, 2016 | Updated: September 18, 2016 11:59am

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Photo: Stephen Lam, Special To The Chronicle

IMAGE 1 OF 7

A worker pushes landfill materials into “the pit” at Recology’s Transfer Station in San Francisco.

It’s easy for politicians to set goals for their cities. It’s far, far harder to achieve them.

79

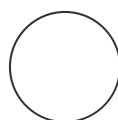
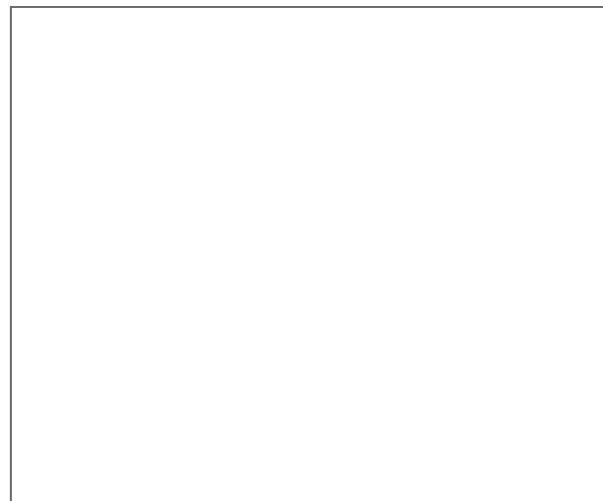
Take San Francisco's much-heralded goal of sending absolutely no garbage to landfills by the year 2020. In a composted nutshell? It's nowhere near happening.

Back in 2003 when the city's Commission on the Environment, at the urging of Mayor Willie Brown and the entire Board of Supervisors, set that goal, it was considered achievable.

But 13 years later, and just four years from the goal date, San Francisco continues to throw away huge amounts of garbage. The city's waste has averaged 1,463 tons every workday over the past year, according to Recology, the city's trash collector. There's no penalty for not meeting the target other than, of course, a swelling landfill that's bad for the environment and a big dent in San Francisco's reputation as one of the greenest cities in the world.

"We haven't hit our targets," said Guillermo Rodriguez, spokesman for the Department of the Environment. He called the zero waste plan a "big, audacious goal" that the city is still trying to meet, but admitted not everybody is doing their part.

"Really, we need our businesses and residents to do a much better job," he said, pointing out that 50 percent of what San Franciscans put in their black bins could be recycled or composted instead.



How San Franciscans can help the city get to its zero waste goal

Media: Heather Knight / San Francisco Chronicle

Recology began keeping daily garbage averages in 2008, but the annual trash tallies kept dating back to 2000 show big strides followed by complacency. In 2003, the year the zero waste goal was set, 581,567 tons of waste were sent to the city's landfill, 148,000 fewer tons than in the year 2000. Last year, that figure had dropped to 386,854, a 33 percent decrease. The lowest tally came in 2012 when 366,504 tons of trash went to the landfill, but that figure has crept up every year since.

Like so much else in San Francisco, trash heaps grow and shrink along with the economy. More residents, more workers and far more construction projects mean more garbage, despite whatever goal was set all those years ago.

Every workday, garbage trucks trundle into Recology's Transfer Station — better known as the dump — on Tunnel Avenue and unload their collected trash into a cavernous space twice the size of a basketball court and measuring 20 feet deep. An average day sees the gigantic hole filled 10 feet deep, a busy day even more.

"Welcome to the pit," said Recology spokesman Robert Reed on a recent visit to the pungent site. The clinking noise coming from unloading trucks signaled city residents had put a lot of recyclable glass into their black bins. The aroma signaled plenty of compostable food was in there too. None of that can be plucked from the heap, and it all winds up in the landfill.

"This is the sad place — it should be empty," Rodriguez said as he surveyed

Trash collected

Material sent to the city's primary landfill.

729,717 tons of landfill

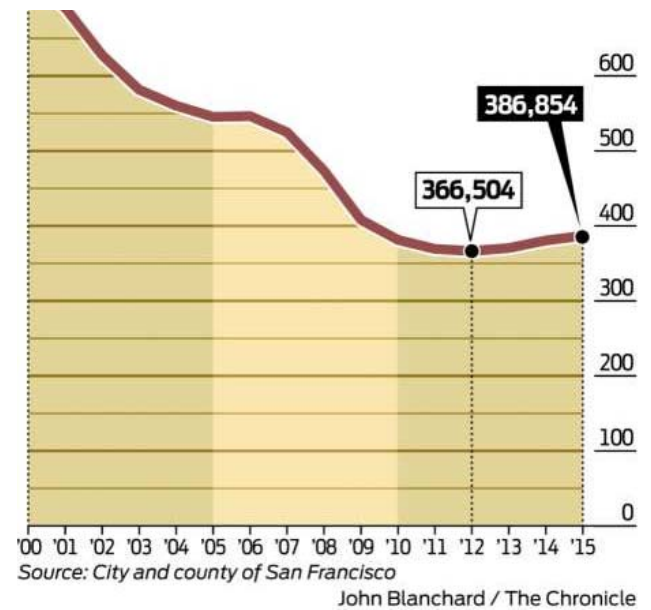
In thousands of tons

81

700

the huge pile of garbage. "This is where we need residents to do a better job."

San Francisco has a reputation for being hugely environmentally friendly. In 2002, the Board of Supervisors unanimously approved a long-term goal of producing zero waste and rolled out what the city dubbed the "fantastic three" — the blue, green and black bins that have become so well known. The next year, the Commission on the Environment specified the long-term goal for producing no trash would be 2020.



Since then, the city has continued to be on the cutting edge of environmental initiatives. It banned plastic bags in 2007. It mandated composting in 2009, telling residents they had to place food waste in their green bins or risk being fined. It implemented the strictest ban on Styrofoam in the nation in June.

But that environmental ethic doesn't always translate to what city residents and workers place in their bins. In fact, San Franciscans create more trash every day than they do recycling and composted material together. Those clock in at about 600 tons and 650 tons a day, respectively.

Reed said San Francisco is probably the only city in the country that composts more than it recycles, and that's a good thing because composted material is so valuable. Not only can Recology sell composted material for use in farming, but keeping food waste out of blue bins means the recycled paper is also cleaner and can be sold for more money.

Still, Reed said, San Franciscans can do a better job at composting. Some tips? Empty that old bag of bread or jar of spaghetti sauce into the compost bin before discarding the packaging. During refrigerator clean-outs, save all the waste, like soggy bits of vegetables at the bottom of the produce drawer and compost them.

Restaurant workers, Reed said, are placing far too much recyclable material, like bottles and jars, into green bins, apparently by mistake at the end of a busy shift. Many of their plastic gloves are found in the green bins, too.

Recology is working to do its part to get closer to that elusive zero waste goal. Its recycling facility is undergoing a \$12 million upgrade, which should be completed in November and will enable more material from blue bins to be recycled.

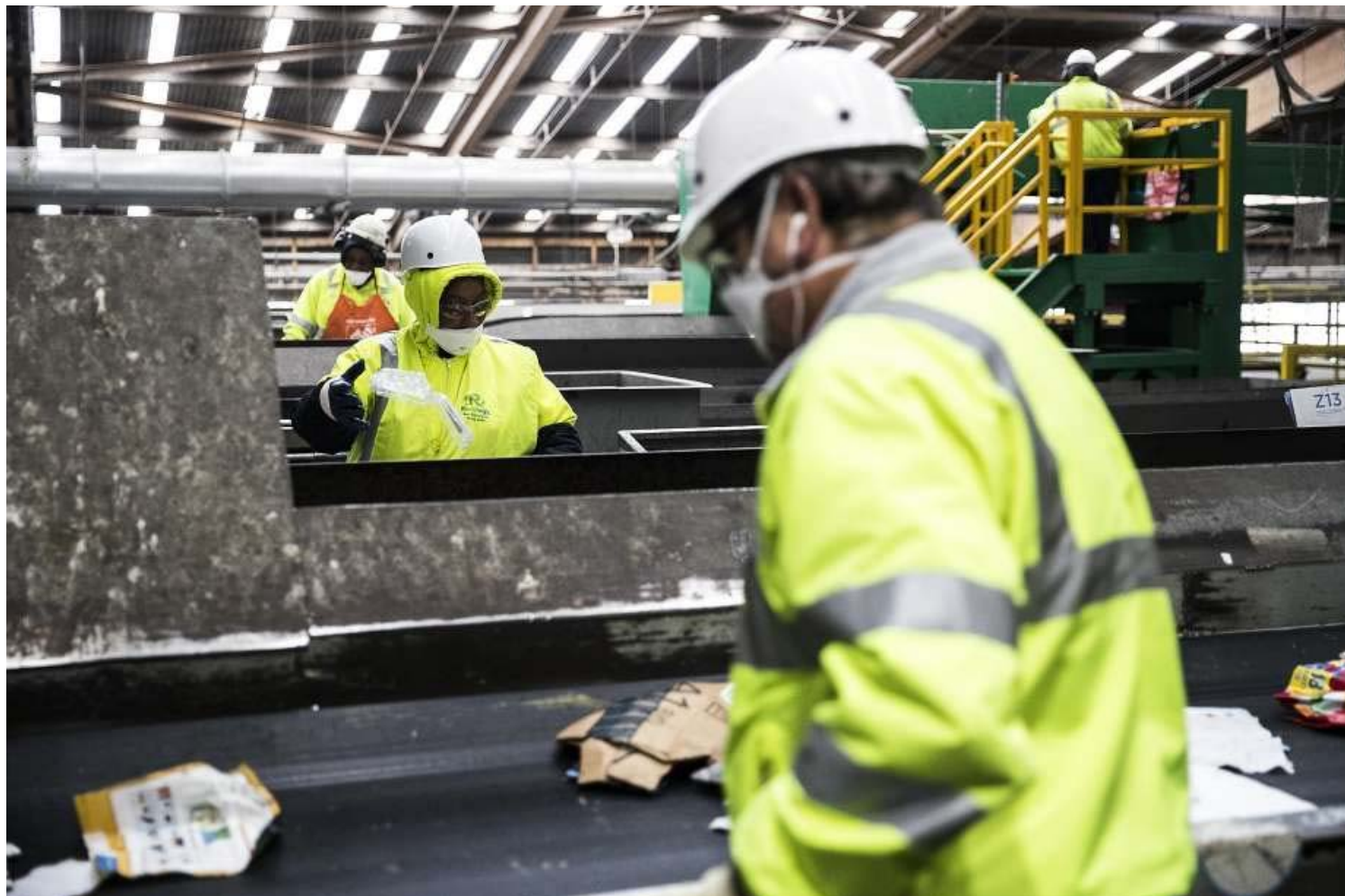


Photo: Stephen Lam, Special To The Chronicle

Workers hand-sort recyclables on a conveyer belt during at Recology's Recycle Central at Pier 96.

Reed said it's also important for shoppers to consider what they buy in the hope of swaying manufacturers to produce less packaging. For example, he said, buy bread in a paper sleeve rather than a plastic bag. Currently, soft plastics of any kind — such as bread bags — can't be recycled by Recology and go to the landfill.

A tour of Recology's separate recycling facility at Pier 96 in Hunters Point made it clear how confused residents are about what goes in the blue bins and how much excess packaging is produced by manufacturers.

Like Willy Wonka's chocolate factory but for garbage, the facility's conveyor belts and other gadgetry whisk discarded junk through the huge hangar as scores of staffers standing on different levels pluck items that can't be recycled from the piles.

"We see things like frying pans, tennis shoes, VCR tapes, garden hoses," Reed said. "You see everything."

(During the "Sex and the City" craze in the early 2000s, Christmastime brought the distinct smell of vodka to the facility because, Reed said, every other woman in San Francisco was ordering a cosmopolitan at her holiday party. That meant lots of vodka bottles in the blue bins. Now, the facility is back to smelling like wine in December.)

A look at all those items whirring around the facility shows huge numbers of plastic water bottles, plastic containers that once held fruit or other food, and plastic bags of all sorts. The latter get wrapped around the machinery, gumming it up. As online shopping gets more popular, enormous amounts of cardboard and bubble wrap make their way to the center.

Darryl Moses, the recycling center's operations manager, said he thinks Recology does a good job of outreach and education when it comes to letting people how to sort trash and how to reduce the amount of junk produced.

TRASH AND THE CITY



Thousands of volunteers clean up S.F.'s beaches



Waste time in S.F. on the great sewer tour



Oakland landlords making a stink about city's garbage rates



Big blunder over recycling school lunch trays in S.F.

"We let you know what you should put where and what you shouldn't," he said. "If people would follow that, it would help take us a long way."

But if the city doesn't turn it around quickly and the zero waste goal is not met, then what?

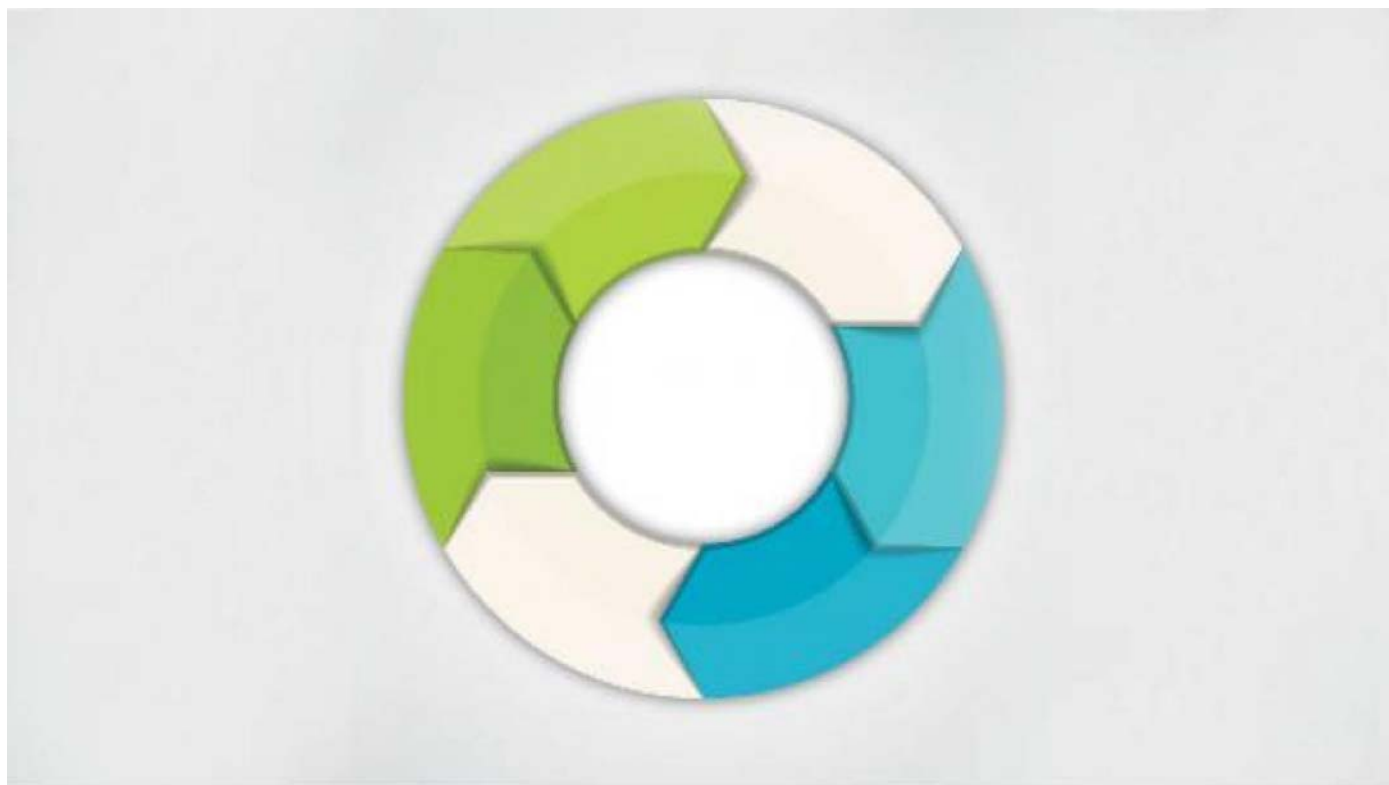
"It's still a goal that we're shooting for," Rodriguez said. "Is anything less than zero a success? I don't think we've had that conversation."

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Heather Knight

City Hall Reporter



COLLECTION AND TRANSFER > WASTE REDUCTION

The Circular Economy Isn't the Waste Business As Usual

I went looking recently to see if there are any important developments or differences between circular economy and zero waste.

Eric Lombardi | Aug 18, 2016

Much has been written about the “circular economy” in the last couple of years, and I am often asked about the difference between the circular economy and zero waste. The focus of both is on eliminating waste and maximizing the use of our natural resources. I went looking recently to see if there are any important developments or differences between circular economy and zero waste, and what I found is an exciting

synergy between the two with the potential for really shaking up the waste industry.

First, let's establish what is meant by the circular economy.

According to the Ellen MacArthur Foundation, a leading circular economy advocacy organization:

A circular economy is restorative and regenerative by design, and aims to keep products, components, and materials at their highest utility and value at all times... it is a continuous positive development cycle that preserves and enhances natural capital, optimizes resource yields, and minimizes system risks by managing finite stocks and renewable flows.

This sounds a lot like what we called the zero waste economy nearly 20 years ago when the Zero Waste International Alliance said:

“Zero Waste means designing and managing products and processes to systematically avoid and eliminate the volume and toxicity of waste and materials, conserve and recover all resources, and not burn or bury them. Implementing Zero Waste will eliminate all discharges to land, water or air that are a threat to planetary, human, animal or plant health.”

In fact, the circular economy and zero waste are both part of the same vision for a more sustainable, prosperous planet. The business sector is the primary driver behind the circular economy because there is a clear financial opportunity and communities are the primary driver behind zero waste because there are clear social and environmental benefits. Both co-exist and need each other.

Large manufacturers are the early implementers of circular economy activities, just as they were the first big movers toward zero waste practices. That is logical since manufacturers clearly see waste as a sign of inefficiency and reducing waste directly saves money.

More importantly, it is necessary that big business gets involved with the circular economy because they have the power to influence many “upstream” waste problems in how materials are sourced, which materials are chosen and how products are designed for reuse and recovery. By cleaning up the supply chain and design practices we can reduce the polluting natural resource extraction practices that often disrupt and cause great harm to indigenous people around the world, toxic processing and manufacturing practices and the industrial design problems that make products and packaging difficult to reuse in any way.

My main interest, however, is not corporations but the rest of society—the community, the local government, the schools and the small- and medium-sized businesses. We don't have the concentrated power or funds to make large-scale change happen quickly, so what is the path forward for the circular economy for the rest of us?

The answer to that question comes to us from circular economy and zero waste practitioners over in the United Kingdom. Stated clearly by the Waste & Recycling Action Programme (WRAP) when they say they are “working at all points of the circular economy by making resource use more efficient, reducing the production of waste, maximizing the recycling of waste and *identifying alternative business models*.”

What do they mean by alternative business models? That is the key to understanding how the implementation of the circular economy and zero waste is moving forward. The discussion of new business models is generally not a common topic in America, the land of uber-capitalism and competition, because anything other than the pursuit of profit in⁸⁸

business is viewed skeptically. But the problem is that traditional capitalistic marketplace drivers have not, generally speaking, brought us either zero waste or circular economies.

So the way forward to create community benefit from the circular economy is to expand the zero waste story and have serious community discussions around *creating new business models!*

Here is a great list from Zero Waste Scotland of what new business models might be waiting ahead for the next generation of clever entrepreneurs:

Examples of circular economy business models:

- **Hire & Leasing:** Hire or leasing of products as an alternative to purchasing.
- **Performance/Service System:** Providing a service based on delivering the performance outputs of a product where the manufacturer retains ownership, has greater control over the production of a product, and therefore has more interest in producing a product that lasts.
- **Incentivized Return:** Offering a financial or other incentive for the return of 'used' products. Products can be refurbished and re-sold.
- **Asset Management:** Maximizing product lifetime and minimizing new purchase through tracking an organization's assets, planning what can be re-used, repaired or redeployed at a different site.
- **Collaborative Consumption:** Rental or sharing of products between members of the public or businesses, often through peer-to-peer networks.
- **Long Life:** Products designed for long life, supported by guarantees and trusted repair services.

Someday we can hope that these new business models are profitable activities, but at this point in time we need to help these ideas get off the ground by creating public-private partnerships and “social enterprises” where making money and fulfilling a social mission are equally important. The idea of marrying social enterprise with the new circular economy and zero waste business models is exciting and starting to happen in Scotland, England, Australia, Brazil and other places, and needs to get a higher profile in America in the future.

The Ellen MacArthur Foundation is an important group to watch as they appear to be succeeding in “bringing together complimentary schools of thought to create a coherent framework, thus giving the concept a wide exposure and appeal.” In the U.S., the Social Enterprise Alliance is working to create community conversations about new business models, as is the Institute for Local Self-Reliance.

Indeed, bringing together the circular economy with zero waste and social enterprise is making this a very exciting time to start actualizing some new ideas in the waste/resource management industry.

Eric Lombardi is the executive director of Eco-Cycle International and has had a long career in community resource conservation, social enterprise development and non-profit (NGO) organizational management since 1980.

Source URL: <http://www.waste360.com/waste-reduction/circular-economy-isn-t-waste-business-usual>

Mother Jones

What the Heck Is Up With California's Recycling Program?

We're tossing more stuff, and bulk recyclers are dropping by the hundreds.

By Alexander Sammon | Sun Aug. 28, 2016 6:00 AM EDT

Few states have a greener rep than California, and for good reason. The state has a [cap-and-trade](#) [1] program for carbon emissions, solar-energy production exceeding that of all other [states combined](#) [2], and, at the behest of Gov. Jerry Brown, it's now mulling new targets that would slash greenhouse gas emissions to [40 percent](#) [3] of 1990 levels by 2030. The state has proved itself a [national leader](#) [4] in environmental policy.

On average, each Californian throws nearly five pounds of stuff into landfills daily.

All of which makes California's latest waste and recycling [report](#) [5], issued yearly by state Department of Resources Recycling and Recovery ([CalRecycle](#) [6]), so bewildering. It reveals that landfill waste in the state jumped to 33.2 million tons in 2015, a one-year increase of 2 million tons, contributing to last year's release of 200,000 extra metric tons of CO₂ into the atmosphere. Per capita, each Californian now tosses 4.7 pounds of stuff into the landfill every day.

The state's rate of recycling also dropped to 47 percent in 2015. That's the lowest rate [since 2010](#) [7], and the first time since the state began measuring that the number has gone below 50 percent—not the greatest news, given California's 2020 goal of recycling 75 percent of all consumer waste.

CalRecycle spokesman Mark Oldfield points to a recovering economy as a primary contributor to the setback. Economic growth boosts consumption and construction, which necessarily results in more waste, he says: "All of a sudden people are buying new stuff and getting rid of the old."

There are other elements at work, too. The low price of oil, combined with other plummeting commodity prices, has largely eliminated financial incentives for companies to use recycled materials. Thanks to cheap crude, points out [Californians Against Waste](#) [8], a Sacramento-based advocacy group, producers are using more petroleum-based plastics than before, and less (easily recycled) aluminum.

A four-year decline in the prices manufacturers are willing to pay for recycled materials has proved deadly for many for-profit recycling centers. In part, that's because it's a subsidized business. CalRecycle pays up to half of the centers'

operating expenses, depending on the amount of materials they collect, to encourage recycling centers to accept plastic containers alongside the more lucrative aluminum cans. The deposits consumers pay on beverage containers provide an incentive for individuals and companies that do curbside pickup to bring cans and bottles to the centers (and pocket the deposits). But CalRecycle's payments to the centers are based on scrap prices over the previous 12 months, with a three-month time lag. Which means, when prices are in decline, the payments come up short, and the centers struggle to stay profitable. Statewide, the bulk recyclers have faced a cumulative shortfall of more than \$50 million.

San Francisco now has just six active recycling centers (down from 35) for 900,000 people.

Susan Collins, president of the Container Recycling Institute (CRI), says this has led to a rash of closures. Per her group's estimates, more than 800 recycling centers have shut down in the past 16 months, unable to compete thanks to the low prices and insufficient subsidies. All told, nearly one-third of California's recycling centers have gone out of business.

The setbacks are costing the state in additional ways: Recycling typically generates \$8 million to \$9 million in tax revenues annually and results in at least 3,000 full-time jobs. And income from collecting and redeeming recycled materials helps keep scores

of desperate people off public assistance. Cities such as San Francisco have been hit particularly hard by the recycling-center closures; the city now has just six active recycling centers, down from 35, for 900,000 people. The vast majority of the city is now an "unserved zone."

CalRecycle's Oldfield preaches patience. "I don't think we thought it was going to be easy to begin with," he says of the 2020 goal to recycle 75 percent of all consumer waste. "I don't think we mind running the risk of criticism if we fall short of a number on a time scale." He points to [AB 939](#) [9], California's Integrated Waste Management Act. The 1989 legislation mandated that 50 percent of solid waste be diverted from landfills via recycling, composting, and incineration by 2000. That goal wasn't achieved until 2006, but it now stands at 63 percent.

As for the 75 percent number, which is not a mandate, CalRecycle is looking at new technologies it hopes will increase recycling rates for construction materials and organic matter, although there is no deadline for these developments.

"We know exactly what needs to happen, it just isn't happening."

Mark Murray, [executive director](#) [10] at Californians Against Waste, bristles at the notion that the goal needn't be met on time. Murray was disturbed by the startling dip in the recycling rate, and that the state remains so far from 75 percent: "I don't want to make excuses in 2016 when there's still four years to go."

If the state is serious about reaching its goal, there is plenty of precedent. "We know exactly what needs to happen, it just isn't happening," Murray says. In the past, the

state has set minimum standards for the amount of recycled content certain goods must contain. Newsprint must be [50](#)

[percent](#) [11] post-consumer materials; for glass containers, it's [35 percent](#) [12]. Such standards also exist in California for electronics and paint.

Regulating plastic packaging the same way could have a big impact, Murray says, and would help reverse this troubling course. Legislation requiring producers to buy recycled content could also help. By Murray's estimation, packaging accounts for 35 percent of the overall waste stream, and companies need to be called to task for their wasteful packaging. Collins, of the CRI, agrees that the state needs urgent, binding legislation, but given the scale of the closures, she's worried it's too late to flip the script quickly: "This is a devastating loss to the recycling infrastructure in California."

Source URL: <http://www.motherjones.com/environment/2016/08/california-recycling-program-fail>

Links:

[1] <http://www.arb.ca.gov/cc/capandtrade/capandtrade.htm>

[2] http://www.nytimes.com/2015/10/06/business/energy-environment/california-leads-a-quiet-revolution.html?_r=0

[3] <http://www.nytimes.com/2015/04/30/us/california-governor-orders-new-target-for-emissions-cuts.html>

[4] <https://www.edf.org/climate/AB32>

[5] <http://www.calrecycle.ca.gov/Actions/Documents/5c85%5c20162016%5c1649%5c2015%20-%20Statewide%20Progress.pdf>

[6] <http://www.calrecycle.ca.gov/AboutUs/>

[7] <http://www.calrecycle.ca.gov/publications/Documents/1522%5C20151522.pdf>

[8] <http://www.cawrecycles.org/about-us/>

[9] <http://www.calrecycle.ca.gov/laws/legislation/calhist/1985to1989.htm>

[10] <http://www.cawrecycles.org/mark-murray/>

[11] <http://www.calrecycle.ca.gov/publications/Documents/BuyRecycled%5C43305016.pdf>

[12] http://www.leginfo.ca.gov/pub/15-16/bill/sen/sb_0701-0750/sb_732_cfa_20150413_171208_sen_comm.html