

APPROVED

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

Thursday, October 9, 2014

9:00 A.M.

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

Members Present:

Lena Tam, City of Alameda (left 10:00 a.m.)
Peter Maass, City of Albany
Dave Sadoff, Castro Valley Sanitary District
Jennifer West, City of Emeryville
Dan Kalb, City of Oakland (left 10:30 a.m.)
Tim Rood, City of Piedmont
Pauline Cutter, City of San Leandro

Absent:

Keith Carson, Alameda County
Don Biddle, City of Dublin
Laureen Turner, City of Livermore
Luis Freitas, City of Newark
Laython Landis, Oro Loma Sanitary District

Staff Present:

Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director
Meri Soll, Senior Program Manager
Debra Kaufman, Senior Program Manager
Michelle Fay, Program Manager
Arliss Dunn, Clerk of the Board

Others Participating:

Jim Scanlin, Clean Water Program

1. Convene Meeting

Dave Sadoff, Chair, called the meeting to order at 9:05 a.m.

2. Public Comments

Arthur Boone, former Recycling Board member, provided public comment on reusable bags and mandatory commercial recycling. Mr. Boone spoke on the weakness of the State legislation concerning reusable plastic bags. Mr. Boone indicated his concerns regarding commercial recycling and the need to restructure garbage rates to include paying for recycling services. Mr. Boone commented that although he supports some of the State legislation concerning organics, he disagrees with the law concerning ADC.

APPROVED

3. Approval of the Draft Minutes of June 12, 2014 (Gary Wolff)

Action

Mr. Rood made the motion to approve the draft minutes of June 12, 2014 with the correction noted below. Ms. West seconded and the motion was carried 7-0 (Biddle, Carson, Freitas, Landis, and Turner absent).

(Correction: Mr. Sadoff called the June 12th meeting to order, not Ms. West).

4. Reusable Bag Ordinance 2012-2: Process for Potential Expansion (Gary Wolff, Wendy Sommer & Meri Soll)

Action

Staff recommends that the Programs & Administration Committee, and the Planning and Organization Committee, discuss the potential expansion of the reusable bag ordinance and recommend that the WMA Board adopt the proposed schedule and deliverables identified in the staff report as the process to be followed for consideration of expansion of Ordinance 2012-2.

Ms. Soll provided an overview of the staff report and presented a PowerPoint presentation. The report is available here: http://www.stopwaste.org/docs/10-09-14_Bag_memo_packet.pdf. The presentation is available here: <http://www.stopwaste.org/docs/October-committee-meetings-Bags.pdf>.

Ms. West asked Mr. Scanlin for an overview of their program and how they might assist in the potential expansion of the ordinance. Mr. Scanlin indicated that the Clean Water program consists of the 14 cities, Alameda County, the Alameda County Flood Control and Water Conservation District, and the Zone 7 Water Agency. The Program educates the public on how to keep businesses and homes from contributing to storm water pollution, and also coordinates its activities with other pollution prevention programs, such as wastewater treatment plants, hazardous waste disposal, and water recycling. A requirement of the program was to reduce trash in the storm drains by 40% by July 1, 2014, and 70% by July 2017, and the best way to get reduction is by installing capture devices and instituting product bans, such as polystyrene and plastic bags. Source control and prevention are more cost effective than cleanup efforts. The program pre and post ordinance study of the number of plastic bags in the storm drains found a 50% reduction post ordinance. Ms. Tam questioned whether an ordinance expansion would be worthwhile, considering that plastic bags only constituted 1.8% of the debris found in storm drains. With almost 50% of reduction with the current ordinance, there's only less than 1% left to address.

Mr. Maass inquired if the study showed an uptick in reusable bags and was there a breakdown in geography. Mr. Scanlin stated there was no uptick in the number of reusable bags in the storm drains and the bags present were from stores that are not covered under the ordinance. Mr. Scanlin stated there were site to site differences with respect to income levels, industrial areas, etc. but not identifiable by city.

Mr. Sadoff inquired if staff is asking the Board to consider expanding the ordinance to include restaurants. Mr. Wolff stated that staff is only asking the committee to comment on and approve the proposed schedule and deliverables in the staff report. The proposal is contingent upon agreement from all 15 jurisdictions' in the countywide Stormwater program on the best way to move forward, funding from the countywide Stormwater program and either Chief Executive support from the participating member agencies or neutrality on the option or options proposed. Mr. Sadoff inquired that if the commitments are not made will the project die. Mr. Wolff stated that staff will recommend that the project not move forward if those commitments are not made by March 1, 2015, but the Board will need to make the final determination. Ms. Cutter stated that San Leandro has staff representation with the Stormwater program and inquired about Oro Loma Sanitary District. Mr. Wolff stated that both Oro Loma and Castro Valley Sanitary District elected to defer to the County at the inception of the ordinance.

Mr. Kalb inquired if there will be an opt-in opt-out provision in the new ordinance. Mr. Wolff stated no, staff believes the complexity of partial coverage in the County is not worth the effort, which is why we are asking the stormwater staff to develop consensus among member agency staff early in the process. Mr. Kalb inquired if there are other subsets of stores that are not identified in the 7,000 stores included in the report. Ms. Soll stated that it would be difficult to separate certain sectors and doing so may cause message

APPROVED

confusion to the public, e.g. hardware stores, sporting goods, etc. Mr. Kalb stated that he supports including all retail including restaurants but is flexible with respect to a timeline for phasing them in. Ms. West concurred with Mr. Kalb's comments and stated her appreciation for the detailed proposal submitted by staff. Ms. West stated that she is concerned about the provision in the proposal that allows one Chief Executive to hold up the process. Ms. West added that it appears that there is flexibility with respect to complaint based versus enforcement.

Mr. Rood inquired if the ordinance allows us to recapture revenue from the ten cents fee to offset administrative costs. Mr. Wolff stated no, but Prop 26 allows us to impose a fee on the stores that are subject to the ordinance to offset administrative costs but this discussion will come later (if necessary) and the Board would need to make this determination. Mr. Rood inquired about the plan to reach consensus among the City Managers. Mr. Scanlin stated that he was planning to attend the City Managers Association meetings to discuss the proposal, and that currently there is unanimous support on the Stormwater program staff level.

Ms. Cutter suggested that staff should gather more information and education on how the other entities moved forward with expansion. Ms. Soll stated that she already has information from other entities on expansion and their ordinances are nuanced very differently, e.g. no charge for paper bags, etc. and we can provide this information to the Board. Mr. Sadoff stated that all stores should be included and enforcement should be complaint based such as San Jose's ordinance, which appears to be quite successful. He further suggested that we look at charging 10 cents for take-out bags and should not impose a fee for dine-in doggie bags. Mr. Maass inquired if the Board can revisit increasing the per bag price if we choose to expand the ordinance. Mr. Wolff stated yes, state law allows us to expand the stores and adjust the minimum price.

Allison Chan, Save the Bay, stated that of all the counties that have plastic bag bans, only Alameda and Marin County don't include all retail. Ms. Chan stated that plastic bags are still prevalent in areas outside of storm drains, e.g. creeks and other trash hot spots. The study was conducted during a period when there was no rain which probably skewed the findings. Although the ordinance has been an overall success there are still plastic bags on the litter stream. Save the Bay is eager to provide assistance if the Board decides to move forward.

Ms. West made the motion to approve the staff recommendation. Ms. Cutter seconded and the motion carried 6-0 (Biddle, Carson, Freitas, Landis, Tam, and Turner absent).

Special Announcement:

Mr. Wolff introduced Ms. Sommer as the new Deputy Executive Director and informed the Committee that going forward Ms. Sommer will assume leadership of the committee meetings (although he will usually be present) and he will continue to lead the WMA Board and any combined Board meetings. Ms. Sommer led the remainder of the meeting.

5. Business Assistance Project - Update

Information

(Gary Wolff, Wendy Sommer & Michelle Fay)

This item is for information only.

Ms. Fay provided an overview of the staff report and a PowerPoint presentation. The report is available here: http://www.stopwaste.org/docs/MRO-TA_Annual_Report_Summary.pdf. The presentation is available here: <http://www.stopwaste.org/docs/MRO-TA-Annual-Report-Summary.pdf>.

Mr. Maass inquired about the number of businesses that will be subject to the reusable bag ordinance and inquired if the program will be providing technical assistance in this regard. Ms. Fay stated the program is currently offering technical assistance with the ordinance and the field representatives are well versed in

APPROVED

which businesses are regulated under the ordinance and are able to answer questions and provide assistance to the businesses. Ms. Sommer added enforcement is also coordinated with this effort.

Ms. West inquired about the three quarters of the businesses not providing composting and recycling bins. Ms. Fay stated that some of these businesses have contacted their haulers and have put in bins, some are implementing service and those that have declined our assistance will be referred to enforcement to address compliance. Ms. West stated her appreciation for the outreach to multi-family. Mr. Kalb thanks Ms. Fay for the report and recommended contacting Merchant Associations and Business Improvement Districts to conduct outreach in reaching these businesses. Ms. Fay stated that they conduct outreach through Chambers of Commerce and housing associations and agreed that Merchant Associations would be helpful as well. Mr. Sadoff inquired why Castro Valley is not included in the listing. Ms. Fay stated that Castro Valley just recently joined in the mandatory recycling ordinance as of July 1st and the report covers last year.

Mr. Sadoff thanked Ms. Fay for her presentation.

6. Legislative Status for 2014 (Gary Wolff, Wendy Sommer & Debra Kaufman) Information

Staff recommends that the Boards receive this information report on the status of legislation the Agency tracked this year.

Ms. Kaufman provided an overview of the staff report. The report is available here:

http://www.stopwaste.org/docs/porb_Leg_memo_2014_update.pdf.

Ms. West inquired about the late (2020) start date for the ADC bill (AB 1594 (Williams)). Ms. Kaufman stated that there are a number of communities that use green waste as ADC and the timeline provides those communities time to change their operations and develop additional options for their green material. Ms. West stated that she recently read about good news regarding Alameda County's pharmaceutical EPR legislation. Ms. Kaufman stated that the U.S. 9th Circuit Federal Court of Appeals decided in favor of the County's pharmaceutical bill. The County is continuing to implement its ordinance and working with companies to get them to submit plans for the take-back of pharmaceuticals in Alameda County. The industry expects to appeal the decision so this may not be the end of the issue.

Ms. Kaufman and Ms. Sommer met with Heidi Sanborn, CA Product Stewardship Council. Ms. Sanborn stated that local action drove the state bag bill and suggested the same local action with respect to the pharmaceutical issue. She was pleased to see Alameda County take action and is encouraging other communities to apply the same pressure on the State.

Mr. Sadoff thanked Ms. Kaufman for the report

7. Member Comments

Mr. Wolff announced that a judge in Superior Court of Alameda County ruled in our favor completely on the HHW litigation brought forward by Marcus Crawley. The ruling dismissed Mr. Crawley's claims with prejudice and did not allow him to amend the claims. Mr. Crawley stated that he will file an appeal.

8. Adjournment

The meeting adjourned at 10:40 a.m.