

Committee Members

Dave Sadoff, *Chair*
Castro Valley Sanitary District
Jennifer West, *Vice Chair*
City of Emeryville
Lena Tam, City of Alameda
Keith Carson, Alameda County
Peter Maass, City of Albany
Don Biddle, City of Dublin
Laureen Turner, City of Livermore
Luis Freitas, City of Newark
Dan Kalb, City of Oakland
Laython Landis, Oro Loma Sanitary District
Tim Rood, City of Piedmont
Pauline Cutter, City of San Leandro

AGENDA

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**

1. Convene Meeting

2. Public Comments

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

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

Action

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

Action

Staff recommends that the Program and 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.

**5. Business Assistance Project – Update
(Gary Wolff, Wendy Sommer & Michelle Fay)**

Information

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.

7. Member Comments

8. Adjournment

The Programs & Administration Committee is a Committee that contains more than a quorum of the Board. However, all items considered by the Committee requiring approval of the Board will be forwarded to the Board for consideration at a regularly noticed board meeting.

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DRAFT

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

**Thursday, June 12, 2014
9:00 A.M.**

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

Members Present:

Lena Tam, City of Alameda
Peter Maass, City of Albany
Dave Sadoff, Castro Valley Sanitary District
Don Biddle, City of Dublin
Jennifer West, City of Emeryville (arrived 9:05 a.m.)
Dan Kalb, City of Oakland (arrived 9:15 a.m.)
Tim Rood, City of Piedmont (arrived 9:05 a.m.)
Pauline Cutter, City of San Leandro
Lorin Ellis, City of Union City

Absent:

Keith Carson, Alameda County
Luis Freitas, City of Newark
Laythn Landis, Oro Loma Sanitary District

Staff Present:

Gary Wolff, Executive Director
Pat Cabrera, Administrative Services Director
Jeff Becerra, Communications Manager
Judi Ettlinger, Senior Program Manager
Arliss Dunn, Clerk of the Board

1. Convene Meeting

Jennifer West, Vice Chair, called the meeting to order at 9:03 a.m.

2. Public Comments

There were none.

3. Approval of the Draft Minutes of May 8, 2014 (Gary Wolff)

Action

Mr. Biddle made the motion to approve the draft minutes of May 8, 2014. Ms. Tam seconded and the motion was carried 6-0 (Carson, Cutter, Freitas, Kalb, Landis, and West absent).

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4. Legislative Positions for 2014 (Gary Wolff & Jeff Becerra) Action

Staff recommends that the Boards receive this status update on Agency legislative positions for the 2014 session of the California Legislature and change the Agency position on AB 2284 from support to watch.

Mr. Becerra provided an overview of the staff report. The report is available here:

<http://www.stopwaste.org/docs/06-12-14-pa-leg.pdf>

Mr. Becerra indicated that the priority area of legislation is organics processing and the two most important bills are AB 1594 (Williams) ADC, and AB 1826 (Chesbro) Commercial Organic Waste Recycling. Mr. Becerra encouraged Board members to contact any of the legislators and leverage any relationships that may exist.

Mr. Becerra indicated that AB 2145 - Community Choice Aggregation is not included in the staff memo. The bill would limit the effectiveness and formation of CCA's. There is a ground swell of interest within the County to at minimum examine whether CCA's are the right thing to do. The current bill requires the public to opt-in instead of opting-out. Staff recommends a position of "oppose." Mr. Rood stated that Senator Mark DeSaulnier is a good source to contact on this issue.

Mr. Maas inquired if there are other bills that Board members should be aware of. Mr. Becerra stated possibly but the staff report outlines priority legislation for the agency. Ms. West inquired about AB 2355 (Levine) Local Use of Recycled Materials and if this legislation includes the heat effect of using lighter colored materials as opposed to black pavement. Mr. Becerra stated no it does not pertain to the heat effect but pressures local agencies to use state standards. Mr. Wolff added there continues to be significant misinformation in the construction industry that these materials are inferior and the bill would require that jurisdictions publicly explain their opposition if not using state standards.

Ms. Cutter inquired about AB 2282. Mr. Wolff stated that the bill is included because it originally included grey water issues that would be within the energy-water nexus priority adopted by the Energy Council, and the position is now to watch. Mr. Maass inquired about the failure of AB 1893 (Stone-Eggman) Home-generated sharps. Mr. Becerra stated he is not sure why the legislation failed but the Product Stewardship Council was hoping for legislation on sharps that would contain stronger language.

Ms. Cutter made the motion to approve the staff recommendation with the addition of AB 1245 - Community Choice Aggregation and the position of "oppose." Ms. West seconded and the motion carried 8-0 (Carson, Freitas, Kalb, and Landis absent).

5. Proposed Budget Adjustments for FY 13/14 and FY 14/15 Action (Gary Wolff & Pat Cabrera)

Staff recommends that the Programs and Administration Committee recommend to the Authority Board the following actions:

1. Increase the Authority's total spending appropriation for FY 13/14 by \$120,000, which will be reimbursed by the countywide HHW program as outlined in Attachment A.

DRAFT

2. Change the funding source for project 1240 in FY14/15 (the HHW point of purchase alternative project), totaling \$262,858, to the externally funded category for reimbursement by the countywide HHW program as outlined in Attachment B. Direct staff to incorporate these changes in the final FY14/15 budget document.

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

<http://www.stopwaste.org/docs/06-12-14-pa-budadjust.pdf>

Ms. Tam asked for clarification on Item #1. Mr. Wolff stated the item allows the agency to recover unexpected costs (e.g., second mailing, legal costs, etc.) from the HHW trust fund maintained by the County. Ms. West pointed out a minor typo on Attachment A on the last "Whereas" on the resolution. Ms. Cabrera stated the correction will be made.

Ms. Tam made the motion to approve the staff recommendation. Mr. Rood seconded and the motion carried 9-0 (Carson, Freitas, and Landis absent).

6. Ready Set Recycle Update (Gary Wolff & Judi Ettlinger)

Information

Ms. Ettlinger provided an overview of the staff report and a powerpoint presentation. The staff report is available here: <http://www.stopwaste.org/docs/06-12-14-pa-rsr.pdf> and the presentation is available here: www.stopwaste.org/docs/rsr-pa-6-14-ppt.pdf

Mr. Kalb recommended producing the videos in other languages. Ms. Ettlinger stated that the largest non-English speaking languages countywide are Spanish and Chinese and staff can provide voice over in these languages. Ms. West suggested providing a link in the current video to encourage viewing the following video and for ease of transition. Ms. Cutter asked that a link of the videos be provided to Board members to show at Council meetings.

Ms. West stated the videos are especially important and relevant given the July 1 roll-out of organics recycling and inquired about the strategy for disseminating the videos and getting the message out. Ms. Ettlinger stated the outreach campaign includes robust online advertising of the Ready Set Recycle Contest which directs the viewer to the website page. The next fiscal year will focus on directly driving the viewer to the videos. Tommy Fenster, Community Outreach Associate, is also showing the videos at community group meetings, and would be very interested in working with the member agencies to identify multi-family buildings that will be coming on board with organics recycling.

Board members suggested providing the videos for public access channels as well as city government stations, etc.

Mr. Sadoff thanked Ms. Ettlinger for the presentation.

7. Member Comments

There were none.

8. Adjournment

The meeting adjourned at 9:50 a.m.

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DATE: October 2, 2014

TO: Planning and Administration Committee
Programs and Organization Committee

FROM: Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director

BY: Meri Soll, Senior Program Manager

SUBJECT: Reusable Bag Ordinance 2012-2: Process for Potential Expansion

BACKGROUND

At the September 17, 2014 Joint Board meeting, staff provided an update on the Reusable Bag Ordinance 2012-2. Available data showed that the ordinance has been effective in reducing the use of single use plastic bags and increasing the use of reusable bags at covered stores. Based on these results, the Board made a finding that the ordinance has substantially reduced the environmental impacts of single use bags. Under the terms of the ordinance, making this finding meant that the minimum price per compliant bag will not increase from 10 cents to 25 cents. The Board memo can be found here:

<http://www.stopwaste.org/docs/Bag%20Update%209.17.14%20joint%20meeting.pdf>.

On September 30, 2014 the Governor signed SB 270, effective January 1, 2015. With the passage of this bill, the WMA Board will only be able to make the following changes to Ordinance 2012-2:

1. Increase the minimum charges for compliant bags AND/OR
2. Expand the set of the stores affected by Ordinance 2012-2.

The above changes can be only be made by amending Ordinance 2012-2, which would require two public hearings.

Local Bag Ordinances

At the time of Ordinance 2012-2 adoption, less than 20 cities had single use bag ordinances in place. To date, there are 98 ordinances that affect over 127 cities in California. Many of these ordinances have recently been adopted in anticipation of SB 270; currently there are 44

ordinances in contiguous counties with 26 of those ordinances affecting all retail stores and six affecting all retail and restaurants. Attachment A includes a mapping of local ordinances currently adopted in contiguous counties.

The success of our existing ordinance, coupled with the fact that there are ordinances in nearby cities and counties that affect a larger set of stores, lead us to consider a potential expansion of the ordinance. However, there are important items to consider prior to moving forward with any expansion:

Timing and Resources:

This is a difficult time for the Agency to consider expanding the ordinance. Specifically, we are implementing the new household hazardous waste (HHW) fee and services, and expanding the coverage of the Mandatory Recycling Ordinance (MRO). These are both very time and resource intensive activities, and involve mandates that are viewed negatively by some members of the public we serve. We are beginning voluntary point-of-purchase outreach about HHW, and regulating bag distribution in the stores that sell most HHW products might reduce the strength and success of the voluntary partnerships we are developing with those stores.

The MRO is now entering into Phase II which will expand the number of regulated accounts dramatically. Staff has estimated covered accounts will likely increase this fiscal year from the current 4,415 (Phase I) to over 13,000. The number of covered accounts will continue to grow and could be as high as 19,000 accounts in a few years as Phase II is implemented under the already-agreed-upon, delayed implementation schedules in some of our member agencies. Further expansion may also occur if additional member agencies opt in to Phase II in the future, as several have said they intend to so. The expanded set of regulated parties has made this a very resource intensive project; but also an essential project for the Agency given the high diversion potential.

The Reusable Bag Ordinance currently affects 1,288 stores. If expanded, staff conservatively estimates it would cover between an additional 7,000 and 11,000 retail stores or restaurants (More details provided in Discussion section of the memo). Expanding the ordinance would add another resource intensive, regulatory project to the Agency's budget.

Impact of Ordinance:

Data collected to ascertain effectiveness of current ordinance relates to a relatively small set of the 1,288 stores. Current ordinance affects homogenous store types that sell packaged food and/or liquor. Expansion of ordinance would affect a much broader spectrum of store types and remaining bags that could be captured from this expanded store set is somewhat unknown.

Of the estimated one million tons of materials from Alameda County that are landfilled every year, plastic bags comprise just a few thousand of those tons. Although expansion to a larger set of stores would help continue with reduction of plastic bags in storm drains, the recent Alameda Countywide Storm Drain Trash Monitoring and Characterization study shows plastic bags only represent 1.8% of total debris in storm drain litter capture devices. (Perhaps this is not

the best statistic to represent the benefit of expanding the ordinance, but it is part of the background to be considered by the Boards as they consider whether to expand or not.)

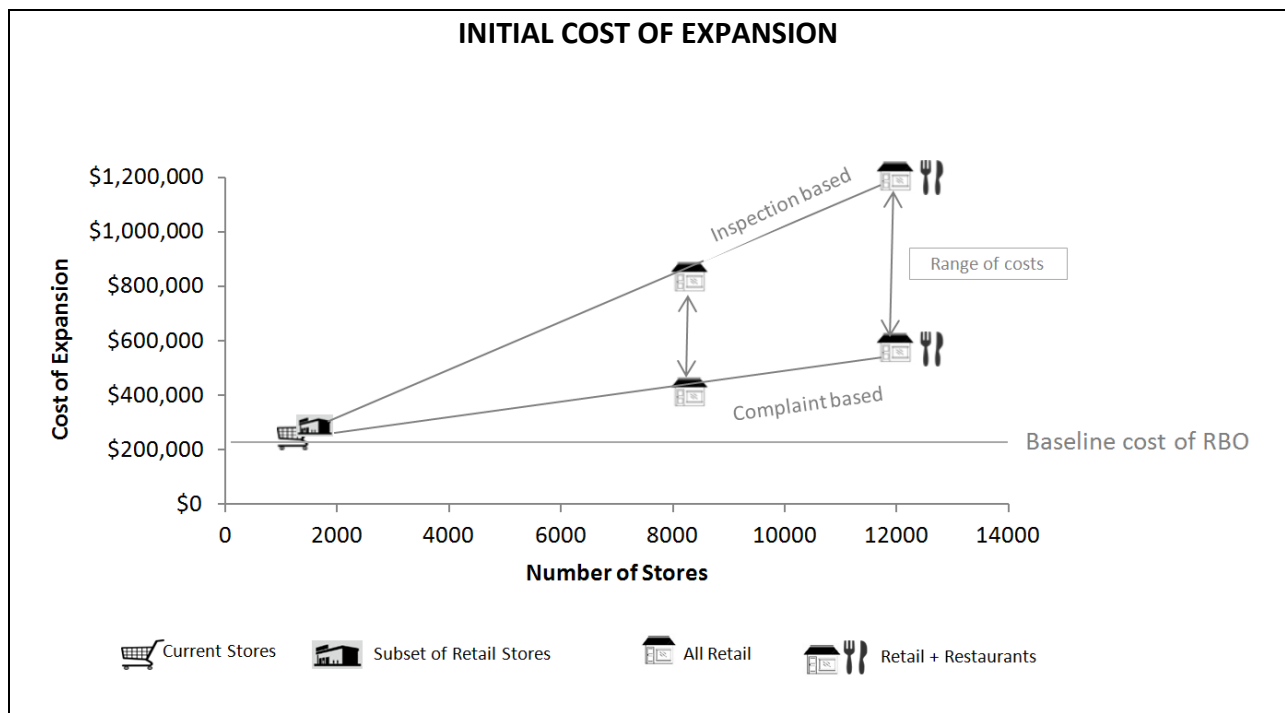
On the other hand, we know that the ordinance has been very effective in changing consumer behavior and reducing the amount of both plastic and paper bags distributed in Alameda County at the 1,288 affected stores.

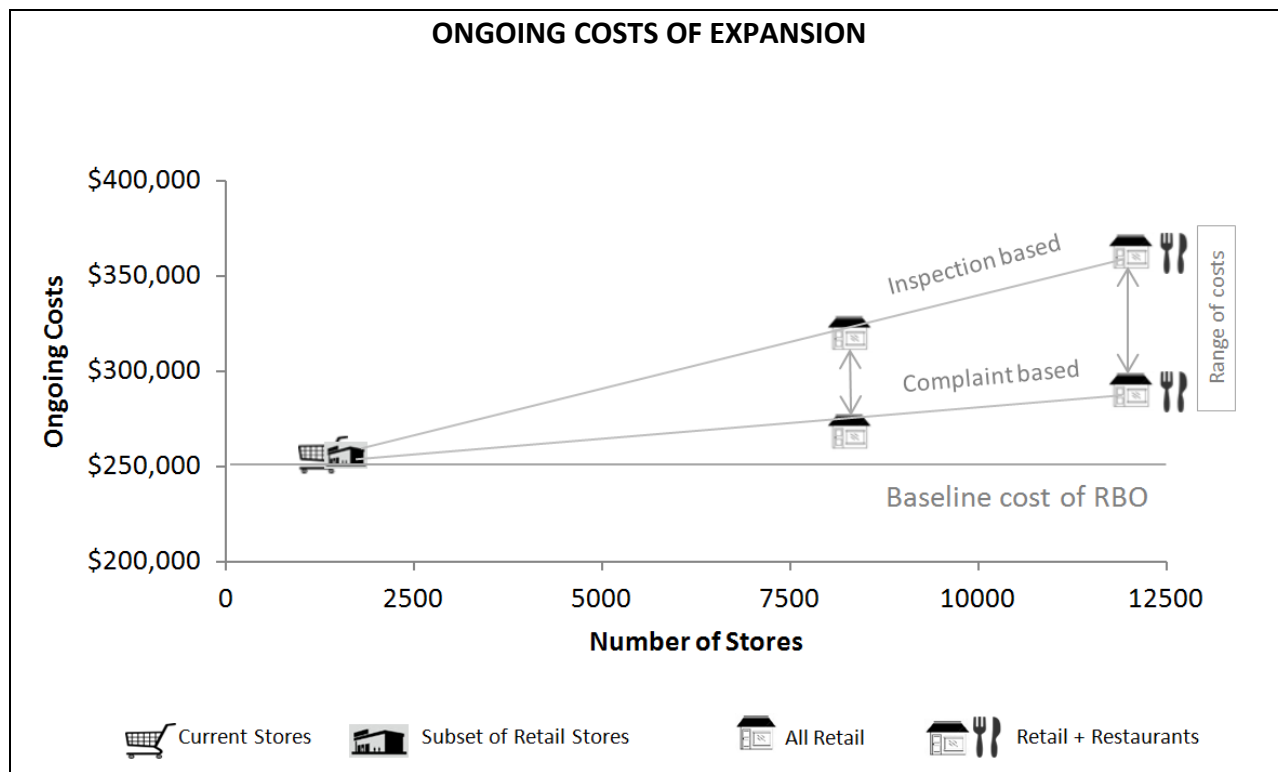
DISCUSSION

There are certain tasks and a minimum budget needed to properly implement and monitor this and any other Agency ordinance. Staff estimates that for the Reusable Bag Ordinance (RBO) project, a \$255,000 budget is needed for ongoing ordinance activities (regardless of expansion) which include updating database, inspecting new stores, conducting random spot check inspections of affected stores, complaints follow up, tracking effectiveness (parking lot surveys, bag purchasing data, creek studies, etc.), and updating and monitoring compliant bag list.

Expansion Scenarios

The graphs below outlines several expansion scenarios which include the types and number of stores that could be expanded to, as well as a range of costs associated with each, based on enforcement approach for each store set.





Number and Types of Stores

Staff utilized a combination of readily available databases to estimate the number of potential stores that could be included for expansion - these numbers are only estimates and may be significantly different when final data sources are secured. There are an estimated 7,000 additional retail stores (separate from the 1,288 stores covered under current ordinance) and 4,000 restaurants in Alameda County. Depending upon approach, an expansion could result in over 12,000 total stores affected by ordinance. Included in the graph is a small subset of retail stores representing a variety of chain, franchise and big box stores not covered under the current ordinance, but that currently seem to distribute single use plastic bags in fairly large quantities. Staff estimates that the number of these stores range between 200 to 400 stores in Alameda County, using a mid-point estimate of 300 for the above graph. Experience with the current ordinance has shown that these types of stores readily comply with ordinance requirements due to corporate compliance protocols.

Enforcement

Current ordinance enforcement uses an inspection based protocol meaning all affected stores are inspected for compliance. An inspection based enforcement approach for a much larger set of affected stores (as large as 11,000 +) would be a very significant budget expense. Many cities utilize a hybrid of spot inspections and “complaint based” approaches to enforce their ordinance. The graphs include a range of costs reflecting complaint based, hybrid, and full inspection approaches, over the range of stores that might be affected.

Budget

Initial costs: If we were to expand the ordinance to a larger set of stores, additional costs would depend on the number of stores and type of enforcement. Estimated expansion budget(s) shown on the first graph are based on *total project cost* for expansion not yearly costs in order to provide a comprehensive financial snapshot. In practice, expansion activities would occur over the course of several years and would not be implemented in just a one year time frame. Inspection based enforcement could take three and half years to inspect all 7,000 stores and close to five years to inspect 11,000 stores and restaurants. Depending upon types and affected store sets, staff estimates expansion of the ordinance could cost an additional \$155,000 up to \$1,000,000 over the current \$255,000 budget. Costs could increase if the number of affected stores is larger than originally estimated

Ongoing costs: There will always be ongoing costs associated with this ordinance; the range of ongoing costs is dependent upon enforcement approach and number/types of stores. Ongoing costs could range from \$265,000 for complaint based enforcement to \$362,000 for inspection based enforcement, every year. (Ongoing costs for inspection based enforcement would start once all stores have been inspected once).

Countywide Support

For the ordinance to be effective, it is crucial that there is commitment and buy in from all fifteen member agencies that participate in the current ordinance. We have been discussing a commitment from the Alameda County Clean Water Program to provide financial and programmatic support if the ordinance is expanded to additional stores in one or more specific options. We are asking Clean Water Program staff at all fifteen currently participating member agencies to obtain Chief Executive support or neutrality for the same option (or options, if there is agreement among all fifteen at the staff level that more than one option would be desirable or acceptable).

We would like the Boards to endorse this approach, because obtaining these commitments will enormously simplify any decision of the WMA Board by resolving any administrative questions or differences of opinion about storm water issues at the staff level. It will help to make implementation of any expansion feasible, since varying coverage of the ordinance in different parts of the County would be confusing for shoppers, and difficult and more expensive to implement than a uniform expansion.

Staff recently received correspondence from one member agency regarding expansion support (Attachment B).

Schedule

The proposed schedule below outlines commitments and deliverables to be accomplished in order for the Agency to move forward with any expansion of the ordinance.

TASK	TIMING
Committees: Overview of potential expansion	October 2014
COMMITMENTS NEEDED BEFORE THE FY15/16 BUDGET PROPOSAL: Commitment from Alameda County Clean Water Program to provide financial and programmatic support if the ordinance is expanded to additional stores Clean Water Program staff at <u>all fifteen</u> currently participating member agencies to obtain Chief Executive support or neutrality for <u>the same option</u> (or options, if there is agreement among all fifteen at the staff level that more than one option would be desirable or acceptable).	By March 1, 2015
<i>IF THE TWO COMMITMENTS ABOVE HAVE BEEN MADE, the following activities would be part of FY 15/16 project budget:</i>	
Finalize Clean Water Program Commitments (in part, through an MOU)	April 2015
Outreach to stakeholders	May – September 2015
Coordinate with cities outside our County with similar expanded store set(s). Review approaches/results/lessons learned	May – August 2015
Compile database of affected stores	July–November 2015
Develop ordinance parameters	July -September 2015
Provide project budget, scope and recommendation to WMA	September 2015
Proposed amendment language presented and reviewed by WMA Board	October 2015
CEQA analysis/EIR Amendment – ONLY if expansion to restaurants is part of proposed project.	November to February 2016
WMA representatives and member agency staff consult with elected colleagues.	November to February 2016
1st reading	March 2016
2nd reading and Adoption	April 2016
Merge data into current database and/or expand to CRM	March - June 2016
Revise and reprint outreach materials	April 2016
Collect baseline data for pre ordinance metrics (parking lot surveys, purchasing data, creek audits, etc)	April –August 2016
Outreach to public and stores	April - September 2016
Mail to notify affected stores with materials and message to use up bags	May 2016
Second mailing to affected stores - remind to use up bags, purchase compliant bags	July 2016
Third mailing to affected stores – final reminder	September 2016
Ordinance Effective	October 2016
FY 16/17 - FY 18/19 (Implementation and enforcement - timeframe dependent upon store set and enforcement approach)	2016-2019
Ongoing activities:	2019 and beyond
Update affected store database, ongoing enforcement, new store inspections, complaint follow ups, respond to hotline calls, update compliant bag listings, effectiveness studies	On going

RECOMMENDATION

Staff recommends that the Program and 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.

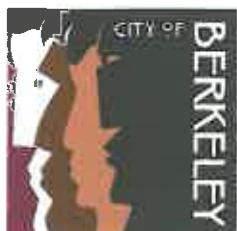
ATTACHMENT A - Map of Reusable Bag Ordinances in Bay Area

ATTACHMENT B - Member Agency Letter of Support for Expansion

ATTACHMENT A

Reusable Bag Ordinances in 9 Bay Area Counties





City Clerk Department

September 18, 2014

StopWaste
1537 Webster Street
Oakland, CA 94612

RE: Letter to StopWaste to Encourage the Expansion of the Ban on Single-Use Plastic Bags in Alameda County

At its meeting of September 16, 2014, the Berkeley City Council voted to send the following letter to you urging the expansion of the ban on single-use plastic bags in Alameda County:

Dear Board of Directors,

Although Alameda County's 2013 ban on plastic bags was a great step forward in the fight against plastic bag litter, the Berkeley City Council urges StopWaste to expand this successful program to include all retailers, and not just big name stores.

Currently, the ordinance applies only to grocery stores, supermarkets, mini-marts, convenience stores, liquor stores, pharmacies, drug stores, and other places that sell milk, bread, soda and snack foods. But this ban does not apply to any other retailers or public eating establishments such as restaurants and bakeries.

A few environmental and state-wide organizations are working hard to campaign for a more extensive ban on plastic bag use, including Save the Bay in San Francisco, the California Public Interest Research Group, and Environment California. According to Save the Bay, only 1,900 of the 7,000 retailers in Alameda County are included in this ban. Expanding this successful program to include all retailers will help us achieve our goal of zero plastic bags in the environment.

We fully support the mission of StopWaste to promote sustainable waste management and consumption. We hope to continue seeing progress in the effort to limit plastic bag litter and protect sensitive ecosystems that are directly and adversely impacted by plastic bags. Removing the limits of this ordinance would directly contribute to that goal.

We hope to see great change in our city and county and we want to provide a model for other communities to follow in the movement towards a healthier, more sustainable future.

Sincerely,

A handwritten signature in blue ink, appearing to read "Mark Numainville".

Mark Numainville, CMC
City Clerk

SEP 25 2014

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DATE: September 26, 2014

TO: Programs and Administration Committee
Planning and Organization Committee/ Recycling Board

FROM: Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director

BY: Michelle Fay, Program Manager

SUBJECT: Business Assistance Project – Update

BACKGROUND

The StopWaste Business Assistance project (formerly “The StopWaste Partnership”) has provided individualized waste reduction and diversion assistance to Alameda County businesses since 1998. Until 2010, the program primarily served large businesses with 10 or more cubic yards of garbage service per week. Some of the largest and most high-profile businesses in the county have received assistance from this program, including Ghirardelli Chocolate, the Oakland Coliseum, and more recently Tesla Motors and Kaiser Permanente.

The Business Assistance project has evolved over the last several years to address the changing needs of businesses as they seek to comply with ACWMA’s Mandatory Recycling Ordinance 2012-01. To align with the Mandatory Recycling Ordinance (MRO), beginning in Fiscal Year (FY) 2011/12 the StopWaste Business Assistance team has focused its efforts on building awareness and compliance with the Ordinance. To do this, the Business Assistance team has significantly expanded its reach to include all businesses covered by the Ordinance, not just those with 10 or more cubic yards of weekly garbage service.

DISCUSSION

This memo serves to provide a summary of the Business Assistance project and highlight some of the achievements as detailed in the StopWaste Business Assistance Program Fiscal Year 2013-14 Annual Report. A full copy of the report is available at: http://www.stopwaste.org/docs/SWP_FY13-14_Annual_Report_FINAL_10_1_14.pdf. Staff will also share a brief presentation at the October 9, 2014 Recycling Board / P&O Committee and Programs & Administration Committee meetings.

Overview of Contractors and Services

Cascadia Consulting Group (Cascadia) and organics specialists from Environmental Science Associates (ESA) were contracted to offer assistance and implement new or increased recycling and organics services at businesses located in jurisdictions participating in the MRO. In the second half of FY 2013/14, the team began engaging businesses in preparation for Phase 2 of the MRO. Phase 2 makes recycling mandatory for all businesses and adds organics separation requirements for food-generating businesses, effective July 1, 2014 in participating jurisdictions. To continue the alignment of services with the MRO, in 2013/14 the Business Assistance project

expanded its reach to include businesses of any size; a first in the history of the project.

Businesses were targeted in two ways: through enforcement referrals such as official notification letters and the Ordinance Help Line, and through proactive targeting of businesses with little or no recycling service, coordinated with City staff. On-site waste assessments, customized recommendation reports with recommended service levels and cost savings estimates, implementation assistance, financial incentives, and recognition were offered free of charge to participating businesses.

Highlights from the Past Year

- 714 covered commercial accounts reached in FY13/14.
- Of those businesses reached, 282 received first-time site assessments, with 169 of those businesses receiving follow-up proposals/recommendations.
- A total of 173 businesses began new recycling and/or organics collection programs.
- These changes resulted in an estimated 954 tons of new diversion.
- The estimated net change in cost that these 173 businesses realized was \$155,273 in annual savings, with an overall GHG emissions reduction of 12,565 mtCO₂e per year.
- 12 businesses were recognized at annual business recognition event hosted at the Zero Net Energy Center in San Leandro, March 13, 2014.
- The team transitioned data management from an Excel based system to the Agency's Customer Relationship Management (CRM) system, streamlining data entry and allowing the Business Assistance team to view enforcement-related activities for improved customer service and support.

Looking Ahead

In FY 2014-15, the Business Assistance team will continue to focus almost exclusively on supporting businesses to comply with the Mandatory Recycling Ordinance. The team will continue to work with businesses that do not yet have recycling or organics service for materials covered by the MRO. Cascadia has expanded its staff capacity to include on-call bi-lingual staff to provide assistance in 5 languages. The team plans to highlight approximately 25 businesses for their waste reduction and diversion accomplishments through social media and e-newsletter features, helping to bolster public awareness of the successes of the MRO. A new multifamily technical assistance pilot has also begun with a goal to implement new organics programs at 40 multifamily complexes.

RECOMMENDATION

This item is for information only.

October 1, 2014

TO: Programs and Administration Committee
Planning and Organization Committee/ Recycling Board

FROM: Gary Wolff, Executive Director
Wendy Sommer, Deputy Executive Director

BY: Debra Kaufman, Senior Program Manager

SUBJECT: Legislative Status for 2014

BACKGROUND:

The 2013-2014 regular session of the California Legislature has adjourned. In November 2013, the Waste Management Authority Board approved three legislative priorities for 2014: extended producer responsibility, organics processing, and other areas of concern such as strengthening green building codes. Staff will lead a discussion of priorities for the upcoming legislative session at a later date.

This memo serves as an update on the status of the eighteen bills the Agency took a position on in 2014.

DISCUSSION:

StopWaste works in Sacramento to support its priorities and protect against legislation or regulations that would be detrimental to the agency. Staff prioritizes its time analyzing and working closely with partner organizations to support or oppose those bills that have the greatest potential to impact—either positive or negative—our waste-reduction goals. This typically amounts to 3-5 priority bills each legislative session with additional monitoring of 10-20 bills.

The Agency's lobbyist, Justin Malan, advocates our positions on a daily basis in the legislature. Staff provides testimony on the Agency's position for priority bills on an as-needed basis, and sends letters on all bills that we support and oppose to the author and local legislators. In addition to advocating legislative positions through our lobbyist, we also advocate policies that support our mission within the purview of California regulatory agencies (e.g., CalRecycle, the California Air Resources Board, etc.).

In both legislative and regulatory work, we collaborate with multiple partners, recognizing that we are much likelier to be successful when we are part of coalitions rather than acting on our own.

The Agency worked closely this year with Californians Against Waste and the California Product Stewardship Council, providing financial support to both. In November, staff will report on legislative priorities for these two organizations, as part of the discussion of Agency legislative priorities for the 2015 legislative year.

Below is the final status of bills the agency took a position on this year. Of special note are the passage of two important organics bills, AB 1594 (Chesbro) which prohibits counting green waste used as daily cover at landfills as diversion, and AB 1826 (Williams) which requires businesses generating a high volume of organics to obtain organics recycling service. Also, of special note is passage of SB 270, the single use bag bill, which closely models our own Agency reusable bag ordinance, but applies to stores statewide. Our Agency provided important feedback on the bag bill to ensure that existing ordinances were not preempted. We also worked to ensure that the state bill would be parallel, and complementary to our own.

Final status of tracked bills:

Extended Producer Responsibility

- **AB 1893 (Stone-Eggman) Home-generated Sharps:** Would require all sharps sold to the general public in California in quantities of 50 or more to include a free sharps waste container that meets applicable state and federal standards for collection and disposal of medical sharps waste.
Sponsor/Support: CA Product Stewardship Council
Bill link:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1893&search_keywords=
Position: Support
Status: Dead. Failed to get off Assembly floor.
- **AB 2284 (Williams) Single-use household batteries:** The bill was amended to remove all manufacturer responsibility. The bill would have required the state to provide for 3 local grants for pilot battery recycling programs. Since many of our communities already have curbside battery recycling, funding of 3 more pilot collection programs, statewide, this would have been of very limited use. There is a need for manufacturer responsibility to address end of life costs of proper battery disposal. This bill was amended to remove all manufacturer responsibility aspects.
Sponsor/Support: CA Product Stewardship Council
Bill link:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2284
Proposed Agency Position: watch (bill got significantly weakened during the leg session)
Status: Dead
- **AB 2748 (ESTM Committee) Used Paint Recovery: Business Plans:** This bill encourages the take-back of used paint by eliminating duplicative reporting requirements on business that are part of Cal Recycle's approved paint stewardship program. This should make it easier for smaller stores to participate in the PaintCare program.
Sponsor/Support: PaintCare
Bill Link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2748
Position: Support
Status: Signed into law

- **SB 1014 (Jackson) – Home-generated Pharmaceutical Waste:** This bill would require the department to adopt regulations to authorize a participant to establish a program to collect and properly dispose of home-generated pharmaceutical waste, based upon the model guidelines developed by the department pursuant to those repealed provisions and to include specified requirements and provisions in those regulations.

Sponsor/Support: Alameda County; CPSC; Clean Water Action and others

Bill Link:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1014

Position: Support

Status: Dead

- **SB 1274 (Hancock) Mattress Recovery and Recycling:** Follow-up legislation to fix elements of last year's mattress legislation (SB 254- Hancock) to ensure that urban and rural local governments and participating solid waste facilities that accept mattresses may do so at no cost.

Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1274

Position: Support

Status: Signed into law

Plastic Bags/Single use take-out containers

- **SB 1194 (Hueso) Plastic pollution:** Amended 4/21/14 to require manufacturers of plastic products to provide a report on whether the manufacturer has established a sustainability policy. There is no definition of what the sustainability policy should include, and no requirement for a sustainability policy, making the requirement vague and the purpose unclear.

Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB1194

Position: Support (would have recommended change to "watch" if the bill was still alive)

Status: Dead.

- **SB 270 (Padilla) Single-use Carryout Bags:** Would, as of July 1, 2015, prohibit a specified set of stores (the same set of stores covered under the Alameda County ordinance) from providing a single-use carryout bag to a customer. The bill would also prohibit those stores from selling or distributing a recycled paper bag or reusable bag at the point of sale unless the store makes that bag available for purchase for not less than \$0.10. The bill would also allow those stores, on or after July 1, 2015, to distribute compostable bags at the point of sale only in jurisdictions that meet specified requirements and at a cost of not less than \$0.10. The bill allows jurisdictions who have adopted a bag ordinance prior to September, 2014, to continue to enforce that ordinance. It allows those jurisdictions to expand their ordinance to a broader set of stores and/or to increase the minimum charge for bags, but limits other changes, to be consistent with the specifications in the bill.

Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140SB270

Position: Support. Staff have verified that the use of RMDZ funds will no longer be used as the source of funding.

Status: Signed into law

Medical Waste

- **AB 333 (Wieckowski) Medical Waste Management Act Reform:** Would provide for technical amendments to the Medical Waste Management Act. The bill is intended to harmonize California law with federal law. Some concerns over proposed draft language that may preempt local government authority and limit small quantity generator exemption. Staff will review more fully when substantive amendments are added.
Sponsor: Stericycle
Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB333
Position: Watch
Status: Signed into law

Green Buildings and Construction

- **AB 1918 (Williams) Title 24 and HVAC Compliance:** Calls for the establishment of an incentive program for local building agencies and operators through the CPUC to promote verification of compliance and benchmarking of HVAC and other Title 24 energy efficiency.
Sponsor/Support: US Green Building Council and NRDC. Amended 3/26.
Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1918
Position: Support
Status: Dead
- **AB 2282 (Gatto) Recycled Water Infrastructure:** Directs the Building Standards Commission to establish mandatory dual plumbing to be installed in new buildings in certain areas and dwellings in the state, based on local need and capacity determination.
Sponsor/support: US Green Building Council and Pipefitters Union
Bill link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2282
Position: Support
Status: Signed into law
- **AB 2355 (Levine) Local Use of Recycled Material:** This bill would require, by January 1, 2017, a local government that has jurisdiction over a street or highway to either adopt the standards developed by the Department of Transportation for recycled paving materials and for recycled base, subbase, and pervious backfill materials, or discuss why it is not adopting those standards at a public hearing.
Sponsor/Support: CA Construction and Industrial Materials Association; Marin Builders Association
Bill Link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2355
Position: Support
Status: Signed into law

Cap and Trade Revenues

- **AB 1970 (Gordon) Community Investment and Innovation program:** Would award Cap and Trade funds to local agencies that submit plans to develop and implement integrated community-level greenhouse gas emissions reduction projects in their region.
Sponsor: Author
Bill Link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1970
Position: Support
Status: Dead.

Recycling: Market Development

- **AB 1021 (Eggman) Alternative Energy: Recycled Feedstock:** This bill expands sales and use tax credits to manufacturers using recycling feedstock, as defined, that is intended for the production of another product or soil amendment.
Sponsor/Support: Californians Against Waste
Bill link:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1021
Position: Support
Status: Dead. Held in Senate Appropriations Committee from 2013
- **AB 1022 (Eggman) Electronic Waste: CRT Glass Market Development Payments:** This bill directs the Department of Toxic Substances Control to spend up to \$10 million of their surplus e-waste funds for direct incentive payments for value-added processing of CRT glass in California.
Sponsor: Californians Against Waste
Bill link:
http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1022
Position: Support
Status: Dead. Held in Senate Appropriations Committee from 2013

Organics Processing

- **AB 1594 (Williams) ADC.** This bill, commencing January 1, 2020, would provide that the use of green material, not including materials left over from the composting process, as alternative daily cover does not constitute diversion through recycling and would be considered disposal for purposes of the act.
Sponsor: CAW and Compost Coalition
Bill Link: http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1594
Position: Support
Status: Signed into law
- **AB 1826 (Chesbro) Commercial organic waste recycling:** This bill requires businesses generating 8 cubic yards of organic waste per week to arrange for organics recycling service by April 1, 2016. This threshold is reduced to 4 cubic yards of organics as of January 1, 2017, and 4 cubic yards of solid waste as of January 1, 2019.
- **Sponsor:** CAW

Bill link:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB1826

Position: Support

Status: Signed into law

Governance

- **AB 2170 (Mullin) Joint Powers Authority:** Would clarify that joint powers authorizes may exercise any power common to the contracting parties, including levying fees and taxes.

Sponsor: Author

Bill link:

http://leginfo.legislature.ca.gov/faces/billNavClient.xhtml?bill_id=201320140AB2170&search_keywords=

Position: Support

Status: Signed into law

Electricity: Community Choice Aggregation

- **AB 2145 (Bradford):** Would make it harder for our local governments to implement Community Choice Aggregation, one strategy for implementing climate action plan goals.

Position: Oppose

Status: Dead

RECOMMENDATION:

This item is for information only.