

Deborah Cox, **WMA President**
City of San Leandro, WMA, EC
Shelia Young, **WMA 1st Vice President**
Oro Loma Sanitary District, WMA
Dianne Martinez, **WMA 2nd Vice President**
City of Emeryville, WMA, EC
Melissa Hernandez, **EC President**
City of Dublin, WMA, EC
Dan Kalb, **EC 1st Vice President**
City of Oakland, WMA, EC
Jenny Kassin, **EC 2nd Vice President**
City of Fremont, WMA, EC
Jim Oddie, City of Alameda, WMA, EC
Keith Carson, County of Alameda, WMA, EC
Nick Pilch, City of Albany, WMA, EC
Susan Wengraf, City of Berkeley, WMA, EC
Dave Sadoff, Castro Valley Sanitary District, WMA
Francisco Zermeño, City of Hayward, WMA, EC
Bob Carling, City of Livermore, WMA, EC
Michael Hannon, City of Newark, WMA, EC
Tim Rood, City of Piedmont, WMA, EC
Jerry Pentin, City of Pleasanton, WMA, EC
Emily Duncan, City of Union City, WMA, EC
Wendy Sommer, Executive Director

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

Wednesday, October 28, 2020

3:00 P.M.

TELECONFERENCE MEETING

Teleconference/Public Participation Information to Mitigate the Spread of COVID-19

This meeting will be held entirely by teleconference. All Board members, staff, and the public will only participate via the Zoom platform using the process described below. The meeting is being conducted in compliance with the Governor's Executive Order N-29-20 suspending certain teleconference rules required by the Ralph M. Brown Act. The purpose of this order was to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.

Board members will receive a separate unique email invite. Staff and members of the public may attend and participate in the meeting by:

1. Calling US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 webinar ID 868 5417 6860
2. Using the [Zoom](#) website or App and entering meeting code 868 5417 6860

During the meeting the chair will explain the process for members of the public to be recognized to offer public comment. The process will be described on the StopWaste website at <http://www.stopwaste.org/virtual-meetings> no later than noon Wednesday, October 28, 2020. The public may also comment during the meeting by sending an e-mail to publiccomment@stopwaste.org prior to the close of public comment on the item being addressed. Each e-mail will be read into the record for up to three minutes.

In accordance with the Americans with Disabilities Act and the Governor's Executive Order, if you need assistance to participate in this meeting due to a disability, please contact the Clerk of the Board at (510) 891-6517. Notification 24 hours prior to the meeting will enable the agency to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA

I. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL—ANTICIPATED LITIGATION

Initiation of litigation pursuant to Section 54956.9(d)(4): (1 potential case)

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

V. OPEN PUBLIC DISCUSSION FROM THE FLOOR

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the board or council, but not listed on the agenda. Total time limit of 30 minutes with each speaker limited to three minutes unless a shorter period of time is set by the President.

Page VI. CONSENT CALENDAR

1 1. **Approval of the Draft WMA & EC Minutes of September 23, 2020 (Wendy Sommer)**

7 2. **Amendment to the Alameda Countywide Integrated Waste Management Plan (CoIWMP) to provide clarification on the General Solid Waste Facility Siting Criteria, and correct some typographical errors.**

Staff recommends that the WMA Board adopt the attached resolution to amend the CoIWMP (Exhibit 1) to provide clarification on the General Solid Waste Facility Siting Criteria, and correct typographical errors, as shown in Table 6-1.

VII. REGULAR CALENDAR

15 1. **Reappointments to the Recycling Board – Board members Cox and Sadoff (Wendy Sommer)**
Staff recommends that the Waste Management Authority Board reappoint Board members Cox and Sadoff to a two-year term on the Recycling Board ending November 13, 2022.

17 2. **Mandatory Recycling Ordinance Project Update (Rachel Balsley)**
This item is for information only.

23 3. **Recycling Transparency and Acceptability (Michelle Fay)**
This item is for information only.

4. **Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn)**
(Planning Committee and Recycling Board meeting, December 10, 2020, 7:00 p.m. Meeting will be held via teleconference).

VIII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

IX. ADJOURNMENT

DRAFT

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

Wednesday, September 23, 2020

3:00 P.M.

TELECONFERENCE MEETING

I. CALL TO ORDER

President Cox called the meeting to order at 3:00 p.m. Wendy Sommer explained the process that would be utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions](#)

II. ROLL CALL OF ATTENDANCE

WMA & EC

County of Alameda	Scott Haggerty, WMA, EC (alternate)
City of Alameda	Jim Oddie, WMA, EC
City of Albany	Nick Pilch, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Melissa Hernandez, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Fremont	Jenny Kassan, WMA, EC
City of Livermore	Bob Carling, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Pleasanton	Jerry Pentin, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC President
City of Union City	Emily Duncan, WMA, EC

ABSENT:

City of Hayward	Francisco Zermeño, WMA, EC
City of Piedmont	Tim Rood, WMA, EC

Staff Participating:

Wendy Sommer, Executive Director
Timothy Burroughs, Deputy Director
Pat Cabrera, Administrative Services Director
Jeff Becerra, Communications Manager
Justin Lehrer, Operations Manager
Emily Alvarez, Program Manager
Kelly Schoonmaker, Program Manager
Arliss Dunn, Clerk of the Board
Richard Taylor, WMA Legal Counsel

DRAFT

Others Participating:

Edward Schexnayder, Attorney, Shute, Mihaly & Weinberger LLP
Rick Mauck, Certified Blue Recycling

III. ANNOUNCEMENTS BY PRESIDENTS

There were no announcements by the Presidents.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There were no public comments on the remote call and no public comments were received via the public comments email portal.

V. CONSENT CALENDAR

1. Approval of the Draft WMA & EC Minutes of July 22, 2020 (Wendy Sommer)

There were no public comments for the Consent Calendar. Board member Sadoff made the motion to approve the Consent Calendar. Board member Hernandez seconded and the motion carried 17-0. The Clerk called the roll:

(Ayes: Carling, Cox, Duncan, Haggerty, Hannon, Hernandez, Kalb, Kassan, Martinez, Oddie, Pentin, Pilch, Sadoff, Young. Nays: None. Abstained: None. Absent: Rood, Wengraf, Zermeño).

VI. REGULAR CALENDAR

1. Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for Certified Blue Recycling Facility located at 2075 Williams Street in San Leandro (Emily Alvarez)

Staff, the Recycling Board (as the Local Task Force), and the Planning Committee of the WMA recommend to the WMA Board that it hold a public hearing at the September 23, 2020 meeting and adopt a resolution to:

- (1) Amend the CoIWMP (Exhibit 1) to include the Certified Blue CDI Recycling Facility in the City of San Leandro;
- (2) Find that the CBR Facility conforms to the CoIWMP as amended; and
- (3) Make the findings required by CEQA.

Emily Alvarez provided an overview of the staff report. A link to the report is available here: [CoIWMP-Update-Certified-Blue-Amendment.pdf](#). Ms. Alvarez introduced Edward Schexnayder, Attorney, Shute, Mihaly & Weinberger LLP, and Rick Mauck, representative for Certified Blue Recycling. Mr. Schexnayder and Mr. Mauck were available to answer any questions.

President Cox opened the public hearing. Board member Hannon inquired about the status of the permitting process for the project. Ms. Alvarez stated that in May, CBR completed the first step in the process by obtaining approval of the Initial Study and Negative Declaration, and the Conditional Use Permit from the City of San Leandro Planning and Zone Adjustments Board. They are now seeking approval from the WMA Board for the Conformance Finding for the CoIWMP, which was listed as a condition of approval for the City of San Leandro's permitting process. If the WMA Board grants approval, CBR will then be able to obtain their Solid Waste Facility permit from CalRecycle. Board member Hannon clarified that if the WMA Board grants approval they will still not be allowed to operate until the solid waste permit is applied for and approved by the State. Ms. Alvarez stated that is correct. Board member Young inquired if the San Leandro City Council had inquired about the increase

DRAFT

in truck trips. President Cox stated that the item did not appear before council but instead appeared before the Planning and Zoning Adjustments Board. Board member Young inquired if the issue was discussed at that meeting and if there was any input provided by the public. Ms. Alvarez stated that the issue of additional truck traffic was discussed at the Planning meeting and was included in the Initial Study and Negative Declaration and a study was conducted by consultants as well. It was determined that the additional truck trips were under the threshold for a significant environmental impact and would therefore not create any additional impacts. Ms. Alvarez added there were no comments provided by the public. Board member Hannon inquired that because it is a conditional use permit in the City of San Leandro is there a timeline established for the city to have an opportunity to review the permit or only if the Council requests that the item be revisited. Ms. Alvarez and Mr. Mauck stated that there is no specific timeline included in the conditional use permit. President Cox stated that City staff provided written comments regarding the approval process. Board member Martinez stated that she is in support of the staff recommendation and urged the City of San Leandro to conduct more extensive public outreach to inform the public and encourage public engagement in the process. President Cox added that she appreciates the comments provided by the board and will forward them to City staff. Ms. Alvarez clarified that there is a condition that states that the City of San Leandro can revoke or revisit the Conditional Use Permit if the facility is not in compliance or if there is a request for additional changes to the facility.

President Cox opened the public hearing. There were no public comments on this item and the public hearing was closed. President Cox made the motion to approve the staff recommendation. Board member Martinez seconded and the motion carried 18-0. The Clerk called the roll:
(Ayes: Carling, Cox, Duncan, Haggerty, Hannon, Hernandez, Kalb, Kassan, Martinez, Oddie, Pentin, Pilch, Sadoff, Wengraf, Young. Nays: None. Abstained: None. Absent: Rood, Zermeño).

2. Communications Tower Lease on Authority Property (Kelly Schoonmaker)

That the Authority Board authorize the Executive Director to enter into a lease agreement with Vasco Winds, LLC, for use of the communications tower and building on Parcel 6.

Kelly Schoonmaker provided an overview of the staff report. A link to the report is available here: [Communications-Tower-Lease-Vasco.pdf](#)

Board member Pilch inquired if the annual lease amount is standard for this type of lease agreement and if the agency has other similar lease agreements. Ms. Schoonmaker stated yes this is a standard lease agreement for tower leases in this area. Ms. Schoonmaker added that the agency has two additional tenants that lease transmission towers and the lease agreements are roughly the same although they have different needs for the towers.

There were no public comments on this item. Board member Wengraf made the motion to approve the staff recommendation. Board member Oddie seconded and the motion carried 18-0. The Clerk called the roll:
(Ayes: Carling, Cox, Duncan, Haggerty, Hannon, Hernandez, Kalb, Kassan, Martinez, Oddie, Pentin, Pilch, Sadoff, Wengraf, Young. Nays: None. Abstained: None. Absent: Rood, Zermeño).

3. 2020 Priority Setting Process (Justin Lehrer & Timothy Burroughs)

This item is for information only.

Wendy Sommer provided an introduction to the staff presentation. Ms. Sommer stated that the agency is now in the “chrysalis” stage and we are reimagining through the two-year priority setting process how the agency can be responsive to new challenges and opportunities. The two-year priority setting

DRAFT

process enables us to be nimble and adaptive towards our projects so that we can continue to be effective in responding to the current COVID-19 challenges and the new horizons going forward.

Timothy Burroughs and Justin Lehrer provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [2020-Priority-Setting-Process.pdf](#)

Board member Carling commented that the term “priorities” listed in the staff report was referred to as “objectives” in the presentation and asked for clarification on the terminology. Mr. Lehrer stated that the term “objectives” as illustrated in the presentation is the intention as we do not want to get ahead of ourselves in identifying them as priorities. However, our objectives correlate to the guiding principles and priorities that have guided our projects over the past four years. Board member Carling suggested that staff apply consistency with the use of terminology. Board member Duncan inquired if the proposed priority setting objectives consider the current COVID-19 environment, or the “new normal,” and whether the agency plans to retain some of the practices and service delivery that we are utilizing during the current environment. Mr. Burroughs stated that although the agency cannot predict what will happen in the future, we realize that our work must continue to evolve in order to further move the needle. In that vein, we realize that we have picked the low hanging fruit with respect to downstream materials management, and the two-year priority setting process provides the opportunity to be innovative and creative and to work upstream to reduce the amount of materials entering the landfill as well as achieve clean energy solutions. Mr. Burroughs added that some of our objectives are already integrated into our projects, e.g. multi-family and community outreach projects foster engagement with the community and also provide the opportunity to integrate equity into our operations and programs. Board member Hannon asked that going forward the agency consider how we may assist and provide guidance to the local communities in the areas of homelessness and illegal dumping.

There were no public comments on this item. President Cox thanked staff for a very productive discussion and presentation.

4. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliis Dunn) (WMA only)

(Planning Committee and Recycling Board meetings, October 8, 2020 at 4:00 p.m. Meeting will be held via teleconference).

There were no requests for an interim appointment.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Ms. Sommer announced the monthly topic brief [“Recycling Plan Update - September 2020.”](#) Ms. Sommer stated that the item will be presented to the Alameda County Transportation and Planning Committee and thanked Supervisor Haggerty for facilitating this opportunity. President Cox thanked staff for including the TAG (Technical Advisory Group) minutes in the agenda packet.

The meeting adjourned to closed session at 4:14 p.m. and returned to open session at 4:32 p.m.

VIII. CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL—EXISTING LITIGATION – 2 cases

Government Code Section 54956.9(d)(1)

Name of case: Waste Connections US, Inc. v. ACWMA (California Court of Appeal No. A158323; Contra Costa Superior Court No. CIVMSC18-01546)

DRAFT

Name of case: Stein & Boone v. ACWMA (California Court of Appeal No. A154804; Alameda County Superior Court No. RG17858423)

There was nothing to report from the closed session.

IX. ADJOURNMENT

The meeting was adjourned at 4:34 p.m.

This page intentionally left blank



DATE: October 28, 2020

TO: Waste Management Authority Board

FROM: Emily Alvarez, Program Manager

SUBJECT: Amendment to the Alameda Countywide Integrated Waste Management Plan (CoIWMP) to provide clarification on the General Solid Waste Facility Siting Criteria, and correct some typographical errors.

SUMMARY

On April 22, 2020, the WMA Board unanimously adopted comprehensive updates to the Countywide Integrated Waste Management Plan (CoIWMP). The Plan was amended again on September 23, 2020 to include the proposed Certified Blue Recycling (CBR) construction, demolition, and inert debris transfer/processing facility in San Leandro. Upon further WMA Staff review of the CoIWMP and through the conformance finding and amendment process with CBR, as well as discussions with a potential CoIWMP amendment applicant, some areas for clarification, including correcting typographical errors, have been identified and are presented in this memo, along with a resolution to amend the CoIWMP to make these corrections.

DISCUSSION

WMA staff identified several typographical errors and opportunities for clarification in the CoIWMP. There are no substantial changes proposed for the document and aside from correcting typographical errors, the only modifications to the document are found in Table 6-1: General Solid Waste Facility Siting Criteria. Through conducting the conformance finding process for CBR, staff believes that clarification on some of the siting criteria would provide better guidance to staff and future applicants. Highlights of the modifications are provided below and proposed text changes can be found in Exhibit 1:

- *PSD Air Areas*: The requirement for this siting criterion incorrectly referenced the standard for Mineral Resource Areas, and has been changed to reflect the actual requirement.
- *Proximity to Waste Streams*: The criterion was moved further up in the table and whereas the criteria were previously the same for both compost facilities and landfills, the criteria for

compost facilities have been aligned with transfer stations/processing facilities as they are more similar.

- *Proximity to Development:* Clarified that while it may be beneficial for certain facilities to be located close to development to reduce transportation and to better serve the public, proximity should seek to minimize nuisances, when appropriate. Additionally, the criteria that facilities be distributed throughout the county was moved to this section as it is a better fit than in “Residential Development.”
- *Residential Development:* The criterion for a buffer zone was clarified, including what the buffer is and how a facility shall show compliance.
- *Institutional/Public Facilities:* The requirement for public facilities and institutions were combined since there is not a significant difference in how these land uses should be treated. Additionally, the desired buffer is specified and it is explained how a facility shall show compliance.
- *Conformance with Approved Countywide Element of the Integrated Waste Management Plan:* Clarified that the facility should explain how they are consistent with the applicable goals, objectives, and policies of the CoIWMP, including, but not limited to, how the facility helps the County to meet its diversion goals and provide sufficient landfill capacity.

RECOMMENDATION

Staff recommends that the WMA Board adopt the attached resolution to amend the CoIWMP (Exhibit 1) to provide clarification on the General Solid Waste Facility Siting Criteria, and correct typographical errors, as shown in Table 6-1.

Attachments:

Attachment A: Resolution 2020-04

Exhibits:

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

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2020-04**

MOVED:

SECONDED:

**AT THE MEETING HELD October 28, 2020
ADOPTING AMENDMENTS TO THE COUNTYWIDE INTEGRATED WASTE MANAGEMENT
PLAN**

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

SECTION 1 (Adoption)

The Board of the WMA does hereby adopt this Resolution in full consisting of Section 1 through Section 3.

SECTION 2 (Findings)

- (a) The WMA finds that the California Integrated Waste Management Act (California Public Resources Code §§ 40000 et seq.) requires the preparation and adoption of a Countywide Integrated Waste Management Plan (“CoIWMP”).
- (b) The WMA finds that the Alameda County Joint Exercise of Powers Agreement for Waste Management directs that the WMA prepare, adopt, revise, amend, administer, enforce, and implement the CoIWMP.
- (c) The WMA finds that it adopted a CoIWMP, dated February 26, 2003, has adopted minor amendments since then, and adopted a comprehensive update on April 22, 2020.
- (d) The WMA finds that the CoIWMP requires additional, minor amendments to correct typographical errors and provide additional clarification.
- (e) The WMA finds that the CoIWMP amendments will not result in direct or indirect physical changes in the environment, and thus the adoption of such amendments is not considered a project under the California Environmental Quality Act (CEQA) and is exempt from CEQA pursuant to Title 14 California Code of Regulations section 15061(b)(3).

SECTION 3 (Amendment of CoIWMP)

The WMA hereby amends the CoIWMP as set forth in the CoIWMP Amendment text attached hereto as Exhibit 1 and made a part of this Resolution.

Attachment A

Passed and adopted this 28th day of October, 2020 by the following vote:

AYES:

NOES:

ABSTAINING:

ABSENT:

Arliss Dunn
Clerk of the Board

Exhibits:

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

Attachment A

Exhibit 1: CoIWMP Amendment Text

Corrections to the Alameda County Countywide Integrated Waste Management Plan

The Alameda County Countywide Integrated Waste Management Plan (“Plan”) adopted April 22, 2020 is hereby amended again as set forth below. In the sections that follow, text to be added to the Plan is shown in **underline bold** and text to be deleted is shown in ~~strikethrough~~.

- Page 1-2: A Co**W**MP document includes five components...
- Page 2-3: SB 1383 requires jurisdictions to procure organic materials, including compost, mulch, electricity from bio-~~gas~~**mass**, and renewable natural gas.
- Page 4-11: Alameda County jurisdictions also direct their organics to out-of-county facilities, as shown in Table ~~43~~**9**.
- Page F-2: **TS or Transfer Station**. A transfer station receives solid wastes, temporarily stores, separates, converts, or otherwise processes the materials in the solid wastes, or transfers the solid wastes directly from smaller to larger vehicles for transport.
- Table 6-1, beginning on page 6-3, is revised as follows:

Attachment A

Table 6-1: General Solid Waste Facility Siting Criteria [±]			
<i>Siting Factor</i>	<i>Transfer and Processing Facilities</i>	<i>Compost Facilities</i>	<i>Landfills</i>
Floodplains. 100 year floodplains and areas subject to flooding by dam or levee failure and tsunamis, seiches, and coastal flooding.	Facilities M ay be built in areas subject to 100 year flooding if protected by engineered solutions designed to preclude failure, such as berms, platforms or elevations above flood levels.		Landfills may not be located in areas subject to 100 year flooding unless protected in accord with State standards.
PSD Air Areas. Prevention of Ssignificant eDeterioration (PSD) applies when a new major source or major modifications at an existing source for pollutants is located in an areas are those that is in compliance with national air quality standards.	All facilities shall comply with permitting requirements of the Bay Area Air Quality Management District. Facilities should not be sited to preclude extraction of minerals necessary to sustain the economy of the State or County.		
Proximity to Waste Streams	Small/medium scale facilities: Collection centers should be easily available to residential areas to encourage use and to minimize traffic and transportation impacts. Large scale facilities: May be located at a distance from waste sources because of the need for large sites and for buffer zones to protect the public welfare.		May be located at a distance from waste sources because of the need for large sites and for buffer zones to protect the public welfare.
Proximity to Development	Road networks leading to major transportation routes should not pass through residentially developed areas, or areas containing institutional and public facilities , and should be demonstrated to be safe with regard to capacity, design and construction, and operations (accident rate; excessive traffic, etc.). <u>While balancing proximity to development, facilities should be located, designed, constructed and operated to minimize nuisance, public health or safety impacts to the public, relative to noise, litter, disease vector, dust, odors, and visual/aesthetic impacts. Facility distribution should be balanced geographically throughout the county.</u>		

Attachment A

Table 6-1: General Solid Waste Facility Siting Criteria [±]			
Siting Factor	Transfer and Processing Facilities	Compost Facilities	Landfills
Residential Development	<p>Proximity is desirable to encourage use and minimize traffic and transportation (energy, air) impacts.</p> <p>However, Although proximity is desirable to encourage use and minimize traffic and transportation (energy, air) impacts, a residential buffer zone of at least 500 feet is recommended, unless the developer can demonstrate as part of the permitting process that a smaller zone provides adequate protection for the public. Facility distribution should be balanced geographically.</p>	<p>Although proximity is desirable to encourage use and minimize traffic and transportation (energy, air) impacts, facility distribution should be balanced geographically. a buffer of at least 200 feet is desirable.</p> <p>recommended, unless the developer can demonstrate as part of the permitting process that a smaller zone provides adequate protection for the public.</p>	<p>Landfills shall provide a land buffer of at least 2,000 feet between the site boundaries of its permitted landfill area and any area zoned to allow any permanent residence or occupied facility, unless the developer can demonstrate as part of the permitting process that a smaller zone provides adequate protection for the public.</p>
<u>Institutional/Public Facilities. Includes uses such as schools, churches, hospitals, civic buildings, libraries.</u>	<p>Facilities should be located, designed, constructed and operated to minimize nuisance, public health or safety impacts to the public, relative to noise, litter, disease vector, dust, odors, and visual/aesthetic impacts. <u>A buffer of at least 500 feet is recommended and when not possible, appropriate treatment within the buffer zone, such as a combination of vegetation and structures for screening, should be constructed and maintained.</u></p>		
<u>Public Facilities: Schools, Churches, Hospitals, Civic Buildings, Libraries</u>	<p>Appropriate treatment within the buffer zone shall include a combination of vegetation and structures for screening and to improve the visual amenities of the site.</p>		
Conformance with Approved Countywide Siting Element of the Integrated Waste Management Plan	<p><u>In addition to the siting criteria,</u> Solid Waste Facilities shall be consistent with the siting criteria and siting related goals, objectives, and policies of the approved Countywide Siting Element of the <u>Alameda County</u> Integrated Waste Management Plan, and shall be specifically designed and sized to meet the County's capacity needs, including commitments under any inter-jurisdictional waste agreements. Solid waste facility shall be subject to the Authority CoIWMP plan conformance process as described in the CoIWMP.</p>		

Attachment A

Table 6-1: General Solid Waste Facility Siting Criteria ¹			
<i>Siting Factor</i>	<i>Transfer and Processing Facilities</i>	<i>Compost Facilities</i>	<i>Landfills</i>
Gas Migration & Odor /Emissions	Should be designed and operated to minimize negative odor emissions consistent State composting regulations.		Landfills shall be designed to include a system to provide venting control, monitoring and re-use of landfill gas (Gas Management Plan) including a condensate collection system, pursuant to State regulations.

Notes:

1. Large scale transfer and processing facilities, unless otherwise noted



DATE: October 28, 2020
TO: Waste Management Authority Board
FROM: Wendy Sommer, Executive Director
SUBJECT: Reappointments to the Recycling Board – Board members Cox and Sadoff

SUMMARY

Board members Deborah Cox, City of San Leandro, and Dave Sadoff, Castro Valley Sanitary District, have served one two-year term on the Recycling Board and are eligible for reappointment to a second two-year term. They have both indicated a willingness to serve a second two-year term. Their current term expires November 13, 2020.

RECOMMENDATION

Staff recommends that the Waste Management Authority Board reappoint Board members Cox and Sadoff to a two-year term on the Recycling Board ending November 13, 2022.

This page intentionally left blank



DATE: October 28, 2020

TO: Waste Management Authority Board

FROM: Rachel Balsley, Senior Program Manager

SUBJECT: Mandatory Recycling Ordinance Project Update

SUMMARY

This memo provides updates on the Mandatory Recycling Ordinance (MRO), including highlighting some of the progress through Fiscal Year 2019-20 as well as the impacts of the COVID-19 pandemic on program operations. Staff will also share a presentation at the October 28, 2020 Waste Management Authority Board meeting.

DISCUSSION

Program Overview

Ordinance 2012-01, the Mandatory Composting and Recycling Ordinance, was adopted in January 2012 and requires commercial and multifamily accounts to subscribe to recycling and organics collection services. Additionally, businesses are required to sort materials properly.

The WMA has a routine inspection program with progressive enforcement, meaning regulated parties receive two notices before a citation and fine are issued. Fines range from \$100 to \$150 per violation for the first citation. Fine amounts increase on subsequent citations at the same account within 12 months.

Enforcement is prioritized at larger commercial accounts: those with four or more cubic yards of total weekly service. This was changed in early 2019 from accounts with one or more cubic yard of weekly garbage service, both to align with AB 1826, which requires organics collection service at accounts covered by the law, and to reduce the overall size of the inspection pool from approximately 13,000 to 7,000 accounts, so that inspected accounts could be reached more frequently.

For multifamily enforcement, an administrative process is used to review hauler service data since the MRO simply requires the *provision* of recycling and/or organics collection service and gaining access at multifamily sites is often difficult. If an official complaint is submitted through the Ordinance website to inform the WMA of a site that is not providing the required service to residents, that account may receive an on-site inspection.

Technical assistance is provided by WMA's contracted TA provider, Cascadia Consulting Group, focusing primarily on Ordinance compliance. Properties may directly request assistance through the Ordinance help line or website. In addition, the TA team proactively contacts many businesses and multifamily properties to offer compliance assistance after they violate the Ordinance. The MRO website, www.RecyclingRulesAC.org, is the hub of outreach and TA with detailed information about the requirements, support materials, and tools to assist in compliance.

Highlights from Fiscal Year 2019-20

Impacts of the COVID-19 pandemic

In mid-March as the COVID-19 pandemic hit and resulting public health orders mandated shelter-in-place, MRO inspections and the mailing of enforcement letters were suspended. This decision was made to protect the health of our site inspector, and since many businesses had to shut their doors, switch to remote work, or otherwise modify their operations, their waste generation was likely significantly different than during normal operations. Due to continued significant community transmission of COVID-19 and public health order restrictions in Alameda County, it is likely that inspections will not resume until 2021.

Enforcement activities throughout the county

The WMA conducted nearly 3,000 inspections throughout the county in FY 2019-20 (through mid-March) with two in-house inspectors. This equates to 40% of the accounts in the inspection pool or 15% of the total covered commercial accounts (19,600 accounts). Over 1,800 commercial accounts were sent an enforcement letter based on an observed violation. Moreover, close to 1,300 administrative notifications were mailed to primarily new accounts to officially inform them of the MRO requirements.

About 150 accounts that were in line to receive an enforcement letter based on inspections conducted just prior to shelter-in-place orders were sent a courtesy notification about the violations found at their site. This was done in lieu of an official violation letter and to encourage action, while being mindful of the challenging times many businesses face during the pandemic.

In FY 2019-20, 685 accounts were sent a citation and fined, compared to 610 accounts in FY 2018-19. Of the approximately 2,400 citations issued to date, 30 have been appealed by the cited parties and all have been upheld after formal appeal hearings were conducted.

Businesses continue to add recycling and organics service

More businesses subscribe to new recycling service every year. Depending on the jurisdiction, approximately 72-93% of commercial garbage accounts now have some level of recycling service. This is a significant increase when compared to 20-82% in 2011, prior to implementation of the MRO. The percentage of commercial garbage accounts that have organics service in jurisdictions is now between approximately 23-58%¹ compared to 0-17% in 2011, although it's not expected that all commercial garbage accounts need organics service. More than 7,500, or 38%, of the nearly 20,000 covered commercial garbage accounts have organics service.

Providing more feedback on improper sorting

¹ The percentage commercial garbage accounts that have recycling and organics services is based on member agency data submitted for FY 2018-19 in the fall of 2019 in their Measure D annual report. FY 2019-20 data is expected to be available in November/December 2020.

In FY 2019-20, 48% of the inspections resulted in at least one ordinance violation. A violation for recyclables in the garbage was the most common and was issued in 30% of inspections, while 13% of inspections found a violation for garbage in the recycling. While not all businesses generate organics and discarded food is often more difficult to see in significant quantities, 12% of inspections had a violation for organics in the garbage and 7% had a garbage in organics violation.

Stricter enforcement on organics service

Historically in MRO enforcement, commercial accounts were given a violation for lack of organics service only when an inspector identified 20 or more gallons of organics in the garbage. However, given that study data showed continued high volumes of organics going to landfill, stricter enforcement protocols were implemented in 2019. In addition to accounts found with 20+ gallons of organics in the garbage, any commercial account with four or more cubic yards of total weekly solid waste service that also has a food generator permit must subscribe to organics service.

Studies suggest high-touch interventions improve sorting

A study was completed in FY 2019-20 with a focus on food generating accounts such as restaurants and small markets, to test the effects of various MRO actions. Accounts in Newark and Union City were sampled on three occasions: 1) before their Phase 2 organics requirements took effect, 2) after the onset of the organics requirements (and notification letters were sent), and 3) several months after the start of organics enforcement activities. No significant differences were detected in the accounts between the first two rounds of sampling; notification letters *alone* do not appear to be effective. Results from the third round of sampling after MRO warning letters were issued did show a reduction in the percent of organics found in the garbage (64% to 55%) and an increase in the percent of recycling (11% to 15%). Combining these two measurements, we saw a five percent overall reduction in the percentage of recyclable and compostable material in the garbage (from 75% to 70%).

The third round results were more significant when separated by city. Newark accounts showed no statistical difference from previous rounds, while Union City had a 28% reduction of organics found in the garbage (72% down to 53%). The most likely reason for this difference is the increased follow-up conducted by Union City and hauler outreach staff, larger rate discounts for organics, and a more established organics collection program for Union City businesses.

An additional study was completed in Livermore in early 2020 to measure the effects of organics bin cameras combined with real-time feedback and significant customer education. The results of the sampling showed a substantial improvement in organics sorting—organics in the garbage went from 66% (2018 baseline study) to 38%.

Overall, these studies suggest that current MRO outreach and enforcement letter methodology may not be sufficient to drive significant organics diversion. Food service establishments and other high organics generating businesses need more frequent and deeper touch interventions to get the large amount of compostable and recyclable materials into the right bins.

Enforcement is advancing at multifamily properties

Beginning in FY 2019-20, enforcement progressed to the citation stage for multifamily properties. Review of service at multifamily accounts is batched by jurisdiction and five jurisdictions were reviewed in FY 19-20. Of the approximately 3,570 multifamily accounts, 37 accounts were found to lack the required service (usually organics) and were sent a warning letter, or received a citation and were issued a fine. Member agency reported data for FY 2018-19 indicates approximately 95% of multifamily properties have recycling service and 92% have organics service.

The TA team assisted 441 commercial and multifamily accounts

The Cascadia technical assistance team contacted 652 commercial and multifamily accounts to offer assistance. A total of 371 commercial accounts, and 70 multifamily accounts, received on-site, phone, virtual and/or email assistance in FY 2019-20. Of the multifamily properties assisted, 13 properties requested and received residential outreach, including group presentations, door-to-door communication or virtual trainings about proper recycling and composting at their site. The TA team documented 52 service changes to start or expand recycling and/or organics collection programs. These service changes equate to approximately 4,200 cubic yards of annual new diversion. Approximately 62% of the service changes resulted in an increased solid waste bill, while 25% resulted in a cost savings, and 13% had no change in cost.

The MRO TA team ceased in-person site visits and trainings beginning in mid-March, and pivoted by offering virtual assistance. There has been less receptivity to offers of assistance since enforcement letters have been suspended and businesses are understandably dealing with other challenges. However, technical assistance representatives have been working collaboratively with member agency and hauler representatives to reach out to targeted lists of accounts and have had success connecting with businesses through educational webinars.

Additional details regarding technical assistance are in the StopWaste Business Assistance Program Fiscal Year 2019-20 Annual Report, available here: [StopWaste-TA-Annual-Report](#)

Sites are utilizing free indoor green bins and support materials

The Free Indoor Food Scrap Bin Program continues to help businesses build internal infrastructure for proper sorting of organics. Over 278 sites were approved to receive free indoor green bins and over 2,000 pieces of equipment were distributed in FY 2019-20. Over 13,000 stickers to label indoor bins were mailed to 359 sites last fiscal year. Additional translated support tools in Spanish, Chinese, Korean, and Vietnamese were developed in FY 2019-20, and a new landing page, www.RecyclingRulesAC.org/languages, was created as a central place for translated resources. Other materials that continue to support sites as they set up or improve diversion programs include the series of three instructional videos, Bags to Bins customizable poster tool, enhanced Sign Maker tool, and Indoor Bin Guide. These materials can be found at www.RecyclingRulesAC.org/resources.

Looking Ahead

Uncertainty of COVID-19 impacts

It is unclear what the full impacts of COVID-19 and the public health order restrictions will have on businesses in the near and long term, but they are likely to be significant. The team continues to monitor COVID-19 restrictions and impacts to Alameda County businesses and look for ways to support covered accounts in their recycling and composting efforts, while being thoughtful about messaging and sensitive to changing needs during this time.

Program evaluation efforts for MRO project

In the coming months staff will conduct a “deep dive” evaluation of the Mandatory Recycling Ordinance project. This may help identify lessons learned and best practices from MRO activities that could be useful in changes to enforcement processes expected with SB 1383.

Compliance assistance with state regulations

CalRecycle announced in September 2020 that the State has not achieved 50% diversion of organics from landfills by 2020. CalRecycle has therefore lowered the AB 1826 threshold for sites that are

required to have organics collection service from four or more cubic yards of total weekly service (garbage plus recycling service) to two or more cubic yards of total weekly service. Planning is currently underway to mail a letter on behalf of member agencies to accounts that are not compliant with AB 341 and/or AB 1826 requirements to have recycling and organics service. This is a service that StopWaste is providing to member agencies.

A separate SB 1383 presentation at the November 18 Board meeting will provide updates on the development of the significant new state requirements. Staff are currently working to determine the Agency's best suited roles to support member agencies in SB 1383 planning and implementation efforts in preparation for the January 2022 effective date.

RECOMMENDATION

This item is for information only.

This page intentionally left blank



DATE: October 28, 2020
TO: Waste Management Authority Board
FROM: Michelle Fay, Program Manager
SUBJECT: Recycling Transparency and Acceptability

SUMMARY

In 2018, China enacted its National Sword policy, effectively closing its doors as an export destination for most mixed recyclables, and subsequently sending the domestic recycling industry into a crisis. Even prior to National Sword, markets for lower quality materials such as plastics have dwindled, making it harder and sometimes cost prohibitive for processors to sell these materials. At the October 28 meeting, staff will provide an update on the status of recycling certain “tricky materials” within the county and discuss opportunities to reduce consumer confusion.

DISCUSSION

Changes in markets coupled with national headlines questioning the true recyclability of materials that the public has long been told to put in the recycling bin, have resulted in a new level of scrutiny around what is recyclable, and what happens to these materials after they leave the curb. With this lens, discussions in the recycling industry are increasingly focused on understanding the truth behind what happens to items like plastic clamshells, and how to best communicate with consumers to avoid “wish-cycling.” Consumer confusion leads to load contamination, and contamination leads to increased costs of sorting/processing and reduced markets.

Given this context, as well as the fact that many member agencies will be amending their franchise agreements to incorporate SB 1383 requirements, there are opportunities to begin moving toward clarity and transparency around what is being recycled and what goes in the landfill. StopWaste is exploring potential areas to support our member agencies in this work. These could include:

- Continuing to work with our Technical Advisory Committee (TAC) and Alameda County Service Providers Taskforce to identify areas of confusion around what is recycled, and encourage increased transparency and consistency in recycling acceptability lists.

- Promote the use of the Agency’s RE:Source app and online guide to help consumers with clear information on where to put materials.
- Supporting legislation that promotes waste reduction.
- Providing recommendations to the Statewide Commission on Recycling Markets and Curbside Recycling.
- Continuing our work to advance upstream and circular economy solutions, which help eliminate waste at its source.

Staff will provide additional context for each of these potential focus areas at the October 28 Board meeting.

RECOMMENDATION

This item is for information only.

**November 2020
Meetings Schedule**

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

(Meetings will be held **via teleconference** unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
1	2	3	4	5	6	7
8	9	10	11 AGENCY HOLIDAY	12 CANCELLED Programs & Administration Committee <hr/> CANCELLED Planning Committee & Recycling Board (in lieu of Joint Meeting)	13	14
15	16	17	18 3:00 PM JOINT Waste Management Authority, Energy Council & Recycling Board Key Items: 1. Priority Setting 2. SB 1383 Update	19	20	21
22	23	24	25	26 AGENCY HOLIDAY	27 AGENCY HOLIDAY	28
29	30					

This page intentionally left blank

Energy Council
TECHNICAL ADVISORY GROUP (TAG)

Tuesday, October 20, 2020 – 1:00pm to 2:30pm (Conference Call)

Attendance (all via phone):

Alameda County: Alison Abbors, Emily Sadigh, Sophie McGuinness

City of Berkeley: Sarah Moore, Alice LaPierre

City of Dublin: Chloe Trifilio (fellow)

City of Emeryville: Nancy Humphrey

City of Fremont: Rachel DiFranco, Robbie Barton

City of Hayward: Erik Pearson, Nicole Grucky, Taylor Richard (Fellow)

City of Oakland: Danielle Makous, Chiara Arellano (Fellow), Adrienne Harris (Fellow)

City of Piedmont: Nate Redinbo (Fellow)

City of Pleasanton: Zack Reda

City of San Leandro: Hoi-Fei Mok

StopWaste: Jennifer West, Chris Hunter, Miya Kitahara, Ben Cooper, Timothy Burroughs, Kelly Schoonmaker, Sy Baker (Fellow)

Guests: Alex DiGiorgio, EBCE

Meeting Summary:

Introduction & Announcements

Priority Setting Discussion (continued)

- Jennifer presented on the Energy Council’s five current priority program areas: building efficiency, building electrification, grid solutions, member agency services, and zero-net carbon (including embodied carbon). She gave an update on the status of each priority, then compared them to EBCE’s priority areas of energy efficiency, building and transportation electrification, and resilience. StopWaste and EBCE program staff have met to align priorities, avoid program duplication, and identify gaps in services that are not being provided by either agency.
- Jennifer gave an overview of how the external funding landscape has changed since 2018. With EBEW recently sunseting and grants from the CEC and BAAQMD coming to an end this year and in 2021, nearly all of the Energy Council’s external funding over the next 1-2 years will come from BayREN. The agency is beginning to think about future sources of external funding and welcomes input from member agencies.
- Timothy told the history of how StopWaste and its member agencies leveraged federal stimulus dollars under the American Recovery and Reinvestment Act (ARRA) of 2008, and reflected on lessons learned. While the stimulus program was successful in many aspects and laid the foundation for many current Energy Council and BayREN programs, it failed to transform the energy efficiency market and fell short of job creation and retrofit goals. The programs that rose out of ARRA mostly promoted a “Do-Good” agenda that focused too narrowly on emissions reductions and did not connect to wider community benefits. It is still unclear whether there will be a post-COVID federal stimulus on the scale of ARRA, let alone any details, but StopWaste’s experience from 2008 will be valuable in responding and leveraging those funds if they materialize. Preparing for that possibility now is important.

- Miya provided a refresher from recent conversations on the levels of paradigm (“Arrest Disorder”; “Do Good”; “Regenerate Life”) and how they have reflected the history of the building efficiency sector. The do-good paradigm has informed the past decade of building efficiency programs in California, which has seen positive progress but on a far smaller and slower scale than is necessary to meet the state’s ambitious climate goals, and address other pressing community needs. The post-COVID recovery provides an opportunity to shift the sector to a paradigm of regeneration, with a stronger focus on community and ecosystem health through strategic interventions to transform systems.
- The group split into breakout rooms for a more in-depth discussion around what member agencies hope to see in a post-COVID recovery and the respective roles of the jurisdictions and StopWaste in such a recovery. Much discussion centered around the importance of equity and resilience, and working *with* the community rather than *for* it.
- On 10/29, there will be a second joint TAC/TAG convening to gather input on the higher-level integrated guiding principles for both the WMA and Energy Council.

Updates and Announcements

- BayREN is holding a 1-hour training on heat pump water heaters for contractors on 10/29 at 3pm.
- Call for cities to speak with their building departments about scheduling other BayREN Codes & Standards trainings: <https://www.bayrencodes.org/services/trainings/>
- Kelly and Ben will be sending TAG members an update and questions about SB 1383 biomass/biogas via email soon.

2:30 – 3:30 pm East Bay Community Energy meeting

- Notes by EBCE

Member comments include:

Jurisdiction	Updates/News/Activities:
County of Alameda	<p>Planning Department participating in a collaboration with Oakland, San Leandro, Fremont and San Rafael on a training run by NorCal Resilience Network about “Resilience Hubs” - info here https://norcalresilience.org/resilient-hub-initiative-g/</p> <p>Planning Department continuing work on preparation for General Plan updates of Environmental Justice Element (first cab off the rank), CAP and Safety Element for SB379 Climate Adaptation & Resilience.</p>

Albany	Our Climate Action Committee recently recommended an electric-preferred reach code to the City Council. We're bringing it to them in December.
Berkeley	Natural Gas Prohibition adopted July 2019. Electric-favored reach code adopted Dec 2019 (approved by CEC Feb 2020).
Emeryville	Hoping to take reach codes to Council in December - both energy and building materials elements.
Fremont	<p>Our CAP Update timeline and resources are available at www.fremont.gov/climateaction. We have our preliminary forecasting memo and preliminary measure list from our consultant team, and will be working to vet measures with key departments and the community-at-large over the next 2 months.</p> <p>Reach Codes - working to refine options related to all-electric/electric preferred design, solar, EV readiness, greywater readiness, cool roofs, and electrification readiness. Outreach to market rate and affordable housing developers in Oct/Nov. Final recommendation to go to Sustainability Commission in Dec (or Jan) before heading to Council.</p>
San Leandro	<p>Wrapping up public review for CAP, survey available here: https://sanleandroclimateaction.consider.it/ Had 2 workshops in English/Spanish and Chinese, and 1 small group meeting with BIPOC youth. Followed up with individual faith leaders and developers/realtors to discuss resilience hubs and reach codes respectively. Working on the USDN grant on resilience hubs training with a few other agencies. Also working on AARP grant on a design charrette for a community garden, workshops to be held for the public in Nov.</p>