

Jerry Pentin, Chair  
City of Pleasanton  
Emily Duncan, Vice Chair  
City of Union City  
Rochelle Nason, City of Albany  
Keith Carson, County of Alameda  
Susan Wengraf, City of Berkeley  
Melissa Hernandez, City of Dublin  
Dianne Martinez, City of Emeryville  
Jenny Kassar, City of Fremont  
Mike Hannon, City of Newark  
Dan Kalb, City of Oakland  
Shelia Young, Oro Loma Sanitary District  
Tim Rood, City of Piedmont  
  
Wendy Sommer, Executive Director

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

**Thursday, December 12, 2019**

**9:00 A.M.**

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

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

**1. Convene Meeting**

**2. Public Comments**

Open public discussion from the floor 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 unless a shorter period of time is set by the Chair.

**Page**

**1 3. Approval of the Draft Minutes of November 14, 2019 (Pat Cabrera)**

**5 4. 2020 Meeting Schedule (Arliss Dunn)**

It is recommended that the Programs & Administration Committee adopt the regular meeting schedule for 2020.

**7 5. Countywide Element Update: Goals, Objectives and Policies (Wendy Sommer and Meghan Starkey)**

Review the proposed goals, objectives, policies and issues listed in the staff report, provide input and give direction to staff.

**6. Member Comments**

**7. Adjournment**

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

**Thursday, November 14, 2019**

**9:00 A.M.**

**StopWaste Offices  
1537 Webster Street  
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**Tim Rood  
San Jose City Hall  
3rd Floor Tower  
200 East Santa Clara St.  
San Jose, CA 95113  
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**Members Present:**

County of Alameda	Keith Carson
City of Albany	Rochelle Nason
City of Berkeley	Susan Wengraf
City of Dublin	Melissa Hernandez
City of Emeryville	Dianne Martinez
City of Newark	Mike Hannon
City of Oakland	Dan Kalb
Oro Loma Sanitary District	Shelia Young
City of Piedmont	Tim Rood (teleconference)
City of Pleasanton	Jerry Pentin
City of Union City	Emily Duncan

**Absent:**

City of Fremont	Jenny Kassin
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**Staff Present:**

Wendy Sommer, Executive Director  
Pat Cabrera, Administrative Services Director  
Justin Lehrer, Senior Management Analyst  
Arliss Dunn, Clerk of the Board

**Others Participating:**

Kerry Parker, City of Alameda  
Kathy Cote, City of Fremont

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### **1. Convene Meeting**

Chair Jerry Pentin called the meeting to order at 9:01 a.m.

### **2. Public Comments**

There were none.

### **3. Approval of the Draft Minutes of October 10, 2019 (Pat Cabrera)**

There were no public comments on this item. Board member Young made the motion to approve the draft minutes of October 10, 2019. Board member Hannon seconded and the motion carried 9-0.

(Ayes: Carson, Duncan, Hannon, Hernandez, Martinez, Pentin, Rood, Wengraf, Young. Nays: None. Abstain: None. Absent: Kalb, Kassan, Nason).

### **4. Lighting Contractor Authorization (Pat Cabrera)**

That the P&A Committee recommend that the WMA authorize the Executive Director to contract with Layman Electric for the office lighting replacement project.

Pat Cabrera provided an overview of the staff report. A link to the report is available here:

[Lighting-Authorization-11-14-19.pdf](#)

Board member Hannon inquired about the balance of funds in the building reserve and if there are other large building projects on the horizon. Ms. Cabrera stated that the building reserve fund is at \$100,000, but we will be utilizing encumbered funds to complete the project. Ms. Cabrera added there are currently no other large building projects on the horizon. Board member Young inquired if we are considering updating the lighting in the board room. Ms. Cabrera answered no, not at this time.

There were no public comments on this item. Board member Hannon made the motion to approve the staff recommendation. Board member Hernandez seconded and the motion carried 9-0: (Ayes: Carson, Duncan, Hannon, Hernandez, Martinez, Pentin, Rood, Wengraf, Young. Nays: None. Abstain: None. Absent: Kalb, Kassan, Nason).

### **5. Food Service Ware Ordinance: Options and Impacts (Justin Lehrer)**

This item is for discussion and information only.

Justin Lehrer and Meri Soll provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here:

[Food-Service-ware-Ordinance-Memo-11-14-19.pdf](#). Board members Kalb and Nason arrived during the presentation.

Board member Wengraf stated that the City of Berkeley adopted an ordinance that has been implemented and stated that it would be useful to Board members to provide information on the costs to cities to implement the ordinance. Mr. Lehrer stated that staff has been in touch with Berkeley staff and agreed that it would be useful to have the information. Board member Duncan asked for clarification on how the use of reusables would be implemented. Mr. Lehrer stated that we are looking at infrastructure and there are nascent services that will provide reusables to the food vendor and the public can access the reusables via an app or at kiosks. The City of Berkeley is piloting a program with reusable cups at kiosks where the public can get a reusable cup from the food vendor and return it to the kiosk and not be charged a fee for the cup. Ms. Sommer added the kiosk would be useful when dining at take out establishments, however, we are requesting that when customers dine in that the

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establishment uses reusables. Ms. Sommer added, the obstacle is with having to have a dishwasher, but we know that there are now companies that are offering subscription services for reusables. Ms. Soll added she will be visiting a company in San Carlos called Dishcraft and they provide robotic dishwashing, pickup, and delivery services of reusable service ware. Ms. Soll added, this is an indication that industry is listening and responding to the need. Board member Hannon inquired if we should wait and see what the state is going to do. Mr. Lehrer stated that although the state initiatives include goals for the amount of compostable and recyclable packaging in food service ware, it is not as comprehensive as what we are proposing to do with respect to a reuse component. In addition, neither enforcement nor technical assistance would be handled by the state. Mr. Lehrer added, in SB54 and AB1080, the state is planning to address the issue early in the legislative session. Board member Hannon inquired if McDonald's is considered to be a dine-in establishment and if so is the McDonald's in Berkeley using reusable service ware. Board member Wengraf stated yes they are considered a dine-in establishment and the owner of the Berkeley McDonald's has been very cooperative. Board member Martinez inquired about the contents of the proposed ballot initiative from Recology and inquired if it will be statewide. Mr. Lehrer stated yes it will be statewide, and the contents will be similar to the proposed state legislation in that it would focus on setting goals on compostable and reusable plastics. Mr. Lehrer added the ballot also includes a component that would assess a \$.01 per item fee on manufacturers for every plastic item produced. Ms. Sommer added it also puts the burden on CalRecycle to come up with regulations. Chair Pentin inquired if BPI-certification relates to the issue of compostability. Mr. Lehrer stated yes. BPI (Biodegradable Products Institute) certifies products for compostability in industrial facilities. Not all products labeled compostable adhere to the BPI standard. Chair Pentin stated that if Board members are being asked to submit this information to their councils will staff appear and provide the presentation? Ms. Sommer stated that the issue before the Board is whether we are going to pursue a model or countywide ordinance. When the Board decides which direction we are going we will then be available to present to the varying councils. Chair Pentin inquired with respect to the proposed fees for disposable food ware, who would collect the fees and how would the fees be collected? Ms. Soll stated similar to the reusable bag ordinance, the fees would appear as an itemized charge on the receipt and the establishment would retain the fee to help implement the ordinance. Chair Pentin inquired with respect to funding the ordinance if it is a countywide ordinance are we proposing to share the Measure D funding across jurisdictions, and if a model ordinance will StopWaste incur all costs? Ms. Sommer stated that if we decide to do a countywide ordinance we would need to look at other programs that we currently doing. Ms. Sommer added there is also interest from member agencies in sharing Measure D funds. Ms. Sommer added, we must also consider the increase in technical assistance resulting from the pending SB1383 legislation. Chair Pentin requested that in January staff provide an analysis of the proposed costs and possible restructuring of programs as a result of the proposed ordinances. Board member Kalb stated his support for doing a countywide ordinance as it will help us reach our goals and could push the state as well. Board member Kalb added the ordinance could also include an opt-in or opt-out provision or phase-in with encouragement that would allow jurisdictions to maintain some authority. Ms. Sommer stated that she has serious concerns with an opt-out provision as it will create confusion from city to city when conducting outreach and providing public information. Chair Pentin questioned if doing an ordinance covering these particular materials would impact the restaurants or the manufacturers of these materials? Mr. Lehrer stated it would not have the greatest impact when measuring the change in weight (tons) of discarded materials but it would have a significant impact on litter, marine debris, public sentiment, and would reduce contamination in the recycling and compost streams. Board member Hannon concurred with Chair Pentin with regard to what impacts pursuing the particular ordinance would have on existing programs. Board member Hannon added a significant number of customers that visit fast food establishments are drive-thru customers and a number of them are lower income and he is concerned about the fiscal

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impacts to them. Mr. Lehrer stated that staff is still working through the details for addressing fast food and third-party delivery services. Board member Nason commented that she is interested in knowing about the calculation of costs to cities and the risks of coming up with varying ordinances. She also expressed concern regarding inherent regulatory issues and advised that we look at other ordinances and legislation to craft an ordinance that is as simple as possible including being mindful to not discourage micro and smaller businesses.

Chair Pentin opened the floor for public comments:

Kerry Parker, City of Alameda, stated that in January 2018, the City of Alameda implemented their own single use disposables ordinance and they are not interested in a countywide ordinance. Alameda's ordinance requires that straws only be provided on request, and all carry out food ware must be fiber based compostables-no bio plastics allowed. Ordinance costs are relatively low and implementation has been slow and spotty due to a lack of resources, and they are just now sending out their first administrative violation to establishments that are still offering plastic take-out containers. StopWaste could be very useful in coordinating messaging across the county.

Kathy Cote, City of Fremont, stated that the City of Fremont is interested in a single use ordinance but limited resources to do outreach and enforcement make it difficult to effectively implement the ordinance. Fremont staff is recommending support for a countywide ordinance and is waiting to see what the WMA Board decides to do. Ms. Cote added the jurisdictions will need to provide some financial support and there are considerations for utilizing Measure D funds.

### **6. Member Comments**

There were none.

### **7. Adjournment**

The meeting adjourned at 9:53 a.m.

## **2020 COMMITTEE MEETING SCHEDULE**

**Programs & Administration Committee**  
**(Meets on the 2<sup>nd</sup> Thursday each month at 9:00 A.M.)**

<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>LOCATION</u></b>
January 9	9:00 a.m.	1537 Webster Street, Oakland
February 13	9:00 a.m.	1537 Webster Street, Oakland
March 12	9:00 a.m.	1537 Webster Street, Oakland
April 9	9:00 a.m.	1537 Webster Street, Oakland
May 14	9:00 a.m.	1537 Webster Street, Oakland
June 11	9:00 a.m.	1537 Webster Street, Oakland
July 9	9:00 a.m.	1537 Webster Street, Oakland
August – NO MEETING	<b>AUGUST RECESS</b>	
September 10	9:00 a.m.	1537 Webster Street, Oakland
October 8	9:00 a.m.	1537 Webster Street, Oakland
November 12	9:00 a.m.	1537 Webster Street, Oakland
December 10	9:00 a.m.	1537 Webster Street, Oakland

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**DATE:** December 12, 2019

**TO:** Programs & Administration Committee  
Planning Committee/Recycling Board

**FROM:** Meghan Starkey, Senior Management Analyst  
Wendy Sommer, Executive Director

**SUBJECT:** Countywide Element Update: Goals, Objectives and Policies

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## **SUMMARY**

Thirty years ago, pursuant to state law, the Alameda County Waste Management Authority adopted a Countywide Integrated Waste Management Plan (CoIWMP). Staff is in the process of a comprehensive update of the CoIWMP's Countywide Element, and at the December 12 meeting will present a draft of the goals, objectives and policies for board members review and input.

## **DISCUSSION**

Pursuant to the California Integrated Waste Management Act of 1989 (AB 939) the State requires that each county adopt a CoIWMP, which serves as a roadmap to approaching countywide challenges, is the guiding document for designing programs to address solid waste and recycling issues, and where we plan for regional landfill needs. A CoIWMP consists of several elements: a Source Reduction and Recycling Element, a Household Hazardous Waste Element, a Non-Disposal Facility Element, a Summary Plan and a Siting Element. Local jurisdictions are responsible for the development and maintenance of the first three elements. The Summary Plan and Siting Element are combined and referred to collectively as the "Countywide Element," and are the responsibility of the WMA.

Since its original adoption, the Countywide Element has gone through many small and large revisions, including conformance findings for most solid waste facilities, factual updates, integration of the Recycling Board and the 75% diversion goal, various other numeric diversion goals, and programs and policies developed as part of three major strategic planning processes. Significant current and emerging issues and state laws aren't fully addressed in the plan, resulting in a document that is in need of a comprehensive update. Staff is in the process of drafting this update, reframing the structure and clarifying the goals/objectives/policies, with the aim of making it a document that's responsive to current challenges, internally consistent, appropriate to our role, and specific enough to provide meaningful guidance.

The chapter containing the goals, objectives, and policies is the keystone of the document in terms of guiding agency actions and spending. Any action the WMA takes – whether approving a facility as consistent with the CoIWMP or deciding to spend money on one type of program as opposed to another – needs to support the goals, objectives, and policies in the Countywide Element. This chapter is where the WMA will define the broad statements of the desired state of waste and materials management (goals), more specific details on what that state will look like (objectives), and the policies that direct what the agency will do to advance that state.

The proposed draft of goals and objectives is attached. At the meeting, the additional layer of draft policies will be presented as well for review and discussion by the Committee.

There are a number of policy decisions that the Board needs to make when considering the updated goals and objectives:

1. Should the WMA continue to hold/purchase land as future reserve landfill capacity and/or for a possible recycling facility development under public ownership?

In the early 1990's, the WMA started purchasing land in the Altamont hills to provide member agencies with a cost-effective, publicly controlled landfill alternative and a potential compost facility. A portion of the land has been placed under a conservation easement. When we are nearing at least 15 years of permitted landfill capacity (we currently have approximately 30 years), we will evaluate the need to develop additional landfill capacity. The current document states that the WMA could acquire additional land in the area from willing sellers.

Staff Recommendation: Keep the land until such time that we need landfill capacity. In the meantime, continue to use the land for projects that help implement CoIWMP objectives, such as using compost application for carbon farming.

2. What numerical goal do we need to include in the plan?

Numerical goals and measurement are essential, since they shape major policy choices, guide specific program decisions, and can be used to evaluate the effectiveness (or lack thereof) of programs. The current Countywide Element contains multiple and sometimes conflicting numeric goals, ranging from 75% waste reduction by 2010, to less than 10% of readily recyclable materials in the landfill by 2020, to multiple specific numeric targets by material type and/or business types. While the broader, more ambitious goals (especially the 75% goal) have resonated with the public and jump started redesign of our solid waste infrastructure, the actual measurement protocols for these goals have been fraught with error and uncertainty. More importantly, these systems are unable to provide meaningful policy guidance or evaluation of programs.

Staff Recommendation: Keep 75% diversion as an aspirational goal, but use a systems approach to strive towards it. The ultimate goal will be landfill obsolescence, with specific and narrower targets that are useful for policy and program development. Recognizing that many external variables influence progress towards overarching goals, the WMA will focus its metrics primarily on setting measurable outcomes and evaluating program effectiveness.

3. Do we continue to require the conformance finding process for *all* facilities within the county?

State law requires landfills and other solid waste disposal facilities to be reviewed for conformity with the ColWMP. The current ColWMP requires that we apply the conformity review process for most all facilities within the county (e.g., transfer stations, composting facilities, etc.).

Staff Recommendation: Only conduct the conformance finding process for solid waste facilities that require a Full Solid Waste Facility Permit from CalRecycle for the following reasons:

- The current process is not effective. By the time staff receives an application, the local jurisdiction/lead agency has already performed the environmental review of the project. We could have more impact if we become involved early on by submitting comments and recommending mitigation measures or conditions as part of the lead agency's CEQA process.
- It is a "passive" way of advancing our objectives. We only have the opportunity to review one project at a time. If there are specific issues that we want to influence countywide, it's more efficient to do it via policy/ordinance as we have been doing with plant debris ban, mandatory recycling and reusable bags.
- It is not legally required. CalRecycle only requires us to conduct a conformity review process on disposal facilities. When a "non-disposal" facility (such as compost facility, transfer station, C&D facility) is proposed, it is the local jurisdiction's responsibility to amend its Non-Disposal Facility Element (NDFE). The Countywide Element must include basic information on all solid waste facilities in a county, including recycling and composting facilities. We would administratively amend the Countywide Element to include a description of a non-disposal facility when the local jurisdiction submits its updated NDFE.

## **RECOMMENDATION**

Review the attached document and issues listed above, provide input and give direction to staff.

## **Attachment A: DRAFT Proposed Goals and Objectives**

### **GOAL 1: SUFFICIENT DISPOSAL CAPACITY FOR ALAMEDA COUNTY DISCARDS**

*Managing discards and minimizing landfill impacts consistent with waste reduction objectives.*

- Objective 1: Alameda County jurisdictions have a minimum of 15 years of disposal capacity available.
- Objective 2: Negative environmental impacts of landfills are mitigated.
- Objective 3: Landfills become obsolete as a means of managing materials, replaced by continuous material flows that rely upon minimal inputs of non-renewable resources, elimination of waste through redesign of products and systems, and effective recovery of materials.
- Objective 4: Goals and targets are rooted in a systems perspective, using measurement responsibly and appropriately to ensure effective program implementation and use of funds, while advancing systemic changes which are difficult to measure.

### **GOAL 2: SUFFICIENT AND ROBUST RECYCLING, COMPOSTING, AND REUSE INFRASTRUCTURE**

*Maximizing positive environmental benefits by balancing a high volume of recovery with related considerations: quality of commodities, operating impacts of facilities, and other environmental impacts of programs and policies.*

- Objective 1: Member Agencies have efficient, adequate, and environmentally sound infrastructure for managing recycling, organics, and other discards.
- Objective 2: Direct and indirect environmental impacts of facilities and related transportation are kept to a minimum.
- Objective 3: Member Agencies and processing facilities have reliable markets for commodities produced, including new markets or other beneficial uses.
- Objective 4: Materials processed at facilities have minimal contamination, both from the source and post processing, and end products are suitable for their intended use.
- Objective 5: Facilities are managed and periodically upgraded, and/or new facilities developed, to maximize both the recovery of materials and the value of end products.

### **GOAL 3: PRODUCE, CONSUME, AND MANAGE MATERIALS RESPONSIBLY**

*Shifting from managing discards to reducing consumption, managing materials at their highest and best use, and addressing environmental impacts across the full life cycle of materials and products.*

- Objective 1: Prioritize waste reduction and prevention projects that have beneficial climate impacts.
- Objective 2: Influence production and consumer demand by incentivizing and promoting the use of materials that are beneficial to human health and the environment.

**GOAL 4: PUBLIC ENGAGEMENT AND ACTION**

*Informing and engaging the public in waste reduction activities.*

- Objective 1: Member agencies and the public are informed of WMA activities and notable waste reduction topics.
- Objective 2: Alameda County residents, schools and businesses have easy access to information on how to reuse, repair, recycle, and -- when needed -- dispose of an item.
- Objective 3: The public in Alameda County is educated and motivated to take action and adopt positive waste reduction habits aligned with StopWaste priorities.

**GOAL 5: REGIONAL COLLABORATION AND LEADERSHIP**

*Addressing regional, State, and federal issues and developing programs in partnership with member agencies, the private sector, and other key stakeholders.*

- Objective 1: As a Joint Powers Authority of Alameda County, maintain organizational structures for inter-jurisdictional cooperation.
- Objective 2: Develop shared positions and policy, demonstrating leadership related to local, regional, State and federal legislation and regulation.
- Objective 3: Provide opportunities for the exchange of information and ideas among member agencies and other organizations working, affecting or serving Alameda County.

**GOAL 6: VIABLE FUNDING**

*Managing revenues and expenditures to implement countywide priority programs and facilities to achieve the goals outlined in the ColWMP.*

- Objective 1: Maintain consistent funding for WMA programs and facilities.
- Objective 2: Distribute equitable costs and benefits.