

Dave Sadoff, **WMA President**  
Castro Valley Sanitary District, WMA  
Tim Rood, **WMA 1<sup>st</sup> Vice President**  
City of Piedmont, WMA, EC  
Deborah Cox, **WMA 2<sup>nd</sup> Vice President, EC 1st Vice President**  
City of San Leandro, WMA, EC  
Jim Oddie, **EC President**  
City of Alameda, WMA, EC  
Sara Lamnin, **EC 2<sup>nd</sup> Vice President**  
City of Hayward, WMA, EC  
Keith Carson, County of Alameda, WMA, EC  
Peter Maass, City of Albany, WMA, EC  
Pending, City of Berkeley, WMA, EC  
Melissa Hernandez, City of Dublin, WMA, EC  
Dianne Martinez, City of Emeryville, WMA, EC  
Vinnie Bacon, City of Fremont, WMA, EC  
Bob Carling, City of Livermore, WMA, EC  
Michael Hannon, City of Newark, WMA, EC  
Dan Kalb, City of Oakland, WMA, EC  
Shelia Young, Oro Loma Sanitary District, WMA  
Jerry Pentin, City of Pleasanton, WMA, EC  
Lorrie Ellis, City of Union City, WMA, EC  
Wendy Sommer, Executive Director

## **AGENDA**

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

**Wednesday, December 19, 2018**

**3:00 P.M.**

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

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

#### **I. CALL TO ORDER**

#### **II. ROLL CALL OF ATTENDANCE**

#### **III. 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*)**

#### **IV. 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 boards 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 V. CONSENT CALENDAR**

##### **1 1. Approval of the Draft Joint Minutes of November 14, 2018 (Wendy Sommer)**

##### **7 2. Contract/Vendor Authorization (Pat Cabrera)**

The P&A Committee recommends that the WMA Board approve the contracts, vendors and/or spending authority listed in the staff report.

## **VI. REGULAR CALENDAR**

- 9        1.   2018 Priority Setting (Wendy Sommer & Justin Lehrer)**  
Adopt the Guiding Principles to be used for programmatic strategy and budgetary planning through 2021 as outlined in the staff report.
- 11       2.   2019 Legislative Priorities (Anu Natarajan)**  
Discuss and adopt the legislative priority areas for 2019.
- 15       3.   2019 Meeting Schedule (Arliss Dunn)**  
Staff recommends that the Authority Board and the Energy Council adopt the 2019 Meeting Schedule.
- 4.   Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)**  
(Planning Committee and Recycling Board meeting, January 10, 2019 at 4:00 p.m., StopWaste Offices, 1537 Webster Street, Oakland, CA, 94612)
- 17       5.   2019 BayREN Contract (Karen Kho) (EC only)**  
Adopt the attached Resolution authorizing the Executive Director to enter into a 2019 contract with ABAG for Bay Area Regional Energy Network (BayREN) services and other related actions.

## **VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR**

## **VIII. ADJOURNMENT**

**DRAFT**

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

**Wednesday, November 14, 2018**

**3:00 P.M.**

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

**Teleconference  
Jillian Buckholz  
Cal State East Bay, SA Building Room 4509  
25800 Carlos Bee Boulevard  
Hayward, CA 94542  
510-885-3000**

**I. CALL TO ORDER**

President Sadoff, WMA, called the meeting to order at 3:02 p.m.

**II. ROLL CALL OF ATTENDANCE, WMA/EC/RB**

City of Alameda	Jim Oddie, WMA, EC, RB
City of Albany	Peter Maass, WMA, EC, RB
City of Berkeley	Kriss Worthington, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Melissa Hernandez, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC, RB
City of Fremont	Vinnie Bacon, WMA, EC
City of Hayward	Sara Lamnin, WMA, EC, RB
City of Livermore	Bob Carling, 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
Environmental Organization	John Moore, RB
Environmental Educator	Nancy Deming, RB
Recycling Materials Processing Industry	Bernie Camara, RB
Recycling Programs	Jillian Buckholz, RB (teleconference)

**ABSENT:**

County of Alameda	Keith Carson, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Piedmont	Tim Rood, WMA, EC, RB
City of Union City	Lorin Ellis, WMA, EC
Source Reduction Specialist	Sarah Vared, RB
Solid Waste Industry Representative	Vacant

## **DRAFT**

### **Staff Participating:**

Wendy Sommer, Executive Director  
Tom Padia, Deputy Executive Director  
Justin Lehrer, Senior Management Analyst  
Karen Kho, Principal Program Manager  
Kelly Schoonmaker, Program Manager  
Miya Kitahara, Program Manager  
Richard Taylor, WMA Legal Counsel  
Farand Kan, County Counsel  
Arliss Dunn, Clerk of the Board

### **Others Participating:**

Mindy Craig, BluePoint Planning  
Kathy Cote, City of Fremont  
Roberto Munoz, City of Union City  
Jason Schmelzer, Shaw/Yoder/Antwih, Inc.  
Arthur Boone, Center for Recycling Research

### **III. ANNOUNCEMENTS BY PRESIDENTS**

There were none.

### **IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR**

Arthur Boone provided public comment regarding the Waste Characterization Study. Mr. Boone stated that the study should have included data and information by jurisdiction, and referred to Measure D requirements for studies. Mr. Boone implied that the study did not comply with Measure D requirements. He will follow up with written comments.

### **V. CONSENT CALENDAR**

- 1. Approval of the Draft WMA/EC Minutes of October 24, 2018 (Wendy Sommer)**
- 2. Approval of the Draft PC/RB Minutes of October 11, 2018 (Tom Padia)**
- 3. Recycling Board Attendance Record (Tom Padia)**
- 4. Written Report of Ex Parte Communications (Tom Padia)**
- 5. Mandatory Recycling - City of Oakland Funding for Increased Enforcement (Rachel Balsley)**  
That the WMA Board accept funding from the City of Oakland in the amount of \$100,000 for increased Mandatory Recycling Ordinance enforcement.

There were no public comments for the Consent Calendar. Board member Young made the motion to approve the Consent Calendar. Board member Worthington seconded and the motion carried:

WMA/EC Vote - 11-0:

(Ayes: Bacon, Carling, Cox, Hernandez, Lamnin, Maass, Oddie, Pentin, Sadoff, Worthington, Young;  
Nays: None. Abstained: None. Absent: Carson, Ellis, Hannon, Kalb, Martinez, Rood)

RB Vote - 7-0:

(Ayes: Buckholz, Camara, Deming, Lamnin, Maass, Moore, Oddie. Nays: None. Abstained: None. Absent: Martinez, Rood, Vared)

### **VI. REGULAR CALENDAR**

- 1. 2018 Priority Setting (Wendy Sommer & Justin Lehrer)**  
This item is for information only.

## DRAFT

Wendy Sommer provided an introduction to the priority setting discussion by expounding on the various usages and characterization of the word “waste.” Ms. Sommer recognized the Strategic Planning Team, Justin Lehrer, Karen Kho, Jeff Becerra, Anu Natarajan, and Meghan Starkey. Ms. Sommer introduced Mindy Craig, BluePoint Planning. Ms. Craig conducted an interactive exercise with the Board and reviewed and discussed the results. Justin Lehrer provided an overview of the staff report and presented a PowerPoint presentation. A link to the staff report and the presentation is available [here](#).

Ms. Craig conducted an exercise where Board members were asked to provide their responses via text to the following items:

**1. What is the most essential service that StopWaste provides?**

Responses in ranking order:

1. Public Education and Outreach
2. Ordinances and Enforcement
3. Tie – Technical Assistance, and Grants and Financial Assistance

**2. What are the most important issues that StopWaste is looking at?**

1. Toxicity
2. Plastic Pollution - #1
3. Climate Change
4. Limited Markets
5. Apathy
6. Contamination - #2
7. Packaging
8. Organics to Landfill - #3
9. Compost Market
10. C&D
11. Outreach
12. Unsustainable Consumption - #3
13. Wasted Food

**3. In ONE Word, what is the most important trend impacting StopWaste?**

Reponses:

Plastics  
Contamination  
Packaging  
Apathy  
China Sword  
SB 1383  
Sacramento

Mr. Lehrer shared with the results of the same questions that were provided to several stakeholders (see link above).

Board member Buckholz inquired about the intention of the black circles around the dots on Slide 14. Mr. Lehrer stated that the black circles represented the top choice of the stakeholder group. Board member Carling stated that he was surprised that certain stakeholders’ top choice was climate change. Ms. Kho stated that over the years we have helped the member agencies by providing templates for climate action plans. Over time, the climate action plans have become the key driver for how jurisdictions prioritize the sustainability issues that they are addressing. We are working with them

## DRAFT

on both materials and energy. Ms. Kitahara added a recent trend is to look at climate change globally as well as locally by using consumption based inventories that take the whole global emissions and break it down by the end user. This tells us how our local residents are responsible for the full supply chain of the things that we are using. Ms. Kitahara added food and goods comprise of about 40% of the total emissions instead of the 5% that is conventionally seen. Board member Lamnin suggested adding the word “prevention” to the proposed “Sustainability Linked to Waste” principle. Board member Martinez inquired with respect to SB 1383 and the percentages of pollutants such as methane in greenhouse gasses. Ms. Schoonmaker stated that she is not sure about the percentage of methane but it is a big factor in short lived pollutants.

Board member Bacon commented with respect to ordinances that he brought a referral on plastic straws to the Fremont City Council and Fremont staff stated that they were waiting to see what Alameda County and StopWaste were doing with regard to a straw ordinance. Board member Bacon inquired if staff is proposing that jurisdictions act on their own as Fremont was hoping for a countywide approach. Ms. Sommer stated this is an important policy issue that the Board must address with respect to countywide initiatives, i.e. is StopWaste a resource agency or enforcement regulatory agency with an enforcement unit. Board member Oddie stated that some of our most successful initiatives have been through the ordinances that we have adopted, e.g. the plastic bag ban, and we should continue to be an incubator for issues that are lagging at the state level. Board member Oddie added we should continue to be a resource for member agencies through model ordinances. Board member Cox concurred with Board member Oddie and added the agency should be looking at how we can affect the influx of packaging with the new food delivery sector and Amazon, etc. Board member Kalb stated that he would like to utilize the metric most effective for accomplishing our goal and introducing ordinances with an opt-out for jurisdictions have been effective. Board member Kalb added that the agency should address the single-use packaging issue countywide and drive what happens at the state level. Board member Martinez stated that she agrees that we are a leader in the state but has concerns about expanding the enforcement responsibilities of the agency and the budgetary implications. Board member Martinez stated that we cannot recycle our way out of the problems and added the agency should sponsor legislation for packaging and Extended Producer Responsibility as well as continue to create model policies for member agencies for countywide alignment. Board member Maass inquired if the agency can provide enforcement that would be financially neutral by levying fines or getting contracts from the state. Mr. Taylor stated the agency is subject to the same restrictions as are member agencies with respect to generating revenue through levying fines. The agency is allowed under Prop 218 and Prop 26 to create a regulatory program and charge fees in some instances but those programs are very costly and will invite pushback from the regulated community. Ms. Sommer added the MRO program cost \$1.5 million annually and is one of the largest programs in the agency.

Board member Lamnin stated that we should go beyond straws and explore creating model policies on single use plastics, and we need to consider that we may need to shift other programs. Ms. Sommer added, she would encourage Board members to discuss this issue with their respective jurisdictions to see if they would be willing to contribute with respect to enforcement costs. President Sadoff stated that he does not support the agency not being nimble and able to act on potential issues but any proposed initiatives would require a rigorous cost benefit analysis. President Sadoff inquired regarding complaint based enforcement for mandatory ordinances. Ms. Sommer stated that the enforcement for the plastic bag ordinance is complaint based and the annual budget is approximately \$250,000. Board member Pentin stated, like the reusable bag legislation, staff should find programs that can address packaging with regard to Amazon and UPS that we can spearhead through legislation. Board member Pentin added with respect to mandatory, he agrees with Board member Kalb that an ordinance with an opt-out provision for jurisdictions has been effective. Board member Oddie stated he would like more flexibility with respect to ordinances. Board member Carling stated that he would like to see a pilot

## DRAFT

program that addresses food and meal delivery packaging. Mr. Lehrer stated that the meal delivery issue also connects back to SB 1383 and staff considers it an opportunity to address edible food recovery. Board member Deming stated that Amazon announced that they are giving \$10 million to Closed Loop Fund to help them with recycling.

Kathy Cote, City of Fremont, provided public comment. Ms. Cote offered three items for consideration with regard to the guiding principles. The first item relates to ordinances. With respect to mandatory ordinances, it would be extremely helpful to member agencies with regard to implementation and enforcement to have a consistent countywide approach. The second item for consideration, if StopWaste is not able to do a mandatory ordinance for single-use plastic ware, then a model ordinance or ordinance with an opt-out provision would be helpful. With respect to budgetary issues, member agencies could contribute to enforcement, outreach, and technical assistance costs. The third item for consideration is expanding the guiding principles to add the concept of prioritizing efforts that leverage and enhance what jurisdictions are able to do on their own.

Board member Kalb stated that model ordinances are fine but they don't send a strong message to the state and if the agency decides to do legislation around single-use plastic ware it should be mandatory. Ms. Sommer asked for a general sense of members that would opt-out of the ordinance. The members stated that they would need to see what is contained in the ordinance.

Jason Schmelzer, stated that local ordinances soften the opposition and create leverage for the lobbyist at the state level. He cited the Alameda County pharmaceutical take-back legislation that began at the local level and became state law.

Roberto Munoz, City of Union City, provided public comment on existing straw bans. Mr. Munoz stated that the legislation does not ban plastic straws but allows straws upon request. He added his city council encouraged him to attend the Board meeting to assess what StopWaste is planning to do countywide with regard to plastic straws and single-use plastic ware. Mr. Munoz credited the MRO and plastic bag ordinances for their effectiveness.

Board member Young stated that she appreciated the discussion but cautioned that the agency is not able to enforce all of the issues that were discussed and suggested that the agency revisit the language in Measure D and evaluate who we are. Board member Lamnin recommended that we invite the stakeholders in developing our guiding principles. Ms. Sommer stated that staff will come back to the Board at the December WMA meeting with language for the guiding principles. President Sadoff thanked staff for the presentation and discussion.

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

(Planning Committee and Recycling Board meeting, December 13, 2018 at 4:00 p.m., StopWaste Offices, 1537 Webster Street, Oakland, CA, 94612)

The start time for the meeting was incorrectly noticed. The correct start time is 7:00 p.m. There were no requests for an interim appointment.

### **VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR**

Ms. Sommer acknowledged Board member Maass and Board member Rood (absent) for their service on the Recycling Board and presented Board member Maass with a recycled content gift.

### **VIII. ADJOURNMENT**

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

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**DATE:** December 19, 2018

**TO:** Waste Management Authority Board

**FROM:** Wendy Sommer, Executive Director

**BY:** Pat Cabrera, Administrative Services Director

**SUBJECT:** Contract/Vendor Authorization

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#### **SUMMARY**

On December 13, 2018, the Programs and Administration (P&A) Committee recommended that the Waste Management Authority (WMA) Board approve the contracts and/or service agreements as requested by staff.

#### **DISCUSSION**

By a vote of 6-0 (Ellis, Hernandez, Mass, Pentin and Rood absent), the P&A Committee reviewed and recommended forwarding for approval new or augmented contracts and/or service agreements for Fiscal Year 2018-19. Those contracts/agreements are as follows:

Mandatory Recycling Implementation

Stealth Marketing	\$45,000
<i>Increased inspection services associated with the City of Oakland's request for increased enforcement. The City of Oakland provided additional funding to the Agency for this increase.</i>	

Legislation

Shaw Yoder Antwih	\$55,000
<i>New lobbyist (consultant firm)</i>	

Accounting and Budgeting (administrative overhead)

Account Temps	\$85,000
<i>Temporary financial services to cover vacancies</i>	

The report submitted to the P&A Committee is available at the following link:

[Contract-Vendor-Authorization.pdf](#).

#### **RECOMMENDATION**

That the WMA Board approve the contracts, vendors and/or spending authority listed above.

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**DATE:** December 19, 2018

**TO:** Waste Management Authority Board

**FROM:** Wendy Sommer, Executive Director

**BY:** Justin Lehrer, Senior Management Analyst

**SUBJECT:** 2018 Priority Setting

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## SUMMARY

At the November 14 joint Waste Management Authority Board and Source Reduction and Recycling Board meeting, a facilitated discussion was held on priority setting and potential changes to the current guiding principles. Updated guiding principles have been prepared, and their adoption on December 19 will conclude the priority setting process.

## DISCUSSION

Over the past several months we have gathered input from staff, Board members, member agency staff (TAC and city managers), as well as project partners, grantees, allied non-profits, and government agencies. The proposed update to the guiding principles reflects ideas and suggestions contributed by these stakeholders.

Once adopted, the revised guiding principles will be used to inform Agency strategy and budget development for the next two years (fiscal years 2019-20 and 2020-21). Several of the principles are unchanged; three in particular have proposed updates and have been marked with an asterisk (\*).

### Guiding Principles

1	StopWaste's non-mandatory projects will emphasize waste prevention over management of discards.
2	Organics, as the largest remaining portion of the waste stream to landfill, will continue to be an emphasis for the next two years.
3*	Only consider mandatory measures that go through a comprehensive resource analysis, or are mandated by the State.
4*	Prioritize waste reduction and prevention projects that have beneficial climate impacts.

5	Explore innovative and experimental approaches that may be leveraged by member agencies.
6	Develop programs that directly reach out to target audiences and communities; coordinate with member agencies.
7	Emphasize project implementation and collect data only as needed to make informed decisions.
8*	Coordinate and collaborate with local public agencies to avoid duplication of effort, and prioritize efforts that leverage and enhance what member agencies can do independently.
9	Ensure the flexibility to add new projects and cut back on existing projects when appropriate.

## RECOMMENDATION

Adopt the above Guiding Principles to be used for programmatic strategy and budgetary planning through 2021.

**DATE:** December 19, 2018

**TO:** Waste Management Authority Board

**FROM:** Wendy Sommer, Executive Director

**BY:** Anu Natarajan, Legislative & Regulatory Affairs Manager

**SUBJECT:** 2019 Legislative Priorities

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## **SUMMARY**

Each year, the WMA Board adopts priority areas to focus the Agency's legislative work. This report outlines the 2019 legislative priorities for Board approval.

## **BACKGROUND**

Through its input on legislation and regulation, StopWaste has been an effective voice in Sacramento on issues important to the Agency and to its member agencies. In order to be nimble in responding to changes that occur during the legislative session, the Board approves the legislative priority areas for focus at the beginning of the legislative session. These are topic areas that the Agency staff and lobbyist devote more time to—providing additional letters of support to committee members, testifying at hearings and working closely with the bill's sponsors.

In 2018, the Board adopted three areas as legislative priorities that support the Agency's work on shifting toward waste prevention:

- Extended Producer Responsibility (EPR)
- Circular Economy
- Organics legislation and regulation

The timeline for legislative activity is typically as follows:

December-January: WMA Board adopts legislative priorities for the year

February: Deadline for introduction of bills

March: Bill authors and organizational sponsors seek letters of support, committee meetings begin. Staff reviews bills and recommends positions on bills for Board adoption

June: Board receives status update on bills and provides direction as appropriate

October: Status update provided to Board after Governor takes action

## Lobbyist

After several years with our previous lobbyist, the Agency issued an RFQ earlier this year to select a lobbying firm to assist with our work in Sacramento. After interviewing five potential firms, Shaw Yoder and Antwih was chosen to work with us on a two-year contract. Jason Schmelzer and Melissa Immel will be the primary contacts representing the Agency. Jason also represents the California Product Stewardship Council, one of our major partners.

## **DISCUSSION**

### **2019 Legislative Priority Areas**

As part of the priority setting process, the Board indicated the following as the most important issues:

- Plastic Pollution/Packaging
- Contamination
- Climate Change
- Organics
- Unsustainable Consumption

Below are possible focus areas for legislation to align with the issues identified above:

### Plastic Pollution/Packaging

Food related packaging includes disposable food ware such as to-go containers, cups, cutlery, and straws, as well as packaging for grocery items, prepared foods, and meal kits. Depending on the type of packaging, it may impact the environment as litter, or present challenges to recycling and compost processes. The use of disposable food ware has grown exponentially over the past few decades. Some possible ideas to explore to address this issue include:

- Expansion of the straws-on-request bill to include single-use condiments and utensils
- Single-use food ware addressing meal kit packaging and icepacks
- Recycled content minimum standards/requirements
- Banning single use plastics in schools
- Removing plastic additives and lining in paper products.
- On a parallel track, we could also explore a countywide single-use food ware model ordinance and EIR.

### Climate Change

Local governments are leaders in climate action but are impeded by lack of access to data. One possible way to address this issue is to require the State to conduct GHG inventories for all local jurisdictions using centrally available data.

Embodied carbon and carbon sequestration describes long-term storage of carbon dioxide or other forms of carbon to either mitigate or defer global warming and climate change. These can be done both through the natural and built environments. One potential area to focus on is the

prioritization of soil-based carbon sequestration such as the Healthy Soils program, and funding to support research on it.

Organics (SB 1383 Rulemaking): The passage of several organics bills over the last few years, as well as the increased statewide focus on organics processing capacity and getting organics out of the landfill as a climate change strategy to reduce methane emissions, has raised the importance of prioritizing the development of new organics laws and regulations.

In September 2016, Governor Brown signed SB 1383 into law, which established targets to achieve a 50% statewide reduction in landfilled organics discards by 2020 and a 75% reduction by 2025, and a 20% recovery of edible food currently disposed by 2025. In order to achieve those targets, CalRecycle conducted several informal workshops to get stakeholder input prior to developing the guidelines. The first formal draft has just been released.

Although the regulations will not take effect until 2022, adopting rules in 2019 is intended to allow regulated entities approximately three years to plan and implement necessary budgetary, contractual, and other programmatic changes. StopWaste staff has been working with member agencies and has been actively participating and submitting comments as part of these workshops, and expects to continue such efforts through next year until adoption.

### **Funding**

Staff will continue to monitor funding opportunities and advocate for cap and trade funds to be allocated to projects that reduce greenhouse gas emissions through waste reduction, recycled content manufacturing, composting, edible food recovery and increased organics processing capacity. Other ideas to increase funding that are being discussed by other organizations include an increase in tipping fees, and a state bond measure as a dedicated revenue source to fund recycling and organics infrastructure.

### **Partnerships**

We will continue to collaborate with our main legislative partners - Californians Against Waste, California Product Stewardship Council and ReThink Waste (a joint powers authority of twelve public agencies in San Mateo County). In addition, we are exploring new partnerships as we embark on work with food recovery infrastructure and packaging.

### **RECOMMENDATION**

Discuss and adopt the legislative priority areas for 2019.

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**DATE:** December 19, 2018

**TO:** Waste Management Authority Board and the Energy Council

**FROM:** Wendy Sommer, Executive Director

**BY:** Arliss Dunn, Clerk of the Board

**SUBJECT:** 2019 Meeting Schedule

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### **REGULAR BOARD MEETING SCHEDULE**

The regular meeting schedule for the WMA Board and the Energy Council is the fourth Wednesday of each month at 3:00 p.m., except where noted differently (\*). Authority Board and Energy Council meetings are held at 1537 Webster St., Oakland, CA.

If you concur, the 2019 meeting dates for the Authority Board will be as follows:

<b><u>DATE</u></b>	<b><u>TIME</u></b>	<b><u>LOCATION</u></b>
January 23	3:00 P.M.	1537 Webster Street
February 27	3:00 p.m.	1537 Webster Street
March 27	3:00 p.m.	1537 Webster Street
April 24 <b>*Joint Meeting WMA/EC/RB</b>	3:00 p.m.	1537 Webster Street
May 22 <b>*Business Recognition Event</b>	3:00 p.m.	1537 Webster Street
June 26	3:00 p.m.	1537 Webster Street
July 24	3:00 p.m.	1537 Webster Street
August - NO MEETING	<b>AUGUST RECESS</b>	
September 25	3:00 p.m.	1537 Webster Street
October 23	3:00 p.m.	1537 Webster Street
November 20 <b>*3rd Wednesday</b>	3:00 p.m.	1537 Webster Street
December 18 <b>*3rd Wednesday</b>	3:00 p.m.	1537 Webster Street

### **RECOMMENDATION**

Staff recommends that the Authority Board and the Energy Council adopt the 2019 Meeting Schedule.

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**DATE:** December 19, 2018

**TO:** Energy Council

**FROM:** Wendy Sommer, Executive Director

**BY:** Karen Kho, Principal Program Manager

**SUBJECT:** 2019 BayREN Contract

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## **SUMMARY**

Since 2013, StopWaste has represented Alameda County jurisdictions in the Bay Area Regional Energy Network (BayREN) regional partnership and has implemented its programs. In order to ensure continuity of BayREN services in 2019, the Energy Council needs to authorize the Executive Director to enter into a contract with ABAG to accept up to \$6,670,347.00.

## **DISCUSSION**

On June 5, 2018 the California Public Utilities Commission issued a decision approving ten-year Energy Efficiency Business Plans, including an annualized budget for BayREN of \$22,739,000. The 2019 portfolio will include six programs: Single-Family, Green Labeling, Multifamily, Codes and Standards, Commercial, and Water Bill Savings.

The BayREN Coordinating Circle (CC), comprised of ABAG and nine public agencies representing the Bay Area counties, elected Energy Council staff into leadership roles for the multifamily and green labeling programs through December 31, 2019. The BayREN CC approved initial 2019 budget allocations in October and on November 15, 2018, the ABAG Executive Board authorized its Executive Director to negotiate and enter into a contract with the Energy Council for 2019 BayREN services.

The initial 2019 budget and scope for the Energy Council is described in Attachment A and extends implementation roles from 2018. The largest portion of the budget is \$5.9 million for implementing the regional BayREN multifamily rebate program, which incentivizes 5,000 units annually in the Bay Area. In addition, the Energy Council offers the Department of Energy's Home Energy Score, provides professional education to real estate professionals, and leads the Multifamily Capital Advance pilot program. The scope of work also includes local outreach for BayREN's single-family, codes and standards commercial, and water bill savings programs within Alameda County.

The Energy Council Technical Advisory Group (TAG) receives monthly updates on the implementation of BayREN programs, provides input on priorities for regional programs and services, and assists staff in targeting local outreach activities throughout the County.

**RECOMMENDATION**

Adopt the attached Resolution authorizing the Executive Director to enter into a 2019 contract with ABAG for Bay Area Regional Energy Network (BayREN) services and other related actions.

Attachment A: Summary of Energy Council Scope of Work

**ENERGY COUNCIL  
RESOLUTION #EC 2018 –**

**MOVED:  
SECONDED:**

**AT THE MEETING HELD DECEMBER 19, 2018**

**RESOLUTION AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO 2019 CONTRACT FOR BAY  
AREA REGIONAL ENERGY NETWORK (BayREN) SERVICES AND OTHER RELATED ACTIONS**

**WHEREAS**, the Energy Council recognizes that it is in the interest of the local, regional, state, and federal agencies to stimulate the economy; create and retain jobs; reduce fossil fuel emissions; and reduce total energy usage and improve energy efficiency; and

**WHEREAS**, the Energy Council was formed to seek funding to develop and implement programs and policies that reduce energy demand, increase energy efficiency, advance the use of clean, efficient and renewable resources, and help create climate resilient communities; and

**WHEREAS**, the California Public Utilities Commission (CPUC) has recognized the need for expanded collaboration with and participation by local governments to achieve market transformation toward energy efficiency as part of its Long Term Energy Efficiency Strategic Plan; and

**WHEREAS**, in its Decision 17-01-013, the CPUC approved a ten-year Business Plan for the Bay Area Regional Energy Network including an annualized budget of \$22,739,000; and

**WHEREAS**, the Energy Council partnered with the Association of Bay Area Governments (ABAG) and 8 other county representatives to implement the Bay Area Regional Energy Network (BayREN); and

**WHEREAS**, with ongoing input from the Energy Council Technical Advisory Group (TAG), the Energy Council represents Alameda County jurisdictions within BayREN; and

**WHEREAS**, the Energy Council has been designated as the lead regional implementer for the multifamily and green labeling programs, and to conduct local outreach for other programs, and

**WHEREAS**, the ABAG Executive Board authorized a scope of work for the Energy Council with a budget not to exceed \$6,670,347 for services related to the BayREN as described in Attachment A;

**NOW THEREFORE, BE IT RESOLVED**, that the Energy Council hereby authorizes the Executive Director to:

1. Enter into all necessary contracts and agreements with ABAG in order to accept funds in the amount of \$6,670,347.00 and make any necessary changes to the FY 2018-19 budget for Project 1347: BayREN.
2. Approve any required time extensions, modifications, or amendments thereto.
3. Allocate the necessary resources to implement and carry out the amended scope of work.

BE IT FURTHER RESOLVED that the Executive Director as the Board President's designee, is hereby authorized to execute on behalf of the Energy Council all contract-related documents, including, but not limited to, applications, payment requests, agreements (including the hiring of temporary staff), and amendments necessary to secure contract funds and to implement the approved contract projects;

**ADOPTED this 19<sup>th</sup> day of December 2018, by the following votes:**

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAINED:**

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of Resolution #EC 2018 –

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WENDY SOMMER  
Executive Director

**Attachment A**  
**Summary of Energy Council Scope of Work**  
**2019 BayREN Services**

**Single Family – Local Outreach and Regional Social Media (\$204,547)**

The Single Family program targets moderate income households and offers flexible incentives to homeowners for conducting upgrades over time. It continues to offer the Home Upgrade Advisor services and now incorporates the Community Youth Energy Services (CYES) green house calls.

The Energy Council will conduct local outreach in Alameda County for the single-family program, including the following activities:

- Serve as a liaison for local contractors and facilitate their participation
- Organize homeowner workshops and other outreach events
- Refer property owners to the regional Home Upgrade Advisor service
- Conduct direct mail campaigns
- Establish partnerships with community based organizations and East Bay Community Energy
- Coordinate with Rising Sun on underserved communities within the County
- Coordinate with other energy programs operating in Alameda County
- Represent Alameda County context within BayREN

In addition, the Energy Council will support the BayREN single-family program by updating its social media pages and posting on its social media accounts.

**Green Labeling – Regional Lead and Local Outreach (\$435,500)**

The Green Labeling program enables market recognition of the value of a green home during real estate transactions. It offers the Department of Energy's Home Energy Score program, assessment incentives, and real estate sector education.

The Energy Council will lead the regional Green Labeling program, and conduct the following activities:

- Promote and screen Home Energy Score incentives
- Recruit and mentor Home Energy Score assessors
- Provide quality assurance in compliance with Department of Energy requirements
- Provide continuing education opportunities for realtors, appraisers and lenders to increase their ability to understand, market and evaluate energy efficient homes
- Coordinate with local governments for promotional activities
- Maintain and develop relationships with local real estate associations

**Multifamily – Regional Lead and Local Outreach (\$5,950,300)**

The Multifamily program offers cash rebates and no-cost energy consulting for multifamily properties that undertake energy and water upgrades. The program assists in planning energy savings improvements designed to save 15% or more of a building's energy and water usage and provides \$750 per unit in rebates to help pay for the upgrade.

The Energy Council will lead the Regional BayREN Multifamily program, including the Capital Advance Financing Pilot, and conduct the following activities:

- Administer and manage program to ensure that total unit goals and energy savings metrics are met or exceeded
- Oversee technical consultants and partners responsible for implementation
- Verify and approve eligible scopes of work and process rebates for property owners
- Review program performance and develop program enhancements or modifications
- Monitor regulatory activities that impact program and represent program in relevant stakeholder groups, committees and advisory groups
- Process property owner rebates totaling \$3,750,000
- Coordinate with other multifamily programs in the region
- Coordinate reporting and Evaluation, Measurement & Verification (EM&V) activities
- Convene BayREN members to participate in the multifamily committee
- Conduct regional marketing activities and coordinate local outreach activities

#### **Commercial - Local Outreach (\$9,000)**

The Commercial program will be conducting a pay-for-performance pilot program. The Energy Council will conduct local outreach for the program, including the following activities:

- Aid in the development of marketing strategies and messaging
- Coordinate and partner with local jurisdictions, East Bay Energy Watch and other local programs
- Plan and organize at least one outreach event

#### **Codes and Standards – Local Outreach and Regional Contractor Outreach Pilot (\$59,500)**

The Codes and Standards program promotes an integrated, measurement-driven management process for enhancing energy code compliance. Its goals include increasing compliance rates with the Energy Code and Green Building standards, developing trainings for Bay Area building professionals, and promoting “reach codes” for local jurisdictions.

The Energy Council will conduct local outreach for the Codes and Standards program, including the following activities:

- Conduct outreach to building departments and promote participation in BayREN activities
- Assist in prioritization and development of new BayREN trainings based on local needs
- Support Alameda County jurisdictions in adopting reach codes or energy policy
- Provide input on content of regional forums and promote participation to local governments
- Host and organize one regional Codes and Standards forum
- Serve as liaison to East Bay ICC chapter

In addition, the Energy Council will engage contractors in order to educate them and improve code compliance, while leveraging existing BayREN work with contractors through the single-family program.

#### **Water Bill Savings - Local Outreach (\$11,500)**

The BayREN Water Bill Savings Program (WBSP) is a unique on-bill program that allows municipal water utility customers to pay for efficiency improvements through a monthly charge attached to



their meter with no up-front costs and the assurance that their utility bill savings will exceed the program charge. The City of Hayward and East Bay Municipal Utility District (EBMUD) are partners in the WBSP program.

The Energy Council will conduct local outreach for the PAYS financing pilot, including the following:

- Serve as a local contact for WBSP water utilities in the county for questions about BayREN
- Provide support to the regional lead and promote the program to local stakeholders

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# January 2019 Meetings Schedule

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

(Meetings are held at StopWaste Offices unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
		<b>1</b> <b>AGENCY HOLIDAY</b>	<b>2</b>	<b>3</b>	<b>4</b>	<b>5</b>
<b>6</b>	<b>7</b>	<b>8</b>	<b>9</b>	<b>10</b>  <b>9:00 AM</b> <b>Programs &amp;</b> <b>Administration Committee</b> <b>Key Items:</b> 1. <u>Records Retention Policy</u>  <b>4:00 P.M.</b> <b>Planning Committee and</b> <b>Recycling Board</b> <b>Key Items:</b> 1. Newark Expenditure Plan	<b>11</b>	<b>12</b>
<b>13</b>	<b>14</b>	<b>15</b>	<b>16</b>	<b>17</b>	<b>18</b>	<b>19</b>
<b>20</b>	<b>21</b> <b>AGENCY HOLIDAY</b>	<b>22</b>	<b>23</b>  <b>3:00 PM</b>  <b>Waste Management Authority and</b> <b>Energy Council</b> <b>Key Item:</b> TBD	<b>24</b>	<b>25</b>	<b>26</b>
<b>27</b>	<b>28</b>	<b>29</b>	<b>30</b>	<b>31</b>		

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## Already a Climate Change Leader, California Takes on Food Waste

**The state's innovative programs and laws to tackle excess food and reduce greenhouse gas emissions could be a template for the nation.**

BY **CHRIS RICHARD**

Posted on: December 10, 2018

The pile of garbage would look to some like it was overdue for the dump: rotten potatoes, moldy lettuce, wilted bits of carrot and celery, all shiny with the goo from overripe and ruptured melons.

But in this mass of discarded food, Los Angeles County sanitation planners see far more than a waste-disposal problem—they see a resource.

A bucket loader digs into the mass and hoists a load of glop into a grinder. Seconds later, the chewed-up food waste pours into a bin, its first step toward the anaerobic digesters that will blend it with household sewage and use it to brew biogas, manufactured methane suitable for use in running a county wastewater plant. Eventually, officials hope to generate enough of the gas to fuel their waste-hauling trucks, too.

When table scraps break down, they release methane, a potent greenhouse pollutant, into the atmosphere. Because organic waste makes up by far the largest segment of materials sent to California's landfills each year, state leaders see a lot of opportunity in learning how to harness its energy.

Disposing of food waste in ways that reduce greenhouse gas emissions is a very big—and very expensive—challenge. But county by county, California is a leader in the effort—and its work could serve as a template for the rest of the nation.

For example, state legislators have developed **rigorous new waste-disposal legislation** centered on **Senate Bill 1383**, which passed in 2016 and mandates a 50 percent reduction in organic waste disposal by 2020 and a 75 percent reduction by 2025. Currently, the state has some 25 composting yards that accept food waste

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and 14 anaerobic digesters, says Lance Klug, a spokesman for the state's recycling agency. Regulators estimate that SB 1383, along with a pair of companion statutes, could require as many as 100 new or expanded organics recycling facilities, a capital investment of **up to \$3 billion**.

One contributor to the food-to-energy project is the University of California campus in Irvine. Anne Krieghoff, who oversees a cafeteria sustainability program there, says participating in the anaerobic digester program has transformed the school's approach to buying food and disposing of waste.

U.C. Irvine sends some 900 tons of food scraps to the digester each year, and while Krieghoff is proud of that number, she's also working to reduce the volume of scraps thrown away. "If it's trimmings from a cantaloupe or pineapple, that's normal," she says. "But let's say we're throwing away a lot of rotten tomatoes—that might mean either we over-ordered or our supplier isn't a good supplier. [And] if we find we're throwing away a lot of lasagna, maybe we made too much, or the students didn't like it. By tracking things like that, we're reducing our waste."

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Waste Management, which collaborated with Los Angeles County officials in developing their food-to-energy program, already sees California's effort as a model, says Susan Robinson, the company's public affairs director. The company has set up similar food-waste conversion systems in Boston, New York City, and New Jersey, and has another under consideration in Oregon.

Robinson acknowledges that it's expensive to separate food from the rest of the garbage. But increasingly, she continues, high dump fees, government policies, or a combination of both are prompting creative new uses for food waste.

**Eyes on California**

The project in the garbage sorting facility next to the Los Angeles County Sanitation Districts' Puente Hills landfill is just one example of statewide efforts to cut greenhouse gas emissions dramatically. California lawmakers aspire to lead the world in fending off the most destructive consequences of climate change, and their solutions have included lofty projects like organizing [a global summit](#) and planning to launch the state's own [climate-monitoring satellite](#).

In the absence of a federal green-waste policy, Nick Lapis, legislative coordinator for [Californians Against Waste](#), says that policymakers nationwide have historically looked to California for models. "We've pioneered a lot of recycling policies here," he says. "I think you're going to have folks in the recycling world who are going to want to replicate this."

Despite California's efforts, most of America continues to send its table scraps to the dump. The U.S. Environmental Protection Agency's [most recent findings](#) show that Americans sent nearly 138 million tons of waste to landfills in 2015. Of that, about 22 percent was food.

California's figures show only a slightly better rate, with about [18 percent of the state's discarded food](#) ending up in a landfill. But that figure is the [starting place](#) for the sharp cuts in waste disposal envisioned under SB 1383. And some parts of the state are doing much better already.

San Francisco is home to one leading composting program. In 2009, the city became the first in the nation to enact an [ordinance](#) making recycling and composting mandatory for businesses and residents alike.

Peter Gallotta, a spokesman for the [San Francisco Department of the Environment](#), says a vigorous public education campaign over the years—and spot checks on refuse receptacles by city haulers—have brought near universal compliance. City residents and businesses are required to separate their refuse [into three bins](#): blue for recycling, green for compost, and black for trash. Inspectors with the city trash-hauler check for compliance, and scofflaws face [fines](#).

Six years ago, city officials [announced](#) they had diverted 80 percent of all food waste from landfills. Today, that includes sending more than [650 tons of organic material](#) to compost facilities every day.

When the law took effect, “people thought it was going to be challenging to implement, and it was,” says Janan New, executive director of the [San Francisco Apartment Association](#). High-tech companies in and around the city tend to have fairly high turnover, New says, and apartment owners repeatedly found themselves having to explain San Francisco’s rules to new tenants. But, over time, the regulations became part of the enduring culture of apartment living in the city, New says.



Children separating their organic waste in a St. Paul public school. (Photo CC-licensed by [the Minnesota Pollution Control Agency](#))

Also, apartment owners got fair treatment, New says. [City officials agreed](#) to hold apartment dwellers—not their landlords—accountable for sorting errors, and San Francisco’s government provided subsidies to help the association inform members about what would be required.

“Today, it’s pretty seamless,” New says.

### **Meanwhile, Across the Bay**



In neighboring Alameda County, **StopWaste**—the county recycling agency—aims to reduce the proportion of recyclable or compostable materials in its trash stream to **less than 10 percent** by 2020.

As part of that effort, the agency's **Smart Kitchen Initiative** helps restaurants, caterers, and other businesses keep food out of the waste stream in the first place. For a participating business' first year in the program, StopWaste pays for a digitized tracking system from **LeanPath**. The equipment includes a scale and camera for kitchen staff to weigh and record what food they're throwing away. LeanPath software helps categorize that information to show, for instance, whether the food was rotten or the business had bought too much.

Ryan Smith, data efficiency manager at **Checkers Catering** in the city of Livermore, says some employees balked a little at the extra work required in compiling the records, but they have come to appreciate having specific, real-time information about what they're throwing away and why.



Separating organic waste in a commercial kitchen.  
(Photo CC-licensed by **the Minnesota Pollution Control Agency**)

While some jurisdictions are still working out the details of their programs, **StopWaste** already has comprehensive procedures for residences, institutions, and businesses and a well-developed public information campaign. That's produced marked **reductions** in the amount of food waste in garbage, a success that state regulators see as one model as **they work out the rules** for implementing statewide policies.

### Scaling Up Efforts

Still, Alameda County officials question whether their solutions to local conditions are right for the entire state.

“We have been out there first, but we don’t feel like we’ve been out there long enough to really say, ‘This is how to do it right,’” says StopWaste spokesman Jeff Becerra. “We haven’t been in a position yet to say, ‘Doing X results in Y.’”

Kelly Schoonmaker, a StopWaste program manager, says in order to achieve uniform waste policy throughout California under SB 1383, regulators are drafting **very specific instructions** that every local jurisdiction will be required to meet.

“They’re telling you exactly what to do. It’s like a recipe for organics recycling,” she says. “It’s things like ‘Each route will be reviewed quarterly, and there will be five samples from each route.’”

Such procedural and reporting requirements may not fit all jurisdictions equally well, Schoonmaker says, adding that local agencies are calling for more flexibility.

Members of the **Los Angeles County Integrated Waste Management Task Force** have been **grappling with questions** such as how to ensure everyone complies with new regulations and who to fine if someone puts refuse in the wrong bin, says Rosemead City Councilwoman Margaret Clark, who serves on the panel.

“Let’s say somebody doesn’t finish a hot dog. The person throws it in the food scraps bin, but it’s wrapped in foil. Somebody has to sort that foil back out,” Clark says. “Who’s going to pay for that?”

Nick Lapis, the environmental activist, acknowledges that California’s new requirements for food composting and recycling into energy in anaerobic digesters will be challenging for local agencies to meet.

“It’s going to be expensive. That said, when you look at it as a greenhouse gas mitigation measure, it’s actually one of the cheapest ways to reduce greenhouse gases,” Lapis said.

“When the state Air Resources Board looked at the costs of different strategies to reduce to reduce greenhouse gases, recycling and composting ended up being a lot cheaper. But there’s also a huge cost to not averting climate change.”

*Top photo: Delivering food to a commercial compost facility. (Photo CC-licensed by **the Minnesota Pollution Control Agency**)*

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