

ORDINANCE 2026-01

AN ORDINANCE ESTABLISHING A REGULATORY FEE

The Board of the Alameda County Waste Management Authority hereby ordains as follows:

Section 1. Findings

The Authority finds that:

(a) State law requires local governments to regulate waste generators to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators, regulates and authorizes local regulation of carryout bags, and requires local governments to protect local waterways from contamination.

(b) Pursuant to these laws and to protect public health, safety, and welfare, the Authority adopted the Organics Reduction and Recycling Ordinance (“ORRO”) and the Reusable Bag Ordinance (“RBO”). The ORRO seeks to reduce the amount of organic and recyclable materials deposited in landfills from commercial and residential generators. The RBO seeks to reduce the use of single use carryout bags, promote the use of reusable bags at the point of sale in Alameda County, align with state law eliminating the use of plastic bags at point of sale in state regulated stores in Alameda County, and reduce contamination of local waterways.

(c) The Authority incurs significant costs associated with oversight, implementation, and enforcement of the ORRO and the RBO. According to the January 20, 2026 *Regulatory Fee Study* by R3 Consulting Group, in Fiscal Year 2025-26 the costs of Authority regulatory programs were \$3,829,575 and projected Fiscal Year 2026-27 costs of Authority regulatory programs are estimated to be \$4,320,463, including the estimated costs of administering this Ordinance.

(d) State law authorizes local governments to impose fees to recover the reasonable costs of implementing and enforcing regulations, including administration, monitoring, enforcement, education, inspections, compliance assistance, and planning that are reasonably related to the cost of services provided.

(e) This Ordinance imposes a fee to recover the costs of the Authority’s regulatory programs.

(f) The Authority has the power to enact this Ordinance pursuant to the Joint Exercise of Powers Agreement for Waste Management (“JPA”). That agreement

grants the Authority all of the powers necessary to carry out the purposes of the JPA including the power to adopt ordinances.

(g) Enactment of this Ordinance is not a “project” subject to the requirements of the California Environmental Quality Act, California Code of Regulations, title 21, section 15378(b)(4); further, even if it were a “project,” it would be categorically exempt from the California Environmental Quality Act pursuant to California Code of Regulations, title 21, section 15308.

Section 2. Definitions

(a) “Alameda County” or “County” means all of the territory located within the incorporated and unincorporated areas of Alameda County.

(b) “Authority” means the Alameda County Waste Management Authority created by the Joint Exercise of Powers Agreement for Waste Management (“JPA”) adopted November 10, 1992, as amended July 30, 2013.

(c) Black Container Solid Waste means Solid Waste that is of the type collected in a Landfill Container as that term is defined in Ordinance 2021-02 (Organics Reduction and Recycling Ordinance).

(d) “Board” means the governing body of the Authority made up of elected representatives of the member agencies pursuant to the JPA.

(e) “Executive Director” means the individual appointed by the Board to act as head of staff at the Authority and perform those duties specified by the Board.

(f) “Fee” means the fee described in section 3 of this ordinance.

(g) “Member Agency” means a party to the JPA. Current member agencies are the County of Alameda; the Cities of Alameda, Albany, Berkeley, Dublin, Emeryville, Fremont, Hayward, Livermore, Newark, Oakland, Piedmont, Pleasanton, San Leandro, and Union City; and the Castro Valley and Oro Loma Sanitary Districts.

(h) “Person” means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, industry, public or private corporation, or any other entity whatsoever.

(i) “Regulated Hauler” means a Person that collects Solid Waste originating in Alameda County, and does so under a contract, franchise agreement, or permit with a Member Agency, or is a Member Agency that directly provides Solid Waste collection service.

(j) “Regulatory Programs” means undertakings to implement and enforce the Organics Reduction and Recycling Ordinance, the Reusable Bag Ordinance, and other ordinances adopted by the Authority, as well as undertakings to implement and enforce State law.

(k) “Remittance Form” means the form approved by the Executive Director to accompany and reasonably document fee payments by Regulated Haulers pursuant to this Ordinance together with all supporting materials required by the form.

(l) “Solid Waste” has the same meaning as defined in Public Resources Code Section 40191. For the purposes of this Ordinance, Solid Waste refers only to Solid Waste that is collected from Solid Waste Service Accounts by a Regulated Hauler for Solid Waste Disposal.

(m) “Solid Waste Disposal” means the final disposition of solid wastes at a permitted solid waste facility.

(n) “Solid Waste Service Account” means a subscription to collection services for Solid Waste Disposal for solid waste originating in Alameda County by any Person other than a governmental agency. An account may be:

- (i) “Single Family” for a residential premises with fewer than five units;
- (ii) “Multi Family” for a residential premises with five or more units; or
- (iii) “Commercial” for accounts that are not Single Family or Multi Family.

Section 3. Regulatory Fee

(a) The Fee schedule below shall apply to all Solid Waste Service Account types effective July 1, 2026. This Fee schedule may be modified by resolution.

Solid Waste Service Account Type	Fee Amounts
Single Family Accounts	\$0.30 per Solid Waste Service Account per Month
Multifamily Accounts – Based on weekly Solid Waste collection service levels (container sizes and number of weekly collections)	\$1.10 per weekly cubic yard of Black Container Solid Waste per Solid Waste Service Account per Month

Commercial Accounts – Based on weekly Solid Waste collection service levels (container sizes and number of weekly collections)	\$1.10 per weekly cubic yard of Black Container Solid Waste per Solid Waste Service Account per Month
Roll-off/Debris Box Accounts (Loose) – Based on Solid Waste collection container sizes, per each individual servicing of a container	\$0.25 per cubic yard of Black Container Solid Waste collected per Solid Waste Service Account per collection incident
Roll-off/Debris Box Accounts (Compacted) – Based on Solid Waste collection container sizes, per each individual servicing of a container	\$0.50 per cubic yard of Black Container Solid Waste collected per Solid Waste Service Account per collection incident

(b) The foregoing Fee schedule shall be annually indexed to inflation by being adjusted each July 1st commencing in 2027 based on the rate of inflation as determined by the change in the San Francisco-Oakland-Hayward CPI-U (U.S. Bureau of Labor Statistics reference #CUURS49BSA0 or comparable if this reference is not available) between February of the preceding year and February of the year in which the adjustment is made. The adjustment shall be made to the nearest \$0.01.

(c) Not later than December 31, 2028 the Board shall be presented with a report that assesses and evaluates actual and projected regulatory costs, revenue sufficiency, administrative costs, and such other matters as may be relevant in determining whether the amount of the Fee should be adjusted. Subsequent reports shall be prepared at intervals no greater than five years.

(d) Revenues from the Fee shall be used exclusively for the reasonable costs of Authority Regulatory Programs that relate to administration, monitoring, enforcement, education, inspections, compliance assistance, and planning.

(e) The Executive Director may exempt certain Solid Waste Service Accounts from the Fee if one or more of the following conditions are met:

(i) The Solid Waste Service Account does not receive service from a Regulated Hauler via a contract, franchise agreement, or directly from a Member Agency;

(ii) The Solid Waste Service Account does not pay a Regulated Hauler for Solid Waste Disposal service; or

(iii) The Solid Waste Service Account is not covered by the Authority’s Regulatory Programs and is therefore not subject to the Fee.

Section 4. Fee Collection

(a) Any Regulated Hauler or Member Agency that collects payments from a Solid Waste Service Account subject to the Fee described in Section 3 shall collect that Fee. The Fee is independent of other rates and charges and may be invoiced as a separate line item on the Solid Waste Service Account's invoice.

(b) Fee revenue collected shall be remitted to the Authority quarterly by the 15th day of (i) December (for the preceding July through September); (ii) March (for the preceding October through December); (iii) June (for the preceding January through March); and (iv) September (for the preceding April through June), together with a Remittance Form, unless a less frequent submittal schedule is approved in writing by the Executive Director.

(c) If Fee payment and the Remittance Form are not received on or before the due date, the Fee shall be deemed delinquent. If payment and the Remittance Form are not received by the Authority within sixty (60) days of the due date, the amount due and unpaid shall be subject to a late charge at the interest rate the Authority would have earned on such funds. The Regulated Hauler or Member Agency failing to submit the payment and Remittance Form shall also reimburse the Authority for its cost to collect the payment and Remittance Form. However, amounts billed but as yet uncollected through no fault of the Regulated Hauler or Member Agency shall not be subject to a late charge.

(d) A Regulated Hauler or Member Agency that collects Fee payments from Solid Waste Service Accounts pursuant to this Ordinance shall be reimbursed for its reasonable costs of administration in a manner approved by the Executive Director.

(e) A Regulated Hauler or Member Agency that collects Fee payments from Solid Waste Service Accounts pursuant to this Ordinance shall not be required to make adjustments to Fee payments owed to the Authority based on changes in the number of Solid Waste Service Accounts and changes in weekly Solid Waste collection service levels (container sizes and number of weekly collections) that occur during the Regulated Hauler's regular billing cycles for the applicable Solid Waste Service Account types; adjustments to Fee payments shall be made for subsequent billing cycles. The methodology for determining the applicable number of Solid Waste Service Accounts and weekly Solid Waste collection service levels for the purposes of Fee payment to the Authority shall be approved by the Executive Director.

(f) A Regulated Hauler or Member Agency that collects Fee payments from Solid Waste Service Accounts pursuant to this Ordinance shall not be required to pay for amounts of Fees that are unpaid by Solid Waste Service Accounts and uncollectible by the Regulated Hauler or Member Agency. The methodology for

determining amounts of unpaid Fees not subject to payment to the Authority by Regulated Haulers shall be approved by the Executive Director.

(g) The Executive Director may require that Regulated Haulers and Member Agencies provide supplemental Fee collection and payment information as needed for the Authority to comply with fiscal audit requirements.

(h) The Executive Director may establish any additional protocols and procedures for Fee collection and payment as may be necessary to implement this Ordinance.

Section 5. Enforcement. The Executive Director is authorized to undertake all appropriate actions necessary to collect the Fee in the manner authorized by law.

Section 6. Severability. If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

Section 7. Notice. This Ordinance shall be posted at the Authority Office after adoption for at least thirty (30) days and shall become effective thirty (30) days after adoption.

Passed and adopted this 25th day of February, 2026, by the following vote:

AYES: Bowen, Duncan, Gaidos, Hansen-Romero, Houston, Humbert, Jensen,
Jorgens, Josey, Mourra, Plimier, Sadoff, Wang
NOES: None
ABSTAIN: None
ABSENT: Haubert, Humbert, Shao, Zermeño

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of the ORDINANCE NO. 2026-01.



TIMOTHY BURROUGHS
EXECUTIVE DIRECTOR