



StopWaste.Org

Environmental Impact Report (EIR)

Mandatory Recycling and Single Use Ban

Public Scoping Meeting Minutes

From April 26th, 2010, 6:00 – 8:00 p.m.

Conference Room 2A, Hayward City Hall, 777 B St., Hayward, CA 94541

In attendance: Gary Wolff (StopWaste.Org), Akoni Danielsen (David J. Powers and Associates), Debra Kaufman (StopWaste.Org), Tracie Bills (Cascadia Consulting Group), Jessica Coe (Cascadia Consulting Group), Robert Bauman (City of Hayward), Kate Looby (Sierra Club), Vera Dahle-Lacaze (City of Hayward), Nashua Kalil (City of Berkeley Zero Waste Commission), Carlos Saborio (City of Berkeley Zero Waste Commission).

1. Welcome and Introductions: Round Table

This meeting was more informal due to the small number of attendees and the timeframe when attendees showed up. Introductions were performed with all in attendance and a brief introduction of the two subjects was presented.

2. Single Use Bag Reduction Ordinance: Debra Kaufman, StopWaste.Org

The EIR will evaluate an ordinance that would prohibit the distribution of single-use carryout paper and plastic bags at the point of sale (i.e., check-out) for all commercial retail businesses in Alameda County. An exception would be made for “green” paper bags containing a specified minimum percentage of recycled content, which can only be provided to customers for a nominal fee to cover the cost to the business of providing the bags. WIC and food stamp transactions would be exempted from paying for the paper bags.

3. Mandatory Recycling Ordinance: Debra Kaufman, StopWaste.Org

The goal of this mandatory program is for generators to separate readily recyclable and compostable materials from garbage set out for collection; waste collectors would be required to deliver the separately collected recyclable and compostable materials to processing facilities that would prepare them to be made into new products by recyclers, and landfills in the County may be prohibited or restricted from receiving for disposal, loads containing significant amounts of designated recyclables and compostables. The ordinance would apply to all generators, collectors and processors of discarded materials in Alameda County, and to all landfills and transfer

stations.

Question and Answer Session

ROBERT BAUMAN, CITY OF HAYWARD: So the idea is to have one entity spend money on one environmental document and save everyone else the trouble. How is this environmental document going to address all jurisdictions in Alameda County? Maybe everyone won't do a single use bag ordinance. How would this project consider that? Will the EIR review a generic ordinance, a generic fee for single use bags? How does that relate to how an ordinance may be implemented?

A, Debra: The EIR will review the impact of an Alameda County-wide ordinance, which StopWaste.Org could adopt as a JPA. The EIR will also consider looking for each jurisdiction: if we didn't adopt Countywide, what would the impact be for each individual jurisdiction?

Q: But which way are you leaning? Countywide?

A, Gary: That conversation has just begun; no jurisdiction has come out to say that they don't want to adopt these ordinances. With respect to who implements any ordinance, we would first consider: what do individual jurisdictions want to do? Is there a desire to adopt these ordinances as a group of some sort? Alameda County already has a Countywide landfill ban on plant debris. Each jurisdiction in Alameda County decided to adopt a C&D ordinance individually. In each of those cases, it made more sense for us to adopt Countywide and individually by jurisdiction, respectively. There is no clear pattern yet as to what adoption style makes more sense for mandatory recycling or single use bag reduction.

Q: In terms of single use bags, unless some agencies opposed, having a Countywide single use bag reduction ordinance means you are making it a level playing field for all businesses. What are different cities feeling in regards to single use bag reduction ordinances?

A, Gary: We don't know yet. No one has performed a straw poll of what jurisdictions would like to do.

Q: Will there possibly be State-wide action in single use bag reduction?

A, Gary: We aren't anticipating that at this point.

Q: In terms of bag policy: many of the impacts of an ordinance would be economic: where are those covered?

A, Akoni: Not in the EIR; before adopting, those impacts will be reviewed separately.

Q: What fee levels are you covering?

A, Debra: 10 cents, a number studied in Los Angeles and San Jose. That would be a fee for the paper bags.

Q: What about issues people raise about sanitary issues with reusable bags?

A, Akoni: That will be evaluated in the analysis. That has come up in analysis of reusable bags in the past.

Q: Now I'd like to ask a few questions about mandatory commercial recycling. How do you make something mandatory when there are costs incurred? Space is one of the biggest issues for additional containers for

recycling containers. We have a program based on financial incentives, but even then have had a problem convincing businesses to sign up for recycling because of space issues.

A, Debra: A mandatory recycling ordinance locally would be an effort to help cities implement programs ahead of impending state-wide mandates on commercial recycling. The EIR will look at all generators, not just commercial, and will consider the maximum impact. Whatever ordinance we ultimately put forth, we would've done the analysis in the EIR on the broadest levels on both generators and material types. We don't expect that the ordinance would cover everyone strictly, but the EIR will look at maximum possible impacts, including covering all generators.

Q: Does board want to adopt mandatory recycling county-wide?

A, Gary: There are some efficiencies there. Countywide, mandatory recycling could be similar to a plant debris ban, adding additional materials .

A, Debra: The goal is to have a stronger focus on education and outreach rather than enforcement. **Q: Who enforces?**

A, Gary: Whoever adopts would enforce.

Q: That's a lot of cost.

A: In mandatory recycling, you get the benefit of the value of recyclables that go to a commodity market. Someone did an analysis, and claimed that gross revenue of readily recyclable materials sent to landfill was \$80 million a year.

Q: But what about weak markets for recyclables?

A: Net values for recyclables have recovered: compost may have less value, but with the bottle bill, prices for many recyclables have risen, high grade paper is also stronger.

KATE LOOBY, SIERRA CLUB: We're very excited to hear about this moving forward. We're very interested in driving this in the staff level as well.

Could you talk a little about what "all generators" includes? Does that include residential and multi-family?

A: Yes, it does.

Q, Bob Bauman: Space is an issue in multi-family units.

A, Gary: We offer exemptions for special situations. For example, in the case of plant debris, when service is not offered for plant debris, we grant an exemption. There is also an exemption for lack of space.

Q, Bob Bauman: We have heard more about the single use bag ban than about the mandatory recycling. How do you make mandatory recycling happen? We've spent a lot of money reaching out to every commercial business, but we still have a lot of businesses we haven't been able to reach.

A, Gary: Plant debris is a good example: we tried to get people to separate plant debris at landfill. That worked to some extent, but to a limited extent. The biggest improvements have actually been from the East Bay Regional

Parks District, and from public works departments. These improvements haven't taken extra time to achieve: they comply, not many complaints, people did it, and that's it. We're trying to pull through with a panel discussion on September 8th, hosting speakers from cities who adopted mandatory recycling, hear what it's like in their cities. It would be a great exercise in policy information gathering.

Q, Kate Looby: What are your goals for zero waste?

A, Gary: 2020: 10% or less of material that goes to landfill will be readily recyclable or compostable material. Other materials that are not readily recyclable or compostable should have gone through a sustainability filter of some kind.

Q, Bob Bauman: Do you have any different policies looking at waste reduction besides mandatory recycling?

A: On product side, types of tools and sub targets are pretty wide open: use compostable and recyclable products. In cases where a substitute for a product that cannot be recycled or composted doesn't cost more, we encourage the use of that alternative product. Where an alternative product is a big cost, we look at other metrics. Is it always the best environmental course of action to remove from landfill? We're not certain. David Allaway, Department of Environmental Quality, State of Oregon, [gave a presentation](#) as a keynote at the California Resource and Recovery Association meeting two years ago about this very topic.

Q, Kate Looby: What is the timeline for this process?

A, Akoni: The Notice of Preparation has been open for about a month for comments. David J. Powers will be writing the EIR in spring and early summer. The draft EIR will be out for public review later in summer, early fall. The EIR will be certified by the board by the end of 2011. The EIR will eventually be available at [StopWaste.org/EIR](#).

Comment, Debra Kaufman: Just to clarify, the proposed project is not the policy proposal: it is the maximum impact.

NASHUA KALIL AND CARLOS SABORIO, CITY OF BERKELEY ZERO WASTE COMMISSION: With respect to mandatory recycling, I have some questions about how that would work.

A, Gary: It will eventually be up to the board to determine how that would work. For both the single use bag and the mandatory recycling programs, the board would eventually decide who would be affected and what materials would be included.

Comment, Nashua Kalil: In Berkeley the biggest concern people voiced was economics: what's the distribution of cost? Where does enforcement come from? We looked at cost of not doing mandatory recycling. We performed a questionnaire, met with all the big businesses to gauge their opinions. We tried to frame it so it wasn't onerous cost for business owners.

Comment, Debra: to the degree that you have any information about cost of not implementing mandatory recycling, that would be great to provide.

Q, Nashua: Is the information that you're using in the EIR locally-based? In Berkeley, we did a survey that's Berkeley based.

A, Debra: We are relying on data from other communities.

Q, Nashua: I have a process question: will you meet specifically with city attorneys at some point? There are questions that they have; they tend to be risk averse. If it looks as if individual jurisdictions adopt, at that point jurisdictions have to defend their own actions.

A, Gary: We have no plan for doing that.

A, Akoni: Most arguments against these ordinances have been based on level of CEQA review; the legal standard of review is much more favorable to a lead agency. Courts are much more differential towards an EIR. There haven't been any lawsuits yet against a single use bag EIR. If there is a lawsuit, it won't be about an EIR. The lawsuit would more likely be about another issue, like fees.