

APPROVED

MINUTES OF REGULAR MEETING OF THE  
PLANNING COMMITTEE  
AND  
ALAMEDA COUNTY RECYCLING BOARD

Thursday, October 11, 2018

4:00 P.M.

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

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

**I. CALL TO ORDER**

Jim Oddie, President, called the meeting to order at 4:00 p.m.

**II. ROLL CALL OF ATTENDANCE**

Jillian Buckholz, Recycling Programs  
Bernie Camara, Recycling Materials Processing Industry  
Nancy Deming, Environmental Educator  
Sara Lamnin, ACWMA  
Peter Maass, ACWMA  
Dianne Martinez, ACWMA  
John Moore, Environmental Organization  
Jim Oddie, ACWMA  
Tim Rood, ACWMA (teleconference)  
Sarah Vared, Source Reduction Specialist

**Absent:**

Vacant, Solid Waste Industry Representative

**Staff Present:**

Tom Padia, Deputy Executive Director  
Wendy Sommer, Executive Director  
Rachel Balsley, Senior Program Manager  
Kelly Schoonmaker, Program Manager  
Farand Kan, County Counsel  
Arliss Dunn, Clerk of the Board

**Others Participating:**

Julia Chang-Frank, Cascadia Consulting  
Jess Halter, Cascadia Consulting

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### III. ANNOUNCEMENTS BY PRESIDENT

There were none.

### IV. OPEN PUBLIC COMMENT

There was none.

### V. CONSENT CALENDAR

1. **Approval of the Draft Minutes of September 13, 2018 (Tom Padia)**
2. **Board Attendance Record (Tom Padia)**
3. **Written Report of Ex Parte Communications (Tom Padia)**
4. **Grants Issued Under Executive Director Signature Authority (Wendy Sommer)**

There were no public comments for the consent calendar. Board member Martinez made the motion to approve the consent calendar. Board member Maass seconded and the motion carried 10-0: (Ayes: Buckholz, Camara, Deming, Lamnin, Maass, Martinez, Moore, Oddie, Rood, Vared. Nays: None. Abstain: None. Absent: None.)

### VI. REGULAR CALENDAR

#### 1. **Mandatory Recycling Ordinance Project Update (Rachel Balsley)**

This item is for information only.

Prior to the staff presentation, Wendy Sommer displayed visual slides showing the correct and incorrect placement of materials found in waste and recycling bins ([available here](#)). The exercise was intended to demonstrate what the inspectors see during inspections and the incorrect slides are examples of violations for incorrect sorting. Rachel Balsley provided an overview of the staff report and a PowerPoint presentation. A link to the report and the presentation is available [here](#). Ms. Balsley recognized MRO staff; Michelle Fay, Elise Lebsack, Shasta Phillips, and Anna Borg, and staff from Cascadia Consulting, She also thanked Tom Padia and Meghan Starkey for their assistance.

Board member Buckholz inquired if guidance is provided regarding bin design and signage placement. Ms. Balsley stated yes, to an extent, the new video and indoor bin guide speaks to the importance of effective placement of signage. With regard to bins, the most commonly used bin is the 23 gallon Slim Jim or whatever size that is functional for the business site. Board member Buckholz inquired if we can recommend best practices for bins that can be emulated throughout Alameda County. Ms. Balsley stated that our free indoor green bin program utilizes a single vendor that offers 5 different bins that can be customized to the business site. Board member Maass inquired if there has been any discussion regarding incorporating the requirement to have recycling infrastructure in the building code. Ms. Balsley stated that the most recent version of the Cal Green Code requires new construction to have adequate space for recycling but not for existing buildings. Ms. Schoonmaker stated that SB 1383 will address universal building standards for capturing organics. Board member Buckholz commented that there could be a correlation between the color of dumpsters and contamination and inquired if there is an opportunity to influence a change in the color of dumpsters. Ms. Balsley stated that SB 1383 will pose strict requirements for uniform bin colors. However, the enforcement deadline will be extended as there is consideration for jurisdictions that are contractually obligated in their franchise agreements as well as the life cycle of the current bins. The new regulations will affect new franchise agreements.

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Ms. Balsley added, bin colors are important as well as signage showing where to place materials. Board member Deming stated that Waste Management will change lids for businesses upon request. Board member Deming inquired about the inspection process. Ms. Balsley stated that businesses that receive a violation upon the initial inspection will receive more frequent inspections, usually within the a few months, than businesses that did not receive a violation. Non-violators will possibly receive another inspection in a year. Staff is looking at extending the re-inspection timeline for non-violators to possibly 18 months. Board member Martinez inquired if there are surprise inspections. Ms. Balsley stated yes, businesses are not notified of an inspection and if the bins are placed in the public right of way, inspectors may not encounter staff at the business. Board member Vared inquired if we are able to track how technical assistance correlates to reduction in contamination or compliance with the ordinance. Ms. Balsley stated that this is something that we are striving to track. However it is complicated partially by our inspection frequency that changes if there's a violation. Board member Lamnin asked for clarification on doing less inspections but providing deeper services. Ms. Balsley stated that we reduced the number of inspectors from 3 to 2 in part as a reduction in expenses but also to have more in-house staff time for quality control and the ability to focus on data analysis and areas for improvement. Ms. Balsley added, because of the changes in inspection protocol, we will see an increase in violation letters sent since last year. Board member Lamnin inquired about dissemination of the videos. Ms. Balsley stated that the videos will be housed on the MRO website and TAC members are aware of them as well. Additionally, the technical assistance team can provide them to businesses to share with new staff as a training tool. Ms. Balsley added we are also looking at an overall promotion plan to disseminate the videos once they are all completed. Board member Lamnin requested staff provide a link to the videos to the Board once they are completed. Board member Moore inquired about the procedure for tracking responses to the violation letters and inquired about the percentage of businesses that ignore the notices. Ms. Balsley stated that approximately 20% citations are delinquent. Many of the calls received are a result of the violation notices. We will be better able to assess our effectiveness after the new inspection protocol has been in place for a period of time. Mr. Padia inquired if the citations are still sent via certified mail. Ms. Balsley stated yes, warning notices and citations are sent via certified return receipt to the billing address and a copy sent to service address. Board member Moore inquired how notices are sent to multi-family. Ms. Balsley stated that we utilize the hauler service records which is usually the billing and service address. Board member Martinez inquired with regard to the Recycling Rules website if we are using analytics and search engine optimization to drive traffic to the website. Ms. Balsley stated that we do track analytics, but that is a good idea for search engine optimization and for the upcoming fiscal year we will be strategically looking at our overall outreach plan including reviewing our website. There were no public comments on this item. President Oddie thanked Ms. Balsley for her report.

## **2. SB 1383 Short Lived Climate Pollutant Plan: Rulemaking Overview and Implications (Kelly Schoonmaker)**

This item is for information only.

Kelly Schoonmaker provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available [here](#).

Board member Martinez inquired if the regulations in SB 1383 address how jurisdictions are supposed to pay for implementation cost or any discussions regarding cost recovery. Ms. Schoonmaker stated no, however the law states that local agencies and school districts can levy service charges, fees, or assessments fund implementation. Mr. Padia stated that state agencies such as schools, prisons, etc. are immune from our enforcement of the MRO, but that CalRecycle can enforce against them in SB 1383. Ms. Schoonmaker added there are and will be grants available for expanding compost capacity,

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and we are also speaking with them regarding supporting education and outreach tools. Board member Martinez suggested that whatever resources that are available that can be used to assist K-12 schools would be extremely helpful. Board member Moore inquired if there is an effort to make the legislation readable and understandable. Ms. Schoonmaker stated that there are good summaries available and we have a summary checklist that we can provide to Board members (available [here](#)). Board member Vared inquired about key items that staff have commented on that have or have not been included in the legislation. Ms. Balsley stated that CalRecycle looked at our ordinance as well as other ordinances regarding language relative to generator requirements. Ms. Balsley added our ordinance requires that a business must have proper signage but if the businesses is sorting properly should the emphasis be on signage. We don't currently enforce on signage. Additionally, the legislation requires that all areas of the building must have color coded bins with appropriate labeling and could face penalties if they do not. In our comments to them, we informed them that we do not have the ability to inspect inside all of the buildings to ensure that all areas have the appropriate bins and signage. Ms. Sommer added we also submitted comments regarding the frequency of inspections, as well as to consider performance based versus prescriptive requirements. Ms. Balsley stated that the previous draft of the regulations required that all generators must have education and outreach every six months, and we commented that this is too frequent and costly, and they modified the frequency to every year. We asked for specificity on how people can apply for waivers and expect a response in the next round. Ms. Schoonmaker stated that Cassie Bartholomew also provided comments to them regarding edible food recovery with respect to how the businesses are categorized and how food recovery organizations work, and other issues regarding donation dumping. Lastly, we submitted comments regarding contamination. Board member Moore inquired if there is anything included about what the regulations are going to call recycling or diversion that would fit within Measure D's definition of incineration. Ms. Schoonmaker stated not at this time. The only energy piece they are concerned about is anaerobic digestion. There were no public comments on this item. President Oddie thanked Ms. Schoonmaker for her report.

### VII. COMMUNICATIONS/MEMBER COMMENTS

There were none.

### VIII. ADJOURNMENT

The meeting adjourned at 5:17 p.m.