

APPROVED

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

Thursday, November 9, 2017

7:00 P.M.

Hayward City Hall  
777 B Street  
Conference Room 1C  
Hayward, CA 94541  
510-583-4000

**I. CALL TO ORDER**

Adan Alonzo, First Vice President, called the meeting to order at 7:03 p.m.

**II. ROLL CALL**

Adan Alonzo, Recycling Programs  
Bernie Camara, Recycling Materials Processing Industry  
Peter Maass, ACWMA  
Jim Oddie, ACWMA  
Michael Peltz, Solid Waste Industry Representative  
Tim Rood, ACWMA  
Toni Stein, Environmental Educator  
Sarah Vared, Source Reduction Specialist  
Shelia Young for Jerry Pentin, ACWMA  
Dianne Martinez, ACWMA

**Absent:**

John Moore, Environmental Organization

**Staff Present:**

Tom Padia, Deputy Executive Director  
Wendy Sommer, Executive Director  
Rachel Balsley, Senior Program Manager  
Meghan Starkey, Senior Program Manager  
Farand Kan, Deputy County Counsel  
Arliiss Dunn, Clerk of the Board

**Others Present:**

Marisa Gan, City of Livermore  
Ken Pianin, City of Fremont  
Peter Slote, City of Oakland  
Roberto Munoz, City of Union City  
Arthur Boone

## APPROVED

### III. ANNOUNCEMENTS BY THE PRESIDENT

### IV. CONSENT CALENDAR

1. **Approval of the Draft Minutes of October 12, 2017 (Tom Padia)**
2. **Board Attendance Record (Tom Padia)**
3. **Written Report of Ex Parte Communications (Tom Padia)**

Board member Rood made the motion to approve the Consent Calendar. Board member Maass seconded and the motion carried 9-0.

(Ayes: Alonzo, Camara, Maass, Martinez, Peltz, Rood, Stein, Vared, Young. Nays: None. Abstain: None. Absent: Moore, Oddie).

### IV. OPEN PUBLIC DISCUSSION

There was none.

### VI. REGULAR CALENDAR

1. **Municipal Panel: Franchise Contracts for Waste, Recycling and Organics Services (Meghan Starkey)**

This item is for information only.

Meghan Starkey, Senior Program Manager, provided an overview of the staff report and introduced the panelists: Marisa Gan, City of Livermore; Ken Pianin, City of Fremont; and Peter Slote, City of Oakland. The panelists shared their experiences and insights on the opportunities and challenges of selecting service providers and managing contracts for solid waste, recycling and organics services.

A link to the staff report is available here:

[Municipal-Panel-Franchise-Contracts-Presentation-11-09-17.pdf](#)

An audio link to the presentation and discussion is available here:

[Municipal-Presentation-Audio-11-09-17](#)

President Martinez thanked Ms. Starkey and the panelists for their presentation.

2. **Mandatory Recycling Ordinance Project Update (Rachel Balsley)**

This report is for information only.

Rachel Balsley provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [MRO-Presentation-11-09-17.pdf](#)

Board member Stein inquired about how multi-family properties are characterized within the commercial sector. Ms. Balsley stated that multi-family properties are slightly different as they have the service requirement but they cannot be penalized for residents doing improper sorting. For this reason we have been able to do an administrative review based on service records rather than on-site inspections and the inspectors found that the service being provided matched the service records. Ms. Balsley added the commercial sector is divided by cart customers i.e. those below one cubic yard and those above one cubic yard. Accounts below one cubic yard receive an administrative letter and those above receive inspections. Ms. Balsley stated that we work with Alameda County Environmental Health Food Permit Data to identify high organics generators (HOG). Board member Stein inquired if staff utilizes the NAICS list to identify businesses. Mr. Padia stated no, the Environmental Health permit list is

## APPROVED

more current, reliable and comprehensive as it will contain certain businesses that are otherwise categorized as a software company, etc. but which may have a cafeteria onsite. Board member Stein inquired if accounts that receive citations are publicly available. Ms. Balsley stated that the information could be made public upon a public records request but we have not received such a request. We have had internal conversations regarding publicizing the information, however a business could quickly correct the violation and still have a negative mark against their business. Board member Stein inquired if there are other methods such as peer to peer assistance in helping those businesses that are struggling with compliance. Ms. Balsley stated that staff is working on how to increase awareness of the availability of technical assistance services.

Board member Peltz inquired if contamination is more of a problem in commercial organics or recycling or across the board, and if staff can characterize a business or sector where contamination is prevalent. Ms. Balsley stated that the inspectors are not seeing significant contamination, and there is still not enough prevalence of organics collection to see a lot of contamination in that stream. Staff is embarking on having the inspectors try to characterize business sectors to be able to identify business types. Board member Stein inquired if there is correlation among service providers with respect to violations issues. Ms. Balsley stated no, however with respect to rate structures, it is difficult for smaller businesses to decrease their garbage services in order to make up for the increase in organics and/or recycling services. Board member Vared commented that the cost for enforcement versus technical assistance is about even and inquired if it was purposeful or intentional. Ms. Balsley stated yes it was intentional to have those hard costs be similar. Internal staff costs skew towards enforcement due to the hard costs for technical assistance being more easily outsourced to contractors. Board member Vared inquired as we move forward and continue to look at data as well as analyze the return on investment with respect to enforcement versus technical assistance. Ms. Balsley stated that it is often difficult to assess the motivation for behavior change as the technical assistance follows the violation. Board member Stein inquired about how the ordinance works with the cities and jurisdictions. Ms. Balsley stated that StopWaste is the primary enforcer of the ordinance but there is shared situations for technical assistance. Sometimes the city requires that the hauler has a recycling representative and a certain number of site visits. Board member Stein remarked that staff is doing amazing work.

President Martinez inquired about the \$500 cap for green bins. Ms. Balsley stated that the \$500 cap is for free indoor green bins per approved business location. President Martinez inquired in addition to verifying service for multi-family is there also a consideration for having adequate service. Ms. Balsley stated that we are no longer inspecting multi-family properties unless a resident complains via online form. However, per the ordinance requirements, we can look at the adequacy of service at multi-family properties.

Arthur Boone inquired if state law says that multi-family properties cannot be penalized for improper sorting by residents. Ms. Balsley stated that the language is contained in the ordinance with the inference that property managers cannot control how residents sort their waste. Mr. Boone commented that Dublin opted out of MRO and inquired if Dublin is performing more poorly than other jurisdictions. Ms. Balsley responded no, and they have to provide information on their subscription levels through the adequate commercial recycling requirements. Mr. Padia added their franchise also has a requirement that they have a dedicated outreach person to do outreach to their commercial and multi-family sectors. Mr. Boone inquired about data by community that would show any improvements since 2008. Mr. Padia stated that we are doing a waste characterization study for the first time since 2008 and the final report should be completed by mid-year 2018. Mr. Boone inquired if the service providers are required by the ordinance or franchise agreement to report when they have contaminated loads. Ms. Balsley stated no, they are only required to provide us with data (subscription levels and contact information) on their accounts.

## APPROVED

President Martinez thanked Ms. Balsley for her report.

### **3. Member Agency Conformance with “Adequate Commercial Recycling” Standard and Municipal Eligibility to Receive Measure D Per Capita Allocations (Tom Padia)**

This report is for information only.

Tom Padia provided an overview of the staff report. The report is available here:

[Adequate-Commercial-Recycling-11-09-17.pdf](#)

Roberto Munoz, Union City, commented that Union City initially opted out of Phase II due to rate structuring, however they continued their aggressive outreach efforts to recruit recycling customers and organics participants. Mr. Munoz added although Union City was not initially opted in to the Phase II, the city benefitted greatly by dramatically increasing in the number of commercial accounts and commercial organics customers.

### **VII. OTHER PUBLIC INPUT**

Arthur Boone commented that he had attended a talk and Bob Hilton of HF&F Consultants spoke about cost-of-service studies and rate reviews.

### **VIII. COMMUNICATIONS/MEMBER COMMENTS**

Board member Alonzo announced that Fremont Recycling has a couple of open positions for an On-Site Mechanic, and a Commercial Recyclable Rate Supervisor.

### **IX. ADJOURNMENT**

The meeting adjourned at 8:30 p.m.