

**Planning Committee/
Recycling Board Members**

Darby Hoover, **President**
Environmental Organization

Francisco Zermeno, **1st Vice President**
ACWMA

Laura McKaughan, **2nd Vice President**
Source Reduction Specialist

Bob Carling, ACWMA

Deborah Cox, ACWMA

Eric Havel, Environmental Educator

Dan Kalb, ACWMA

Tianna Nourot, Solid Waste Industry Representative

Dave Sadoff, ACWMA

Recycling Materials Processing Industry, Vacant

Recycling Programs, Vacant

Wendy Sommer, Executive Director

AGENDA

**MEETING OF THE
PLANNING COMMITTEE
AND**

ALAMEDA COUNTY RECYCLING BOARD

Thursday, February 11, 2021

7:00 P.M.

TELECONFERENCE MEETING

Teleconference/Public Participation Information to Mitigate the Spread of COVID-19.

This meeting will be entirely by teleconference. All Board members, staff, and the public will only participate via the Zoom platform using the process described below. The meeting is being conducted in compliance with the Governor's Executive Order N-29-20 suspending certain teleconference rules required by the Ralph M. Brown Act. The purpose of this order is to provide the safest environment for the public, elected officials, and staff while allowing for continued operation of the government and public participation during the COVID-19 pandemic.

Members of the public and staff who are not presenting an item may attend and participate in the meeting by:

1. Calling US: +1 669 900 6833 or +1 253 215 8782 or +1 346 248 7799 or +1 929 205 6099 or +1 301 715 8592 or +1 312 626 6799 and using the webinar id 844 6785 0883
2. Using the [Zoom](#) website or App and entering meeting code 844 6785 0883

Board members and any other individuals scheduled to speak at the meeting will be sent a unique link via email to access the meeting as a panelist. All Board members **MUST** use their unique link to attend the meeting. During the meeting the chair will explain the process for members of the public to be recognized to offer public comment. The process will be described on the StopWaste website at <http://www.stopwaste.org/virtual-meetings> no later than noon, Thursday, February 11, 2021. The public may also comment during the meeting by sending an e-mail to publiccomment@stopwaste.org prior to the close of public comment on the item being addressed. Each e-mail will be read into the record for up to three minutes.

In accordance with the Americans with Disabilities Act and the Governor's Executive Order, if you need assistance to participate in this meeting due to a disability, please contact the Clerk of the Board at (510) 891-6517. Notification 24 hours prior to the meeting will enable the agency to make reasonable arrangements to ensure accessibility to this meeting.

AGENDA

I. CALL TO ORDER

II. ROLL CALL OF ATTENDANCE

III. ANNOUNCEMENTS BY PRESIDENT

IV. OPEN PUBLIC COMMENT

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Board, but not listed on the agenda. Each speaker is limited to three minutes.

Page V. CONSENT CALENDAR

1 1. Approval of the Draft Minutes of January 14, 2021 (Jeff Becerra)

5 2. Board Attendance Record (Jeff Becerra)

7 3. Written Report of Ex Parte Communications (Jeff Becerra)

VI. REGULAR CALENDAR

9 1. Recycling Commission Report Recommendations (Alma Freeman & Michelle Fay)
This item is for information only.

37 2. Revisions to Recycling Board Resolution RB 2014-2 to address accumulated Measure D fund balances (Meri Soll)
Provide direction to staff on policy revisions to Resolution 2014-2.

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

VIII. ADJOURNMENT

DRAFT
MINUTES OF THE REGULAR MEETING OF THE
PLANNING COMMITTEE
AND
ALAMEDA COUNTY RECYCLING BOARD
Thursday, January 14, 2021
4:00 P.M.
TELECONFERENCE MEETING

I. CALL TO ORDER

President Darby Hoover called the meeting to order at 4:00 p.m. Wendy Sommer explained the process that would be utilized during the meeting. A link to the process is available here: [Virtual-Meetings-Instructions](#)

II. ROLL CALL OF ATTENDANCE

Bob Carling, ACWMA
Lillian Carrell, Recycling Materials Processing Industry
Deborah Cox, ACWMA
Eric Havel, Environmental Educator
Darby Hoover, Environmental Organization
Dan Kalb, ACWMA
Laura McKaughan, Source Reduction Specialist
Tianna Nourrot, Solid Waste Industry Representative
Dave Sadoff, ACWMA
Francisco Zermeño, ACWMA
Vacant, Recycling Programs

Staff Present:

Wendy Sommer, Executive Director
Timothy Burroughs, Deputy Director
Pat Cabrera, Administrative Services Director
Jeff Becerra, Communications Manager
Justin Lehrer, Operations Manager
Meri Soll, Senior Program Manager
Jennifer Luong, Finance Manager
Arliss Dunn, Clerk of the Board
Farand Kan, Deputy County Counsel

Others Participating:

Samantha Michel, Badawi & Associates

III. ANNOUNCEMENTS BY THE PRESIDENT

President Hoover thanked the board for her election as President.

IV. OPEN PUBLIC COMMENT

There were no public comments on the remote call and there were no public comments received in the public comment email address.

V. CONSENT CALENDAR

- 1. Approval of the Draft PC & RB Minutes of December 10, 2020 (Jeff Becerra)**
- 2. Board Attendance Record (Jeff Becerra)**
- 3. Written Report of Ex Parte Communications (Jeff Becerra)**

There were no public comments for the consent calendar. Board member Zermeño made the motion to approve the consent calendar. Board member McKaughan seconded and the motion carried 9-0.

The Clerk called the roll:

(Ayes: Carling, Carrell, Cox, Havel, Hoover, Kalb, McKaughan, Sadoff, Zermeño. Nays: None. Abstain: None. Absent: Nourof. Vacant: Recycling Programs)

VI. REGULAR CALENDAR

1. Fiscal Year 2019-20 Audit Report (Pat Cabrera & Jennifer Luong)

Staff recommends that the Recycling Board accept and file the FY 19-20 audit report.

Pat Cabrera provided an overview of the staff report. A link to the report is available here: [FY-19-20-Audit-Report.pdf](#). Samantha Michel, the agency auditor, was present and available to answer any questions. Ms. Cabrera recognized finance staff, Jennifer Luong, Nisha Patel, Soudy Abbasi, and Jenny O'Brien for their hard work.

Board member Kalb inquired if there were any qualifications, discrepancies, or problems identified in the audit. Ms. Cabrera stated that there were none.

There were no public comments for this item. Board member Cox made the motion to accept and file the FY 19-20 audit report. Board member Carling seconded and the motion carried 9-0.

The Clerk called the roll:

(Ayes: Carling, Carrell, Cox, Havel, Hoover, Kalb, McKaughan, Sadoff, Zermeño. Nays: None. Abstain: None. Absent: Nourof. Vacant: Recycling Programs)

2. Recycling Board "Five Year Audit" - Recommendation to Accept Phase I of the Five Year Financial & Compliance Audit Report – FY 2016-17 – FY 2018-19 (Meri Soll)

It is recommended that the Recycling Board accept Phase I of the Five Year Financial and Compliance Audit by Crowe Horwath LLP and approve the recommendations therein, subject to the qualifications enumerated in the staff report.

Meri Soll provided a brief overview of the staff report and introduced Mendi Julien-Darting and Jason Chan, Crowe Horwath LLP. Ms. Julien-Darting and Mr. Chan presented a PowerPoint presentation and were available to answer questions. A link to the report and the presentation is available here: [Five-Year-Audit-Report.pdf](#)

Board member Zermeño asked for clarification regarding administrative costs. Ms. Julien-Darting stated that the administrative costs align with the administrative costs in the agency's audited financials. Board member Zermeño recommended for the sake of transparency that going forward the graphs should outline the breakdown in administrative costs. Board member Havel inquired about the \$8.23 tonnage fee and asked if a deep dive has been conducted to evaluate the effectiveness of programs and if so, can Measure D funding be reallocated to increase funding in those programs, such as grants to non-profit organizations. Ms. Sommer stated that the tonnage fee, set by Measure D, was

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originally set at \$6 per ton. Over time, the fee has increased to \$8.23. Due to the passage Proposition 26, the fee cannot be increased. Measure D also established how the funding is allocated and can only be changed subject to a ballot initiative.

Board member Zermeño inquired if the recommendations were for the current report or are intended to be implemented going forward. Ms. Soll replied that the recommendations are for implementation going forward. Board member Carling inquired with regard to Recommendation MA-1b—*Withhold Funds and Increase Monitoring and Tracking Once a Member Agency's Second Expenditure Plan Extension has been Approved*. Ms. Soll stated that the Recycling Board has the option of withholding funds if the expenditure plan is not approved but there is no mechanism in place for once an expenditure plan has been approved by the Recycling Board. Board member Carling inquired if adding additional controls is under the purview of the Recycling Board. Ms. Soll stated yes, the Recycling Board created the policy that created thresholds and expenditure plans.

There were no public comments on this item. Board member Cox made the motion to approve the staff recommendation. Board member Zermeño seconded and the motion carried 10-0. The Clerk called the roll.

(Ayes: Carling, Carrell, Cox, Havel, Hoover, Kalb, McKaughan, Nouro, Sadoff, Zermeño. Nays: None. Abstain: None. Absent: None. Vacant: Recycling Programs)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Board member Carrell announced that she would be leaving her current position as a Sustainability Specialist with Alameda County Industries and would no longer be able to serve on the Recycling Board. Board member Carrell stated that she enjoyed serving on the Board. Ms. Sommer thanked Board member Carrell for her service and informed the Board that there are currently two vacancies on the Recycling Board, Recycling Programs, and Recycling Materials Processing Industry.

Board member Cox announced that she had received an inquiry about how StopWaste might be able to leverage its influence and assist member agencies in their relationships with their haulers with respect to incorporating measures to address illegal dumping. Ms. Sommer replied that StopWaste does not have a contractual relationship with haulers as franchise agreements are under the purview of the individual jurisdiction. However, the agency participates on a task force focused on recycling markets. The task force includes haulers, processors and city staff, and this issue could be discussed at one of the meetings. Additionally, Jeff Becerra is a member of Supervisor Nate Miley's illegal dumping task force. Mr. Becerra stated that the task force has a three pronged approach to illegal dumping - education, eradication, and enforcement -and the agency has incorporated the education piece into our transfer station tours, and we've also implemented mattress recycling into our one-day drop-off events through the Household Hazardous Waste program. Board member Nouro stated that haulers would be receptive to assisting with illegal dumping, however, there would be additional costs associated in considering such measures. President Hoover stated that this could create an opportunity to increase messaging and outreach at a grassroots level promoting reuse. Board member McKaughan commented that it is incumbent upon us to spread the word and increase education and information on programs such as the mattress recycling program. Board member Havel stated his

appreciation for promoting reuse and stated that he would also like to see StopWaste explore how we may create innovative programs through the grant program to address illegal dumping through the lens of equity.

VIII. ADJOURNMENT

The meeting adjourned at 4:58 p.m.

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2021 - ALAMEDA COUNTY RECYCLING BOARD ATTENDANCE

	J	F	M	A	M	J	J	A	S	O	N	D
REGULAR MEMBERS												
B. Carling	X											
L. Carrell	X											
D. Cox	X											
E. Havel	X											
D. Hoover	X											
D. Kalb	X											
L. McKaughan	X											
T. Nourot	X											
D. Sadoff	X											
F. Zermeño	X											
Recycling Programs												
INTERIM APPOINTEES												

Measure D: Subsection 64.130, F: Recycling Board members shall attend at least three fourths (3/4) of the regular meetings within a given calendar year. At such time, as a member has been absent from more than one fourth (1/4) of the regular meetings in a calendar year, or from two (2) consecutive such meetings, her or his seat on the Recycling Board shall be considered vacant.

X=Attended

A=Absent

I=Absent - Interim Appointed

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DATE: February 11, 2021
TO: Recycling Board
FROM: Jeff Becerra, Communications Manager
SUBJECT: Written Reports of Ex Parte Communications

BACKGROUND

Section 64.130 (Q)(1)(b) of the Alameda County Charter requires that full written disclosure of ex parte communications be entered in the Recycling Board's official record. At the June 19, 1991 meeting of the Recycling Board, the Board approved the recommendation of Legal Counsel that such reports be placed on the consent calendar as a way of entering them into the Board's official record. The Board at that time also requested that staff develop a standard form for the reporting of such communications. A standard form for the reporting of ex parte communications has since been developed and distributed to Board members.

At the December 9, 1999 meeting of the Recycling Board, the Board adopted the following language:

Ex parte communication report forms should be submitted only for ex parte communications that are made after the matter has been put on the Recycling Board's agenda, giving as much public notice as possible.

Per the previously adopted policy, all such reports received will be placed on the consent calendar of the next regularly scheduled Recycling Board meeting.

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DATE: February 11, 2021

TO: Programs and Administration Committee
Planning Committee/Recycling Board

FROM: Alma Freeman and Michelle Fay, Program Managers

SUBJECT: Statewide Recycling Commission Report Recommendations

SUMMARY

CalRecycle's Statewide Commission on Recycling Markets and Curbside Recycling, tasked last year with evaluating the state's current state of recycling and recommending policies to help meet the state's ambitious recycling and organics recovery goals, released its preliminary policy recommendations in December. At the February 11 committee meetings, staff will present an overview of the report recommendations and areas where StopWaste and local jurisdictions could have influence and opportunities for leadership.

DISCUSSION

In the wake of China's National Sword policy and changes in global markets for recyclable materials, in 2019, Governor Newsom signed into law AB 1583, requiring CalRecycle to convene a Statewide Commission on Recycling Markets and Curbside Recycling consisting of representatives of public agencies, private solid waste enterprises, and environmental organizations that have expertise in recycling. AB 2287 required the commission to issue preliminary recommendations on or before January 1, 2021, and to identify products that are recyclable or compostable and regularly collected in curbside recycling programs by July 1, 2021.

The December 2020 report includes 19 preliminary policy recommendations within the following seven priority areas:

- Reduce risk of fire and hazards of discarded materials
- Eliminate some packaging that impedes recycling
- Reconfigure recycling market development efforts
- Implement and improve food recovery efforts and policies
- Establish Right to Repair policy
- Improve recycling
- Improve organics collection

StopWaste efforts

StopWaste has advanced several efforts that are relevant to the priority areas highlighted by the commission, including assisting member agencies to comply with SB 1383 food recovery mandates, identifying and supporting legislative priorities such as Right to Repair and the recently passed AB 793 requiring plastic beverage containers to contain an increasing amount of recycled material, and supporting ratification of the Basel Convention by the Biden Administration. As was discussed at the October board meeting, staff has also provided information to member agencies on the status of recycling certain “tricky materials” within the county and will continue to seek and develop opportunities to reduce consumer confusion.

The agency is continuing to consult with member agencies and the Alameda County Recycling Markets Network, a taskforce made up of private and non-profit recycling entities serving Alameda County, to discuss recycling markets, how to increase recovery and decrease contamination, and strengthen the economics of recycling. At the February 11 committee meetings, staff will share some of the ways the commission’s recommendations intersect with local level work, and highlight potential implications to franchise agreements and recycling in Alameda County.

RECOMMENDATION

This item is for information only.

ATTACHMENTS

Report: [Statewide Commission on Recycling Markets and Curbside Recycling, Policy Recommendations](#)

Article: [“California recycling commission report urges major changes, with many policy implications”](#)

WasteDive.com, January 29, 2021

Statewide Commission on Recycling Markets and Curbside Recycling

Policy Recommendations

Due Jan. 1, 2021, Submitted Dec. 21, 2020

Executive Summary

The Legislature and Governor created California's Statewide Commission on Recycling Markets and Curbside Recycling to provide advice to CalRecycle, the Legislature, and other State or Federal agencies as appropriate regarding the state's ambitious recycling and organics recovery goals from the perspective of professionals working in many aspects of this complicated industry.

In 2019, Governor Newsom signed into law The California Recycling Market Development Act ([AB 1583](#), Eggman, Chapter 690, Statutes of 2019). Public Resources Code Section 42005.5 requires CalRecycle to convene by July 1, 2020, a [Statewide Commission on Recycling Markets and Curbside Recycling](#) consisting of representative of public agencies, private solid waste enterprises, and environmental organizations that have expertise in recycling.

In 2020, Governor Newsom signed into law [AB 2287](#) (Eggman, Chapter 281, Statutes of 2020), which requires the commission to issue preliminary recommendations on or before January 1, 2021, and to issue policy recommendations and identify products that are recyclable or compostable and regularly collected in curbside recycling programs by July 1, 2021. The bill also requires the commission to provide an opportunity for the public to review and provide comment before finalizing a recommendation or identifying a product described above. The bill also authorizes the commission to share the recommendations and identifications with the Legislature or any state or federal agency.

Working by consensus, the proposals that follow are the policy recommendations that we consider most urgent, approved at our last meeting of 2020 on December 18th. We are also tasked with providing a final policy report by July 1, 2021 which is to include the defining of what is recyclable and compostable in a more comprehensive manner.

In this report of preliminary recommendations, the policy proposals focus on actions to:

1. Reduce the risk of fire and other hazards in discarded materials and associated risks to workers and communities,
2. Eliminate some packaging that impedes recycling,
3. Reconfigure recycling market development efforts to improve effectiveness, and
4. Commit to ensure that materials separated for recovery will not be processed in a manner that contradicts the environmental and social intent of recovery efforts.

Some of this work involves reconciling the conflicts between ambitious recovery goals and the realities of markets and permitting processes. The ability to expand in-state organics and recycling infrastructure, capacity and jobs is limited by the time needed to work through regional planning, siting and permitting processes as well as being impacted by economic factors such as the price of energy and the cost of land.

The ability to recover the value of materials separated for composting or recycling depends on removing contaminants resulting in clean organics and recyclables that have markets. We recognize that some of our recommendations - such as ending the exports of plastics in violation of the Basel Convention - will likely result in temporary increases in California's measured disposal. As professionals, we seek to restore the public trust that when items are correctly placed in a recycling or composting bin that those materials are recovered in a legal and responsible manner. This effort includes ending the export of materials that cannot be verified as being recycled, and clarifying what can and cannot be recycled or composted in California. We believe these are essential initial steps if recovery streams are to have markets. We know that end-use markets are essential for recycling and composting systems to work.

We appreciate the opportunity to provide these policy recommendations, and trust that they will prove valuable to the State as we each continue to do our part to improve resource conservation and recovery of discards in ways that are beneficial to the state's economy, all residents, and the environment. We are confident that these policy proposals are ready to enter the policy arena for consideration. We have more proposals being drafted and look forward to finalizing them and providing more context in the final report due July 1, 2021 for the first year of the Commission's work.

Origins

Governor Newsom established the California's Statewide Commission on Recycling Markets and Curbside Recycling by signing the California Recycling Market Development Act (AB 1583, Eggman, Chapter 690, Statutes of 2019) into law. This Act established this appointed commission, comprised of volunteer representatives of public agencies, private solid waste enterprises, and environmental organizations that have expertise in recycling. At the first meeting in June 2020, the commissioners elected officers. The 17 Commissioners are:

Commissioner	Affiliation
Heidi Sanborn, Chair	National Stewardship Action Council
Richard Valle, Vice-Chair	Tri-CED Community Recycling, CEO
John Bouchard	Teamsters 350, Principal Officer
Deborah Cadena	County of Kern, Public Works
John Davis	Mojave Desert and Mountain Recycling Authority
Jan Dell	The Last Beach Cleanup, Founder
Jeff Donlevy	Ming's Recycling, General Manager
Laura Ferrante	Waste Alternatives, Owner
Joseph Kalpakoff	Mid Valley Disposal, CEO
Nick Lapis	Californians Against Waste, Director of Advocacy
Manuel Medrano	City of Chula Vista, Environmental Services Manager
Alex Oseguera	Waste Management, Director of Government Affairs
Eric Potashner	Recology, Senior Director of Strategic Affairs
Ann Schneider	City of Millbrae, Mayor
Coby Skye	Los Angeles County Public Works, Assistant Deputy Director
Sara Toyoda	City of Indio, Environmental Programs Coordinator
Tedd Ward	Del Norte Solid Waste Management Authority, Director

Forward

This Commission has been asked to do what is nearly impossible. Each of us has volunteered to contribute to this effort, but readers should understand the context. Serving without compensation within six months of formation, we have been asked to make recommendations about how California could:

- Build in-state recycling and composting capacity at a pace that is incompatible with the practical realities of permitting processes in California,
- Reach the ambitious and unmet recycling rate of 75% by 2020, considering that CalRecycle reports that the 2019 recycling rate is only 37%, and
- Clarify what is 'recyclable' and 'compostable' though that decision has significant impacts on local programs and businesses with products that either meet or do not meet those definitions.

Though this Commission is advisory, it operates within legal constraints on its communications and process including the Bagley-Keene public meeting laws. Meetings of three or more Commissioners discussing Commission-related topics need to be publicly agendized 10 days in advance of the meeting, and publicly broadcast. Thus, Commissioners needed to be very careful regarding communications outside of public meetings while continuing to work together outside of Commission work as many serve on multiple organizations and regularly work together. Making documents accessible as required of State agencies (AB 454, Section 508) meant timely posting of documents submitted by the public. Those documents worked on by Commissioners were not postable by CalRecycle since most documents do not meet the accessibility standards required by law. Few people reliably draft documents adhering to the minimum font size and color contrast requirements, and we are still learning how to draft documents to that standard as well. To expedite the Commission's work, the Chair established a google document folder through the National Stewardship Action Council (NSAC) on October 19, 2020 and CalRecycle linked from the Commission webpage so all documents could be posted at the pace of the Commission's work.

The intent of creating the Google Drive account was to improve access to these proposals before review by the full Commission. The report is posted and changes are made live and public. Nonetheless, the California Manufacturers & Technology Association made a public records request that all Commissioners provide all records of any communication with anyone about Commission-related topics, with a due date of December 21st, 2020. The broad nature of the request was burdensome to comply with

and took time away from the work of the Commission, but we understand such scrutiny is part of being on a public Commission.

The good news is the tumultuous events of 2020 also created some opportunities. The Covid-19 pandemic demonstrated the practicalities of electronic public meetings, enabling the Commission and its Committees to meet more often with much less travel time, fewer costs they would have to bear on their own, and reduced greenhouse gas (GHG) emissions.

Resolute support from CalRecycle staff made many of these challenges more manageable, such as getting Fair Political Practices Commission (FPPC) approval on Oct. 7th to be exempt from the requirement to file a Form 700 Statement of Economic Interest to the FPPC. CalRecycle was not given staff or funding to support the Commission in the original bill language so they are adding this work to their already full plate. We wanted to make more committees but CalRecycle stated they could not support more than four with hosting the calls, taking the notes, and helping draft the agendas.

During the first few meetings in the summer of 2020, the Recycling Commission adopted a Charter describing internal organization, structure, and governance, adopted a set of Guiding Principles, and reviewed the legal requirements and constraints of public meetings. This report would not have been possible without substantial input from many stakeholders. Details related to the numerous meetings of the Recycling Commission and its Committees are available on the [Cal Recycle Commission webpage](#).

The legislation creating this Commission also assigned us with the following tasks:

1. Recommend policies to help CalRecycle meet the state's policy goals

- i. Not less than 75 percent of solid waste generated be source reduced, recycled, or composted by the year 2020
- ii. The department shall not establish or enforce a diversion rate on a city or county that is greater than the 50 percent diversion rate

2. Recommend policies to help CalRecycle meet the market development goals:

- i. Increase market demand for post-consumer waste materials
- ii. Increase demand for recycled content products
- iii. Promote systems that yield high quality feedstocks

iv. Promote competitive collection and use of secondary waste materials

3. Recommend policies to help CalRecycle meet the methane emission reduction goals to reduce organics disposed in landfills, including:

i. 50 percent reduction in disposed organics from 2014 levels by 2020

ii. 75 percent reduction in disposed organics from 2014 levels by 2025

4. Identify products that are recyclable or compostable, and regularly collected in curbside recycling programs.

5. Provide regular feedback to CalRecycle on public messaging designed to encourage proper recycling and minimize contamination in curbside recycling programs.

From the outset, we knew addressing these complicated issues would take time. After our final meeting December 18, 2020, we will have held 13 full commission meetings of four hours each, and 31 noticed committee meetings and multiple two person meetings to develop ideas to bring to the committees and Commission and write the report. In short, we have volunteered well over 1,200 hours of our time to help our great State of California achieve the statewide goals established for waste reduction and recycling. We have given as much as anyone could have asked of a volunteer Commission and hope that our investment in drafting these policy proposals for consideration is met with the same enthusiasm with which we offer them.

First, Let's Stop the Fires!

Context

In October 2019, a trash truck caught fire in the foothills of the San Bernardino Mountains. When the driver dumped the truck in a vacant lot, winds spread the fire quickly to the surrounding hillsides, soon encompassing 500 acres. [Within minutes the fire had spread to a mobile home community, leading to one death](#) and the [destruction of dozens of homes, burning over 1,000 acres](#). Though the source of the fires is under investigation, this Commission believes that action is required to reduce known sources of fires including Lithium-ion batteries and small propane containers.

Additionally, the [South Bayside Waste Management Authority \(SBWMA\) had a 4-alarm fire](#) at their Recycling Processing Center which processes 80,000 tons per year (tpy) in San Carlos, California. SBWMA believes the fire was directly caused by an almost expired Lithium-Ion battery. This incident resulted in over \$8.5M in damages. This vital facility was closed for four months, 50+ employees were furloughed, and the building was not fully operational for a year. SBWMA was extremely fortunate that no facility workers or any of the 100 firefighters were injured in this incident. SBWMA and others may not be so fortunate in future incidents.

Additional threats to the SBWMA solid waste program from this incident include a dramatic, five-fold increase in property insurance premiums; a rapidly shrinking pool of insurers willing to write coverage for recycling facilities; and the real possibility of having to self-insure their facilities in the future. SBWMA believes that self-insurance may not be financially feasible.

These are not isolated or rare events and issues. The 2019 Annual Waste & Recycling Facility Fire Report[1] summarizes “the waste and recycling industry has experienced 348 reported facility fires in the U.S. and Canada. Additionally, we incurred 52 reported injuries and five deaths that can be either directly or indirectly attributed to these fire incidents. Based on reasonable assumptions, we can extrapolate that 1,800-plus facility fires have occurred during that time, which, based on the number of facilities reported by the Environmental Research & Education Foundation (EREF), is more than 40 percent of the industry.” This does not include facility fires that are not reported in the media.

In summary, the disposal of Lithium-Ion batteries in the trash and recycling whether separate or contained within products represents a clear and present safety danger to our industry's frontline workers, as well as an existential threat to the recycling industry's

ability to secure proper insurance coverage for these valuable facilities. No insurance means no facilities, no jobs and no programs resulting in failure to meet our goals.

The Commission believes there is an urgent need for legislation that will swiftly eliminate known explosive and flammable hazards from all discard streams. We all agree that safe collection and processing depends on managing discards that do not ignite or explode, yet the number and diversity of products posing such hazards is increasing rapidly.

Swift legislative action is needed to clearly extend producer responsibilities for end-of-life management for products that are hazardous or have been implicated in causing fires. These first two proposals recommend systematically reducing known fire hazards in discarded materials. Further, we recommend that CalRecycle be authorized to select HHW products for extending producer responsibilities beyond the sale through end-of-life management, a policy approach known as Extended Producer Responsibility (EPR).

[1. Extending Producer Responsibilities Framework for Household Hazardous Waste \(HHW\)](#)

[2. Transition from Single-Use Propane to Refillable](#)

Second, Keep it Clean and Green

Context

In addition to establishing systems to reduce fire hazards in discards, the Commission believes definitive action is required to systematically remove chemical contaminants and products that have proven to be problems for the state's recovery infrastructure and personnel. To compost and recycle correctly, we need to establish systems that continually keep those recovery streams clean and marketable.

Minimizing the amount of contamination in recyclables and organic materials is essential for the successful implementation of diversion programs. Recovery streams can be contaminated in two ways:

- i. Placement of incompatible materials that do not meet specifications for recyclables or organic materials established through state, county and local policies.

- ii. Including materials into recycling programs that do not meet recyclability or compostability requirements.

The Commission recommends that state, county and local jurisdictions include the following elements in their waste management plans to minimize contamination:

- i. Only include verifiably recyclable or compostable materials in recovery collection programs.
- ii. Design processes to identify contamination in recycling streams at the point of collection.
- iii. Establish and implement an effective method to notifying customers regarding the discovery of contamination.
- iv. Provide educational materials for proper usage, and methods to encourage proper sorting for non-contaminated recycling and composting streams.
- v. Establish and implement corrective action policies for repeated incidents of contamination.
- vi. Develop a method to eliminate materials from recycling programs if they do not meet recyclability or compostability standards to be set by the state.
- vii. Hold producers responsible for their role in creating products that have an end-of-life management plan.

A number of the policy recommendations by the Commission aim to properly identify materials and products that meet a real-world standard for being listed as recyclable and/or compostable. By doing so, a portion of the waste stream that cannot meet those standards will be counted as an increase in disposal for California's communities. The Commission recognizes that this policy direction may have significant impacts to the ability of local jurisdictions to meet AB 939 waste diversion mandates, and may have ramifications to the contractual relationship between jurisdictions and service providers. The Commission recommends that CalRecycle develop and provide additional tools to local jurisdictions and service providers to be utilized in franchise/contract negotiations.

The proposals that follow will help reduce contaminating materials and products in our recovery programs.

3. Precautionary Principle

4. Problem Products - Incentives and Disincentives

Getting There from Here: Not less than 75% of Solid Waste Generated be Source Reduced, Recycled, or Composted

Context

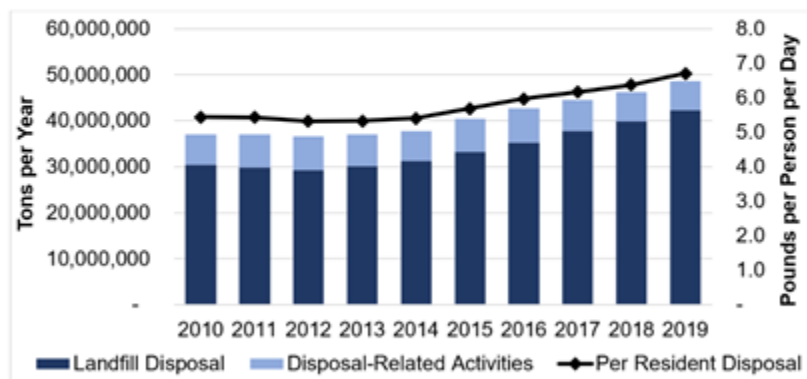
In 2012, the California Legislature declared under AB 341 (Chesbro) that it is the policy goal of the state that not less than 75% of solid waste generated be source reduced, recycled, or composted by the year 2020, and annually thereafter. The graphs that follow demonstrate that while [California's communities have made great strides in recycling in some respects over the years](#), a 75% recovery rate will not be achieved in 2020. In fact, CalRecycle projects California's recovery rate in 2020 to be about half of that, closer to 37%.

The Commission presents this report as our best consensus advice regarding what California should do in the coming months to bring California closer to this ambitious goal.

The following charts demonstrate the challenging trends: since 2013 disposal has been increasing, and the recycling rate (which includes source reduction and composting) is decreasing.

Disposal & Disposal-Related Activities

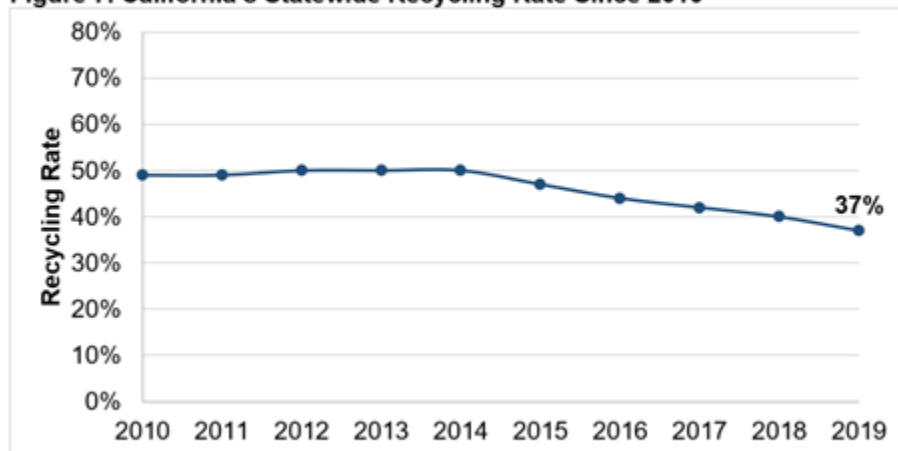
Figure 2. California's Statewide Per Resident and Total Disposal from 2010 to 2019



Source: CalRecycle Public Meeting, December 15th, 2020

Statewide Recycling Rate

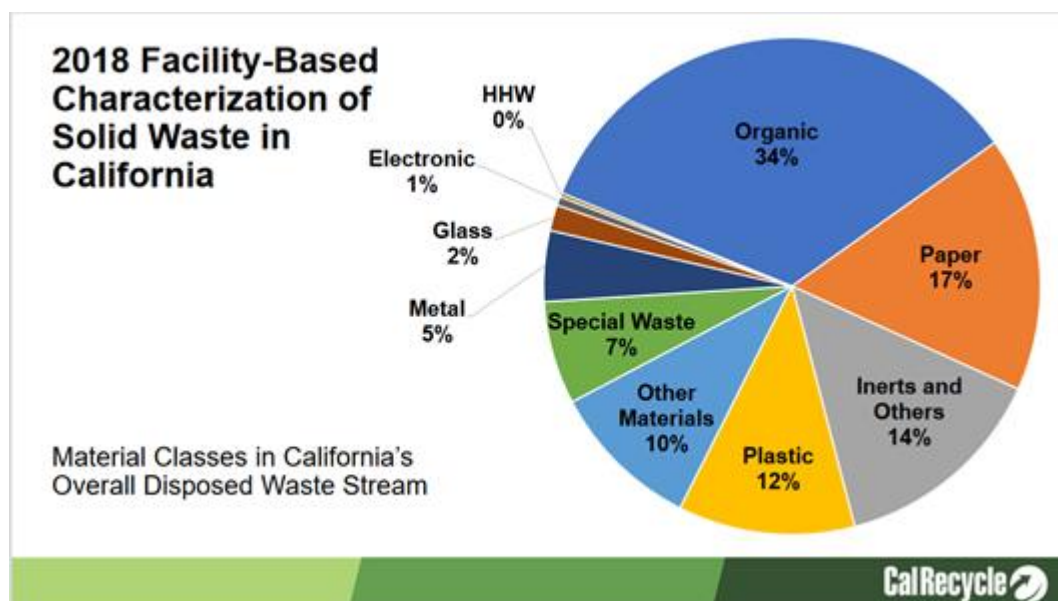
Figure 7. California's Statewide Recycling Rate Since 2010



CalRecycle

Source: CalRecycle Public Meeting, December 15th, 2020

The chart that follows shows that a significant portion of those materials being disposed are organic, which during decomposition generate methane, a potent greenhouse gas.



CalRecycle

Source: 2018 Facility-Based Waste Characterization of Solid Waste in California

How did we get here? Under the California Integrated Waste Management Act of 1989 (AB939), cities and counties were made responsible for supporting recycling and composting programs that would cut the amount of material disposed in half. Most governments partnered with collection and processing companies and met that goal by expanding residential recycling and yard debris collections. Cities and counties formed joint powers authorities or created new departments or hired contractors to increase recycling and organics recovery. Such community efforts across California dramatically expanded the tonnage of material collected and processed for recycling or composting. While these programs initially reduced disposal tonnages, over time disposal has continued to increase. Neither local nor state funding has been available to sustain recovery programs during even moderate economic hardship.

California's materials recovery and processing infrastructure has been developed in response to legislation, and each new evolution builds on the infrastructure in place at that time. Prior to the Bottle Bill (AB2020, 1986), recycling was initiated by community-based non-profits which often recycled only a few materials, or which combined reuse and recycling operations. When the Bottle Bill was established - in part to reduce roadside litter associated with beverage containers – those nonprofits were often associated with those first buy-back programs.

California has deposits for beverage containers, and funds collected with the purchase of motor oil, some electronic devices, and tires all provide ongoing funding for recovery of those materials respectively.

When AB 939 made local governments responsible for source reduction and recycling programs, local governments and collections contractors increasingly became the community recyclers and household hazardous waste program providers. Multi-material buy-back centers have been gradually replaced by more widespread California Redemption Value (CRV)-focused redemption centers. Currently, curbside collection programs are commonplace and conversely, due to several factors including funding support, the number of bottle-bill buyback centers has fallen by over a third since 2013 - leaving many communities with buy-back deserts at a time when the public needs their deposits back more than ever.

California has required EPR or product stewardship programs for specific products, including paints and stains and architectural coatings, carpet, mercury thermostats, mattresses, sharps and pharmaceuticals. Each program is administered by a different stewardship organization overseen by CalRecycle, under rules defined by the enabling legislation.

California has made efforts to increase demand for recycled products through the State Agencies Buy Recycled Campaign (SABRC) and the Recycled Content Product

Manufacturer's Directory. State procurement guidelines create a natural starting point for determining what is recyclable and compostable and are emulated by local governments in their buy recycled and compost procurement programs and can drive markets if the State votes with their dollars for the products that align with the states goals such as those with high post-consumer content, no toxics, have a producer funded and operated take-back program, etc..

Investing in the State's recycling system will stimulate the economy and provide good green jobs; however, funding is needed to make this happen. The State is facing a recycling crisis, with high rates of contamination of collected recycled materials. This was brought to light following China's aggressive new standards that prohibited the importation of mixed bales of recyclables and set new more stringent contamination limits. In response to these new limits, recycling facilities were pressed to expend more effort to recover a lower volume of clean material that ultimately has a lower commodity value. As a result, recycling operations are struggling to remain viable and more material is being landfilled instead of recycled. This is directly related to the closure of nearly 1,000 recycling centers in California since 2013.

Reducing Short-lived Climate Pollutants (SLCP) is a priority for the State, which led to the establishment of aggressive targets to reduce organic waste disposal and methane emissions generated by organic waste in landfills. However, California lacks enough infrastructure to meet those targets. CalRecycle estimates that the total cost to implement the statewide organic waste regulations established pursuant to SB 1383 [is nearly \\$40 billion over the next decade, including a capital investment of nearly \\$4 billion to develop infrastructure.](#)

Developing local infrastructure and domestic markets for recycled materials benefits the environment and the State's economy and is critical due to the loss of access to foreign markets. Successfully achieving California's ambitious recycling and climate change goals requires partnerships and commitments from the state, local governments, the waste and recycling industry, and recycling and organic waste project developers. Expanding producer responsibility and investments, as well as state support for recovery programs are all needed to create green jobs and a working recovery system.

The Legislative Analyst's Office has consistently reported, most recently in 2016, that funding for recycling and organic waste management is the most cost-effective method for reducing GHG emissions – as low as \$4 per ton of GHG emissions – while having the co-benefits of reducing other air pollutants and short lived climate pollutants, creating green jobs, and bringing other improvements. Despite these findings, funding has remained a complicated and elusive matter. The State has only provided \$140 million in grants and loans to develop organics infrastructure. Billions of dollars are needed to place

the state on a trajectory to meet its aggressive - but critically needed - climate, environmental, quality of life, and health and safety goals.

Recycling should be prioritized to stimulate the economy, create green jobs and provide cost-effective GHG emission-reduction strategies.

Other Proposals

Due to time constraints, the Commission could not complete three policies we thought were of high priority which will be taken up in early January at the Recycling Committee meeting, those being 1) prioritizing refillable bottles in the bottle bill program, 2) label system for products and post-consumer management, and 3) PET thermoforms being collected for recycling which requires changes to the bottle bill CRV payment system.

The Commission received several comments suggesting we explore “chemical recycling technologies.” [CalRecycle staff presented to the Commission on November 4, 2020](#) on conversion technologies and what is considered recycling under the law and informed the Commission that “chemical recycling” has no current definition in the law. The Commission agreed after January 1st 2021 to evaluate specific “chemical recycling technologies” that met the three-part test demonstrating that such operations would qualify as recycling facilities. Under 14 CCR 17402.5, recycling facilities only receive material that has been separated for reuse prior to receipt, that the residual amount of solid waste in the separated for reuse material shall be less than 10% of the amount of separated for reuse material received by weight, and the amount of putrescible wastes in the separated for reuse material shall be less than 1%.

The Commission’s remaining recommendations are presented in sections by the committee that proposed them.

Market Development Recommendations

Context

SB 1066 was enacted in 1997, finding and declaring that:

- Market development is the key to increased, cost-effective recycling. Market development includes activities that strengthen demand by manufacturers and end-use consumers for recyclable materials collected by municipalities, nonprofit organizations, and private entities.

- Developing markets for recyclable materials creates opportunities that will reindustrialize California.

The need to develop those markets is magnified by unpredictable export conditions that disrupted materials flows for California recyclers.

Recycling market development is the interface between private investment and public incentives. State and local initiatives create ongoing supplies of materials for recycling and organics processing, which yields commodity feedstocks for manufacturing and land application. Investment risk reflects the degree to which material supplies are sustained or increased; likely demand for recovered feedstocks; costs to permit, construct and operate compared to alternative locations.

SB 1066 called for a demand-focused comprehensive market development plan, addressing four goals.

The Commission is charged with issuing policy recommendations to achieve the market development goals of Public Resources Code 42005(b). The four market development goals are addressed in the following recommendations.

5. State Agency Buy Recycled Campaign

6. Recycling Market Development Zone Loan Program

7. Consolidated Permit Process Utilization and Enhancement

8. Governor's Office of Business and Economic Development (GO-Biz) Enhanced Role

9. CalRecycle Market Development Focus

10. Controls on Plastic Waste Exports

Regarding the carpet proposal that follows, the Commission understands that CARE has the ability to limit subsidies paid to out of state processors and manufacturers.

CARE may also choose to offer extra incentives to keep materials in state. CARE should structure its incentives to assure that California post-consumer carpet is meeting the needs of California processors. The Commission recommends that CalRecycle, CARE, and the Carpet Stewardship Advisory Committee and other interested parties review and consider those comments in their deliberations. CalRecycle should consider how carpet can be recovered through construction and demolition recovery programs, and how carpet recovery is addressed under the Mandatory Commercial Recycling programs.

11. Carpet Stewardship and Flooring

Waste Prevention

Context

There is no question the bulk of municipal and state integrated waste management resources have been focused on managing discards for recycling, composting or disposal and HHW programs to maximize collection and document diversion of such materials from disposal. Waste prevention programs are rare in part due to challenges in measuring what does not happen and lack of program funding. The tools of discard managers - planning, permitting, facilities, collections, and contractors - are well suited to collecting and managing discarded materials, and those services are relied upon in part to protect public health. Those same discard management tools are less effective for supporting most waste-prevention businesses and activities. Waste prevention is also less frequently pursued in part due to the vast diversity of activities and systems that have waste prevention aspects.

Though waste prevention is the top priority by law and for this Commission, we have been asked to provide specific recommendations on how to improve our discard management system, but not so much about how waste could be prevented. The ambitious goals to manage 75% of organics without landfilling does, however, have some specific organics waste prevention aspects.

Food Waste Prevention

Food waste can occur at any point in the supply chain, from the field to processing, transport, purchase, storage, and rescue. In the case of food and organic materials, waste prevention activities can range from smart shopping reducing over-purchase of foodstuffs, to in-home storage and preparation, gleaning networks that harvest usable produce from orchards and fields, community events, residential and community gardens, to support organizations and facilities to store and redistribute that produce.

Although such programs include collection, storage and processing food materials - for food rescue programs the vehicles, infrastructure and professional networks to operate such programs are entirely unrelated to solid waste, recycling, or composting vehicles and infrastructure. While SB 1383 is driving a statewide interest in expanding food rescue, for the groups and people implementing such programs the value of delivering healthy food to families is undoubtedly a more tangible motivation than the associated reduction in food waste.

Another strategy to reduce food waste generation at the source is to provide outreach and education about methods to reduce food waste, as well as food preservation methods like soups, canning, and pickling. [CalRecycle has assembled a variety of outreach tools](#) to help promote activities that reduce food wastes in many sectors of the economy. The United Kingdom's successful 'Love Food, Hate Waste' program is worthy of study and emulation.

Furthermore, California is a part of the [Pacific Coast Collaborative \(PCC\)](#), committed to supporting businesses that are implementing measures to reduce and prevent wasted food in the region by 50% by the year 2030 as part of the [West Coast Voluntary Agreement to Reduce Wasted Food](#) – a regional public-private partnership of local jurisdictions focused on carbon reduction.

Food Rescue

Food rescue can take place at the front-end of food production, or after food has been prepared. Front-end rescue includes coordinated gleaning at orchards and in backyards, at food processing facilities and dairies, and from grocery stores and bakeries to service groups that prepare, cook and serve food at community functions.

Food rescue programs may also collect finished food items or produce from restaurants, commercial kitchens or bakeries and redistribute those in a tiered fashion. Food rescue hierarchies prioritize diverting food for people, then for animal feed, and only after such composting or other recovery activities.

CalRecycle's [Food Rescue Grants](#) helped start or expand food rescue in several communities, but securing future operational funding is currently a challenge in many communities, though these programs are meeting essential community needs during the COVID-19 pandemic.

12. Food Recovery Policies

On-Site and Community Composting

On-site composting, community composting, or backyard composting outreach programs are among the most common waste prevention programs widely implemented in California. If widely implemented, on-site composting can significantly reduce the amount of organic materials to be collected and processed. Furthermore, the potential for promoting community-wide carbon farming strategies may expand applications of finished compost made in backyards as well as by cities.

CalRecycle has a page describing the basics of home composting at <https://www.calrecycle.ca.gov/organics/homecompost>, and community composting at <https://www.calrecycle.ca.gov/organics/compostmulch/community> but more significant efforts are needed to coordinate the promotion of these activities statewide.

California's decision to reduce methane emissions by managing most food and organics outside of landfills has renewed interest in ways to expand and document the benefits of food waste prevention, food rescue, facilitating the movement of organic materials to animal feed or rendering, backyard composting and carbon farming. As waste prevention strategies, recovery professionals are once again challenged to support these programs as top priorities. Again we note that the solid waste reduction benefits of these practices are minor or incidental to the practitioners, unless such reporting is required.

For California to reach its 75% recovery goal, waste prevention approaches should be expanded to support sustainable and energy-efficient circulation of non-organic products and materials through the economy. The following recommendations could be some initial steps to move waste prevention back from the bottom of the list to the top of the hierarchy.

Waste Prevention Actions Keep Materials in Circulation

Waste prevention can include any appropriate mechanism of managing or reducing discards that does not involve municipal collection or management. Garage sales and even some want ads all help keep useful products in circulation and thereby reduce waste. Many forms of mulching, grass-cycling and other methods to strategically allow materials to decompose safely in place, preventing that organic waste from needing collection. Waste prevention outreach often includes promotion of two-sided copying, reusable dishware. The challenges and the questionable value of municipal monitoring of such dispersed non-municipal activities are self-evident.

To meet the state's 75% recovery goals, the management of most discard materials must be transitioned away from our current levels of reliance on disposal. As waste

prevention is the top strategy for addressing discard materials, then it is incumbent upon us to also examine potential waste prevention strategies for non-organic materials.

[13. Right to Repair Proposal](#)

Recommendations to Improve Recycling

The Commission used the data in the spreadsheet on the google documents titled "[California Recyclability Screening Survey](#)" to determine what is recyclable. We encourage all stakeholders to review the data and inform us of information that may be missing or incorrect as it is the basis for the recommendations.

The Commission wants to emphasize that the closure of buyback centers and the lack of convenient redemption recycling opportunities is an ongoing existential crisis for those centers, requiring the urgent attention of the Administration and Legislature. Allowing the closure of more recycling centers is incompatible with efforts to expand recycling opportunities. **California consumers are being charged redemption fees yet being denied hundreds of millions of dollars in redemption value refunds at a time when they need those funds most to pay for basic necessities like food.**

[14. Beverage Container Recycling, Changes to the Bottle Bill and Support CalRecycle AB 54 Report](#)

[15. What is Recyclable?](#)

[16. Design for Recyclability: Plastic Container Labels and Shrink Sleeves](#)

[17. Design for Recyclability: Beverage Containers](#)

[18. Label Restriction to Stop Plastic Bag/Film Contamination in Curbside Recycling](#)

Recommendations to Improve Organics Management

[19. Compostable Products Certification and Approval for Composting or Anaerobic Digestion](#)

List of 19 Policies in the Order Discussed in the Report

1. [Extended Producer Responsibility for Household Hazardous Hazardous Wastes](#)
2. [Small Propane Cylinders](#)
3. [Precautionary Principle](#)
4. [Problem Products - Incentives and Disincentives](#)
5. [State Agency Buy Recycled Campaign](#)
6. [Recycling Market Development Zone Enhancements](#)
7. [Consolidated Permit Process Utilization and Enhancement](#)
8. [Governor's Office of Business and Economic Development \(GO-Biz\) Enhanced Role](#)
9. [CalRecycle Market Development Focus](#)
10. [Controls on Plastic Waste Exports](#)
11. [Carpet Stewardship and Flooring](#)
12. [Food Recovery Policies](#)
13. [Right to Repair](#)
14. [Beverage Container Recycling, Changes to the Bottle Bill and Support Cal Recycle AB 54 Report](#)
15. [What Is Recyclable?](#)
16. [Design for Recyclability: Plastic Container Labels and Shrink Sleeves](#)
17. [Design for Recyclability: Beverage Containers](#)
18. [Label Restriction to Stop Plastic Bag/Film Contamination in Curbside Recycling](#)
19. [Compostable Products Certification and Approval for Composting or Anaerobic Digestion](#)

[1] <https://www.waste360.com/safety/december-2019-fire-report-waste-fires-13>

California recycling commission report urges major changes, with many policy implications

To get California back on track toward its environmental goals, a commission of industry experts recently recommended 19 actions around infrastructure, contamination, producer responsibility and more.

By Megan Quinn

Published Jan. 29, 2021

A recent report from California's state recycling commission aims to provide a roadmap for bolstering the state's recycling system and reversing its declining recycling rates.

The Statewide Commission on Recycling Markets and Curbside Recycling's report offers 19 policy recommendations meant to help California get back on track with achieving recycling and diversion goals while addressing market development and infrastructure issues. California was not able to achieve its goal to recycle, compost or reduce solid waste by 75% by 2020. California reached a 37% recovery rate in 2019, down from a 40% rate the previous year, according to the commissioners' report.

The state faces recycling hurdles such as contamination in the recycling stream, a lack of markets for certain material, public confusion over what items can and cannot be recycled in the current systems, and gaps in recycling infrastructure that are costly to fix, said Richard Valle, the commission's vice chair and CEO of Tri-CED Community Recycling. Individual cities and counties are

already working on improving these issues, but “there has to be a system-wide approach to recycling, a statewide approach to recycling. We will never achieve real diversion or impact on the environment (without) a uniform voice.”

The California state legislature mandated state agency CalRecycle to appoint the commission as part of the California Recycling Market Development Act signed into law by Governor Gavin Newsom in 2019. That year's legislative session included several other notable recycling bills, including ones meant to improve market development and commercial recycling access, but its biggest bill, the major extended producer responsibility (EPR) packaging effort SB 54, failed to pass.

Updating the system

The 17-member commission includes representatives from large and small city governments, members of environmental advocacy groups and recycling and waste management businesses such as Recology and Waste Management.

The commission's report acknowledges that fixing California's recycling system is a complex, complicated and sometimes messy process that can take time to implement, but there is a sense of urgency around helping lawmakers and decision-makers implement changes that will benefit the environment, Valle said. “California is serious about doing something innovative and different. We won't be afraid of the truth and the reality that the old system is no longer working.”

Key recommendations from the wide-ranging report call for addressing fires caused by batteries, enacting EPR for hazardous materials, and finding ways to disincentivize or ban the sale of items that cannot be recycled or safely composted.

“If items don’t meet the definition of recyclable or compostable, they shouldn’t be sold, or they should have a further review process,” said Heidi Sanborn, the commission’s chair and the executive director of the National Stewardship Action Council.

The commission is working on an additional piece of the report, which will include more comprehensive definitions of what it considers "recyclable and compostable," which it expects to publish by July 1.

The report also recommends strategies for developing better market pull for recycled materials, such as improving California’s State Agency Buy Recycled campaign, refreshing the state market development loan program, and encouraging the use of recycled materials in infrastructure such as rubberized asphalt roads. It also recommends streamlining the state permitting process so large projects have a better chance of being completed, Sanborn added.

One of the report’s major focuses is how to address hazardous items, including lithium-ion batteries. “Batteries are a problem not just because of the heavy metals and chemicals they contain, but if they are compacted by machinery or trash, they can start fires” in recycling facilities and in collection trucks, said Coby Skye, a commissioner and an assistant deputy director for Los Angeles County Public Works.

Batteries also represent another key complication with California’s recycling system: Batteries are more frequently showing up in the waste stream because they are integrated into more and more products. The commission calls for enacting EPR initiatives for batteries and other hazardous items to limit this trend. California already has EPR or product stewardship programs for products such as paints, mattresses, mercury thermostats and pharmaceuticals, Sanborn said.

The report additionally discusses ways to curb the disposal of organics through food waste prevention education, implementing more on-site composting operations and expanding funding for food recovery programs. California is in the process of implementing SB 1383, which establishes a goal to reduce organic waste going to landfills 75% by 2025.

Commissioners also call for more accurate product labeling. Recycling labels can be misleading or incorrect, leading to more contamination in the recycling stream, Skye said. Products might have the word “recyclable” or feature the “chasing arrows” symbol but cannot go in most curbside recycling bins. Plastic bags and batteries are two examples of items that can go to designated take-back facilities or locations, but often end up in the recycling streams instead.

“People think batteries are recyclable, and they definitely are, but people don’t always know the right way to recycle them,” he said.

Influencing policy

Commissioners also examined ways California can limit its export of plastics to other countries in part to prevent illegal dumping and the export of low-grade plastics to countries that may not have the infrastructure to process it, said Skye.

The report calls for local and national leadership to support ratification of the Basel Convention, an international agreement that makes sure certain types of waste are managed, moved and disposed of in an environmentally responsible way. The United States signed but never ratified the Basel Convention, making it one of few countries in the world that is not a party to the agreement.

A 2019 amendment to the Basel Convention added some types of mixed and contaminated plastic shipments to its control procedure as a move to curb plastic pollution. As of Jan. 1, countries cannot trade these materials without a special arrangement. Several U.S. recyclers previously announced they would no longer export these lower-grade plastics.

Recology, which supports calls for the United States to join the Basel Convention, most recently said it will no longer export mixed rigid plastics and mixed #3-7 plastics, according to a statement from Eric Potashner, the company's vice president and senior director of strategic affairs.

Sanborn said the state has already responded to the commission's Basel Convention recommendation. In January, California Assembly member Cristina Garcia and 10 co-sponsors urged President Biden to join the Basel Convention in his first 100 days. "This is an exciting development" that shows legislators are getting on the same page with some of the commission's recommendations, Sanborn said.

The Basel Convention issue is one example of how the commission sees the report not just as a set of recommendations for California's lawmakers, but other state or federal decision-makers, she said. Although the report references specific state programs, California is not alone in its market, infrastructure and material flow concerns. "This could have national implications," said Sanborn.

Some of the recommendations in the commission's report will require state legislative action, such as steps to sort out the "thorny" issues related to the state's container recycling program, or bottle bill, Skye said. The bottle bill has been mired in problems such as major closures of beverage container redemption centers,

recycling market challenges and arguments over its funding structure.

“It’s tough, because the bottle bill has pieces that dedicate funding to recyclers, local governments, waste haulers – so everyone has a stake, and everyone is afraid that if we overhaul it, their piece might go away,” he said.

Skye anticipates some of the report’s other recommendations might show up in state legislation introduced this year, but said it was too early in the session to name specific bills where proposed recycling solutions could appear.

Despite the pandemic, California’s 2020 legislative session also included significant recycling-related movement. Last year, it became the first in the nation to enact a recycled content requirement for plastic beverage containers. And while the packaging EPR bill failed for the second year in a row, Sanborn said it may not be done forever.

“There’s no telling what will happen in the EPR space,” she said.

Recommended Reading:



California legislature wraps 2019 session with unprecedented recycling action [↗](#)



DATE: February 11, 2021

TO: Recycling Board

FROM: Meri Soll, Senior Program Manager

SUBJECT: Revisions to Recycling Board Resolution RB 2014-2 to address accumulated Measure D fund balances

SUMMARY

At the January 2021 Recycling Board meeting, the Board accepted the Five Year Financial & Compliance Audit Report for FY 2016/17 – FY 2018/19. One of the audit’s recommendations was to consider further revising Resolution 2014-2, the policy addressing accumulated fund balances of Measure D allocations. Staff has reviewed this recommendation and drafted options for the Board to discuss and provide direction regarding next steps for policy revision.

BACKGROUND

The purpose of the policy on accumulated fund balances is to ensure that Recycling Fund monies are used consistently to continue and expand waste reduction programs. Per [current policy](#), at the end of a fiscal year, if a member agency has an unspent fund balance that exceeds the allowable threshold (\$8 x jurisdiction population)¹ they must submit, and the Recycling Board must approve, an expenditure plan in order to be eligible to continue to receive Measure D per capita monies. The expenditure plan explains how the accumulated funds will be spent down below the allowable threshold. The current policy does not include limits on the number of times a member agency may submit an expenditure plan nor contain controls to ensure member agencies implement submitted plans.

Five jurisdictions have reported accumulated fund balances exceeding the allowable threshold since the policy took effect in 2014, three in the last two fiscal years. The more recent expenditure plan submittals have shown that the current policy lacks adequate monitoring and tracking components to help ensure timely implementation of member agency expenditure plans. In addition, the Board has expressed a desire to develop standard policies and procedures for the distribution of Measure D monies when the allowable threshold has been exceeded. In response to audit recommendations relating to revision of Resolution 2014-2, including an increase in monitoring and tracking of expenditure plans, staff has developed the options below for discussion.

¹ Current Chart of Allocations, updated 8.2020

ACCUMULATED FUND BALANCE POLICY CONCEPTS FOR CONSIDERATION			
<i>Expenditure Plan Criteria</i>	<i>Balance Above Allowable Threshold After Three (3) Years</i>		<i>Resume Quarterly Payments</i>
	OPTION A	OPTION B	
<ul style="list-style-type: none"> • Submit up to 2 consecutive expenditure plans for Board approval • 3 year maximum time frame to reduce fund balance below allowable threshold per plan (i.e., one 2-year expenditure plan and one 1-year expenditure plan extension) • Submit quarterly reports to staff • Yearly update to Recycling Board 	<p>Municipality is no longer eligible to receive further quarterly Measure D disbursements.</p> <p>Forfeited quarterly disbursement monies shall be distributed to the remaining eligible municipalities on a per capita basis.</p>	<p>Municipality is no longer eligible to receive further quarterly Measure D disbursements.</p> <p>Forfeited quarterly disbursement monies AND funds above allowable threshold held in Measure D account shall be distributed to the remaining eligible municipalities on a per capita basis.</p>	When municipality's Measure D fund balance is 25% below allowable threshold.
<i>Continue with Current Policy</i>			
<ul style="list-style-type: none"> • Board approved plan • Quarterly reports 	N/A	N/A	

At the February 11 meeting, staff will review the options and share feedback from discussion of the policy choices at the February 4 Technical Advisory Committee meeting.

RECOMMENDATION

Provide direction to staff on policy revisions to Resolution 2014-2.

Attachment: [Resolution 2014-2](#)

ALAMEDA COUNTY SOURCE REDUCTION AND RECYCLING BOARD

RESOLUTION #RB 2014-2

MOVED: Wozniak

SECONDED: Sherman

AT THE MEETING HELD NOVEMBER 13, 2014

**REVISION OF RECYCLING BOARD RESOLUTION #RB 2006-12 REGARDING FUND BALANCES OF
RECYCLING FUND PER CAPITA ALLOCATIONS**

WHEREAS, the Alameda County Charter Section 64 (the Alameda County Waste Reduction and Recycling Act of 1990, hereinafter the "Act") states that "The Recycling Board shall formulate rules for its own procedures and other rules as necessary to facilitate the implementation of the provisions of this Act," (Subsection 64.130(J)); and

WHEREAS, the Act states that fifty percent of the monies from the Recycling Fund shall be disbursed on a per capita basis to municipalities for the continuation and expansion of municipal recycling programs (Subsection 64.060 (B)(1)); and

WHEREAS, on November 9, 2006 the Recycling Board adopted Resolution #RB 2006-12, including the following:

Rule 2: Any municipality receiving per capita disbursements of Recycling Fund monies under the Alameda County Waste Reduction and Recycling Act, Section 64.060, shall present to the Board for its approval a written expenditure plan if, at the end of any fiscal year, that municipality has an unspent balance of such monies that exceeds the sum of the municipality's last eight quarterly Recycling Fund per capita disbursements.

If the municipality fails to provide that written plan or the Board does not approve that plan, the municipality shall be ineligible to receive further disbursements per Section 64.060. The municipality shall not be eligible for further disbursements until the required plan is submitted and approved by the Board and all such forfeited monies shall be disbursed to the remaining eligible municipalities on a per capita basis.

In evaluating a municipality's proposed expenditure plan, the Board shall consider the following:

- The proposed specific use(s) of the remaining balance and future disbursements.
- The proposed length of time, or schedule over which disbursed funds or fund balances would be used.
- The scope or amount of funds proposed to be expended over the term of the plan.
- The extent to which the plan is designed to meet or promote the provisions, goals or policies of the Act including but not limited to timely expenditure of the funds "for the continuation and expansion of municipal recycling programs."
- Any other objective and reasonable factors that may be presented by the municipality to support its contention that its proposed plan meets or promotes the provisions, goals or policies of the Act.

These proposed rules shall take effect July 1, 2007. Rule 2 will be applied to the Measure D Annual Reports submitted after the end of FY 07/08 and each year thereafter.

And **WHEREAS**, the absolute dollar amount and the per capita amount of Recycling Fund municipal allocations have declined significantly since 2006, resulting in a declining threshold represented by the sum of the last eight quarterly Recycling Fund per capita disbursements, and

WHEREAS, municipalities have requested that the Recycling Board revise the “Rule 2” policy to increase the threshold of unspent per capita allocations that triggers the requirement for an approved Expenditure Plan or ineligibility to receive further disbursements,

NOW THEREFORE, BE IT RESOLVED, that the Alameda County Source Reduction and Recycling Board hereby revises and replaces “Rule 2” from Resolution #RB 2006-12 with the following:

Rule 2: Any municipality receiving per capita disbursements of Recycling Fund monies under the Alameda County Waste Reduction and Recycling Act, Section 64.060, shall present to the Board for its approval a written expenditure plan if, at the end of any fiscal year, that municipality has an unspent balance of such monies that exceeds the amount of \$8.00 (eight dollars) multiplied by the population basis used for the first quarterly disbursement of that fiscal year.

If the municipality fails to provide that written plan or the Board does not approve that plan, the municipality shall be ineligible to receive further disbursements per Section 64.060. The municipality shall not be eligible for further disbursements until the required plan is submitted and approved by the Board and all such forfeited monies shall be disbursed to the remaining eligible municipalities on a per capita basis.

In evaluating a municipality’s proposed expenditure plan, the Board shall consider the following:

- The proposed specific use(s) of the remaining balance and future disbursements.
- The proposed length of time, or schedule over which disbursed funds or fund balances would be used.
- The scope or amount of funds proposed to be expended over the term of the plan.
- The extent to which the plan is designed to meet or promote the provisions, goals or policies of the Act including but not limited to timely expenditure of the funds “for the continuation and expansion of municipal recycling programs.”
- Any other objective and reasonable factors that may be presented by the municipality to support its contention that its proposed plan meets or promotes the provisions, goals or policies of the Act.

Rule 2 will be applied to the Measure D Annual Reports submitted after the end of FY 13/14 and each year thereafter.

Passed and adopted this 13th day of November, 2014 by the following vote:

AYES:	Jones, Natarajan, O’Donnell, Peltz, Pentin, Sherman, Tao, Wozniak
NOES:	None
ABSTAIN:	None
ABSENT:	Ellis, Kirschenheuter, Stein



Gary Wolff, Executive Director