

**APPROVED**

**MINUTES OF THE MEETING OF THE  
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY (WMA) BOARD,  
THE ENERGY COUNCIL (EC)**

**Wednesday, September 26, 2018**

**3:00 P.M.**

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

**I. CALL TO ORDER**

President Dave Sadoff, WMA, called the meeting to order at 3:01 p.m.

**II. ROLL CALL OF ATTENDANCE**

City of Alameda	Jim Oddie, WMA, EC
County of Alameda	Scott Haggerty, WMA, EC
City of Albany	Peter Maass, WMA, EC
City of Berkeley	Kriss Worthington, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Dublin	Melissa Hernandez, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Hayward	Sara Lamnin, WMA, EC
City of Newark	Mike Hannon, WMA, EC
City of Oakland	Dan Kalb, WMA, EC
Oro Loma Sanitary District	Shelia Young, WMA
City of Piedmont	Tim Rood, WMA, EC
City of Pleasanton	Jerry Pentin, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Gary Singh, WMA, EC

**ABSENT:**

City of Fremont	Vinnie Bacon, WMA, EC
City of Livermore	Bob Carling, WMA, EC

**Staff Participating:**

Wendy Sommer, Executive Director  
Patricia Cabrera, Administrative Services Director  
Anu Natarajan, Legislative and Regulatory Affairs Manager  
Kelly Schoonmaker, Senior Program Manager  
Miya Kitahara, Program Manager  
Richard Taylor, WMA Legal Counsel  
Arliss Dunn, Clerk of the Board

**Others Participating:**

Bernie Camara, Livermore Sanitation, Inc. (LSI)  
Doug Urry, Jacobs Engineering Group  
Arthur Boone

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### III. ANNOUNCEMENTS BY PRESIDENTS

There were none.

### IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

Arthur Boone provided public comment. Mr. Boone distributed a handout (attached) from the Alameda County Waste Reduction and Recycling Charter Amendment (Measure D) outlining the purpose of the Act is to prohibit the incineration of refuse within Alameda County. Mr. Boone stated that over the past seven years there has been no noticeable decline in the amount of garbage going into landfills given the number of programs that are in place. Mr. Boone added he does not agree that the planned OMRF at the Davis Street Transfer Station will effectively recycle up to 61% of materials as proposed.

### V. CONSENT CALENDAR

#### 1. Approval of the Draft Minutes of July 25, 2018 (Wendy Sommer)

There were no public comments for the Consent Calendar. Board member Young made the motion to approve the Consent Calendar. Board member Worthington seconded and the motion carried 15-0: (Ayes: Cox, Haggerty, Hannon, Hernandez, Lamnin, Maass, Martinez, Oddie, Pentin, Rood, Sadoff, Singh, Worthington, Young; Nays: None. Abstained: None. Absent: Bacon, Carling, Kalb)

### VI. REGULAR CALENDAR

#### 1. Executive Director Contract Amendment (Dave Sadoff, WMA President)

That the Waste Management Authority Board amend the Executive Director Employment Agreement.

President Sadoff stated that Executive Director Wendy Sommer had received a favorable annual review and the Executive Director Review Committee recommends that the Board approve the amended Employment Agreement included in the agenda packet. There were no public comments on this item.

Board member Hannon made the motion to approve the amended Employment Agreement. Board member Rood seconded and the motion carried 15-0:

(Ayes: Cox, Haggerty, Hannon, Hernandez, Lamnin, Maass, Martinez, Oddie, Pentin, Rood, Sadoff, Singh, Worthington, Young; Nays: None. Abstained: None. Absent: Bacon, Carling, Kalb)

#### 1. Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for Alameda County Industries (ACI) Transfer/Processing Expansion for facility located at 610 Aladdin Avenue in San Leandro (Anu Natarajan) – Public Hearing

Staff recommends that the Waste Management Authority Board take the following actions:

Hold a second public hearing of the CoIWMP Amendment ordinance (Attachment A), waive the requirement to read the full text of the Ordinance, read by title only, and adopt the Ordinance.

Anu Natarajan provided a summary of the staff report. A link to the report is available here:

[ACI-CoWIMP-Ordinance2018-01-07-25-18.pdf](#).

President Sadoff opened the public hearing. There were no public speakers and the public hearing was closed.

Board member Pentin inquired how the truck traffic will not increase from 193 trips per day while increasing the tonnages from 412 to 620. Ms. Natarajan stated that ACI is not close to the 193 trips per day and they do not anticipate getting to that cap. Should they reach the cap they will come back to the

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Board for an amendment to the agreement. Board member Pentin referenced page 24, Table 2-7, and asked for clarification regarding the Design/Permitted Capacity and the numbers 592/940. Ms. Camara, Livermore Sanitation, Inc. stated that the 592/940 is a typo and will be struck from the plan. The correct number is 620. Board member Pentin inquired if there will be impacts to the community from increasing the hours of operation from 13 hours to 24 hours. Ms. Camara stated that the 13 hour shifts were able to accommodate the capacity at that time but with increased amount of materials coming in they will need to increase the amount of shifts at the MRF. Board member Pentin inquired about the change in procedures that will allow the materials to be stored at the facility for 48 hours instead of previously at 8 hours. Ms. Camara stated that CalRecycle allows the materials to be stored at the maximum of 48 hours and due to the recycling markets they would prefer to have the capability to store the materials for the maximum amount of time. The materials will be in enclosed transfer trailers on the property. Ms. Camara added in 2001, the facility was smaller and they were able to operate on 8 hour shifts. As tonnage increased they reapplied for an additional permit that increased operations to 24 hours shifts at which they are currently operating. Board member Hannon recommended that the staff report include the conditional use permit as a reference document. Ms. Natarajan stated that the conditional use permit was included in the packet at the first reading and is now included as a link in the staff report. Going forward, we will include the permits at both the first and second readings. Board member Young inquired about the current number of truck trips per day and asked if the increase in tonnages is a result of new contracts. Ms. Camara stated that they are currently at 60% of the 193 truck trips allowed and will probably increase in the number of trips due to the increase in tonnages but does not anticipate reaching the maximum of 193 vehicle trips.

Arthur Boone provided public comment on the merits of public ownership of solid waste facilities.

Board member Cox made the motion to accept the staff recommendation. Board member Worthington seconded and the motion carried 18-0:

(Ayes: Cox, Haggerty, Hannon, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Pentin, Rood, Sadoff, Singh, Worthington, Young. Nays: None. Abstained: None. Absent: Bacon, Carling).

### **3. Conservation Easement and Related Documents (Wendy Sommer)**

Staff recommends that the WMA Board authorize the Executive Director to execute the Conservation Easement and related documents described above and to make minor modifications to the documents subject to approval as to form by the Agency Counsel.

Wendy Sommer provided an overview of the staff report. A link to the report is available [here](#). Ms. Sommer projected visual slides of the property. Ms. Sommer stated that Doug Urry, Jacobs Engineering Group was present to answer any questions.

Board member Maass inquired if the reports from the Land Trust will be made public. Ms. Sommer stated that we will receive copies of the report. Board member Maass inquired if the Authority maintained the oil and mineral rights on the property. Ms. Schoonmaker stated yes we did keep some of the rights. Board member Maass inquired if carbon farming and grazing is compatible. Ms. Schoonmaker stated yes, carbon farming improves grazing and studies have shown that it improves forage anywhere from 50%-100% in not only quantity but quality. Our rancher is interested in learning more about it and implementing it. Board member Maass inquired if the property is open to the public and to the schools. Ms. Schoonmaker stated that possibly in a controlled capacity. Richard Taylor stated that it is not contemplated in the agreement and would have to be compatible within the restrictions of the agreement as well as any agency liability. Ms. Sommer added the carbon farming is not being done within the confines of the easement. Ms. Sommer added however tours can be done on the other parcels and through the pilot with the grant from the Coastal Conservancy we can show that we are not diminishing habitat.

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There were no public comments on this item. Board member Kalb made the motion to accept the staff recommendation. Board member Maass seconded and the motion carried 18-0:

(Ayes: Cox, Haggerty, Hannon, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Pentin, Rood, Singh, Sadoff, Worthington, Young. Nays: None. Abstained: None. Absent: Bacon, Carling)

### **4. BAAQMD Embodied Carbon Grant (Miya Kitahara)**

Adopt the attached Resolution authorizing the Executive Director to sign a Memorandum of Understanding with the County of Marin to accept \$118,993 and to enter into all necessary contract agreements with subconsultants, and make corresponding changes to the FY 18/19 budget.

Miya Kitahara provided an overview of the staff report. A link to the report is available [here](#).

Board member Maass inquired as to why the study focused only on commercial building and why residential is not included. Ms. Kitahara stated that our focus is on commercial while Marin County will focus mostly on residential. Board member Maass inquired if we are contributing to the working group or is it mainly Marin County and further inquired if the engineers and architects have already been selected. Ms. Kitahara stated no they have not been chosen, it is a regional project because of our participation. The meeting timeline is being moved to November due to contracting issues. Board member Kalb inquired about the process for the four different projects. Ms. Kitahara stated that they will be creating an application process and anyone can come forward with a project. Ms. Kitahara added it will need to be an actual non-residential construction project, and we can consider infrastructure projects as well. Board member Pentin inquired about CLF and Arup. Ms. Kitahara stated that CLF is the Carbon Leadership Forum and they manage the Embodied Carbon Network. They will assist us in forming the Bay Area working group. Arup is a global engineering firm with expertise in designing specifications for commercial construction and we are engaging with them for their technical expertise. A portion of the \$118,993 covers our hard costs. Board member Lamnin inquired with respect to the regional stakeholder process if the building, developers, and labor community will be invited to participate in the process. Ms. Kitahara stated that they will be asked for their input. The project is narrowly focused on concrete as it is the largest emitter of carbon, so developers, architects as well as concrete professionals will be solicited for their input. President Sadoff inquired as to why cement is the largest emitter of carbon. Ms. Kitahara stated that it is in the manufacturing of cement. Board member Hannon inquired if there are anticipated changes to the uniform building codes as a result of these projects and inquired if there have been meetings with building code officials to get acceptance of these changes. Ms. Kitahara stated that Marin County will make modifications to the language in their Cal Green Building Code in 2019. Board member Hannon recommended that they also look to see if there are opportunities to streamline some of the processes to reduce carbon. Board member Young inquired about Project 1351. Ms. Sommer stated that this is the number assigned to the project for internal budgeting purposes.

There were no public comments on this item. Board member Young made the motion to accept the staff recommendation. Board member Cox seconded and the motion carried 18-0:

(Ayes: Cox, Hannon, Haggerty, Hernandez, Kalb, Lamnin, Maass, Martinez, Oddie, Pentin, Rood, Singh, Sadoff, Worthington, Young. Nays: None. Abstained: None. Absent: Bacon, Carling).

### **5. Update on 2018 Legislative Bills (Anu Natarajan)**

This item is for information only.

Anu Natarajan provided an overview of the staff report. A link to the report is available [here](#). Ms. Natarajan advised the Board that we have contracted with EcoConsult, our lobbyist in Sacramento, for many years and we will be sending out an RFP for a new lobbyist later this month. Ms. Natarajan invited the Board to submit any names that they would like for us to include in the process. Ms. Natarajan also

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informed the Board that she will send out a matrix of the bills with links to the bill language to any Board member that would like to receive a copy. Ms. Sommer distributed the most recent topic brief covering Straws-Upon-Request-Law. A link to the topic brief is available [here](#).

Board member Hannon stated with respect to AB 1884, that he is troubled by the demands from the State and inquired if there is a requirement for the businesses to post signage that straws will only be provided upon request. Ms. Natarajan stated there is encouragement to provide signage but not a requirement. Board member Hannon stated that moving forward he would recommend that we ask the State to advise how local governments are able to pay to implement these types of initiatives. Ms. Natarajan stated that staff would like to work with member agencies on developing communications and standardized language and will confer with the city of Alameda in how they work with their businesses within their particular ordinance. Ms. Sommer added there are also opportunities through the ReThink Disposable grant for jurisdictions that are interested. Board member Kalb inquired if the straw bill still allows local flexibility. Ms. Natarajan stated yes it does. President Sadoff commented that current legislation affects only full service restaurants and inquired if the bill will be expanded to include fast food establishments. Ms. Natarajan stated that the bill was initially more robust but has been watered down. Ms. Natarajan added she doubts that there will be any changes in the current legislative session but reminds the Board that straws are a small part of food ware and any updates would affect the overall food ware stream. There were no public comments on this item. President Sadoff thanked Ms. Natarajan for her report.

### **6. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Wendy Sommer)**

(Planning Committee and Recycling Board meeting, October 11, 2018 at 4:00 p.m., StopWaste Offices, 1537 Webster Street, Oakland, CA, 94612)

There were none.

### **VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR**

Ms. Sommer stated that she hopes that all Board members are able to attend the P&A and PC/RB meetings as staff will be covering important information regarding implementation of SB 1383 and its impacts on jurisdictions.

### **VIII. ADJOURNMENT**

The meeting was adjourned at 4:02 p.m.

THE ALAMEDA COUNTY WASTE REDUCTION AND RECYCLING  
INITIATIVE CHARTER AMENDMENT:  
(FINAL TEXT: NOVEMBER 13, 1989)


SECTION 64: WASTE REDUCTION AND RECYCLING

SUBSECTION 64.010: NAME

This Section of the Alameda County Charter shall be known and may be cited as the Alameda County Waste Reduction and Recycling Act of 1990 (hereinafter the "Act").


SUBSECTION 64.020: PURPOSE


The purpose of this Act is to:

-  F. Prohibit the incineration of refuse within Alameda County (Subsection 64.140).

SUBSECTION 64.040: RECYCLING POLICY GOALS AND RECYCLING PLAN.

A. Recycling Policy Goals:

-  E. Each person discards materials and should therefore be involved in solving the problems caused by the disposal of such materials; this involvement must include changes in individual behavior resulting from each person's awareness of her or his role in creating or finding solutions to environmental problems; only through such changes can sustainable consumption and disposal patterns be established and the biosphere restored:

-  F. The County government shares a responsibility with Alameda County cities and sanitary districts to provide a comprehensive source reduction and recycling program which will foster these necessary changes in individual behavior as well as ensure that the goals set by state law are met; and

- G. The best available method for funding the Recycling Plan is a surcharge on materials disposed of at landfills.