

Dianne Martinez, **WMA President**
City of Emeryville, WMA, EC

Bob Carling, **WMA 1st Vice President**
City of Livermore, WMA, EC

Jaime Patiño, **WMA 2nd Vice President**
City of Union City, WMA, EC

Jack Balch, **EC President**
City of Pleasanton, WMA, EC

Preston Jordan, **EC 1st Vice President**
City of Albany, WMA, EC

David Haubert, **EC 2nd Vice President**
County of Alameda, WMA, EC

Trish Herrera Spencer, City of Alameda, WMA, EC

Susan Wengraf, City of Berkeley, WMA, EC

Dave Sadoff, Castro Valley Sanitary District, WMA

Melissa Hernandez, City of Dublin, WMA, EC

Jenny Kassin, City of Fremont, WMA, EC

Francisco Zermeño, City of Hayward, WMA, EC

Michael Hannon, City of Newark, WMA, EC

Dan Kalb, City of Oakland, WMA, EC

Shelia Young, Oro Loma Sanitary District, WMA

Jen Cavanaugh, City of Piedmont, WMA, EC

Deborah Cox, City of San Leandro, WMA, EC

Timothy Burroughs, Executive Director

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

October 26, 2022

3:00 P.M.

TELECONFERENCE MEETING

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

This meeting will be held 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 Brown Act, which was amended by AB 361, suspending certain teleconference rules due to the ongoing state of emergency and state and local health officials recommendations to maintain social distancing. The purpose of these amendments was 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 may attend and participate in the meeting by:

1. Calling US: +1 669 900 6833 and using the webinar id 834 4382 7483
2. Using the [Zoom](#) website or App and entering meeting code 834 4382 7483

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. Public comment is generally limited to three minutes per person for each agenda item. The process will be described on the StopWaste website at <http://www.stopwaste.org/virtual-meetings> no later than noon Wednesday, October 26, 2022. The public may also comment by sending an e-mail to publiccomment@stopwaste.org. Written public comment will be accepted until 3:00 p.m. on the day prior to the scheduled meeting. Copies of all written comments submitted by the deadline above will be provided to each Board Member and will be added to the official record. Comments will not be read into the record.

In accordance with the Americans with Disabilities Act and Brown Act, 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 PRESIDENTS** - *(Members are asked to please advise the Board or the Council if you might need to leave before action items are completed.)*

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

An opportunity is provided for any member of the public wishing to speak on any matter within the jurisdiction of the Boards or Council, but not listed on the agenda.

V. **CONSENT CALENDAR** - The Consent Calendar contains routine items of business. Items in this section will be acted on in one motion for both the WMA and EC, unless removed by a member of either Board. Members of the WMA who are not members of the EC will vote as part of the Consent Calendar vote, but their votes will not be considered in connection with any EC items.

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|--|--|
| 1 | 1. Approval of the Draft WMA & EC Minutes of September 28, 2022 |
| 5 | 2. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361
Adopt Resolution WMA# 2022-14. |
| 9 | 3. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361
Adopt Resolution EC# 2022-12. |
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| VI. REGULAR CALENDAR | |
| 13 | 1. StopWaste Partnership with Water Agencies – Compost and Water Conservation (Jeanne Nader)
This item is for information only. |
| 15 | 2. Built Environment Program Updates (Karen Kho & Jennifer West)
This item is for information only. |
| 17 | 3. 2022 Legislative Year End Report (Jennifer West)
This item is for information only. |
| | 4. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliss Dunn)
(The Joint meeting of the Waste Management Authority Board, The Energy Council, and the Planning Committee & Recycling Board, Wednesday, November 16, 2022 at 3:00 p.m. The meeting will be held via teleconference) |
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| VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR | |
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| VIII. ADJOURNMENT – to November 16, 2022 at 3:00 P.M. | |

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

Wednesday, September 28, 2022

3:00 P.M.

TELECONFERENCE MEETING

I. CALL TO ORDER

President Martinez called the meeting to order at 3:00 p.m. Timothy Burroughs 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

WMA & EC

County of Alameda	David Haubert, WMA, EC
City of Alameda	Trish Herrera Spencer, WMA, EC
City of Albany	Preston Jordan, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
City of Dublin	Melissa Hernandez, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC (President)
City of Fremont	Jenny Kassin, WMA, EC
City of Hayward	Francisco Zermeño, WMA, EC
City of Livermore	Bob Carling, 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	Jen Cavanaugh, WMA, EC
City of Pleasanton	Jack Balch, WMA, EC (EC President)
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Jaime Patiño, WMA, EC

Absent

Castro Valley Sanitary District	Dave Sadoff, WMA
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Staff Participating

Timothy Burroughs, Executive Director
Pat Cabrera, Administrative Services Director
Alma Freeman, Communications Manager
Justin Lehrer, Operations Manager
Emily Alvarez, Program Manager
Arliss Dunn, Clerk of the Board
Adrienne Ramirez, Assistant Clerk of the Board
Richard Taylor, WMA Legal Counsel

Others Participating

Edward Schexnayder, Shute Mihaly & Weinberger
Antonia Gunner, Republic Services
Lorin Olin, Republic Services
Michael Cullinane, Republic Services

III. ANNOUNCEMENTS BY PRESIDENTS

There were none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There were no public comments on the remote call and no public comments were received via the public comments email portal.

V. CONSENT CALENDAR

President Martinez removed items V2&V3 from the Consent Calendar for further discussion.

1. Approval of the Draft WMA & EC Minutes of July 27, 2022

There were no public comments for the Consent Calendar. Board member Zermeño moved approval of the July 27, 2022 draft minutes and Board member Hernandez seconded. The motion carried 19-0 (WMA) and 20-0 (EC): The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Kassan, Martinez, Patiño, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Sadoff)

VI. REGULAR CALENDAR

1. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361

Adopt Resolution WMA# 2022-12.

2. Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361

Adopt Resolution EC# 2022-11.

Timothy Burroughs informed the Board that recent legislation was passed by the state, AB 2449, that establishes a new option for local agency board teleconferencing. Authority Counsel Richard Taylor provided an overview of AB 2449 and staff will provide a memo summarizing the new law at an upcoming WMA Board meeting. The Board had a brief discussion about meeting participation options moving forward. Mr. Burroughs stated that the StopWaste Board Room is equipped for hybrid meetings. The Board was provided time for discussion and for clarifying questions. An audio link to the discussion is available here: [AB2449-Discussion](#)

There were no public comments on this item. Board member Hannon moved approval of the two AB 361 Resolutions and Board member Carling seconded. The motion carried 19-0 (WMA) and 20-0 (EC). The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Kassan, Martinez, Patiño, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Sadoff)

3. Amendment to the Alameda County Integrated Waste Management Plan (CoIWMP) for Vasco Road Landfill Expansion (Emily Alvarez)

Staff, the Recycling Board (as the LTF), and the Planning Committee of the WMA recommend to the WMA Board that it hold a public hearing at the September 28, 2022 meeting and adopt a resolution to:

- (1) Amend the CoIWMP (Exhibit 1) to modify the Vasco Road Landfill description, and make additional changes for consistency;
- (2) Find that the Vasco Road Landfill Expansion conforms to the CoIWMP as amended;
and
- (3) Make the findings required by CEQA.

Timothy Burroughs introduced the item and Emily Alvarez provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [Vasco-CoIWMP-memo.pdf](#). Edward Schexnayder, Authority Counsel, and representatives from Republic Services; Antonia Gunner, Lorin Olin, and Michael Cullinane were present to answer questions. Time was

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provided for clarifying questions and discussion. An audio link to the discussion is available here: [Vasco-CoIWMP-Discussion](#)

President Martinez opened the public hearing. There were no public comments and the public hearing was closed. Board member Zermeño moved approval of the staff recommendation and Board member Hernandez seconded. The motion carried 19-0: The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Haubert, Hernandez, Jordan, Kalb, Kassan, Martinez, Patiño, Spencer, Wengraf, Young, Zermeño. Nays: None. Abstained: None. Absent: Sadoff)

4. Review of Waste Management Authority General Counsel Contract (Timothy Burroughs)

Staff recommends that the Board review the Shute Mihaly & Weinberger (SMW) contract and provide any comments or questions. Staff also recommends that the Board conduct a similar review of the SMW contract every five years, with the next review occurring by the end of 2027.

Timothy Burroughs provided an overview of the staff report. A link to the report is available here: [Authority-Counsel-memo.pdf](#). Time was provided to the Board for discussion and clarifying questions. An audio link to the discussion is available here: [Authority-Counsel-Discussion](#). The Board thanked WMA Legal Counsel Richard Taylor for his continued professionalism and service.

There were no public comments on this item. Board member Hannon moved approval of the staff recommendation and Board member Young seconded. The motion carried 16-0. The Clerk called the roll.

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Hernandez, Jordan, Kalb, Kassan, Martinez, Patiño, Spencer, Young, Zermeño. Nays: None. Abstained: None. Absent: Haubert, Sadoff, Wengraf)

5. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliis Dunn) (WMA only)

(The Planning Committee and Recycling Board meeting on Thursday, October 13, 2022 at 4:00 p.m. The meeting will be held via teleconference)

Board member Zermeño requested an interim appointment and Board member Hannon volunteered to attend as the interim appointment. Board member Hannon moved to approve the appointment and Board member Young seconded. The motion carried 16-0. The Clerk called the roll:

(Ayes: Balch, Carling, Cavanaugh, Cox, Hannon, Hernandez, Jordan, Kalb, Kassan, Martinez, Patiño, Spencer, Young, Zermeño. Nays: None. Abstained: None. Absent: Haubert, Sadoff, Wengraf)

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Timothy Burroughs announced that the monthly topic brief will focus on local government climate action plans and the role that StopWaste plays in advancing that work. A link to the topic brief is available here: [CAP-Planning](#). The next Household Hazardous Waste (HHW) event will be held on October 6 at Golden Gate Fields in Albany. The event is open to all Alameda County residents. A link to the event is available here: [HHW-Albany](#). The StopWaste Schools program put out a call for in-person field trips at the Davis Street Transfer Station. Additional information is available here: [Field-Trips](#).

VIII. ADJOURNMENT – to October 26, 2022 at 3:00 P.M.

The meeting adjourned 4:14 p.m.

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DATE: October 26, 2022

TO: Waste Management Authority Board

FROM: Timothy Burroughs, Executive Director

SUBJECT: Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361

SUMMARY

On September 16, 2021, the Governor signed into law as an urgency measure, AB 361 (Rivas), which allows local legislative bodies to continue to meet by teleconference in order to promote public health and safety, subject to certain conditions, which must be reconsidered every 30 days. At its October 26, 2022, meeting, the Waste Management Authority (WMA) Board will consider a resolution to approve and direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed.

DISCUSSION

In light of the continued state of emergency declared by the Governor related to COVID-19, state and local officials have imposed or recommended measures to promote social distancing. This direction from state and local health officials is based on the increased safety protection that social distancing provides as one method to reduce the risk of COVID-19 transmission.

The state of emergency and associated direction from state and local health officials to promote social distancing continues to impact the ability for the WMA Board to meet safely in person. The direction from public health officials that informs the findings in the attached resolution has not changed. Therefore, staff recommends that the Board approve the attached resolution to direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed. The Board will need to revisit the need to conduct meetings remotely at least every 30 days.

RECOMMENDATION

Adopt resolution #WMA 2022-14.

Attachment: Waste Management Authority Board Resolution #WMA 2022-14

**ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY
RESOLUTION #WMA 2022- 14**

**MOVED:
SECONDED:**

AT THE MEETING HELD OCTOBER 26, 2022

**RESOLUTION REGARDING MEETING VIA TELECONFERENCE TO PROMOTE SOCIAL DISTANCING,
PURSUANT TO AB 361**

WHEREAS, in response to the COVID-19 pandemic, the Governor adopted a series of Executive Orders allowing the legislative bodies of local governments to meet remotely via teleconference so long as other provisions of the Brown Act were followed; and

WHEREAS, on September 16, 2021, the Governor signed into law as an urgency measure, AB 361, which allows for the continued use of remote meetings by local legislative bodies subject to certain conditions, which must be reconsidered every 30 days; and

WHEREAS, on behalf of all legislative bodies for the Alameda County Waste Management Authority (WMA), the WMA Board has considered the current state of health guidance related to public meetings in Alameda County and finds it necessary to continue with remote meetings to promote public health and safety.

NOW THEREFORE BE IT RESOLVED, that the WMA Board approves and directs the continued use of teleconferencing for public meetings of the WMA's legislative bodies based on the following findings required by Government Code Section 54953(e), as amended by AB 361:

- The entire State of California remains under a proclaimed state of emergency as declared by the Governor of the State of California related to the COVID-19 pandemic.
- State and local officials have imposed or recommended measures to promote social distancing. For example, on September 23 the Alameda County Health Care Services Agency Director recommended social distancing at all meetings of the Board of Supervisors and its committees. This recommendation is consistent with the Division of Occupational Safety and Health of California's (Cal/OSHA) Emergency Temporary Standards, which require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D)).
- The state of emergency continues to directly impact the ability to meet safely in person. For example, given the constraints of the WMA's available meeting spaces, social distancing is difficult without severely limiting space for members of the public to attend.
- The Board anticipates this resolution will appear on its consent calendar for review and ratification or update at each regular Board meeting for as long as the Governor's proclaimed state of emergency related to the COVID-19 pandemic remains in effect, social distancing continues to be recommended, and the Board desires to continue remote public meetings.

BE IT FURTHER RESOLVED, that this determination by the WMA Board shall apply to all of the WMA's legislative bodies, as defined by the Ralph M. Brown Act. Those legislative bodies include:

Programs & Administration Committee
Planning Committee

BE IT FURTHER RESOLVED, that:

1. WMA Board and Committee meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361, to better ensure the health and safety of the public.
2. The WMA Board will revisit the need to conduct meetings remotely at least every 30 days following adoption of this resolution.
3. If the Board determines the need still exists at each 30-day review, this resolution will be ratified by a vote of the Board documented in the minutes of that meeting.

Passed and adopted this 26th day of October 2022 by the following vote:

AYES:

NOES:

ABTAIN:

ABSENT:

Arliss Dunn, Clerk of the Board

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DATE: October 26, 2022

TO: Energy Council

FROM: Timothy Burroughs, Executive Director

SUBJECT: Resolution regarding meeting via teleconference to promote social distancing, pursuant to AB 361

SUMMARY

On September 16, 2021, the Governor signed into law as an urgency measure, AB 361 (Rivas), which allows local legislative bodies to continue to meet by teleconference in order to promote public health and safety, subject to certain conditions, which must be reconsidered every 30 days. At its October 26, 2022, meeting, the Energy Council (EC) will consider a resolution to approve and direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed.

DISCUSSION

In light of the continued state of emergency declared by the Governor related to COVID-19, state and local officials have imposed or recommended measures to promote social distancing. This direction from state and local health officials is based on the increased safety protection that social distancing provides as one method to reduce the risk of COVID-19 transmission.

The state of emergency and associated direction from state and local health officials to promote social distancing continues to impact the ability for the Energy Council to meet safely in person. The direction from public health officials that informs the findings in the attached resolution has not changed. Therefore, staff recommends that the Energy Council approve the attached resolution to direct the continued use of teleconferencing for its public meetings to enable social distancing, as long as the findings required by AB 361 are met and other provisions of the Brown Act are followed. The Energy Council will need to revisit the need to conduct meetings remotely at least every 30 days.

RECOMMENDATION

Adopt resolution #EC 2022-12.

Attachment: Energy Council Resolution #EC 2022-12

**ENERGY COUNCIL
RESOLUTION #EC 2022 – 12
MOVED:
SECONDED:**

AT THE MEETING HELD OCTOBER 26, 2022

WHEREAS, in response to the COVID-19 pandemic, the Governor adopted a series of Executive Orders allowing the legislative bodies of local governments to meet remotely via teleconference so long as other provisions of the Brown Act were followed; and

WHEREAS, on September 16, 2021, the Governor signed into law as an urgency measure, AB 361, which allows for the continued use of remote meetings by local legislative bodies subject to certain conditions, which must be reconsidered every 30 days; and

WHEREAS, the Energy Council has considered the current state of health guidance related to public meetings in Alameda County and finds it necessary to continue with remote meetings to promote public health and safety.

NOW THEREFORE BE IT RESOLVED, that the Energy Council approves and directs the continued use of teleconferencing for its public meetings based on the following findings required by Government Code Section 54953(e), as amended by AB 361:

- The entire State of California remains under a proclaimed state of emergency as declared by the Governor of the State of California related to the COVID-19 pandemic.
- State and local officials have imposed or recommended measures to promote social distancing. For example, on September 23 the Alameda County Health Care Services Agency Director recommended social distancing at all meetings of the Board of Supervisors and its committees. This recommendation is consistent with the Division of Occupational Safety and Health of California's (Cal/OSHA) Emergency Temporary Standards, which require employers to train and instruct employees that the use of social distancing helps combat the spread of COVID-19 (8 Cal. Code Regs. 3205(c)(5)(D)).
- The state of emergency continues to directly impact the ability to meet safely in person. For example, given the constraints of the Energy Council's available meeting spaces, social distancing is difficult without severely limiting space for members of the public to attend.
- The Energy Council anticipates this resolution will appear on its consent calendar for review and ratification or update at each regular Board meeting for as long as the Governor's proclaimed state of emergency related to the COVID-19 pandemic remains in effect and the Board desires to continue remote public meetings.

BE IT FURTHER RESOLVED, that:

1. Energy Council meetings will continue to be conducted remotely for the next 30 days in compliance with AB 361, to better ensure the health and safety of the public.
2. The Energy Council will reconsider the circumstances of the state of emergency and the need to conduct meetings remotely at least every 30 days following adoption of this resolution.
3. If the Energy Council determines the need still exists at each 30-day mark, the determination will be ratified by a vote of the Board documented in the minutes of that meeting.

Passed and adopted this 26TH day of October 2022 by the following vote:

AYES:

NOES:

ABTAIN:

ABSENT:

Arliss Dunn, Clerk of the Board

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DATE: October 26, 2022

TO: Waste Management Authority Board

FROM: Jeanne Nader, Senior Program Manager

SUBJECT: StopWaste Partnership with Water Agencies – Compost and Water Conservation

SUMMARY

StopWaste has actively partnered with Alameda County Water Agencies since 2010 to promote and educate the public about sustainable approaches for lawn conversion and water conservation, with an emphasis on using compost and mulch. At the October 26 WMA board meeting, staff will share the history of the partnership, its evolution, and current initiatives that the water agencies are taking to advance the use of compost.

DISCUSSION

In 2010, StopWaste initiated the formation of an Alameda County Water Supplier Council to codify a mutual partnership with water agencies around compost and mulch as vital tools in conserving water. In the decade since, this partnership has yielded positive outcomes, including water agencies enforcing the use of compost and mulch required by the State's Water Efficient Landscape Ordinance, coordinated three grant awards from the CA Department of Water Resources, and water agency sponsorship of 17 Lawn to Garden parties. Currently, water agency partners are taking leadership in incentivizing, and, in some cases, requiring compost and mulch in their respective rebates. As this partnership has evolved to include Member Agency staff and compost producers, there is great potential to increase awareness and use of compost throughout the County.

RECOMMENDATION

This item is for information only.

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DATE: October 26, 2022

TO: Waste Management Authority and Energy Council

FROM: Karen Kho, Principal Program Manager
Jennifer West, Program Manager

SUBJECT: Built Environment Program Updates

SUMMARY

The Agency's Built Environment programs are largely supported by external funding with two current focus areas: the Bay Area Regional Energy Network (BayREN) and a U.S. Economic Development Agency (EDA) planning grant. At the October 26 Board meeting, staff will share updates from BayREN and plans to advance the Bay Area Construction Innovation Cluster, which was selected as a finalist in the Build Back Better Regional Challenge (BBBRC).

DISCUSSION

BayREN is a local government consortium that has been authorized by the California Public Utilities Commission (CPUC) to implement energy efficiency programs since 2013. StopWaste represents Alameda County jurisdictions in BayREN, leads the regional Multifamily and Green Labeling programs, and conducts local outreach in Alameda County for the remaining programs. In 2021, the California Public Utilities Commission adopted a new regulatory framework to address benefits beyond "cost-effective" energy savings and created new categories for programs that target equity and market development. BayREN has submitted a new business plan for 2024-2031 with two-thirds of its portfolio categorized as equity programs. Staff will highlight the proposed changes and additions to the BayREN programs.

The Agency also leads a regional Heat Pump Water Heater program for Contractors on behalf of BayREN, which layers incentives from local energy providers, including East Bay Community Energy, onto the BayREN residential programs. The launch and administration of this program was initially funded by a grant from the Bay Area Air Quality Management District, but it is now covered by the BayREN single-family program. Staff will provide an update on market development for heat pump water heaters and an overview of coming state and federal incentives.

Late last year, StopWaste received a phase 1 planning grant from the U.S. EDA to develop a cohesive cluster of projects that would enable greater innovation in the Bay Area's construction

industry – facilitating the way for zero net energy, low carbon materials, material efficient construction, and circular economy business opportunities. Although we were not selected for the phase 2 award, we forged an incredible coalition of partners, including UC Berkeley, Lawrence Berkeley National Labs, East Bay EDA, Build It Green, RMI, and San Francisco Environment, that remain committed to transforming the region’s construction sector. With the due diligence that has already been conducted, we are well positioned to secure alternative funding. We are also receiving technical assistance from EDA’s BBBRC Community of Practice for the next four years. Staff will discuss how we are utilizing the phase 1 planning funds and leveraging existing coalition assets to further develop the cluster.

RECOMMENDATION

This item is for information only.

DATE: October 26, 2022

TO: Waste Management Authority Board

FROM: Jennifer West, Program Manager

SUBJECT: 2022 Legislative Year End Report

SUMMARY

The California State Legislature concluded their second year of the 2021-2022 legislative session on August 31, passing a total of 1,166 individual pieces of legislation. Governor Gavin Newsom had until September 30 to either sign or veto bills. The Governor signed 997 and vetoed 169 bills.

Several bills were signed by the Governor that are consistent with the Board's adopted 2022 legislative priorities. Most notably, SB 54, signed into law at the end of June, will prepare the state for eliminating confusion around what is recyclable, and will reduce single-use plastic packaging over the next 10 years. In 2032, all packaging in California must be recyclable or compostable, with source reduction and reuse and refill mandates included as well. The mitigation of pollution due to plastic packaging is intended to be paid for by plastic producers.

The 2023-2024 Regular Legislative Session kicks off in earnest in January 2023. When they return, legislators will have until late February to introduce new legislation and then policy committee meetings will occur March through June.

At the October 26 meeting, staff will provide an overview of the most recent legislative session and ask Board members about key legislative priorities for 2023.

DISCUSSION

The Board adopted the following legislative priorities for the recent 2022 cycle:

1. Common sense adjustments to SB 1383 procurement requirements
2. Clear product labeling to reduce customer confusion
3. "Circular economy" solutions that advance source reduction of problematic materials such as low-grade plastics
4. Decarbonization/electrification of our built environment to reduce reliance on carbon emitting forms of energy

During this past legislative session, several bills addressed these priorities, notably:

- AB 1985 phases in the requirements on jurisdictions' procurement of recycled organic waste under SB 1383. Although AB 1985 addresses some concerns about the state requirements on SB 1383 procurement, it did not address all of our concerns, and we continue to work toward a better solution for our member agencies.
- SB 54 requires that all forms of single-use products be recyclable or compostable by 2032 and sets mandates for source reduction of problematic materials.
- AB 2446 reduces carbon emissions in construction materials.

- Significant funds in the state budget encourage the electrification of existing buildings and funding to help local jurisdictions comply with SB 1383.

StopWaste advances our legislative priorities by working with other agencies to find common ground and building coalitions to engage with state agencies and legislators, as we have a stronger voice together. We contract with a lobbyist team in Sacramento (Shaw Yoder Antwih Schmelzer and Lange) that works with bill authors, represents StopWaste at committee hearings, supports on written letters of support, and engages directly with state agencies and coalition partners. StopWaste staff consult with the Board, the Technical Advisory Group and Committee and other city staff, and our staff, and update partners on our legislative positions periodically.

Below is a more detailed summary of passed bills that are relevant to the Board's legislative priorities.

Plastic Pollution Prevention

[SB 1046 \(Eggman and Lena Gonzalez\) Solid waste: pre-checkout bags](#)

Starting on Jan. 1, 2025, this bill prohibits stores from distributing pre-checkout bags that do not meet compostability and recyclability requirements. The measure ensures that bags are made from compostable or recyclable materials, and requires that the bags be clearly identifiable as compostable to avoid contamination issues, and provides consumers with bags that will facilitate residential food scrap collection to help the state achieve its SB 1383 (Lara, 2016) goals. No local government fiscal impact expected.

Agency position: Support

Extended Producer Responsibility (EPR)/Circular Economy

[SB 38 \(Wieckowski\) Beverage Containers](#)

This bill requires the Department of Resources Recycling and Recovery to study and develop a system or process to address the issue of glass contamination and, for purposes of the California Beverage Container Recycling and Litter Reduction Act (Bottle Bill program), requires a processor to pay certified recycling centers, curbside programs, and drop-off or collection programs electronically or by check. No local government fiscal impact expected.

Agency position: Watch

[SB 54 \(Allen\) Plastic Pollution Producer Responsibility Act](#)

This bill establishes the Plastic Pollution Prevention and Packaging Producer Responsibility Act, which would cover certain single-use packaging and plastic single-use food service ware and would require producers, through a producer responsibility organization, to (1) source reduce plastic covered material, (2) ensure covered material sold, offered for sale, distributed, or imported in or into the state after January 1, 2032, is recyclable or compostable, and (3) ensure that plastic covered material offered for sale, distributed, or imported in or into the state meets specified recycling rates. No direct local government fiscal impact expected, although StopWaste will actively participate in the rulemaking process to help ensure that local government interests inform the regulations.

Agency position: Watch

[SB 1013 \(Atkins\) Beverage container recycling: reports: electronic submittal: wine and distilled spirits](#)

This bill adds wine and distilled spirits to the Beverage Container Recycling Program (BCRP) and make other changes to the program. No local government fiscal impact expected.

Agency position: Support

[SB 1215 \(Newman\) Electronic Waste Recycling Act of 2003: covered battery-embedded product](#)

This bill expands the Electronic Waste Recycling Act to include battery-embedded products.

Agency position: Support

[AB 2440 \(Irwin\) Responsible Battery Recycling Act of 2022](#)

This bill enacts the Responsible Battery Recycling Act of 2022, which would require producers of covered batteries and covered battery-embedded products to establish a stewardship program for the collection and recycling of covered products. No local government fiscal impact expected.

Agency position: Support

Organics/Composting

[AB 1985 \(R.Rivas\) recovered organic waste product procurement targets](#)

This bill creates a delayed and ramping enforcement timeline for penalties for local jurisdictions to meet their organic waste procurement targets, gives CalRecycle the authorization to create an adjusted recovered procurement target schedule at its discretion, and allows renewable gas procured from a publicly owned treatment works to count toward 50% of a jurisdiction's procurement target until 2025.

Agency position: Neutral

Other

[AB 649 \(Bennett\) Department of Resources Recycling and Recovery: Office of Environmental Justice and Tribal Relations](#)

This bill creates an Office of Environmental Justice and Tribal Relations under the California Department of Resources Recycling and Recovery.

Agency position: Support

[AB 1857 \(C. Garcia\) Solid Waste](#)

This bill will remove the diversion credit for municipal solid waste incinerators and redefine the practice of incineration as disposal.

Agency position: Support

[AB 2208 \(Kalra\) Fluorescent lamps: sale and distribution prohibition](#)

Bans the offer for final sale or distribution of compact fluorescent lamps (CFLs) starting January 1, 2024, and linear fluorescent lamps (LFLs) starting January 1, 2025, and makes exemptions for relevant products and applications.

Agency position: Support

[AB 2374 \(Bauer-Kahan\) Crimes against public health and safety: illegal dumping](#)

This bill increases fines against those caught illegally dumping garbage and waste and provides judges flexibility to add penalties against the violator.

Agency position: Support

[AB 2446 \(Holden\) Embodied carbon emissions: construction materials](#)

This bill requires the California Air Resources Board (ARB), to develop a framework for measuring and reducing carbon emissions associated with new building construction. No local government fiscal impact expected.

Agency position: Support

[AB 2481 \(Smith\) Household hazardous waste facilities: transportation and acceptance](#)

This bill makes a variety of changes to the laws related to transportation of household hazardous waste (HHW) and operations of household hazardous waste collection facilities. Allows an individual who is not a resident of a household that generated HHW to transport those wastes to a HHW facility on behalf of the generator who is unable or unavailable to transport the wastes.

Agency position: Support

BILLS THAT DIED OR WERE VETOED

Plastic Pollution Prevention

[AB 1690 \(Luz Rivas\) Tobacco products: single-use electronic components](#)

This bill will prohibit the sale of single-use electronic cigarette.

Agency position: Support

Status: Died

[AB 1724 \(Stone\) State-owned Washing Machines: Microfiber Filtration](#)

This bill requires all state-owned washing machines to contain a microfiber filtration system with a mesh size of 100 microns or smaller.

Agency position: Support

Status: Died

[AB 1953 \(Maienschein\) Drinking water: accessible water bottle refill stations](#)

This bill will mandate refillable water bottle stations in public areas like transit stations, local park, shopping mall, golf course, and publicly owned buildings.

Agency position: Watch

Status: Died

[AB 2026 \(Friedman\) Recycling: plastic packaging](#)

This bill requires an e-commerce shipper that ships products in or into the state to reduce the total weight and number of units of single-use plastic it uses to ship or transport products.

Agency position: Support

Status: Died

[AB 2784 \(Ting\) Solid waste: thermoform plastic containers: postconsumer thermoform recycled plastic](#)

Establishes minimum content standards for thermoform food containers, ultimately requiring 30% recycled materials in such packaging.

Agency position: Watch

Status: Vetoed

Veto Message: *I strongly support efforts to advance California's transition to a circular economy. Earlier this year, I signed SB 54, which is the most significant overhaul of California's plastic and packaging recycling policy in state history, and goes further than any other state on cutting plastics production at the source. However, I am concerned this bill imposes confusing requirements in conflict with some of SB 54's key provisions, which could unfairly result in duplicative fees and penalties for the same material. SB 54 was specifically designed to create a comprehensive regulatory framework for all recycled materials, in lieu of piecemeal approaches for individual products. With this objective in mind, we should allow CalRecycle to begin its work to implement the reforms required by SB 54 before contemplating any new recycling requirements for individual materials.*

[AB 2787 \(Quirk\) Microplastics in products](#)

This bill would prohibit the sale or distribution of products containing intentionally added microplastics.

Agency position: Support

Status: Died

[SB 1255 \(Portantino\) Single-use products waste reduction: Dishwasher Grant Program for Waste Reduction in K–12 Schools and Community Colleges](#)

This bill would establish the Dishwasher Grant Program for Waste Reduction in K–12 schools. The Department would award grants of up to \$40,000 per kitchen of a school.

Agency position: Support

Status: Vetoed

Veto Message: *I appreciate the author's intent to be responsive to both the need to improve school water conservation and reduce waste in schools. However, the 2021 and 2022 Budget Acts included \$750 million Proposition 98 General Fund for schools to purchase and upgrade school kitchen equipment and infrastructure to support universal meals. Purchasing commercial dishwashers is an allowable use of these funds, making a new grant fund for this purpose unnecessary. Schools can and should use these funds to purchase and install these dishwashers as they deem appropriate. Additionally, establishing a statutory new grant fund creates additional cost pressure in the tens of millions of dollars for future budgets.*

Recycling

[AB 1454 \(Bloom\) The California Beverage Container and Litter Reduction Act](#)

This bill authorizes CalRecycle to establish regional convenience zones, expands the payment options for the California Redemption Value (CRV) and increases processing payments for certified recycling centers.

Agency position: Watch

Status: Died

Climate/Energy

[SB 1026 \(Wieckowski\) Residential energy efficiency disclosure statement: requirements](#)

This bill establishes a framework for notifying prospective renters about factors influencing a rental unit's energy consumption and monthly energy costs.

Agency position: Watch

Status: Died

[SB 778 \(Becker\) Buy Clean California Act: Environmental Product Declarations: concrete](#)

This bill adds concrete to the Buy Clean California Act.

Agency position: Support

Status: Died

[SB 1297 \(Cortese\) Low-embodied carbon building materials: carbon sequestration](#)

This bill requires state agencies to encourage the use of low-embodied carbon building materials and requires a public agency to have a preference for those materials in its public projects.

Agency position: Support

Status: Died

[SB 1301 \(Becker\) Corporation Tax Law: Personal Income Tax Law credits: green energy manufacturing](#)

This bill creates a credit equal to 10 percent of the amount paid or incurred for eligible manufacturing costs for a qualified taxpayer.

Agency position: Watch

Status: Died

[SB 1393 \(Archuleta\) Energy: appliances: local requirements](#)

This bill would require city or county to consider guidance from the California Energy Commission (CEC) on building electrification when adopting ordinances that require electrification of existing buildings.

Agency position: Opposed

Status: Died

Extended Producer Responsibility (EPR)/Circular Economy

[AB 2779 \(Irwin\) Beverage containers: wine and distilled spirits](#)

This bill would expand the state's Beverage Container Recycling Program to include wine and distilled spirits sold in aluminum beverage containers.

Agency position: Watch

Status: Died

[SB 1256 \(Wieckowski\) Waste management: disposable propane cylinders](#)

This bill would ban the sale of disposable 1lb propane cylinders in California beginning Jan. 1, 2028, since refillable options have become readily available.

Agency position: Support

Status: Vetoed

Veto Message: *I acknowledge there are several challenges and costs faced by local governments and solid waste management authorities responsible for the disposal of single-use propane cylinders. However, an outright ban without a plan for collection and refill infrastructure could inhibit the success of building a circular system in California.*

California has successfully implemented many reuse and recycling systems, from the Beverage Container Recycling Program to several extended producer responsibility programs. These market-based solutions both significantly reduce waste and create jobs by turning a challenging product into a resource. I encourage the Legislature and stakeholders to work on a similar approach for the collection and reuse of this product that accounts for manufacturer and retail responsibility.

[SB 983 \(Eggman\) Consumer warranty protection: express warranties](#)

This bill requires manufacturers of an electronic or appliance product of more than \$50 to provide sufficient service literature, at no charge, and prescribed functional parts and tools to owners of the product, service and repair facilities, and service dealers for specified timeframes.

Agency position: Support

Status: Died

ADDITIONAL LEGISLATIVE ACTIONS ON SUSTAINABILITY AND CLIMATE CHANGE

The Governor also signed a package of climate-related bills that were agreed to by the legislature at the very end of the session:

- [SB 846 \(Dodd\) Diablo Canyon](#) – The Diablo Canyon nuclear powerplant is operated by the Pacific Gas and Electric Company in the County of San Luis Obispo. On Jan.11, 2018, the Public Utilities Commission (PUC) approved the Pacific Gas and Electric Company's proposal to retire Unit 1 in 2024

and Unit 2 in 2025. This bill now invalidates the PUC's approval of that proposal and requires the PUC to set new retirement dates for the Diablo Canyon powerplant, as provided, conditioned upon the United States Nuclear Regulatory Commission extending the powerplant's operating licenses.

- [SB 905 \(Caballero\) Carbon Sequestration](#) – This measure creates regulations to permit and monitor controversial new technologies that aim to capture carbon from the air and sequester it in underground caverns.
- [SB 1020 \(Laird\) Clean Energy, Jobs, and Affordability Act of 2022](#) – Establishes interim targets to the statewide 100% clean energy policy. Additionally requires state agencies to accelerate their 100% clean energy policy goal by 10 years. Establishes new targets under existing law requiring California to have 100% clean, zero carbon, and renewable energy policy for California's electricity system by 2045.
- [SB 1137 \(Gonzalez\) Oil and Gas Setbacks](#) – This measure bans new oil wells and extraction facilities within 3,200 feet — or more than a half mile — of homes, schools, and parks. Newsom ordered state oil regulators to adopt a similar rule last year, but the bill would make it binding.
- [AB 1279 \(Muratsuchi\) The California Climate Crisis Act](#) – This measure creates a legally binding goal that the state achieves carbon neutrality — meaning the state either eliminates or captures all its greenhouse gas emissions — by no later than 2045. It would also require the state to reduce greenhouse gas emissions by at least 85% below 1990 levels in that period.

RECOMMENDATION

This item is for information only.

**November 2022
Meetings Schedule**

**Alameda County Waste Management Authority, the Energy Council, Source Reduction &
Recycling Board, and Programs and Administration Committee**

(Meetings will be held **via teleconference** unless otherwise noted)

SUN	MON	TUES	WED	THURS	FRI	SAT
		1	2	3	4	5
6	7	8	9	10 9:00 A.M. Programs & Administration Committee Key Items: 1. Rules of procedure - Board teleconferencing <hr/> CANCELLED IN LIEU OF JOINT MEETING on 11-16-22 Planning Committee & Recycling Board	11 AGENCY HOLIDAY	12
13	14	15	16 3:00 P.M. Joint Meeting Waste Management Authority, Energy Council & Planning Committee & Recycling Board Key Items: 1. Midyear consent (TBD) 2. WMA appts to the Recycling Board 3. SB 1383 update 4. Grants update	17	18	19
20	21	22	23	24 AGENCY HOLIDAY	25 AGENCY HOLIDAY	26
27	28	29	30			

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Energy Council
TECHNICAL ADVISORY GROUP (TAG)
Tuesday, October 18, 2022 – 1:00 pm to 3:00 pm

Attendance (all via phone):

Alameda County: Emily Sadigh

City of Alameda: Danielle Mieler, Trey Hannula (Fellow)

City of Albany: Lizzie Carrade, Michelle Plouse, Natasha Gallatin (Fellow)

City of Berkeley: Billi Romain, Valerie Nguyen (Fellow)

City of Dublin: Anna Zamboanga (Fellow)

City of Emeryville: Nancy Humphrey

City of Fremont: Rachel DiFranco, Kranti Kapur

City of Hayward: Erik Pearson, Nicole Grucky, Hailey Meyer (Fellow), Sierra Cannon (Fellow)

City of Piedmont: Alyssa Dykman, Sophie Roberts (Fellow)

City of Pleasanton: Zeelaura Page

City of San Leandro: Hoi-Fei Mok

City of Union City: Brandon DeLucas

StopWaste: Jennifer West, Emily Alvarez, Chris Hunter, Karen Kho, Miya Kitahara, Timothy Burroughs, Ben Cooper, Robin Plutchok

EBCE: Cait Cady

Welcome and Intros

- Member Agencies introduced their Civic Spark and Climate Corps Fellows

Setting Priorities at StopWaste – Karen Kho and Miya Kitahara, StopWaste

- 2000-2010: StopWaste started a Green Building in Alameda County program that laid groundwork for CALGreen - first statewide green building code
- Energy Council formed in 2013 to promote energy efficiency goals and distribute ARRA funding
 - Helped to set up BayREN under CA Public Utilities Commission (CPUC) regulations
 - Within StopWaste, this siloed programs into energy efficiency and building materials
- StopWaste is unique because we do approach both, unlike others (PG&E, EBCE) who focus just on energy. We are trying to re-integrate our approach and address the built environment as a whole.
- Current/Future - A lot has changed! Funding/stimulus, COVID, CPUC changes for decarbonization, Air District (BAAQMD) phase out of gas appliances, and more.
- Development of three Agency-wide budget goals (2022): working upstream, circular economic solutions, and centering healthy communities and ecosystems.
 - These seem materials focused, but also incorporates eliminating wasted energy, removing toxic methane (gas) from buildings, and focusing on equity in building upgrades.
- Based on Agency goals and current funding landscape, anticipated changes include:
 - Shifting role on heat pump water heaters (HPWH) within market development
 - Equity in BayREN programs and layering non-energy efficiency (EE) funding
 - Reconciling clean energy and circular economy goals
 - Aligning work with economic development and housing objectives
- US Economic Development Administration (EDA) grant Phase 1 is an example of a regenerative, multi-benefit goal (we did not receive final round funding but do have planning funds from first round).
 - Includes focus on supply chains, decarbonization, reuse/deconstruction, housing construction, and economic development for prefab/modular construction
- Discussion questions:

- What are your jurisdiction's priorities and aspirations for the built environment?
 - Decarbonization of existing buildings
 - Support for industry/start ups/market development, including how some difficult sectors like manufacturing can decarbonize
 - Prevailing wage, holistic healthy retrofits that look different than typical EE projects that focus on cost-effectiveness → how to transform the building stock and economy?
- How can StopWaste best support them?
 - For small cities, countywide or regional programs are most helpful
 - Identify opportunities to work collaboratively with other groups working on similar goals, like EBCE
 - Frameworks on how we can explain our impact on the circular economy or community health
 - Bulk purchasing of water heaters or loaner water heaters available at the county level
 - State law requirements and implementation, like SB 1383

Legislative Update – Jennifer West, StopWaste

- 2021/2022 Legislative Priorities
 - SB1383 procurement requirement adjustments
 - Product labeling to reduce customer confusion
 - Circular economy solutions that advance source reduction of materials like low-grade plastics
 - Decarbonization and electrification of the built environment
- Work with many partnerships and coalitions
- Key laws this past season:
 - SB 54 - plastic packaging addressed in comprehensive program by 2032
 - AB 2446 - embodied carbon in construction materials
 - AB 1985 - SB 1383 procurement
 - SB 1013 - wine and spirits bottles included in CRV program
 - SB 1215 and AB 2440 – batteries and an extended producer responsibility program
- StopWaste has team of lobbyists who provide information on legislation and have relationships with state agencies, bill authors, and legislators
- Cities set legislative priorities and if a bill fits within that agenda could more easily provide letter of support, otherwise can take time to get on Council agenda

Heat Pump Water Heater Program Update – Jennifer West, StopWaste

- Works with, but is separate from BayREN Home+ program, which provides a \$1,000 incentive to the homeowner for installing HPWH
- HPWH program provides \$1,000 to a contractor to install a HPWH, funded by CCAs (EBCE in Alameda County)
 - Reached end of budgeted EBCE funds, evaluating how best to continue program
- Contractor enrollment increasing (~70, not all have completed a project and received an incentive), the numbers were boosted when the TECH program launched in 2021
- More than 300 installations regionally, increasing in recent months, about half in Alameda County
 - Oakland has most
 - Tri-valley contractor has solved some emergency replacement challenges, as they received a grant from the TECH program to provide loaner gas water heater while electrical work is done for emergency replacements

- Renewed TECH funding, Self-generation Incentive Program (SGIP), and IRA (Fed \$) will continue to change the market for HPWH in 2023

Ask TAG:

- Net Energy Metering 3.0 update suggested item for future EBCE MuniPals meeting
- City development of pilot existing building incentives for electrification: information sharing.

Announcements:

- Next Energy Council Board meeting Oct 26, 2022: BayREN and HPWH program update
- BayREN 101 presentation by Chris Hunter being scheduled
- [Topic Brief for September was on CAPs and embodied emissions](#)
- BAAQMD NOx regulations moving ahead to ban natural gas-powered appliances by 2027 and 2029
- Register for [BayREN Forum 11/16](#) on Renter Protections in multifamily housing when decarbonizing
- High Road Training Partnership workshop on 12/14.