

**DRAFT**

**MINUTES OF THE ALAMEDA COUNTY WASTE  
MANAGEMENT AUTHORITY MEETING  
OF THE  
PROGRAMS AND ADMINISTRATION COMMITTEE**

**Thursday, September 12, 2019**

**9:00 A.M.**

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

**Teleconference  
Tim Rood  
San Jose City Hall  
3rd Floor Tower  
200 East Santa Clara St  
San Jose CA 95113**

**Members Present:**

County of Alameda	Keith Carson
City of Albany	Rochelle Nason
City of Berkeley	Susan Wengraf
City of Dublin	Melissa Hernandez
City of Emeryville	Dianne Martinez
City of Fremont	Jenny Kassan
City of Newark	Mike Hannon
Oro Loma Sanitary District	Shelia Young
City of Piedmont	Tim Rood (teleconference)
City of Pleasanton	Jerry Pentin
City of Union City	Emily Duncan

**Absent:**

City of Oakland	Dan Kalb
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**Staff Present:**

Wendy Sommer, Executive Director  
Pat Cabrera, Administrative Services Director  
Jeff Becerra, Communications Manager  
Meghan Starkey, Senior Management Analyst  
Rachel Balsley, Senior Program Manager  
Arliss Dunn, Clerk of the Board

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### 1. Convene Meeting

Chair Shelia Young called the meeting to order at 9:06 a.m.

### 2. Public Comments

There were none.

### 3. Approval of the Draft Minutes of July 11, 2019 (Pat Cabrera)

There were no public comments on this item. Board member Pentin made the motion to approve the draft minutes of July 11, 2019. Board member Wengraf seconded and the motion carried 7-0-1 (Ayes: Duncan, Hernandez, Kassan, Nason, Pentin, Young, Wengraf. Nays: None. Abstain: Martinez. Absent: Carson, Hannon, Kalb, Rood).

### 4. Proposed Benefit Changes (Pat Cabrera)

That the P&A Committee discuss this item and recommend that the WMA adopt the requested changes as outlined in the staff report.

Pat Cabrera provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [Benefit-Changes.pdf](#)

Board member Pentin inquired with regard to the Executive Director Authority, if the de minimis cost of no more than \$15,000 is aggregate per year or per incident. Ms. Cabrera stated that it is aggregate per year. Board member Nason inquired if there are any current employees enrolled in educational programs that could be affected by the proposed reduction in the educational benefit. Ms. Cabrera stated that the agency would honor any employee that is currently enrolled in a program as they would be grandfathered in at the current rate.

Chair Young inquired if the agency reviews employee benefits on an annual basis and further inquired as to what prompted the review. Ms. Cabrera stated that the issue arose a couple of years ago as we were looking at work life balance and how the agency compared to other member agencies. Chair Young inquired with regard to the bike allowance, how we would ensure that an employee is actually riding their bike to work 50% of the time. Ms. Cabrera stated that the agency is small enough to keep track of who is biking to work and it is also on the honor system. Board member Hernandez commented that she has worked for a small company for a number of years and they received three weeks of vacation leave very early on. She also added her support for the \$25 bike allowance.

There were no public comments on this item. Board member Wengraf made the motion to approve the staff recommendation. Board member Pentin seconded and the motion carried 10-0: (Ayes: Carson, Duncan, Hernandez, Kassan, Martinez, Nason, Pentin, Rood, Young, Wengraf. Nays: None. Abstain: none. Absent: Hannon, Kalb).

### 5. Employment Status Change for Board Members (Pat Cabrera)

This item is for information only.

Pat Cabrera provided an overview of the staff report. A link to the report is available here: [Board-Members-Status-Change.pdf](#)

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Board member Duncan inquired about the noticeable change in how the Board stipends are currently remitted to Board members. Ms. Cabrera stated that Board members currently receive a check and a Form 1099 is issued at the end of the year. Beginning in 2020, 7.65% will be deducted from the payment for Medicare and Social Security (FICA) payroll taxes and any other withholdings determined by the W-4 form that Board members will provide. Ms. Cabrera added Board members will not be eligible for any employee benefits, but they are allowed a reimbursement for expenses relating to educational or professional instruction, conferences or seminars related to the waste reduction field. Board member Wengraf inquired if this has any effect on the Form 700 filing. Ms. Cabrera stated no, the Form 700 relates to any gifts that are received.

There were no public comments on this item.

### **6. National Sword Update and Local Impacts (Meghan Starkey)**

This item is for information only.

Jeff Becerra and Meghan Starkey provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [National-Sword-Update.pdf](#)

Board member Pentin asked for clarification on the statement “elimination of materials.” Mr. Becerra stated that some materials are not being recycled as they are not being accepted at processing facilities as part of the recycled waste stream. Board member Carson inquired about what is happening domestically. Mr. Becerra stated that we are hearing of more domestic facilities being developed although not in California due to our more stringent environmental policies. Mr. Becerra added it takes time to place these facilities and have them up and running but he feels positive that going forward we will have increased domestic capacity. Board member Carson inquired if due to operating cost there is the potential for closing facilities and moving towards transporting materials outside of California. Mr. Becerra stated that this is already occurring but he has not heard of any local facilities closing. Ms. Sommer added due to National Sword and the inability to move materials as fast as before, it is causing facilities to have more residuals and some facilities are reaching the permitted limit, triggering the threshold that requires a solid waste facility permit from CalRecycle. Ms. Sommer added that she has heard that some facilities/haulers are reaching out to their cities for financial assistance to keep them afloat. Board member Carson inquired if there have been any discussions or conversations among jurisdictions to possibly go to the voters for an increase to provide assistance to the recycling industry. Mr. Becerra stated yes, there have been conversations because haulers are asking the cities for rate increases. Ms. Sommer added we have not seen any action that would involve seeking assistance from the residents. Mr. Becerra added because of SB 1383, we will see more siting of composting facilities. Board member Carson inquired about the development of new facilities outside of the United States and stated that they are becoming stringent in their requirements as well. Mr. Becerra stated that the Southeast Asian Countries that are considering or implementing stricter contamination standards include India, Vietnam and Malaysia. Board member Carson commented that San Francisco is developing more upstream policies from a producer perspective. Mr. Becerra stated that with respect to waste prevention, when staff went to the Board to present and ultimately adopt the Guiding Principles the focus was on waste prevention and in the fall we will be bringing a single use disposables policy to the Board as another example of an upstream strategy.

Board member Wengraf stated that the efforts to address the National Sword issue appear to be a patchwork approach and inquired if there are plans to collaboratively address the issue either regionally or statewide. Ms. Sommer stated if there is a strategy that it should start at the state level as

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all of the jurisdictions have different haulers and franchise agreements with differing requirements which makes it difficult to launch a coordinated approach. Ms. Sommer stated that on a local level we can discuss revisiting the permitting process for haulers. Board member Martinez announced that she was pleased that the city of Emeryville worked with Waste Management to continue to include the gable top milk cartons in their recycling stream. Board member Martinez agreed with Board member Wengraf's comments and inquired if there was anything that we can do locally for the upcoming state budget cycle for local infrastructure if we want to keep using these materials. Board member Martinez added they are focused on zero waste.

Board member Pentin asked for clarification on the contamination fee. Ms. Starkey stated that since the issue of National Sword focuses on materials that are deemed too dirty to go into China and for a number of reasons commercial customers are consistently putting the wrong things into bins, some haulers are assessing a contamination fee on those customers. Ms. Sommer stated that Waste Management is starting to assess fees in Oakland and is looking to do it in other jurisdictions as well. Ms. Balsley added in the 2015 franchise agreement with Oakland a provision was added that service providers can charge a contamination fee of \$25 to single family homes. The account holder would first receive a warning notice and the bin would be tagged 3-4 times before a fee was levied. Ms. Balsley added she is not sure if any fees have been assessed to date. Board member Pentin inquired if this would require auditing the bins with cameras. Ms. Balsley stated that it is easier to audit commercial accounts with cameras and use visual inspections with single family residences. Chair Young commented that she is Chair of the Solid Waste Committee at Oro Loma Sanitary District, and Waste Management is doing a pilot in Woodland for residential use of cameras on board the trucks and they are the only company that is currently doing that.

Board member Wengraf commented that it appears that the pressure is on the consumer and it is very difficult given the varying requirements among the different facilities and inquired as to what pressure is being put on the producers for manufacturing these materials. Ms. Sommer stated that producer responsibility is definitely one of the Agency's areas of priority and we are addressing it legislatively. Mr. Becerra stated that EPR for paint has been very successful in helping us lower the fee for the HHW facility, carpet has not been very successful, and mattresses are somewhere in the middle. Staff is continuing in our efforts and we will be able to report on legislation around plastics at the end of the legislative session. Chair Young stated that there is legislation around plastics in the pipeline and provided a copy of an article on plastic legislation to the Clerk of the Board to distribute to the Committee. Ms. Sommer stated that the state legislation is SB 54 and AB 1080 sponsored by Assembly member Lorena Gonzalez and Senator Ben Allen and stated that we should support the language but she is concerned about how the policies will be implemented at the local level and whether local jurisdictions are willing to implement these measures without a funding mechanism. Board member Wengraf inquired if there is a way to work with the authors to amend the item to address those concerns. Ms. Sommer stated that we have been working with them but she has not seen progress so far. Ms. Becerra added we are working with our partners but there is stiff opposition from the plastics industry. Board member Hannon commented that there should be a regulatory approach that focuses on ensuring that recycling facilities are operating with less than 10% residuals and if not requiring that they apply for a solid waste facility permit from the state. Ms. Sommer stated that we are not the enforcement agency. With the exception of the City of Berkeley, the Alameda County Department of Environmental Health serves as the LEA (Local Enforcement Agency) and has jurisdiction over this. Ms. Sommer added that the agencies have been out in the field inspecting these facilities and some of the local facilities have been asked to apply for a solid waste permit. Board member Hannon commented that as a member of the San Jose LEA, the concern was that they allowed the facilities to self-audit and

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although a majority of the time it was fine he recommends that we provide oversight to ensure that they are in compliance and if not regulate that they apply for a solid waste facility permit. Board member Hannon stated that he was pleased to hear about the task force and is interested to hear about the best practices around reducing contamination. Chair Young inquired if the task force is discussing multi-family units. Ms. Starkey stated that they have not taken a deep dive specifically in discussing multi-family units but it is upcoming. The task force is more focused on education and outreach. Chair Young inquired with regard to CalRecycle and CRV deposits. Ms. Sommer stated that we will have a discussion on this issue next month.

There were no public comments on this item. Chair Young thanked staff for the presentation and discussion.

### **7. Member Comments**

Chair Young informed the Committee that we mistakenly interpreted the Rules of Procedure to say that the Chair may serve for two consecutive terms. We will place the election of a new Chair and Vice Chair on the October agenda.

### **8. Adjournment**

The meeting adjourned at 10:07 a.m.