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

Wednesday, January 22, 2020

3:00 P.M.

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

I. CALL TO ORDER

President Rood called the meeting to order at 3:00 p.m.

II. ROLL CALL OF ATTENDANCE

City of Alameda	Jim Oddie, WMA, EC
City of Albany	Nick Pilch, WMA, EC
City of Berkeley	Susan Wengraf, WMA, EC
City of Dublin	Melissa Hernandez, WMA, EC
City of Emeryville	Dianne Martinez, WMA, EC
City of Fremont	Jenny Kassan, 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	Tim Rood, WMA, EC, President
City of Pleasanton	Jerry Pentin, WMA, EC
City of San Leandro	Deborah Cox, WMA, EC
City of Union City	Emily Duncan, WMA, EC

ABSENT:

County of Alameda	Keith Carson, WMA, EC
Castro Valley Sanitary District	Dave Sadoff, WMA
City of Hayward	Francisco Zermeño, WMA, EC

Staff Participating:

Wendy Sommer, Executive Director
Justin Lehrer, Senior Management Analyst
Jennifer West, Program Manager
Arliss Dunn, Clerk of the Board
Richard Taylor, WMA Legal Counsel

Others Participating:

Kathy Cote, City of Fremont
Dagney Tucker, CEO, Vessel
Peter Slote, City of Oakland
Samantha Sommer, ReThink Disposable, Clean Water Fund

III. ANNOUNCEMENTS BY PRESIDENTS

There were none.

IV. OPEN PUBLIC DISCUSSION FROM THE FLOOR

There was none.

V. CONSENT CALENDAR

1. Approval of the Draft Minutes of December 18, 2019 (Wendy Sommer)

2. Annual Audit for Fiscal Year 2018-19 (Pat Cabrera & Jennifer Luong)

That the WMA Board and Energy Council review, accept and file the Fiscal Year 2018-19 Annual Audit.

There were no public comments for the Consent Calendar. Board member Young made the motion to approve the Consent Calendar. Board member Duncan seconded and the motion carried 12-0: (Ayes: Carling, Cox, Duncan, Hannon, Hernandez, Martinez, Oddie, Pentin, Pilch, Rood, Wengraf, Young. Nays: None. Abstained: None. Absent: Carson, Kalb, Kassan, Sadoff, Zermeño).

VI. REGULAR CALENDAR

1. Reusable Food Ware Ordinance (Justin Lehrer)

Review the options listed in the staff report, and provide direction to staff on how to proceed.

Board members Kalb and Kassan arrived during the presentation. Wendy Sommer introduced the item and provided some context and background on where we are today. Ms. Sommer stated that following the November committee meetings where this topic was introduced and discussed, staff has had several meetings and discussions with member agency staff and city managers. Through these discussions, an overwhelming majority of the input and feedback focused on concerns that with the significant demands from the impending SB 1383 legislation, proceeding with an ordinance at this time would take away resources and hinder StopWaste staff from assisting with the implementation of SB 1383. To that end, given the significant amount of feedback received from member agency staff, Agency staff feels that Option 1 Pilot Projects and Data Collection is the best approach at this time.

Ms. Sommer sought Board concurrence on the underlying objectives for pursuing a reusable food ware ordinance which include: reducing consumption of single-use food ware, creating and supporting countywide infrastructure to handle reusables, ensuring that replacement products don't contain toxics such as PFAs, and developing policy that's pragmatic, thoughtful and can be implemented equitably countywide. Board member Hannon asked if the reusable food ware ordinance is being developed as a staff or board priority. Ms. Sommer responded that the idea was brought up by several Board members during the priority setting process, which resulted in the guiding principle to only consider mandatory measures that go through a comprehensive resource analysis process. We are currently in the resource analysis stage.

Justin Lehrer provided an overview of the staff report. A link to the report is available here: [Reusable-FoodWare-Ordinance.pdf](#)

Board member Carling inquired about the 6-8 month timeline for start-up of the pilot and the proposed number and mix of the businesses. President Rood inquired if the pilot would target only certain

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jurisdictions or is it proposed to be countywide. Mr. Lehrer stated that the details are still being sorted but it wouldn't be feasible to include all of the businesses in a certain jurisdiction. Mr. Lehrer added, a key criteria would be if a jurisdiction would want to partner with us and be able to contribute resources either financially or in-kind, and that jurisdictions could potentially identify businesses that would be a good fit for the pilot. Mr. Lehrer added that we are working with a sub-committee of interested TAC members and will reconvene that group to work through the details. Board member Kassan inquired about the number of cities that are already doing pilot projects and how our proposed project would work with them. Mr. Lehrer stated that the City of Berkeley is the only city that has a pilot for reusables and we are currently working with the City of Fremont to provide technical assistance via the Re-think Disposable program. Board member Cox stated that her council had heard the details of SB 1383 as well as feedback from City staff and staff feels that they cannot take on any more projects at this time. Board member Cox inquired if the pilot would be looking at small mom and pop businesses and how we can help them build infrastructure to manage reusables in-house. Mr. Lehrer stated yes, we are working with groups that have the expertise in developing infrastructure for both in-house and mobile dishwashing services. Board member Cox inquired if we have learned any best practices from cities that have these types of ordinances. Ms. Soll stated that most of the cities that have the dine-in ordinances have not been implemented yet. Board member Cox stated that she is interested in Option 1 but she is not sure about city staff. Board member Martinez stated that she appreciates staff bringing forth Option 1 as this approach is the smartest and friendliest way to work with the small businesses in her city without posing undue burdens. Board member Martinez added this approach also provides the opportunity to bring in the California Restaurant Association (CRA) to talk to their members about their needs as well as collect data on the flow of their reusables. Board member Oddie inquired if there are any economies of scale that would enable us to reduce the cost if we decide to pursue a model or countywide ordinance or could we draft the model ordinance while learning from the pilot. Mr. Lehrer stated that Option 1 would provide an opportunity for testing out messaging and outreach but without the appropriate CEQA analysis we couldn't move forward with developing an ordinance. Board member Oddie stated that he likes the idea of a pilot and if we decide to pursue the pilot we should include chains and restaurant districts such as the Temescal district. Board member Oddie stated that his colleagues at the City of Alameda still have concerns about the cost of enforcement for their ordinance and the CRA offered to be a resource with regard to the use of incentives for participating versus fines for not participating and no one favored the surcharge on cups.

Board member Pilch stated that he had not discussed the ordinance with his council but he is confident that staff would not be in favor of doing it themselves and supports the idea of doing Option 1 with data collection prior to pursuing a model or countywide ordinance. Board member Duncan stated that she is confident that the council and staff would be open to participating in the pilot project but would appreciate more information regarding the resource requirements for implementation of SB 1383. Board member Pentin stated that the City of Pleasanton staff was initially onboard with a countywide ordinance given the pending SB 1383 legislation. Staff is now excited about the proposed pilot project because it allows the opportunity to learn from the cities that have adopted reusable food ware ordinances and could also provide information on how to bridge the food ware ordinance with requirements of SB 1383. Mr. Lehrer stated that a key connection point between this effort and SB 1383 is food recovery, and staff is interested in opportunities to integrate reusables into food recovery efforts if there is an opportunity within the pilot projects. Board member Hernandez stated that the City of Dublin staff was also concerned about the requirements for SB 1383 and had initially supported a countywide ordinance but would be asking that we wait a year before implementing it. Staff is now onboard with the pilot project. Board member Young stated that Oro Loma staff already has concerns about enforcing 1383 with the community and then introducing the food ware ordinance and stated her support for Option 1 and the proposed timeline. Board member Hannon stated that the City of

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Newark initially supported a countywide ordinance and now supports Option 1. Board member Hannon recommended that staff continue to work with the TAC to identify certain restaurants and to consider geographic density with regard to the smaller cities identifying fewer businesses for participating and the larger cities identifying more businesses. Board member Wengraf stated that the City of Berkeley ordinance was more costly to implement than originally anticipated and they have learned that most dine-in restaurants are already complying with the ordinance but the take-out restaurants are facing certain challenges such as how to provide compostable food ware for hot soup. There is also fear regarding permitting and space requirements for the smaller establishments. Board member Kalb stated that if we will be reaching out to the same businesses for SB 1383 and the food ware ordinance, it would be a missed opportunity to not simultaneously approach both issues. He expressed concerns about delaying the process and wanted to make sure that the pilots are robust enough with a variety of businesses and jurisdictions represented, so we could identify potential hurdles and unintended consequences and move forward with a countywide ordinance sooner rather than later. Ms. Sommer stated that Option 1 is not meant to delay the process, but rather to get enough information to support a thoughtful policy. Staff will rely on jurisdictions' cooperation to ensure a good mix of projects. President Rood stated that SB 1383 is the law and every business across the county will have to comply with it. He is not sure how outreach regarding reusable food ware will help implement SB 1383 across the county. President Rood stated that his council was initially in favor of a countywide ordinance but there appears to be a very strong consensus in favor of the Pilot Project and Data Collection and he is supporting Option 1 as well.

There were four public speakers on this item:

Kathy Cote, City of Fremont, stated that the Fremont City Council and staff support Option 1 and they will be participating with data gathering. Through their project with ReThink Disposable, they will be targeting 250 businesses. Dagney Tucker, CEO, Vessel, stated her support for Option 1. Ms. Tucker stated that through their pilot project in Berkeley, they have exceeded their anticipated number of sign-ups. Peter Slote, City of Oakland, stated that he supports the goal of reusables for the county and noted that in Option 3-Countywide Ordinance, he supports the requirement that compostables are limited to non-plastics. Samantha Sommer, ReThink Disposable, stated that through their pilot projects with smaller business the metrics demonstrate that the source reduction and transitioning to reusable food ware works for businesses.

Board member Oddie stated that if we pursue the pilot project that he hopes that the pilot will have a diverse set of end users.

Board member Hannon made the motion to direct staff to move forward with Option 1 Pilot Project and Data Collection with the understanding that staff will come back in the near future to report on how the pilot is progressing and inform the Board on the specific implementation of the pilots. Board member Duncan seconded and the motion carried 13-0-3:

(Ayes: Carling, Cox, Duncan, Hannon, Hernandez, Kassan, Martinez, Oddie, Pentin, Pilch, Rood, Wengraf, Young. Nays: None. Abstained: Kalb. Absent: Carson, Sadoff, Zermeño).

2. Interim appointment(s) to the Recycling Board for WMA appointee unable to attend future Board Meeting(s) (Arliiss Dunn)

(Planning Committee and Recycling Board meeting, February 13, 2020 at 7:00 pm, San Leandro Senior Center, 13909 E. 14th Street, Meeting Room C, San Leandro, CA 94578).

There were no requests for an interim appointment.

Energy Council President Cox chaired the EC item.

3. Heat Pump Water Heater Grant Update and MOU (Jennifer West) (EC only)

Adopt a Resolution authorizing the Executive Director to negotiate an MOU with local energy providers for implementation of the BAAQMD HPWH incentive program and other related actions to be formally approved by the Council when completed and to enter contracts with service providers to implement the MOU work program in an amount not to exceed funds provided by the signatories to the MOU.

Jennifer West provided an overview of the staff report and presented a PowerPoint presentation. A link to the report and the presentation is available here: [HPWH-Grant-01-22-2020.pdf](https://www.co.fresno.ca.us/egov/HPWH-Grant-01-22-2020.pdf)

Board member Hannon inquired that as we encourage residential properties to move from gas to electric water heaters, have we done an analysis on what the permitting differential might be for making the switch. Ms. West stated that we have not done an analysis on the impact of requiring permits, but we are requiring permits, which is why we targeted contractors, and not distributors, to be our mid-stream supply chain actors for the program. Ms. West added that with the number of permitting agencies, the difficulty and cost in getting a permit varies by location. Board member Hannon stated that we must be mindful of the cost issues as they are significantly costly to single family residents. Board member Wengraf inquired about the cost differential between gas water heaters and the heat pump water heaters. Ms. West stated that the heat pump water heaters are approximately \$600 more than gas water heaters.

There were no public comments on this item. Board member Kalb made the motion to approve the staff recommendation. Board member Pentin seconded and the motion carried 15-0:

(Ayes: Carling, Cox, Duncan, Hannon, Kalb, Kassan, Martinez, Oddie, Pentin, Pilch, Rood, Wengraf. Nays: None. Abstained: None. Absent: Carson, Hernandez, Zermeno).

VII. MEMBER COMMENTS AND COMMUNICATIONS FROM THE EXECUTIVE DIRECTOR

Ms. Sommer distributed the monthly topic brief on the Countywide Integrated Waste Management Plan-2020 Update, available here: [2020CoIWMP-Update-Topic-Brief.pdf](https://www.co.fresno.ca.us/egov/2020CoIWMP-Update-Topic-Brief.pdf) and the monthly events, available here: [In-Your-Community-Jan-2020.pdf](https://www.co.fresno.ca.us/egov/In-Your-Community-Jan-2020.pdf)

VIII. ADJOURNMENT

The meeting was adjourned at 4:56 p.m.