

County of Santa Clara

Consumer and Environmental Protection Agency
Recycling and Waste Reduction Division
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12/14/18 NOTICE OF DETERMINATION

Safe Sharps Disposal Ordinance
Ordinance No. NS-517.92 Chapter XXI Section B11

DATE: December 14, 2018

TO: Dr. Victoria Travis, National Program Director
MED-Project, LLC

FROM: Jo Zientek
Director – Consumer and Environmental Protection Agency
County of Santa Clara
1553 Berger Drive
San Jose, CA 95112

SUBJECT: Notice of Determination – Rejection of MED-Project, LLC’s proposed Product Stewardship Plan for Sharps from Households dated October 10, 2018

DETERMINATION:

Pursuant to Chapter XXI, Division B11 of the County of Santa Clara Ordinance Code (Ordinance No. NS-517.92, “Ordinance”), and regulations adopted by the Director pursuant to Section B11-573(a) of the Ordinance (“Regulations”), the Director of the County of Santa Clara (“County”) Consumer and Environmental Protection Agency (“Director”) hereby rejects the Stewardship Plan (“Plan”) submitted October 10, 2018 by MED-Project, LLC (“MED-Project”), on the following basis:

1. Plan omits any required compliance with B11-566(b)(1) regarding mail back distribution sites. If the plan operator wishes to propose alternative means of distributing sharps containers to utilize with additional drop off kiosks or another model to meet this obligation, operator shall specifically propose. And in no case shall the obligation to provide mail back distribution sites as defined in the ordinance be waived in its entirety.
2. Section B(5) of Plan proposes collection from filled kiosks which are reported to MED-Project meet a “timely” response based on need. A kiosk reported as full by the kiosk host shall be provided service immediately not to exceed one business day.
3. MED-Project shall provide a detailed description of vendors and resources identified in Section B (6) of the Plan. To wit, “Vendor maintains a network of emergency responders that can be called on in the case of an emergency or spill incident.” The description shall include scope of work and means of initiating contact and anticipated response time. MED-Project shall define how host sites can communicate these events to MED-Project

to reach a live operator or MED-Project employee in such cases. MED-Project shall separately identify these service providers and provide information about their capacity to respond to emergencies as first responders. The appropriate phone number to initiate this response shall be reiterated in this section for clarity.

4. Section E (2) indicates that covered sharps will be rejected at take-back events if not presented by consumers in approved sharps containers. MED-Project shall provide appropriate collection at take back events to allow consumers to deposit sharps into approved collection containers or to accept consumer generated sharps in hard-sided plastic containers commonly used by consumers in consolidating home generated sharps. Rejection of home generated sharps at designated take back events does not meet the objectives of the ordinance.
5. Pursuant to B11-566(b)(1), call center and website shall provide unlimited prepaid mail back containers to requesting resident. Plan samples suggest a single container per request. Revise call center script and website to allow requestor to clearly and easily indicate desired number of containers sent with a single request.
6. Section IX shall remove all information provided for vendors, carriers, transfer facilities and disposal facilities that do not comply with Section B11-567 of the ordinance.
7. Plan shall provide a County specific call center number for County residents pursuant to B11-568 (a) (4). Revise call center script and outreach materials as appropriate.
8. Section X refers to educational materials to be provided to identified stakeholders and consumers "as requested" in violation of Section B11-568(a)(5) where such information is required to be distributed annually and "...more frequently as requested by the Director...". Plan shall be revised to clearly describe methods and means to meet this requirement addressing each of the identified recipient groups indicated in Section B11-568(a)(5) of the ordinance.
9. Section X of the Plan does not provide adequate advertising campaign information related to consumer education. Please detail. In addition, Section X(A) of the plan shall be revised to comply with Section B11-563(f) or the ordinance.
10. Plan omits compliance with ordinance section B11-563(h) with regard to landfills, transfer stations and recycling facilities.
11. Plan omits compliance with ordinance section B11-563(k) with regard to mail back distribution sites.
12. Section XI of Plan shall be revised such that survey shall be developed and completed pursuant to Section B11-568 specifically "within two years" of Plan operation.
13. Section XIII of the Plan shall be revised to be compliant with Section B11-569 (c) of the ordinance related to the period covered for reporting.
14. Appendix C lists only CVS and Kaiser locations. Plan shall comply with provisions of B11-566(b)(5). Drop-off sites shall be expanded to include facilities, including County HHW facilities, as indicated in B11-561(h).
15. Appendix D of Plan shall be revised to be compliant with definition of drop-off sites in Section B11-561(h) of the ordinance.
16. The request for alternative treatment technologies presented by MED-Project in the Plan as Appendix F is rejected as non-complaint with Section B11-567 (c) of the ordinance.

17. Appendix H shall be revised to meet compliance with Section B11-568 of the ordinance.
18. Sample Script in Appendix L is primarily unrelated to Sharps disposal. Revise.
19. Appendix M provides a sample website primarily focused on medicine disposal. Pursuant to B11-568(a)(4) a single County-specific website for Safe sharps disposal information shall be provided. MED-Project is urged to provide a user-friendly URL or, pursuant to the provisions in this section of the ordinance, one will be assigned by County.

Regarding the requests made in MED-Project's public comment letter dated November 16, 2018 requesting additional time to implement the coordinated outreach and education activities and the determining allocation of funding such arrangements, consideration will be given to these requests after approval of a Stewardship Plan. Additionally, County reserves the right under Section B11-571(b) of the ordinance to implement outreach and education activities that do not occur within an agreed upon deadline with invoicing to plan operators who are jointly and severally responsible for reimbursement.

Pursuant to section B11-564 of the ordinance, MED-Project shall prepare a revised Stewardship Plan addressing and correcting these identified deficiencies. Ordinance requires a revised plan addressing these deficiencies be submitted no later than one month after the date of this official Notice of Determination which would be January 14, 2019. The County, however, recognizes that there are significant recognized Holidays within this period and hereby extends the obligation for MED-Project to submit a revised Stewardship Plan to the County no later than 5:00 p.m. PST on Monday, February 4, 2019.

Please address all communications to:

William Grimes
Safe Sharps Disposal Liaison
County of Santa Clara
1555 Berger Drive Suite 300
San Jose, CA 95112
sccsafemeds@cep.sccgov.org

Sincerely,

DocuSigned by:

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Jo Zientek
Director - Consumer and Environmental Protection Agency