

County of Santa Clara

RECYCLING AND WASTE REDUCTION COMMISSION OF SANTA CLARA COUNTY
Environmental Resources Agency
Department of Agriculture and Resource Management
Integrated Waste Management Division



1553 Berger Drive, Bldg. 1
San Jose, California 95112
(408) 282-3180 FAX (408) 282-3188
www.ReduceWaste.org

RECYCLING AND WASTE REDUCTION COMMISSION MINUTES

October 24, 2011

Isaac Newton Senter Auditorium
70 West Hedding Street, San Jose CA
Business Meeting at 5:15 p.m.

Voting Members in Attendance

Ronit Bryant, City of Mountain View
Kansen Chu, City of San Jose
Jim Griffith, City of Sunnyvale
Linda LeZotte, SCVWD
Jamie McLeod, City of Santa Clara
Kris Wang, City of Cupertino
Mike Wasserman, County of Santa Clara

Representing

Member at Large – All Jurisdictions
City of San Jose
Mountain View, Palo Alto, Sunnyvale
Santa Clara Valley Water District
Milpitas, Santa Clara
Cupertino, Los Altos, Los Altos Hills
County of Santa Clara

Voting Members Not in Attendance

Susan Garner, City of Monte Sereno
Evan Low, City of Campbell
Cat Tucker, City of Gilroy

Representing

Member at Large – All Jurisdictions
Campbell, Los Gatos, Monte Sereno, Saratoga
Morgan Hill, Gilroy

County Staff to the Commission

Elizabeth Constantino, Integrated Waste Management Division
Aryn Harris, County Counsel
Lisa Rose, Integrated Waste Management Division

Others in Attendance

Kristal Caidoy, City of Milpitas
Gil Chesio, Allied Waste/Clara Mateo
Anthony Eulo, City of Morgan Hill
Karen Gissibl, City of Sunnyvale
Skip Lacaze, City of San Jose
Doug Muirhead, Morgan Hill resident
Chuck Page, City of Saratoga Vice Mayor
Pat Showalter, Santa Clara Valley Water District

Commissioners: Jamie McLeod, Chair; Ronit Bryant, Kansen Chu, Susan Garner, Jim Griffith, Linda J. LeZotte, Evan Low, Cat Tucker, Kris Wang, Mike Wasserman

1. Call to Order and Introductions

Chair McLeod called the meeting to order at 5:17p.m. A quorum of six was present. All Commissioners and staff introduced themselves.

2. Approval of Minutes from August 29, 2011 RWRC meeting

Commissioner LeZotte motioned to approve the August 29, 2011 meeting minutes. The motion was seconded by Commissioner Wasserman and passed unanimously.

3. Public Presentation (3-minute limit)

There were no Public Presentations

4. Kirby Canyon Landfill Lawsuit Update

Elizabeth Constantino noted there was a memo in Commissioner's packet that outlined a letter that had been sent to City Managers regarding the County's lawsuit with Kirby Canyon Landfill and that Deputy County Counsel Aryn Harris was present to answer questions.

Commissioner LeZotte congratulated the County on receiving \$1.45 million. Aryn Harris explained that this is a partial payment and that the County is continuing with the litigation but it is unknown at this time how much more the County may receive. Commissioner LeZotte asked what checks and balances are in place to prevent this type of activity in the future. Elizabeth responded that the County has asked for several non-monetary items as part of any settlement, including the implementation of best management practices. Additionally the City of San Jose, acting as the Local Enforcement Agency, inspects the landfill regularly and the City's Finance Department reviews monthly reports. The Finance Department also conducts onsite audits every three years.

Commissioner Griffith asked how the County and cities will be made whole if there is a settlement and how will figures be calculated. Elizabeth and Aryn explained that there would need to be a historical review of the tonnage per year, what the current rates were during those years and then calculate as closely as possible based on jurisdiction of origin. Any "orphan" waste or undeclared origin would be paid out to cities based on a per capita basis.

The question was asked how, as a private business, Waste Management was an injured party? Aryn responded that there were employees that were allegedly receiving gifts and such by not reporting incoming waste and that Waste Management was therefore not getting paid, and as such, not paying fees on the waste. That is a completely separate case being prosecuted by the District Attorney's Office and should not be considered with regard to this case.

Another question was asked as to whether toxic materials could have entered into the landfill that should not have been accepted during the years of alleged illegal activity. Skip Lacaze noted that when tapes were reviewed, it did appear that some toxic containing materials such as household appliances were not charged at the gate but it is unclear if those items were buried.

When asked if landfill capacity was an issue, Skip noted that most of the materials came from Monterey County, so their diversion calculations may be off by 5-10%.

This was an informational item and the Commission accepted the report by consensus.

5. Update on Organization Study

Elizabeth Constantino provided a brief verbal update on the Organizational Structure. The Ad Hoc Subcommittee met five times since February. Main items for discussion thus far have included:

- An organizational flow chart which includes a proposed Management Committee that would make recommendations on fiscal and policy matters
- TAC Membership – including TAC voting rights and voting categories as well as quorum for the proposed Management Committee
- The possibility of procuring an individual/firm to write the MOU/MOA once a lot of the preliminary decisions have been made
- A possible timeline which includes a final report to the RWRC in June 2012 with interim updates

Chair McLeod wanted to clarify that the Commission would hear critical decision points at regular intervals between now and the final report June 12 meeting.

6. Legislative Priorities for 2012

Elizabeth Constantino presented the 2012 Legislative Policies and stated that the TAC typically recommends keeping the policies as broad as possible in order to write letters on various issues. In the past year, 17 letters of opposition or support of legislation were written.

After some discussion, the Chair recommended including the following language (in red) in policy #6 as follows:

Legislation to further address **litter control**, **environmental impacts** and/or abatement problems in California including enforcement, outreach campaigns, a reduction in **or a ban** of single-use containers, *pharmaceutical and sharps take-back programs*, and the cleanup of littered areas.

Commissioner Bryant motioned to approve the addition. It was seconded by Commissioner LeZotte and passed unanimously.

7. Process for Follow up on Policy Recommendations

Lisa Rose presented a proposed table for following up on RWRC's policy recommendations and stated that it can also be useful when RWRC members present to regional agencies such as the Santa Clara County Cities Association. Commissioners asked that items should be noted as "required" versus optional. Another suggestion was made to add a results column to the spreadsheet. Commissioner LeZotte motioned to move forward with this table, capturing the comments of commissioners and review quarterly. The motion was seconded by Commissioner Wang and passed unanimously.

8. Technical Advisory Committee (TAC) Minutes

TAC Chair Skip Lacaze was available to answer questions based on TAC Minutes. Commissioner Wasserman wanted to know why it appeared that some TAC members are consistently absent from meetings. Skip noted that the County sends out an annual request to TAC members to provide the names of representatives and alternates. He also noted that in the case of the West Valley Cities, Marva Sheehan from HF&H, who administers the West Valley Cities JPA, typically attends TAC meetings representing the cities of Campbell, Los Gatos, Monte Sereno and Saratoga. Commissioner Wasserman suggested sending a letter to those cities who don't regularly attend,

encouraging them to nominate a representative who can attend – even if that representative is a member of the public, provided the Rules of Procedure do not preclude this. Skip also noted that the current League of Women Voters representative has been unable to attend and asked if Commissioners could recommend a good candidate to serve. Commissioner McLeod asked how voting occurs with the West Valley Cities and Skip replied that Marva, when in attendance and absent any representatives from those four cities, casts four votes. If a TAC rep from one of the four West Valley cities in attendance, her vote would then count as three. Commissioner Wasserman noted that there are currently 27 voting members on the TAC and questioned how members were able to come to agreement on issues and items with that large a group. Skip responded that the voting membership is being revisited in the current Organizational Study Ad Hoc subcommittee meetings.

9. Announcements/Future Agenda Items

- Lisa Rose noted that a revised copy of the letter to Keurig, the makers of K-cups, was distributed to Commissioners (slightly modified from the one in their packets) on the dais.
- Lisa Rose referred Commissioners to the Legislative Update in their packets, as several pieces of legislation had recently been signed by the Governor.
- Commissioner LeZotte announced that the Santa Clara Valley Water District Board of Directors was meeting the following evening to consider a policy to eliminate expanded polystyrene food containers from District cafeterias and sponsored events.
- Commissioner Wasserman announced the Board of Supervisors was also looking at policy regarding expanded polystyrene at their meeting the next day
- Commissioner Wang announced that this was her last meeting as she would be terming out of office before the next Recycling and Waste Reduction Commission meeting. Chair McLeod and the other Commissioners thanked her for her service to the Commission.
- Commissioner Wasserman recommended moving the December 12 meeting to noon, rather than 5:15 and asked staff to look into other meeting rooms at 70 West Hedding. Chair McLeod noted she may not be able to attend that meeting but would do her best to attend.

10. Adjournment

The meeting was adjourned at 6:30 p.m.

The next meeting will take place Monday, December 12, 2011 at **12:00 NOON**