

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



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RECYCLING AND WASTE REDUCTION COMMISSION MINUTES

October 24, 2012

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
Jamie McLeod, City of Santa Clara
Diane McNutt, Town of Los Gatos
Cat Tucker, City of Gilroy
Mike Wasserman, County of Santa Clara
Gilbert Wong, City of Cupertino

Representing

Member at Large – All Jurisdictions
City of San Jose
Mountain View, Palo Alto, Sunnyvale
Milpitas, Santa Clara
West Valley Cities
Morgan Hill, Gilroy
County of Santa Clara
Cupertino, Los Altos, Los Altos Hills

Voting Members Not in Attendance

Susan Garner, City of Monte Sereno
Linda LeZotte, SCVWD

Representing

Member at Large – All Jurisdictions
Santa Clara Valley Water District

County Staff to the Commission

Elizabeth Constantino, Integrated Waste Management Division
Lisa Rose, Integrated Waste Management Division

Others in Attendance

Mark Bowers, City of Sunnyvale
Anthony Eulo, City of Morgan Hill
Brock Hill, Premier Recycling
Rocky Hill, Premier Recycling
Skip Lacaze, City of San Jose
Doug Muirhead, Morgan Hill resident
Pat Showalter, Santa Clara Valley Water District
Dave Staub, City of Santa Clara

Commissioners: Jamie McLeod, Chair; Ronit Bryant, Kansen Chu, Susan Garner, Jim Griffith, Linda J. LeZotte, Diane McNutt, Cat Tucker, Mike Wasserman, Gilbert Wong

1. Call to Order and Introductions

Chair McLeod called the meeting to order at 5:15p.m. Quorum was met and Commissioners introduced themselves.

2. Approval of Minutes from August 22, 2012 RWRC meetings

Commissioner Wasserman motioned approval of the minutes. The motion was seconded by Commissioner Chu; Commissioner McNutt abstained; the motion passed unanimously. The Chair noted that a couple Commissioners had to leave early and asked if item #6 – Legislative Policies and Priorities could be moved up on the agenda since a vote was needed to approve this item. Commissioners agreed.

3. Public Presentation (3-minute limit)

There were no public presentations

4. Legislative Policies and Priorities

Elizabeth Constantino presented the 2013 Board of Supervisor Priorities from a solid waste perspective. The priorities have been vetted by the TAC Legislative Subcommittee and subsequently the full TAC. The major change was making Extended Producer Responsibility a separate priority. If approved, these priorities will be forwarded to the County Legislative Director for approval and ultimately inclusion in the Board's Legislative Policies and Priorities booklet. Having them documented in the booklet allows the submission of letters of support or opposition on legislation in a timely manner. Chair McLeod asked if Skip Lacaze's suggestion at the September TAC with regard to asking California Secretary of Natural Resources, John Laird to add bag bans and foam bans to the list of categorical exemptions where CEQA is concerned could be added to the list of priorities. Elizabeth noted this would be an administrative act by the Secretary, and need not be included as one of the Priorities.

Commissioner Wong motioned to approve the proposed 2013 Legislative Priorities. Commissioner Tucker seconded and motion passed unanimously.

5. Short-term Trash Reduction Loads

Chris Sommers from Santa Clara Valley Urban Runoff Pollution Prevention Program presented the Trash Load Reduction Plan. The "Pathways to Pollution" map highlights the various sources and paths trash takes to enter creeks, streams and eventually the Bay. Methods that litter enters the Bay include wind and direct dumping, but the main focus is on the stormwater system. There are 76 co-permittees under the Municipal Regional Permit (MRP) with 72 of those being municipalities throughout the Bay Area. The Regional Water Quality Control Board (RWQCB) takes into account that cities have limited funding in the extent of the actions they can take, but it also calls for cities and counties to develop plans to reduce the amount of trash that enters into creeks. The mandate calls for a 40% reduction by 2014; 70% by 2017 and no impact to recreational and animal life by 2022. These are aggressive requirements and co-permittees were required to submit plans by February 1, 2012. The RWQCB is currently reviewing these plans that include Pollution Prevention Actions, Interception Actions and Clean-Up Actions.

Doug Muirhead, a resident from Morgan Hill, noted that South County cities of Morgan Hill, Gilroy and parts of unincorporated Santa Clara County are not included in Region Two. Chris Sommers confirmed that those are part of Region 3 – the Central Coast Regional Water Quality Board and covered by Phase Two of the Permit, which is currently in draft form.

6. Plastic Packaging Reduction Project

Karen Gissibl presented the Plastic Packaging Reduction Project and noted that this is an internal project municipalities can undertake in an effort to reduce non-recyclable trash cities receive in shipments. This also sends a market signal to vendors that this material is not wanted, because of the inability to recycle this packaging. Similar to the approach taken with Expanded Polystyrene (EPS) foam food containers, the Source Reduction and Recycling (SRR) subcommittee is asking the Commission to consider various tiers of implementation and provides a “toolkit” to ease implementation. The Toolkit includes a survey, vendor letter, terms and conditions language that can be included in procurement contracts as well as liquidated damages should a vendor fail to comply. Tier 1 proposes educating purchasing departments about non-recyclable packaging and encourages municipalities to conduct a survey to determine the level of packaging material that they receive. Tier 2 builds on Tier 1 and also includes voluntary compliance while Tier 3 prohibits unwanted packaging materials altogether. The subcommittee recommends that a letter and complete package be sent to City Managers/Mayors with a copy to Procurement Departments. They also recommend a brief presentation at a future Cities Association meeting. Commissioner Griffith moved to approve the subcommittee’s recommendation. The motion was seconded by Commissioner Bryant and passed unanimously. Commissioner Griffith said he would be happy to move this forward to the Cities Association as he is an officer on the Association.

7. Emerging Issues

Chair McLeod said that she would like to brainstorm ideas at the October meeting so that emerging issues can be discussed at the November TAC meeting and be considered for inclusion in the Workplan to be approved by the Commission in December. She noted that while the RWRC’s focus is on solid waste and recycling, the Commission can also recommend policy where there may be overlap between waste and water issues. Other issues identified included:

- specific language to be included in environmentally preferred purchasing policies;
- enforcement for illegal dumping and commercial recycling/scavenging violating city franchises;
- better marketing for recyclables;
- having a dialog with designers of products to make them more recyclable;
- statutory versus categorical exemption for multiple product bans (single-use carry out bags, EPS foam food ware, etc.); and
- The RWRC’s role in recommending policy related to waste going into waterways.

Commissioner LeZotte was unable to attend the meeting but asked that TAC consider the following at their next meeting:

1. What are the most effective things that can be done to reduce trash quantities and contribute to meeting the MRP (Municipal Regional Permit from the Regional Board) requirements in a timely fashion?
2. Which of these can be accomplished better collectively than on a city-by-city basis?
3. What are the most serious HHW offenders-----pharmaceuticals, paint---from the point of view of both toxicity and cost-to-process?
4. What HHW items could be handled through a standardized take-back program? What’s the commonality?
5. What HHW items would need a special program?

Chair McLeod asked that these issues be discussed at the November TAC and placed on the 2013 Workplan that will be approved at the December Commission meeting. The Workplan should include

the amount of time and cost for each item along with concerns, barriers to implementation and any other considerations.

8. Verbal Update on Organizational Structure MOA*

Elizabeth Constantino noted that the contractor, Cerene St. John from It's A Natural Product, Inc. who is drafting the MOA for the Organizational Structure held a meeting on September 28. Some of the discussions revolved around:

- Conflict of interest
- Proposed Management Committee
- Voting
- Quorum
- Proxy Voting
- Fiscal monitoring
- Oversight of the Host Agency
- Meeting Frequency
- Reporting

A draft MOA was distributed to TAC members on October 23 and a teleconference meeting will take place on October 25. The goal is to bring a more complete MOA to the Commission at their December meeting.

The goal is still to have a rough draft of the MOA completed by the December 2012 meeting.

IWM and TAC members will be on a conference call with Cerene on October 25 to review draft documents that were sent out October 23.

9. TAC Minutes

Dave Staub, TAC Chair, noted that the September TAC minutes had been distributed with the packet and he would be happy to answer questions. Chair McLeod reiterated that she really liked Skip's idea asking California Secretary of Natural Resources, John Laird to add bag bans and foam bans to the list of categorical exemptions where CEQA is concerned. Skip noted that John can only enact a categorical exemption administratively but that a statutory exemption would require legislation.

10. Announcements/Future Agenda Items

- Expanded Polystyrene Matrix included in packet
- Single-Use Carryout Bag Matrix included in packet
- At least two Commissioners are unable to attend the December 12 RWRC meeting as it is currently scheduled. Staff will send out a Meeting Wizard to find an alternate meeting date/time for the December meeting.
- Pat Showalter passed out a video highlighting the history of the Santa Clara Valley Water District.
- Chair McLeod thanked Chair-elect Griffith for allowing her to serve as Chair for the remainder of her Council term and officially passed the gavel to Chair Griffith. Chair Griffith thanked Commissioner McLeod for all the work she's done on the Commission over the last five years.

- A gentleman later identified as Lou Ramondetta of Surplus Service, approached the Commission and asked that the Commission consider other options to recycling of electronics. He stated that he would like Cities and Counties to consider reuse and repair prior to recycling. Commissioner Griffith noted that this issue should be presented to the Technical Advisory Committee (TAC) as they vet issues before they are referred to the Recycling and Waste Reduction Commission. Staff will provide Mr. Ramondetta with the dates of upcoming TAC and Commission meetings.

11. Adjournment

Newly minted Chair Griffith adjourned the meeting at 6:18 p.m.

Next meeting: The December meeting date and location will be announced once a date and room are confirmed.