

# County of Santa Clara

Recycling and Waste Reduction Commission of Santa Clara County  
Recycling and Waste Reduction Division

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## RECYCLING AND WASTE REDUCTION COMMISSION MINUTES

March 2, 2016

Isaac Newton Senter Auditorium

70 W. Hedding Street

San Jose CA 95110

Business Meeting at 5:30 p.m.

### Voting Members in Attendance

Jim Griffith, City of Sunnyvale  
Michael F. Kotowski, City of Campbell  
Linda J. LeZotte, SCVWD  
Manh Nguyen, City of San Jose  
Teresa O'Neill, City of Santa Clara  
Jan Pepper, City of Los Altos  
Rod Sinks, City of Cupertino  
Cat Tucker, City of Gilroy  
Mike Wasserman, County of Santa Clara

### Representing

SMaRT Station® Cities  
West Valley Cities  
Santa Clara Valley Water District  
City of San Jose  
Central County Cities  
Member at Large  
North County Cities  
South County Cities  
County of Santa Clara

### Voting Members Not in Attendance

Greg Scharff, City of Palo Alto

### Representing

Member at Large

### County Staff to the Commission

Bill Grimes, Manager, TAC Administrator  
Lisa Rose, Commission Staff

### Others in Attendance

Mark Bowers, City of Sunnyvale  
Rob D'Arcy, California Product Stewardship Council  
Anthony Eulo, City of Morgan Hill and TAC Chair  
Mark Finhill, Member of the public  
Michael Gross, Zanker Recycling  
Matt Krupp, City of Palo Alto  
Doug Muirhead, Morgan Hill resident  
Alana Rivadeneyra, City of San Jose  
Dave Staub, City of Santa Clara

**Commissioners:** James R. Griffith, Chair; Michael F. Kotowski, Linda J. LeZotte, Manh Nguyen, Teresa O'Neill,  
Greg Scharff, Rod Sinks, Jan Pepper, Cat Tucker, Mike Wasserman

**1. Call to Order and Roll Call**

Chair Griffith called the meeting to order at 5:34 p.m. Eight Commissioners were present and a ninth arrived shortly thereafter. Quorum was achieved at the start of the meeting.

**2. Special Orders of the Day**

Lisa Rose introduced Bill Grimes, new manager for the Recycling and Waste Reduction Division. Bill has been with the County 25 years, initially in Hazardous Materials Program and then in Parks. He has environmental and regulatory experience and is a great addition to the RWRD.

**3. Approval of Minutes from December 16, 2015 Meeting**

Commissioner Kotowski motioned approval of the minutes. Commissioner O'Neill seconded and passed unanimously. Those not present at the December meeting abstained.

**4. Public Presentations**

There were no public presentations.

**5. Consent Calendar**

There were no items for the Consent Calendar.

**6. Food Rescue Update**

Tony Eulo provided an update on the Food Rescue efforts. He said he is pleased that the Food Shift report is being recognized nationally and that it is rewarding to see the County cited far and wide. He had two follow up items from the last RWRC meeting: 1) the Food Rescue Forum to be held at San Jose State University's new Student Union building on March 24. Invitations have been sent to a few different types of stakeholders – elected officials, those making/producing surplus food, those collecting/transporting food, and those distributing rescued food to those in need. There will be a summary of the Food Shift report, two brief panels, and then attendees will form small heterogeneous working groups. In this first working group, they will identify gaps in the existing systems of food recovery and distribution.. There will follow a keynote speaker over the lunch hour after which working groups will reconvene and focus on solutions to identified gaps and create a Community Action plan for moving forward. If you have colleagues or staff you'd like to send, please send names to Lisa Rose.

The Food Rescue Coordinator has been selected and will be announced as soon as the contract has gone through the County Procurement review and approval process. They will be serving as the Food Rescue Coordinator for a three year period and will be in charge of coordinating food rescue efforts in the County. Tony reminded Commissioners of the initial seed funding approved and that the Coordinator will work to secure funding for the long term.

Commissioner Kotowski brought a copy of National Geographic. "Too Good to Waste – How Ugly Food Can Feed the Planet" – cover story which includes information on the Salinas Valley.

**7. Update on Biomass**

Michael Gross, representing Zanker Recycling. The Governor signed an emergency directive to PUC in October to help with the biomass issue and have the PUC negotiate directly with biomass facilities. Unfortunately that didn't really happen until about a month ago. CalFire is now meeting with biomass facilities and addressing the forest waste from tree mortality in the Sierras, which is at a critical level. This impacts urban users as these facilities may no longer have the capacity to accept local urban waste. We

still need to find a home for local material. Central Valley Air Quality Management District is currently not permitting the burning of crops in the Central Valley, so there is nowhere to take this waste. There are six more power plants in the Central Valley that are closing.

## **8. Legislative Update**

Mark Bowers said it has been quiet in Sacramento but wanted to report out on three pieces of legislation. AB 45 Mullins – was passed by the Assembly and is now in the Senate. The bill would redefine Household Hazardous Waste (HHW) to include sharps and pharmaceuticals including non-prescription over the counter (OTC) medications. It doesn't appear this bill will pass this session but will continue to keep watching.

SB 47 Hill – requires that ball fields made from tire crumb would need to go through three step process including public hearings before they could be approved for installation. This bill failed passage in the Senate. This topic is controversial due to anecdotal reports that some young athletes playing on tire crumb fields have gotten cancer.

SB 778 Allen – Generation of used motor oil is down significantly, in part because manufacturers recommend longer oil change intervals than the old standard of an oil change every 3000 miles. However, some oil change service providers continue to recommend oil changes that are more frequent than auto manufacturers recommend, thus generating more used oil than necessary. This bill, sponsored by Californians Against Waste, would require automotive repair shops to inform a customer of the manufacturer-recommended oil change interval for his/her car. The bill has been approved by the Senate and is now in the Assembly.

Commissioner Wasserman asked about SB 367 – possible \$25M for farmers and what kind of money might trickle down to local farmers in Santa Clara County. Mark said this bill arises from Marin Carbon Project on rangelands and will do more research and provide a response to the Commission following the meeting.

Commissioner LeZotte asked what SWANA stands for. Mark replied that it is the Solid Waste Association of North America. It is a government focused group in North America and Canada; three chapters in California.

Chair Griffith asked if staff is ready should the Mullins' bill pass and Mark replied that he and RWRD staff are prepared.

Commissioner Sinks asked what the concern would be if AB 45 passed. Mark replied that after its most recent amendments, the bill is less direct in mandating action by jurisdictions. However, if a future amendment changed one word ("may" to "shall") the bill would limit local jurisdictions to using model ordinances prepared by the state. This would prevent passage of the type of pharmaceutical take-back ordinance recently approved by Santa Clara County and an increasing number of other counties. Also, the recitals in AB 45 frame HHW services and costs as local government responsibilities and explicitly state that the appropriate role of the industries that manufacture and distribute HHW is limited to communicating with consumers."

## **9. Composting Education Program Update**

Lisa Rose said the Source Reduction and Recycling Subcommittee was given the authority from the Implementation Committee to review the current contract and decide on how long to extend – from six months to two and a half years. After discussion and review of the Composting Education Program, the

SRR voted to extend the current contract for a total of one and a half years, with another review in December 2016.

#### **10. TAC Minutes**

There were no questions regarding the TAC minutes.

#### **11. Announcements and Future Agenda Items**

Approval of 2016 Meeting Schedule. Commissioner Wasserman motioned approval of the 2016 meeting schedule; Commissioner LeZotte seconded and the motion passed unanimously.

#### **12. Update on Pharmaceutical Ordinance**

Commissioner Wasserman recused himself from this discussion. Rob D'Arcy began his update stating that retailers and re-packagers are complying with the ordinance by identifying the producers of pharmaceuticals. The Counties of SF, Alameda, Marin, Santa Cruz, San Mateo and Santa Clara County have all passed ordinances and are working to streamline the reporting process for the drug manufacturers.

The deadline for the producers to submit their notice of intent to participate in a product stewardship effort was January 23, 2016. Rob is working as extra-help two days per week. Federal Bill from Representative Slaughter – no bill number assigned to it yet but it is being driven by the opioid problems seen nationwide. New regulations from the State Board of Pharmacy (SBoP) are being promulgated for pharmacists. The current language allows for voluntary collection at pharmacies and would pre-empt local government from mandating pharmacy participation. Language prohibits collection of sharps at pharmacies; onerous record-keeping requirements even for mail-back envelopes. Talking about locking and blocking access to kiosks when the pharmacy is closed. SBoP categorizing as medical waste – above and beyond what DEA considers pharmaceutical waste – these are pharmaceuticals coming out of the home. SBoP meeting in Sacramento on April 23. May take a louder voice from a higher office to influence the SBoP process. CVS is simply uncooperative – will do no take-back in stores. Walgreens will put kiosks in their 24-hour pharmacies only, of which four are in Santa Clara County. Not all producers have responded to ordinance. The Pharmaceutical Product Stewardship Working Group (PPSWG) plans to operate as a product stewardship partner on behalf of approximately 360 manufacturers. King County, WA has only approved a product stewardship plan submitted by Call2Recycle's Return Meds LLC.

Rob is reviewing plans that have been submitted in King County Washington – King County allows for no more than three attempts at plan approval. If the third submittal is rejected, producers are found to be noncompliant with the ordinance. Rob is reviewing Alameda County plans that have been submitted. Rob is also working on fee schedules, web pages and an MOU with the other counties with County Counsel's review. Need to consider mandatory collection.

Commissioner Kotowski has a technical question regarding incineration – assume those are dry products. How do you get rid of the containers? Do they need to be washed and if so, how are they to be washed? Rob replied that industry claims that residue in the bottle is de minimus and the least of our problems. Have not vetted how they want pills turned in – would like to minimize amount of plastic being incinerated although that may not be practical. If pills deposited in the pill bottle, it is incinerated.

Commissioner Tucker was helping a neighbor who had a large supply of pharmaceuticals. Where should she have her neighbor take them? Rob responded that there are 27 clinics and pharmacies throughout the

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Valley Medical Center chain of clinics and hospital as well as the Sheriff's Office and sub-stations. See [www.hhw.org](http://www.hhw.org) for a list of locations.

**13. Adjournment**

The meeting was adjourned at 6:26p.m.