

April 24, 2002 RWRC Meeting - Approved Minutes

Date: **Aug 20, 2002**

Subject: **April 24, 2002 RWRC Meeting - Approved Minutes**

APPROVED

RECYCLING AND WASTE REDUCTION COMMISSION MINUTES

April 24, 2002 - SMaRT Station - 5:15p.m.

Voting Members in Attendance ___ Representing

Kris Casto, North County Cities Cupertino, Los Altos, Los Altos Hills

Jose Esteves, Central County Cities Milpitas, Santa Clara

Tony Estremera, SCVWD Santa Clara Valley Water District

John McLemore, Member-at-Large All Jurisdictions

Chuck Reed, City of San Jose City of San Jose

Jack Walker, SMaRT Station Cities Mountain View, Palo Alto, Sunnyvale

Voting Members Not In Attendance

Matthew Dean, West Valley Cities Campbell, Los Gatos, Monte Sereno, Saratoga

Ralph Faravelli, Member-at-Large All Jurisdictions

Liz Kniss, County of Santa Clara County of Santa Clara

Roland Velasco, South County Cities Gilroy, Morgan Hill

County Staff

Margaret Rands, Integrated Waste Management Program

Diane Griggs, Integrated Waste Management Program

Clifton Chew, Integrated Waste Management Program

Catherine Pandori, Integrated Waste Management Program

Rob D'Arcy, Household Hazardous Waste Program

Greg Van Wassenhove, Department of Agriculture

Yoyi Aglipay, Office of Supervisor Kniss

Others in Attendance

Stephen Bantillo, City of San Jose

Mark Bowers, City of Sunnyvale

Skip Lacaze, City of San Jose

Peter Skinner, City of Mountain View

Gil Cheso, Newby Island Landfill

Michael Gross, Zanker Road Landfill

Paul Michael, WMI-Guadalupe Landfill

Bill Schreeder, Material Recovery Industries

Andrea Hansen, Environmental Planning Consultants

1. CALL TO ORDER/INTRODUCTIONS

Chairperson McLemore called the meeting to order at 6:15 PM. Six members were present.

Those present introduced themselves. Commissioner Reed left the meeting at approximately

7:10 p.m. and Commissioner McLemore left the meeting at approximately 7:20 p.m.

2. APPROVAL OF MINUTES

Minutes for the meeting of February 27, 2002 were included in the meeting packet and were

approved unanimously as written.

3. PUBLIC PRESENTATIONS

There were no public presentations.

4. TAC CHAIRPERSON'S REPORT

Stephen Bantillo, TAC Vice Chair, noted that the TAC meeting minutes were distributed with the Commission agenda packets. The March 14th TAC minutes reflect a summary of three recent court cases that have been resolved in favor of retaining local government's power to control the collection of solid waste (commonly referred to as the AGG case). He distributed Part II of an article on C&D diversion that appeared in BioCycle magazine; Part I was included in the packets. Stephen briefly summarized TAC recommendations on clopyralid use, as detailed in a memo included in the packet. He noted that preliminary results of the survey of local jurisdiction use of products containing clopyralid were presented and discussed at the April TAC meeting. Responses from seven jurisdictions were received; other jurisdictions are still collecting data. Included in the packets was a March 27th press release from the California Department of Pesticide Regulation announcing action to restrict the sale and use of clopyralid products in California, citing their potential hazard to compost. Cancellation of product registrations could take effect within 30 days, barring a registrant appeal. There will be a stakeholders meeting on May 3rd in Sacramento to discuss this issue. An article from the Santa Rosa Press Democrat reported that the Santa Rosa City Council is urging Sonoma County Supervisors to institute a countywide ban on the use of clopyralid because of its effect on compost.

Rob D'Arcy reported that funding will now be available to provide public education about clopyralid in conjunction with a CIWMB grant that was awarded to provide outreach on less toxic alternatives to Dursban and Diazinon.

Commissioner McLemore reported that the League of California Cities is very concerned about this issue and is looking at the potential statewide implications. Greg Van Wassenhove noted that clopyralid is useful in environmental restoration projects because it effectively controls some particularly vigorous weeds. He urged that the Commission support limiting clopyralid use in residential applications, while supporting continued use in rangeland/environmental restoration applications.

Commissioner Reed noted that the City of San Jose took action last week to ban the use of clopyralid by city agencies.

Commissioner Walker, seconded by Commissioner Estremera, made motion to approve the three TAC recommendations, with an amendment that the Commission opposes the use of clopyralid in residential applications because of the need to get it out of the waste stream that affects compost. The Commission unanimously approved the motion. A copy of these letters will be forwarded to the League of California Cities.

5. COMMISSION REQUESTS - TAC Consensus Regarding ADC

briefly summarized the history of the ADC discussions at the Commission and its referral to TAC in October 2001, as well as the process that TAC followed to address this referral.

Stephen Bantillo reported that TAC reached consensus on a number of points, which were detailed in the consensus statement included in the Commission packet.

Commissioner Reed distributed copies of a newspaper article that appeared in the Daily News of Los Angeles in early April, which noted that there is a financial incentive promoting use of ADC and criticizes the use of recyclable green waste as landfill cover. He noted that the article stated that the State disallowed 427,000 tons of material that had been counted as diversion. Margaret Rands stated that ADC use in Santa Clara County is not nearly as great as use in the Los Angeles area, so we do not have that concern at present. During the discussion of how to implement CIWMB Advisory 48, it was noted that local implementation would require the County and the City of San Jose to adopt ordinances establishing that standard for local landfill use of ADC. Skip Lacaze noted that green waste is the only material that State law/regulations specify maximum application depth. ADC application depth of other materials is unregulated. This could be corrected with a local ordinance. It would be easier, however, if there was a State standard. Commissioner Reed asked if TAC included a recommendation on maximum application depth for materials used as ADC and, if not, what the objections were. Margaret Rands responded that TAC did not discuss ADC use at that level of detail. Commissioner Reed stated that he is interested in having a maximum use standard. Skip Lacaze noted that people who are generating material that is used as ADC have a natural interest in wanting material to continue to be used that way, both for the diversion credit and because it's cheaper than processing material for

recycling or compost. Landfills have a natural interest in continuing to use ADC without additional restrictions. Imposing maximum cover restrictions on landfills would be difficult to enforce, especially if there are different restrictions for different kinds of cover material. It would impose a significant additional burden on local enforcement agencies (LEAs). In follow up to Commissioner questions, Skip explained that there was very little TAC support for a ban on ADC use. There was some support for the idea of identifying some types of material that would not be allowable for use as ADC, or could no longer be exempted from the various surcharges and fees if used, but support was not sufficient to add these to the TAC Consensus. Criteria that was suggested is that if there is a ready market for a material, where it could be diverted from landfill entirely, it shouldn't be used for ADC – such as green waste and construction and demolition debris. For some materials, there is no ready alternative, such as auto shredder fluff and contaminated soil. After considerable discussion, Commissioner Reed suggested that the Commission should make a policy decision to set a maximum limit to ADC use, and refer back to TAC the question of how best to do that. Commissioner Reed made a motion, seconded by Commissioner Walker, to refer to TAC the assignment to set a maximum depth limit to ADC use, and to develop language for a local ordinance that would establish local ADC performance requirements consistent with LEA Advisory 48 issued by CIWMB. Skip Lacaze asked what criteria TAC should use in evaluating ADC use: unnecessary use of landfill space, maximum diversion of material back into the economy, or to minimize costs. Commissioners commented that the first two are priorities, and emphasized, "we're a Recycling and Waste Reduction Commission." Regarding the level of consensus that TAC should achieve, the Commission defined consensus as 50% of the voting members plus one, and asked that the TAC report include a statement about the level of TAC consensus.

Commissioner Walker made a motion, seconded by Commissioner Reed, to send a letter to the appropriate agency asking that State regulations be clarified to add usage specifications/restrictions for allowable ADC materials. The Commission unanimously approved the motion.

6. COUNTYWIDE PROGRAM UPDATES

A. Integrated Waste Management Program Manager's Report.

1) Sudden Oak Death Update. Greg Van Wassenhove reported that this issue now has worldwide implications. The State of California recently sent a letter to the federal government requesting that standard commercial composting processes be exempt from certification. His office is working to reduce the regulated area in Santa Clara County from the entire county to the much smaller affected area near Highway 9. He also noted that the Keeley Bill (AB2251) would provide continuous funding for enforcement of the quarantine. Michael Gross reported that the State will probably allow mulch to be exempted from the certification process as well.

2) EPP/Product Stewardship Initiative Update. Margaret Rands distributed an updated matrix showing the status of local actions on Environmentally Preferable Purchasing (EPP) and the Product Stewardship Initiative (PSI). Commissioner Estremera suggested that some type of resource assistance would be helpful to enable schools and special districts to adopt EPP policies. He asked that staff solicit ideas on promoting further local action on EPP and present a recommendation at the June meeting.

3) Update on Outreach Programs.

Catherine Pandori provided an update on Public Outreach activities:

- As part of the countywide outreach program, the County is purchasing weekly advertisements in the San Jose Mercury News Garage Sale Notices section to advertise citywide garage sales.
- A Top Ten Recycling Resources advertisement was run in the special environmental issue of the Business Journal. Milpitas ran a modified version in the Milpitas Post newspaper. The advertisement can be customized, if requested, for use by other cities.

- A new Earth Day campaign was developed and run this year. The Earth Day--Every Day campaign is a series of seven advertisements in the San Jose Mercury News, which highlight environmental program participation by local volunteers. Two advertisements were sponsored by the City of San Jose, and five by the countywide outreach program.
- County staff are developing garbage bill inserts for use in the unincorporated area that focus on reducing litter from garbage, recycling, and yard waste set outs. When complete, County staff will offer these outreach items for city use.

4) Other. Margaret reported that attendance at Home Composting Education Program workshops is high. In March, HCEP participated in the 5-day San Francisco Flower and Garden Show, which required volunteers to staff 35 three-hour shifts, as well as the OSH Home and Garden Show. These events were very successful. HCEP will participate in the San Jose Home and Garden Show on June 8th and 9th.

Legislative update: SB 1523 (Sher) and SB 1619 (Romero) address CRT disposal issues. No support actions have been taken, as bills are still being developed. As bills move through their respective committees, County staff will review the bills and make recommendations on local support. All recommendations will be aligned with 2002 Legislative Priorities, as approved by the Commission. Commissioner Esteves noted that the City of Milpitas recently sent a letter of support to Senator Sher.

B. Household Hazardous Waste Program Manager's Report.

- Rob D'Arcy reported that the ribbon-cutting ceremony was held on April 17th to celebrate the opening of the new San Martin Household Hazardous Waste Facility. The first operating days will be May 2, 3, and 4.
- HHW staff has submitted a grant request to CIWMB that would fund a mercury reduction program. It is hoped that a take-back program can be developed to replace mercury thermometers with digital ones.

C. Countywide Recycling Hotline. No report.

D. Current Issues. No report.

E. Other. Margaret Rands reported that the 12th Annual Business Environmental Network (BEN) Award Ceremony was held on April 24th in Santa Clara. There were a number of award winners, including the City of San Jose, who received a Special Commendation for their Green Building Program.

7. ANNOUNCEMENTS

8. ADJOURNMENT

The meeting was adjourned at 7:30PM.

NEXT MEETING DATE: June 26, 2002

TOUR: 3:15 P.M. - MEETING FOLLOWING TOUR