

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

June 26, 2013

BOARD CHAMBERS

Business Meeting at 5:15 p.m.

Voting Members in Attendance

Ronit Bryant, City of Mountain View
Jim Griffith, City of Sunnyvale
Linda LeZotte, SCVWD
Orrin Mahoney, City of Cupertino
Teresa O'Neill, City of Santa Clara
Jan Pepper, City of Los Altos
Mike Wasserman, County of Santa Clara

Representing

Member at Large
SMaRT Station Cities
Santa Clara Valley Water District
North County Cities
Central County Cities
Member at Large
County of Santa Clara

Voting Members Not in Attendance

Kansen Chu, City of San Jose
Diane McNutt, Town of Los Gatos
Cat Tucker, City of Gilroy

Representing

City of San Jose
West Valley Cities
South County Cities

County Staff to the Commission

Amy Brown, Department of Agriculture and Environmental Management
Chris Capozzi, County Counsel
Lisa Rose, Integrated Waste Management Division

Others in Attendance

Mark Bowers, City of Sunnyvale
Reena Brilliot, City of San Jose
Rob D'Arcy, Santa Clara County Household Hazardous Waste
Cheri Donnelly, City of Cupertino
Anthony Eulo, City of Morgan Hill
Kevin Maitzki,
Doug Muirhead, Morgan Hill resident
Pat Showalter, Santa Clara Valley Water District
Dave Staub, City of Santa Clara
Jo Zientek, City of San Jose

Commissioners: James R. Griffith, Chair; Ronit Bryant, Kansen Chu, Linda J. LeZotte, Diane McNutt, Teresa O'Neill, Jan Pepper, Cat Tucker, Mike Wasserman

1. Call to Order and Introductions

Chair Griffith called the meeting to order at 5:20 p.m. Quorum was met and Commissioners and staff introduced themselves. Chair Griffith welcomed Commissioner Mahoney.

2. Special Order of the Day

There were no special orders of the day

3. Approval of Minutes from February 27, 2013 Commission Meeting

Commissioner Wasserman motioned approval of the minutes. The motion was seconded by Commissioner O'Neill. The motion to approve passed unanimously.

4. Public Presentation (3-minute limit)

There were no public presentations.

The Chair asked to take items 6 and 7 first and hold Item 5 – Workplan Update until the last item prior to adjournment.

5. TAC Minutes

Cheri Donnelly, TAC Chair noted that the minutes were in Commissioners packets and was happy to answer any questions. There were none.

6. Announcements

- Lisa Rose noted that updated At-a-Glance Matrix was distributed to Commissioners with a few more additions since it was sent out a week earlier.
- She also noted that letters of support were sent out on behalf of the Commission for the following pieces of legislation:
 - AB 405 (Padilla) – statewide bag legislation;
 - AB 403 (Stone/Eggman) – sharps EPR;
 - AB 488 (Williams) – batteries EPR;
 - AB 1001 (Gordon) – Bottle Bill;
 - Support letters to Mayor Bloomberg in NY for proposed expanded polystyrene ban in NYC;
 - Commendation letter was sent to Rotten Robbie for donating the funds collected for charging for bags to the Guadalupe River Park Conservancy
- Amy Brown, Director of Department of Agriculture and Environmental Management (AEM) reintroduced herself and noted that the County Board of Supervisors had adopted the FY 2014-15 budget earlier in the month. One of the budget items for AEM was a reorganization that will merge the Household Hazardous Waste Program with Integrated Waste Management Division, with Rob D'Arcy heading up the Division. This will facilitate ongoing synergies between the two groups and lead to shared resources and greater efficiencies over time.
- Commissioner Bryant noted that the matrix did not reflect that the City of Mountain View has had an EPR Resolution since 2008. Staff will make the correction.
- Commissioner Griffith noted that Sunnyvale City Council took on Zero Waste and set their goals as follows: 70 % by 2015; 75% by 2020 and 90% by 2032. They felt these were good, fairly aggressive and achievable goals.

7. Update on FY 2013-14 Workplan

Lisa Rose provided an update to the FY 2013-14 Workplan, noting that some good progress has been made on several of the Workplan items.

All but three cities have passed/approved the MOA. It is anticipated the last three cities will be wrapped up by the end of August.

An additional update to EPR for Pharmaceuticals that was in the packet: the King County, Washington (Seattle) Public Health Department has now passed an EPR local ordinance mandating producers to implement and fund take-back for pharmaceuticals similar to the one passed by Alameda County.

With regard to CEQA for Expanded Polystyrene ordinances, City of San Jose received comments on the initial draft study, provided those comments to their consultant; received updated version from consultant and will circulate again at the end of July for final comments.

Organized Scavenging/Copper Theft – a myriad of responses had been received from jurisdictions; while it was a big issue and priority for some jurisdictions, it was not for others. Overall, it appears that folks thought that each jurisdiction needs to handle these issues within their own cities and towns.

Extended Producer Responsibility (EPR) – letters have been sent to all jurisdictions and staff will be following up.

With regard to the Categorical Exemption, staff has made contact with the state and are awaiting a response as to whether they can issue a categorical exemption for single-use carryout bags or expanded polystyrene. One of the biggest hurdles for jurisdictions who have not enacted ordinances has been the cost of having CEQA done.

Model EPPP – staff has been collecting EPPP's from cities and will work with SRR to come up with best practices that will be shared with cities.

AB 939/Solid Waste and Trash in Waterways – we were asked by the Commission to look into this further. County Counsel believes the intent of AB 939 is to capture material BEFORE it becomes solid waste and funds should be used for diversion planning and programs such as increased recycling, source reduction and composting. Chris Capozzi, County Counsel, noted that he had discussed this with Mark Bernal, previously assigned to IWM, and he concurred with Mark that it is not recommended that TAC/RWRC use AB 939 funds for cleanup of litter or trash in waterways.

Comments from Commissioners on the Workplan were taken by number, with discussion of Workplan Item #2 moved to the end.

- 1) Complete the Memorandum of Agreement (MOA) – no comments
- 2) Further explore the connection between solid waste and trash in waterways and what authority the RWRC has with regard to setting policy for water-related issues – Commissioner LeZotte will ask the Santa Clara Valley Water District's attorney to weigh in She noted that the District

recently partnered with City of San Jose to fund two additional rangers who will perform regular checks on homeless encampments in creeks. The material that is taken out of creeks is separated and recyclables are removed, thus diverting a percentage of material from the landfill. She asked that in light of this, could County Counsel look into whether or not AB 939 funds could then be used for creek clean ups. Chris Capozzi said he would welcome comments from the District's legal counsel on this matter.

- 3) Prepare EIRs or Master Environmental Assessments for all product bans or restrictions under active consideration – no comments.
- 4) Evaluate long term disposal and processing capacities and opportunities for regional cooperation – no comments.
- 5) Organized Scavenging and also explore what can be done about the rise in copper theft – Chair Griffith noted that he feels the copper theft issue is more of an issue for public works departments and law enforcement. He wondered if recyclers have the ability and tools necessary when potential copper thieves bring in copper for recycling and was told by Sunnyvale staff that they do. He is happy to drop the copper issue from the workplan. Commissioner LeZotte found it interesting that many people who have been stopped for organized scavenging have also been found to have burglary tools with them. Commissioner Wasserman spoke about copper thieves in Modesto taking air conditioning units off of buildings he managed. The Modesto police worked with recyclers and asked them to take driver's licenses and vehicle licenses before accepting any copper. Chair Griffith said it would be good to create more awareness within communities and educating residents about the various crimes that come with scavenging, including the potential for identity theft. Commissioner Bryant noted that there is also a distinction between organized scavenging and an individual acting independently.
- 6) Joint Regional CEQA for EPS – no comments
- 7) Extended Producer Responsibility and Take Back Programs – no comments
- 8) Model Environmentally Preferred Purchasing Policies (EPPP) Language for Local Government – refer to staff/SRR
- 9) Finding Markets for Hard-to-Recycle Items such as EPS, Bags and Foam – no comments
- 10) Illegal Dumping – no comments
- 11) Organics Processing – no comments
- 12) Create a Speaker's Bureau to Advocate for Specific Issues – it was decided this item can be removed from the workplan.
- 13) Develop a different method to charge AB939 tip fee (currently on disposal—change to recycling, composting, waste to energy, and disposal) – Commissioners wanted to know more about this issue and what staff/TAC thought could be done to increase either fees or broaden the materials on which fees are collected. Mark Bowers provided some background stating that years ago,

under a different administration CalRecycle's attorney said that fees could not be charged on alternative daily cover (ADC). There was a new bill introduced recently that would address this issue but it didn't make it out of committee, but may become a gut and amend bill. Any changes would need to conform with state law and Proposition 26. Staff will refer this item back to TAC.

14) Evaluate high priority ways to get to zero waste – no comments

15) Compliance assistance with EPS ordinances throughout the County through an agreement with Department of Environmental Health (DEH) – Amy noted that this is an ongoing discussion with DEH and that as with bags, it would be more practical if all cities had passed ordinances, as it could be time consuming for inspectors to learn which cities have ordinances and which do not. However, DEH will be making technology upgrades in the future and there may be opportunity for adding a checkbox that inspectors can mark if they spot EPS and that report could be downloaded by jurisdictions and they could follow up with their enforcement mechanism outlined in their ordinances. Commissioner LeZotte asked for an Organizational Chart of the new Division.

16) Pharmaceuticals - Extended Producer Responsibility and Take Back Programs – SB 727, Board of Supervisors sent a letter in support; Commissioner LeZotte will recommend that the Santa Clara Valley Water District send a letter of support; would like to see something done at the local level as well; does standing policy allow the Commission to write a letter of support; may want to pursue countywide legislation on pharmaceutical take back. Commissioner LeZotte motioned to have TAC pursue a Countywide Pharmaceutical Take Back Program. Commissioner Bryant seconded and the motion passed unanimously.

8. Adjournment

Chair Griffith adjourned the meeting at 5:55 p.m.

Next meeting: Wednesday, October 23, 2013