

# WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS MEETING MINUTES – JANUARY 21, 2021

**Meeting Date | Time 1/21/2021 6:15 PM | Meeting Location** The meeting was held exclusively via teleconference participation of a quorum of Board members in locations not open to the public in compliance with the Governor’s Executive Order N-25-20 (March 12, 2020) as superseded by Order N-29-20 (March 17, 2020), allowing for deviation of teleconference and physical location meeting rules otherwise required by the Ralph M. Brown Act. The purpose of the orders is to provide the safest environment for staff and the public consistent with Contra Costa County Health Services’ current public health recommendations, while allowing the public to observe and address the Board. All votes of the Board to be Roll Call votes.

Meeting called by	Board of Directors	<b>Board Members Present:</b> Directors: A. Pineda (Chair) San Pablo; T. Rudnick, El Cerrito; A. Tave, Pinole; D. Romero, Hercules; N. Bates (Vice Chair) (Note: Richmond had not yet appointed new Directors to replace outgoing Directors.) Absent: D. Johnson, Alternate, Richmond; F. Glover (Ex-Officio) Contra Costa County
Type of meeting	Special	
Authority Staff Present	Peter Holtzclaw, Christina Leard, Andy Schneider, Donald Sturman	
Legal Counsel	John Bakker	

## CALL TO ORDER/ROLL CALL

Chair Pineda called the meeting to order at 6:15 P.M. The Roll Call established the existence of a quorum (Bates, Pineda, Rudnick, Tave and Romero).

## CLOSED SESSION

Chair Pineda adjourned into closed session at 6:17 P.M. to consider the following:

**1. Public Employee Performance Evaluation – Title: Executive Director**

Closed session with respect to every item of business to be discussed in closed session pursuant to Section 54957: PUBLIC EMPLOYEE PERFORMANCE EVALUATION.

Title: Executive Director

**2. Report Out of Closed Session**

The Board returned to open session at 6:53 P.M. when Legal Counsel John Bakker advised that there was no reportable action from the closed session.

## PLEDGE OF ALLEGIANCE

Chair Pineda led the Pledge of Allegiance.

## EX-PARTE COMMUNICATIONS & DISCLOSURE

There were no ex-parté communications or disclosures.

## PUBLIC COMMENT

No written comments were submitted, or oral comments made, by any member of the public.

## CONSENT CALENDAR

**MOTION** by Director Romero to approve Consent Calendar Item 6.0. **SECOND** by Vice Chair Bates.

**MOTION PASSED** unanimously by a Roll Call vote.

## STAFF REPORT

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### **Staff Report Item 7 | Presenters | RecycleMore Staff**

Executive Director Peter Holtzclaw introduced and welcomed to the Board the new Finance and Administration Manager Donald Sturman.

Recycling and Solid Waste Program Manager Christina Leard reported that:

- 1) *The Family Car*, an ESL lesson-based class (currently being conducted through Zoom due to the pandemic) to teach students about used oil and the safe handling of used oil had been very successful as shown in a report for the period July 15, 2020 to January 4, 2021, when seven classes had been taught. 94 percent of students had cars, and 37 percent reported they or someone in the household had changed their own oil, which was more than twice the state average for DIY households.
- 2) An email had been sent to the RecycleMore Board and all city staff about treated wood waste with the report that as of January 1, 2021, treated wood waste would no longer be accepted at any Class 1 landfill that had previously accepted treated wood waste due to the Governor's veto of SB 68, which had left the state with a management issue of the material and only one option for disposal at Button Willow near Bakersfield. The state was working with the Department of Toxic Substances Control on a solution. Landfills would be able to apply for a variance which could take some time. In the meantime, contractors and others generating treated wood waste would either have to transport that waste to the one facility that accepted it or store it for now. Peter Nuti from Republic Services and Larry Sweetser of Sweetser & Associates would be at the regional staff meeting next week to provide more information on the issue and to respond to questions.

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### **Agenda Item 8.0 – SB 1383 Implementation Workshop | Presenter Peter Holtzclaw – Executive Director and RecycleMore staff on R3 and SB 1383 Planning and Implementation.**

Executive Director Holtzclaw presented a legislative overview of SB 1383, which was intended to reduce methane emissions from landfills by reducing the organic waste going into landfills that produced the methane. Local municipalities were to reduce organic waste in landfills by 75 percent by 2025, and recover 20 percent of edible food waste for human consumption. In RecycleMore's case, 1,500 tons of edible food waste would have to be recovered. He identified the generalities of the law and noted that each jurisdiction would look to its contractor to provide organics collection for all commercial generators, with specific mandates for container systems, lid covers, education programs, inspections, and contamination reporting. A model ordinance to codify the regulations in the municipal codes of each jurisdiction with respect to solid waste and organics would be discussed with the city managers. The first deadline for implementation of SB 1383 had been identified as January 1, 2022, with other deadlines designated for other components of the legislation.

Mr. Holtzclaw referred to the Preparedness Study prepared by R3 Consulting and provided some background to RecycleMore's status with CalRecycle with respect to compliance. He explained that RecycleMore was in good shape moving forward with SB 1383 implementation since it was already in compliance with a number of items associated with SB 1383 such as segregated organics collection and organics processing capacity. Outreach and education would be needed although the infrastructure was in place to allow that to occur.

Mr. Holtzclaw reported that he would reach out to Republic Services and the city managers and city attorneys of the Member Agencies with respect to inspection and enforcement. He explained how that could be handled through the Member Agencies, RecycleMore, or a hybrid of both.

Rosemarie Radford, R3 Consulting, Inc., explained that because RecycleMore had taken an active role in the past, it was well positioned to be able to continue to perform that role on behalf of the Member Agencies to implement SB 1383, which she noted offered significant benefits to the Member Agencies and which was the most straight forward approach in the enforcement process. She noted that enforcement would start in 2024 when fines, if applicable, would be involved.

Director Romero referred to the model ordinance and recommended that non-compliance allow the revocation of a business license or a use permit, and Mr. Holtzclaw noted that a working group could evaluate those options.

In response to Director Bates, Mr. Holtzclaw clarified that through the Joint Exercise of Powers Agreement (JEPA) the Member Agencies had designated RecycleMore to administer compliance reporting through the state. He stated it would be up to the Member Agencies to determine how that would be handled although RecycleMore would still handle the reporting.

Director Romero emphasized the importance of spelling out the new regulations in simple terms and for each Member Agency to know the number of businesses in their jurisdiction that did not have an account with Republic Services.

Mr. Holtzclaw commented that there was another aspect to self-hauling under SB 1383 and monitoring reporting was also associated with that component. He described the other aspects of the law related to procurement of large amounts of compost or other organic waste products along with the procurement of recycled paper products. He acknowledged that a large part of the law had to do with edible food recovery and advised that RecycleMore would work with the County and RecycleSmart to consider a regional approach to edible food recovery. He noted that the Preparedness Study had offered good leads on how food was being recovered and how it was being processed.

Ms. Radford stated that the edible food recovery requirements were complex and the county had a significant responsibility for that component, and identifying and coordinating communication with the organizations involved would be an ongoing effort throughout the process.

Mr. Holtzclaw added that the 2020-21 budget had included \$50,000 to pursue the next level of analysis to coordinate edible food recovery with the county and RecycleSmart. He added that there was significant reporting from RecycleMore to CalRecycle in terms of the SB 1383 mandates which underscored the need to finalize the complicated contract with Recyclist to help in that regard.

Mr. Holtzclaw reported that he had heard from other jurisdictions the desire to reach out and lobby CalRecycle or the Legislature to delay the law and he asked for the Board's direction as to whether that possibility should be pursued.

Director Romero recommended that Mr. Holtzclaw meet with the city managers to discuss that issue and include that possibility as a Board agenda item.

Mr. Schneider clarified that RecycleMore worked closely with El Cerrito city staff to make sure that the El Cerrito accounts had been included in the overall compliance program and were made part of the process.

Mr. Holtzclaw expressed concern in terms of the goals of the law and the way the law was being implemented that the global sign-up for commercial businesses for organics would mean more trucks and more drivers although not a lot more material, or material that was heavily contaminated, which would increase costs at the compost facility with those costs being passed on to ratepayers. He was eager to mitigate those issues in terms of cost.

Chair Pineda supported a resolution of the Recyclist contract as soon as possible since it would be helpful in the process. Given the issues related to SB 1383, he recommended that the Board meet more often to do what had to be done to achieve compliance.

As part of the discussion, Mr. Holtzclaw and others offered a brief explanation of the intent of SB 1383 in terms of the trade-offs of impacts when reducing methane.

## **BOARD MEMBER AND STAFF ANNOUNCEMENTS**

Mr. Holtzclaw agreed with the recommendation for more Board meetings this year given the issues related to SB 1383 moving forward.

The Board discussed the desire to meet monthly, and Ms. Leard clarified that meeting dates had been reduced for the 2020 calendar year only in that the Board was still scheduled to meet on the second Thursday of each month at 7:00 P.M., with the exception of the month of August.

Legal Counsel John Bakker confirmed that RecycleMore had an established resolution identifying its regular meetings, which could be cancelled or rescheduled if there were conflicts. He acknowledged the desire that the resolution be submitted to the Board to identify the actual meeting dates.

By consensus, the Board supported more regular meetings given the upcoming state mandates, wanted to prioritize outreach to the public, and expressed a preference to meet at 6:15 P.M. rather than the 7:00 P.M. identified in the resolution.

## **ADJOURNMENT**

With consensus of the Board, Chair Pineda adjourned the meeting at 8:03 P.M. until the regular Board meeting scheduled for February 11, 2021 at 6:15 P.M.

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I hereby certify the foregoing to be a true and correct statement of the Official Minutes of the West Contra Costa Integrated Waste Management Authority Board meeting held January 21, 2021.

*Christina Leard*

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Board Secretary, Christina Leard

Jan 13, 2022

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Date






# 2021 01-21 Board Meeting Minutes-WCCIWMA-RecycleMore

Final Audit Report

2022-01-13

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