

# WEST CONTRA COSTA INTEGRATED WASTE MANAGEMENT AUTHORITY (WCCIWMA) BOARD OF DIRECTORS MEETING MINUTES – SEPTEMBER 14, 2023

**Meeting Date | Time 9/14/2023 6:15 PM | Meeting Location Hercules City Council Chambers, 111 Civic Drive, Hercules, CA 94547**

Meeting called by Board of Directors

Type of meeting Regular

Authority Staff Present Peter Holtzclaw, Reka Abraham, Lisa Borreani, Rachel Dice, Webster Nguyen, Donald Sturman

Legal Counsel John Bakker

## Board Members Present:

Directors: T. Rudnick, El Cerrito (Chair); D. Romero, Hercules; D. Murphy, (Alternate), Pinole (Vice Chair); G. McLaughlin, D. Robinson (Alternate) and C. Zepeda, Richmond; and R. Xavier, San Pablo

Absent: F. Glover (Ex-Officio) Contra Costa County

## CALL TO ORDER/ROLL CALL

Chair Rudnick called the meeting to order at 6:18 P.M.

The Roll Call established the existence of a quorum (McLaughlin, Murphy, Robinson, Romero, Rudnick, Xavier, and Zepeda).

## CLOSED SESSION

There was no Closed Session.

## PLEDGE OF ALLEGIANCE

Chair Rudnick led the Pledge of Allegiance.

## EX-PARTE COMMUNICATIONS & DISCLOSURES

There were no ex-parte communications or disclosures.

## PUBLIC COMMENT

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

## CONSENT CALENDAR

1. July 13, 2023 Authority Board Meeting Minutes
2. Resolution for Submitting Grant Applications to CalRecycle

**MOTION** by Director Murphy to approve Consent Calendar Items 1 and 2, as submitted.  
**SECOND** by Director Xavier.

MOTION PASSED unanimously by a Roll Call vote:

## STAFF REPORT

---

### Staff Report Item 7.1 - | Presenter | *Peter Holtzclaw - Executive Director*

Executive Director Peter Holtzclaw reported that RecycleMore would be moving its offices into another suite in the same building. The new lease contract would be brought to the Board next month on the Consent Calendar.

Recycling & Household Hazardous Waste Program Manager, Reka Abraham, referred to a hazardous materials incident in San Pablo in August, which had been thoroughly covered by the news. She provided an update on RecycleMore's Household Hazardous Waste (HHW) program and its response to that incident. She noted that the HHW program was well established and robust due to the training and knowledge of the HHW contractor and consultant, and HHW staff at the HHW facility in Richmond had been able to identify that lab-type chemicals had been brought to the facility by a resident. Given the high likelihood of other chemicals of unknown composition and quantity stored at the residence, an emergency response had been initiated on August 2, 2023. RecycleMore's contractor and consultant had represented RecycleMore at the scene and had assisted to coordinate the safe disposal of the volatile hazardous waste, with the West County Integrated Resource Recovery Facility designated as the location to detonate the collected unstable hazardous material in order to keep residents and emergency responders safe. As a result, the HHW program had prevented a potential emergency through its well-trained contractor, consultant and staff by providing an avenue for residents to safely dispose of hazardous household chemicals and by following the proper safety procedures when hazardous non-household chemicals were identified.

Outreach Program Manager, Lisa Borreani, advised that RecycleMore had taken the opportunity to educate the residents and the community within the jurisdiction about the hazards of household hazardous waste and what programs were available at no cost. She reported that a press release had been prepared and distributed on August 18, which had instructed residents to inventory what they had at home, identified what to look for in terms of cleaners and the like, as well as urged residents to bring their unwanted household hazardous waste items to the HHW facilities in Richmond and El Cerrito for proper disposal. It had been made clear that if lab-like chemicals or large quantities of chemicals were found, it would not be safe to collect and transport those materials and residents should contact their local emergency response agency to assess the situation.

Ms. Borreani explained that what is legal to transport is 15 gallons; three 5-gallon capacity for each, or 125 pounds per visit. Continued outreach efforts had included promotion of HHW collection events and during those events brochures had been handed out to each resident who had been told about the permanent HHW facilities, RecycleMore's website, along with the online disposal guide, was constantly being updated with the new guidance to instruct residents how to dispose of those items properly. In addition, a portion of each school presentation had been dedicated to hazardous waste on what to do and how to identify hazardous waste, and social media posts included information on what and where to go to dispose of hazardous waste and promote HHW facilities. Any tabling event also allowed an opportunity to share information to residents and the community. She explained that RecycleMore had shown an expression of gratitude to the agencies involved in the situation and wanted to prepare certificates of appreciation to be mailed out or have some of those involved attend the December meeting and have Board members sign each of the certificates.

Ms. Abraham also presented an update on the SB 1383 commercial non-compliance project similar to the multifamily compliance project presented earlier this year. She reported that RecycleMore was currently working with member agencies and Republic Services to address SB 1383 non-compliant commercial accounts that had not subscribed to organic collections.

A total of 746 accounts had been identified: 517 in Richmond, 71 in San Pablo, 70 in Pinole, 22 in Hercules and 66 in unincorporated West Contra Costa County. Letters of non-compliance had been sent by RecycleMore to all generators on August 4, 2023 to identify the non-compliant status and to provide the deadline to apply for a waiver or request service by August 31, 2023. Approximately 23 percent of the businesses responded to the letter, requested service or requested a waiver. Waiver applications were currently being reviewed and approved by member agencies while the waiver applications for the West Contra Costa unincorporated area were being reviewed by County staff. Republic Services would be starting automatic roll-outs with green carts to the remaining businesses starting in October to ensure all commercial properties were compliant with SB 1383 by the end of the year. Staff was confident that compliance would be achieved by the end of December.

Ms. Abraham reminded the Board that the Richmond HHW temporary collection event is scheduled for Saturday, September 23, 2023 at the Galileo Club at 371 South 23<sup>rd</sup> Street in Richmond from 8:00 A.M. to 1:00 P.M. for residents.

Ms. Borreani identified another upcoming event at the El Sobrante Stroll on Sunday, September 17, 2023 from 11:00 A.M. to 4:00 P.M., which would include a parade starting at 11 A.M. RecycleMore's booth will be located in front of Walgreens. RecycleMore will talk to residents, distribute kitchen food scrap pails, and offer activities for kids at its booth at that event.

Mr. Holtzclaw also reported that the Compliance Fund monies from Republic Services would be transferred to RecycleMore to establish an official restricted fund on January 1, 2024.

Director Zepeda asked about the hazardous waste incident, noted that he had received the notifications on Nixle, and asked what would have happened, worst case scenario, if all the chemicals had mixed at the home in San Pablo and had not been removed properly. He wanted to make sure that everyone knew that staff had saved lives.

In response, Mr. Holtzclaw was not certain what would have happened but he commented that nothing good would have happened and potentially three-square blocks could have been involved.

Director Xavier stated if that had occurred, it would have been a huge tragedy with many homes wiped out for several blocks around the site and the situation had been very stressful to all involved for several days. She commended all those involved and stated those agencies and individuals would be recognized Monday night at the San Pablo City Council meeting to recognize their help in preventing what would have been unimaginable.

Director Zepeda asked what would occur if someone from a different city not part of the RecycleMore JPA had hazardous chemicals and wanted to dispose of those materials, and it was clarified that depending on the material that person could have been turned away or directed to that person's specific area. It was also clarified that every part of Contra Costa County had separate HHW facilities.

David Brockbank, Contra Costa County Solid Waste Programs, confirmed that every jurisdiction throughout Contra Costa County was covered by three HHW facilities.

Chair Rudnick emphasized the importance of having the Board recognize the fantastic work of all the agencies involved given that the incident had impacted everyone. She deeply appreciated the work that everyone had done.

Director Romero noted the City of Hercules had a hearing about a new business in the Exchange where there had been an issue with the garbage containers, and what had come out of the public hearing was that the Exchange had hired sorters and on Tuesdays and Fridays when the containers were picked up the company sorted out the

recyclables, the organics and the trash. He had contacted Mr. Holtzclaw about that situation and with respect to the problem with multifamily dwelling units he suggested that sorters should be hired.

Director Romero added that without the City of Hercules mentioning anything, the Exchange had hired a sorting company, which he suggested was one of those ideas that could address the garbage process and eventually help with the rates.

---

**Agenda Item 8.1 – Triennial Review | Presenter | Peter Holtzclaw - Executive Director**

Executive Director Holtzclaw stated the Triennial Review was a long time coming. It was in the Post-Collection Agreement (PCA) between Republic Services and the West Contra Costa Integrated Waste Management Authority (RecycleMore) and was based on AB 341, the 75 percent diversion goal with the State of California. In that law, the 75 percent diversion rate was a stated goal for the member agencies, although he explained that CalRecycle had moved away from a numbered diversion rate in 2006 and had changed it from a 75 percent diversion and 50 percent diversion to be based on a different goal.

Mr. Holtzclaw stated that the goal had been stuck in the PCA since 2012. The first review was in 2016 and Republic had shown progress towards meeting a 75 percent diversion but it was not a mandate. Since then, the total diversion had been dropped off for a number of reasons but had been based on how CalRecycle had set diversion. SB 1383 had superseded the 75 percent goal and everyone had been focused on other diversions. He stated it was important to know how well the diversion activities were doing when heading into the next version of the PCA and understanding how the diversion activities were actually working. The diversion percentage had been converted into a Pounds Disposed per Person per Day (PPD) metric per jurisdiction. The goal was now 5.4 pounds per day, as shown on a table included in the staff report. There was a smaller goal for a 75 percent diversion, which was much harder. He added that R-3 Consulting had done some work on the issue.

With respect to the Annual Report sent to CalRecycle every year, Mr. Holtzclaw explained that the only mandate for diversion was the PPD. He identified the factors out of the PCA's control such as the fact that the 75 percent metric was only a goal with no penalty or negative impact if it was not met and where Republic would have to make a good faith effort towards meeting that goal. In addition, he explained that the effect of the pandemic, China's move to stop all imports of paper and plastics, and the effect of high-volume self-haul tonnage could not be controlled.

Mr. Holtzclaw highlighted Republic's and RecycleMore's diversion programs for residential and commercial recycling, residential and commercial organics, commercial dry waste and construction and demolition along with the HHW and other specific waste programs. He reported that RecycleMore was in good shape for the next PCA in that Republic Services in collaboration with RecycleMore and its member agencies had made good faith efforts towards decreasing the PPD and increasing the diversion rate.

Chair Rudnick asked if SB 1383 would set an established goal for RecycleMore in terms of diversion, and Mr. Holtzclaw commented that he was on the fence about establishing a goal. He referred to plastics as an example and expressed concern setting a number that could not be met and that could create worse outcomes including increased emissions, and sending materials to disadvantage developing nations where they are likely burned (out of sight, out of mind) in order to meet obscure goals.

As policymakers, Chair Rudnick stated that whatever needed to be done should be done to protect the environment and the JPA was doing all it could to reduce impacts to the environment and the residents cared about that. She suggested there could be an incremental move that could make an impact on the environment.

Director McLaughlin noted her understanding that the PCA included a statement that a recycling goals meeting should occur with the member agencies, the authority, and the collector, which had not occurred, and one week prior to that meeting each authority was to provide the other an assessment of the progress and performances toward the 75 percent goal. She suggested that needed to be done before the Triennial Review was complete. Director McLaughlin agreed with the need to do everything for the environment and stated the goals meetings would be very important. She wanted to set up a time for such a meeting to fulfill that compliance aspect of the PCA.

Mr. Holtzclaw was open to having a goals meeting but suggested it should be a meeting to contemplate the goals for the next PCA. He suggested that should be done in the next couple of weeks.

Legal Counsel John Bakker stated a motion was not necessary to establish and schedule a meeting.

Director Robinson agreed with the need to follow the steps outlined in the PCA before finalizing the Triennial Review and she asked why it had been nine years since the last Triennial Review.

Mr. Holtzclaw explained that question went back to the 75 percent goal in the first place, which had neither been publicized nor supported by CalRecycle. The 75 percent goal had been largely ignored or forgotten, now moving more to the goals of SB 1383. He also explained that the 50 percent diversion imposed by AB 939 was a mandate and not a goal. There was no mandate for the 75 percent goal and no motivation to do the triennial as the SB 1383 mandates were more important to put resources into.

Director Robinson requested the definition of self haul. Mr. Holtzclaw gave examples including waste water treatment plants that clean out their settling ponds every few years and truck tons of waste to the landfill, as well as illegal dumping tonnages that are coded to city jurisdiction but may not have been generated there. On further discussion, he clarified the self-haul issue and the tonnages involved that could be landing in other jurisdictions and be credited to those jurisdictions.

Director Romero explained that self-hauling affected all jurisdictions, with some self-haulers licensed by the State of California and others that were not licensed, which would mean the loss of franchise fees. He suggested that the City of Hercules was losing almost \$1 million annually due to unlicensed self-hauling.

Mr. Holtzclaw commented that the issue of self-hauling led into franchise issues that RecycleMore did not necessarily get involved in and would be more appropriate to discuss with the member agencies. He clarified that the volumes for self-hauling were pretty significant. From 2020 to 2022 there had been a disposal of 140,000 to 165,000 tons but in the PCA there had only been 100,000 tons. He hoped that landscapers self-hauling would be getting the greenwaste into a composting facility, and stated under SB 1383 RecycleMore could find out where the greenwaste was going.

Director Romero noted that the cities should mandate that all landscaping companies have a permit with the city to have that greenwaste be taken to Republic so that everyone would benefit. Speaking to the goals, he commented that the change from a 75 percent diversion now to a PPD was itself being ignored and he confirmed with Mr. Holtzclaw that the state wanted a 5.4 PPD, which was the 50 percent mandate. He wanted to think of the PCA as a living document that set rates, which he commented had been fantastic for ten years with increases less than 5 percent this past year while other jurisdictions were being hit by 10 to 16 percent increases.

Director Xavier asked about junk haulers like Got Junk? and noted that it was unknown where that junk would get dumped, whether legally or illegally.

Mr. Holtzclaw commented that the Got Junk? franchisers had been the rage for a bit of time and had then disappeared and those franchisers had their employees go into people's yards and garages to pull material, which was the differentiator that had gotten around the franchise collection laws. He described how those franchisers could have bypassed the franchise collection laws by picking up material in one area and dumping it in another.

Director Xavier requested more information on the PPD and noted the figures were confusing given the change from one type of category to another on that aspect of the PCA.

Mr. Holtzclaw referred to the complexities and confusion of the measuring factors with respect to the 50 percent diversion factor, which was more or less after the law took effect for the united disposal and for the united diversion.

Mr. Holtzclaw advised that RecycleMore was at 4.2 pounds per day at 165,000 disposal tons with diversion tons for 2022 at 70,000 to 80,000 tons. He described other factors involved that could further reduce the tonnage. He clarified that RecycleMore was at 3.7 or 4.2 PPD between the 50 percent mandate of 5.4 and the 75 percent goal of 2.7, without the self-haul, pretty close to the goal for the tons that Republic managed.

Director Murphy expressed a desire to participate in the recommended recycling goals meeting and would support a motion to that effect.

Director Robinson expressed some confusion as to what the Board would be responsible to do in terms of solid waste in general in the knowledge of state mandates and she recommended sticking with the "always" number mandated by the state not just what Republic handled. Separately in consideration of Republic's role, she suggested the Board should have a different slide to identify what Republic was doing with its responsibility. She supported some kind of deliberative process as to how to address self-haulers and others outside the Board's control. She did not want to simply dismiss the self-haul issue and sought information to tell the whole story.

Mr. Holtzclaw clarified that the numbers presented to the Board included self-haul, the 165,539 tons in 2022 of all disposed waste that CalRecycle viewed as originating in the RecycleMore jurisdiction. In 2022, Republic had disposed of 94,704 tons, which did not account for about 10,000 tons of residual trash. If it was added back to trash tons, the 2.4 number would be higher than 2.7, although the general picture would be close to the goal without the self-haul. He added that the self-haul tons from CalRecycle's perspective would push the PPD up to 4.2.

Director Robinson commented that she still thought the Board needed to consider self-haul. She had an understanding of the illegal dumping in Richmond and from her perspective some of those grievances might be driving some of that illegal dumping given that there were no large item pickup possibilities for multifamily units with Republic, which she suggested led into the self-haul issue.

Mr. Holtzclaw suggested it would be good to have a collaboration with a number of agencies given the franchise collection contracts.

**MOTION** by Director McLaughlin to direct the Executive Director to set up a meeting with the staff of the member agencies, the staff of RecycleMore and the collector within the next two weeks and report back to the Board at the next meeting, to discuss goals or alternatives and offer recommendations on next steps, with one of those recommendations to conduct an analysis of self-hauling. **SECOND** by Director Robinson.

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

Mr. Peter Nuti, Republic Services, explained that the Triennial Review was a review of the waste contracted for the cities without the self-haul. He stated that each of Republic's facilities, whether organics, Golden Bear Transfer Station, or any facility that processed anything in the State of California was required to report to CalRecycle, and the self-haul volume that came into Republic's facilities would go into the greenwaste recycling next door.

Mr. Nuti reported that the origin of all the material coming into the facilities was reported to CalRecycle and RecycleMore's tons took into account everything that Republic touched in its facilities across the state and those tons were allocated to those jurisdictions. The numbers therefore included self-haul and the self-haul that came to the Richmond facility, in particular, could come from a residence or a side yard and still got composted. He used the example of a contractor from Marin County who might come to the West County Landfill with a load of construction and demolition debris that had been cleaned and processed, which would also be reported to the state. RecycleMore would not get credited for it but it would also not get penalized for it. Republic still had the responsibility to CalRecycle and no matter where the waste came from it still had to be disposed. When looking at a Triennial Review, he stated they were just looking at a small snapshot of the waste coming through the PCA. The numbers offered by Mr. Holtzclaw regarding PPD included everything. Even though not contracted for certain tons, he emphasized that Republic was still responsible to CalRecycle's statutes to handle it properly and pursue the diversion requirements.

David Brockbank, Contra Costa County Solid Waste Programs, referred to a hauler ordinance that had been crafted in 2018 with the help of Mt. Diablo Resource and Recovery (MDRR) among others in response to the Got Junk? folks. He added that AB 592 related to a pilot program for franchise haulers was now on the Governor's desk for signature.

## **BOARD MEMBER AND STAFF ANNOUNCEMENTS**

Chair Rudnick urged being mindful of the handouts and other information offered by RecycleMore and provided to the Board with the RecycleMore logo that might be adding to the waste stream and wanted to source items that were recyclable or recycled. With respect to information from the website, she referenced a number of graphics that appeared to direct waste to incorrect waste streams and she did not support that information since it was visually incorrect.

Director Murphy thanked Mr. Holtzclaw for the detailed monthly report and spoke to the Compliance Fund policy and looked forward to discussing it in more detail at a future meeting. He thanked Republic Services staff for providing City of Pinole employees a training on all things recycling, organic waste, trash and hazardous waste, information on new state laws and policy on waste disposal as well as other things that had been helpful to the whole team. He reported the City of Pinole was transitioning to a new City Manager and that Pinole Police Neil Gang had been appointed as the Interim City Manager pending the completion of a nationwide search for a new City Manager. He also invited everyone to National Night Out in Pinole on Tuesday, October 3 with an eco-friendly vibe. He added that Pinole now had seven electric vehicle (EV) charging stations.

Director Romero reported that the City of Hercules had discussed the Franchise Agreement and the City Council had directed staff to enter into negotiations with Republic Services for a possible extension and a potential 20-year agreement. He also asked at future meetings that comments be kept to the garbage-related industry and not necessarily on city issues.

## **ADJOURNMENT**

With consensus of the Board, Chair Rudnick adjourned the meeting at 7:39 P.M. until the regular Board meeting scheduled for October 12, 2023 at 6:15 P.M.

---

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 September 14, 2023.

Donald W. Sturman                      9/18/2023

Board Secretary

Date