



CITY OF
HAYWARD
HEART OF THE BAY

**COUNCIL SUSTAINABILITY
COMMITTEE**

OCTOBER 5, 2011

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CITY COUNCIL SUSTAINABILITY COMMITTEE MEETING
Wednesday, October 05, 2011
Council Chambers
4:30 – 6:30 PM

CALL TO ORDER

ROLL CALL

PUBLIC COMMENTS: *(The Public Comment section provides an opportunity to address the City Council Committee on items not listed on the agenda. The Committee welcomes your comments and requests that speakers present their remarks in a respectful manner, within established time limits, and focus on issues which directly affect the City or are within the jurisdiction of the City. As the Committee is prohibited by State law from discussing items not listed on the agenda, your item will be taken under consideration and may be referred to staff.)*

- I. Approval of Minutes of July 6, 2011

[Draft Minutes](#)

- II. Climate Action Team (continuation of July 6 meeting discussion)

[Staff Report](#)

[Attachment I CAT Organizational Chart](#)

- III. Mandatory Recycling Provisions: StopWaste's Proposed Ordinance; City's Recycling Programs Update

[Staff Report](#)

[Attachment I ACCMA Letter to StopWaste](#)

[Attachment II Municipality Letters to StopWaste](#)

- IV. Single-Use Bag Reduction Ordinance: StopWaste's Proposed Ordinance

[Staff Report](#)

[Attachment I Ordinances in Other CA Cities](#)

[Attachment II ACCMA Letter](#)

[Attachment III Municipality Letters to Stop Waste](#)

Meeting Topics List

[Meeting Topics List](#)

COMMITTEE MEMBER ANNOUNCEMENTS AND REFERRALS

ADJOURNMENT

NEXT REGULAR MEETING – 4:30 PM, WEDNESDAY, JANUARY 4, 2012

****Materials related to an item on the agenda submitted to the City Council Committee after distribution of the agenda packet are available for public inspection in the City Clerk's Office, City Hall, 777 B Street, 4th Floor, Hayward, during normal business hours. An online version of this agenda and staff reports are available on the City's website. ****

Assistance will be provided to those requiring accommodations for disabilities in compliance with the Americans Disabilities Act of 1990. Interested persons must request the accommodation at least 48 hours in advance of the meeting by contacting the Assistant City Manager at (510) 583-4300 or TDD (510) 247-3340.

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OCTOBER 5, 2011



CITY COUNCIL SUSTAINABILITY COMMITTEE MEETING
Hayward City Hall – Council Chambers
777 B Street, Hayward, CA 94541-5007

July 6, 2011
4:30 p.m.

MEETING MINUTES

I. Call to Order – Meeting called to order at 4:33 p.m. Mayor Sweeney.

II. Roll Call

Members:

- Michael Sweeney, Mayor
- Olden Henson, Council Member
- Bill Quirk, Council Member
- Dianne McDermott, Planning Commissioner
- Sara Lamnin, Planning Commissioner
- Al Mendall, Planning Commissioner

Staff:

- Kelly Morariu, Assistant City Manager
- David Rizk, Development Services Director
- Erik Pearson, Senior Planner
- Marc McDonald, Sustainability Coordinator
- Bob Bauman, Public Works Director
- Katy Ramirez, Administrative Secretary (recorder)

Others:

- David Stark, Bay East Association of Realtors
- Ernest Pacheco, CAP
- Laura Oliva, Keep Hayward Clean and Green

III. Public Comments

David Stark, Bay East Association of Realtors, thanked the Sustainability Committee for the opportunity to serve on the Climate Action Management Team. He said that the staff report has some good recommendations and he would like to urge the Committee to be as diverse and universal as possible when selecting a new group and to include representatives from the faith community, cultural organizations, and the business community. Mr. Stark suggested that perhaps an early morning meeting time might be better than evening meetings. He said that Bay East Association of Realtors would love to continue their participation in whatever the next declarations are of the Climate Action Plan.

Ernest Pacheco, CAP, distributed documents to the Committee and noted that one of the documents is an original piece that the Committee seen a couple of years ago. He said he wanted to show this document again because the actual numbers are pretty much the same as before, however, the footnotes regarding the industrial square footage are outdated. He said the reason he is bringing this up is because one of the greatest resources we have is industrial rooftops, which if developed with solar, could provide almost one-third of Hayward's electricity needs. Community Choice Aggregation is a tool that that would allow us to utilize this resource.

Mr. Pacheco said that the City of Richmond passed a resolution to formally explore Community Choice Aggregation (CCA) with the Marin Energy Authority. He said that he would like to ask the Sustainability Committee to consider taking the same action and the first step towards that process is to get on the agenda for an upcoming meeting. Mr. Pacheco said that he talked with Marin Energy Authority and they would be happy to give a presentation about where they are at now, and what it will take Hayward to begin an investigation, and if it makes sense for Hayward to join and utilize the tool that CCA would develop for resources for energy efficiency. Mr. Pacheco said he spoke with Adam Lenz of Richmond and Mr. Lenz indicated there has not been much staff burden at this time and that Marin Energy Authority would be doing most of the work. He said the specific thing he is asking the Committee before we change to a quarterly meeting schedule, is that you allow him to ask Marin Energy Authority to come and make a presentation, and he will be happy to make the phone call to set it up.

- IV. Approval of Minutes of June 1, 2011 - minutes approved with minor revisions by Council Member Quirk.
- V. Discussion of Change of Meeting Schedule of Sustainability Committee

David Rizk, Development Services Director, said that staff is recommending that the Committee approve a quarterly meeting schedule versus a monthly meeting schedule, and approve the tentative schedule for the remainder of 2011 and for 2012. Mr. Rizk said that staff is finding it more and more challenging to support the Committee and indicated that a lot of time is being spent on preparing reports, research, etc. He said staff is recommending this quarterly schedule in response to reductions in staffing levels and some other projects, particularly Advanced Planning projects such as the original sustainable community strategy development, and a downtown plan update. Mr. Rizk said that in terms of the schedule, Attachment II to the staff report lists some various topics; the top ones are action items where we would expect the Committee to take action and provide feedback in terms of direction. He said the rest of the items listed in Attachment II are more just informational items, which are the purple-colored rows. Mr. Rizk said that he would like to hear the Committee's thoughts on the proposal, direction and some methodology to try to determine which of the various actions in the Climate Action Plan that are the high priorities.

Mayor Sweeney said that he would like to add that this item was discussed when City Council was in the process of adopting the budget. He said that things are tighter,

positions have been eliminated, and some people were laid off. He asked the Committee if they think we could help the effort by meeting less often and to try and focus a little more on priority items that the Committee needs to address.

Bill Quirk, Council Member, said that in response to Mr. Pacheco's request, he thinks it would be worthwhile to see a presentation from Marin Energy Authority on what Richmond has done and to obtain a report from them. He said there really are advantages, which will probably take a lot of staff time and wondered if there is any way to make it less staff intensive. He said this requires solar for new construction and his concern is that whatever we require for new construction should result in the most cost effective savings.

Dianne McDermott, Planning Commissioner, said that she would like to go on record in saying that she does not object to having quarterly meetings; however, she would like to add that the Committee meet quarterly "or as needed," so to leave a door open should the Committee need to meet off the quarterly schedule.

Mayor Sweeney said that he thinks this is a good point and part of what the Committee will have to do is be disciplined about not adding items that really don't need to added, and this means the Committee will have some decisions to make about where to put time and energy. Mayor Sweeney asked the Committee if there is a consensus to Planning Commissioner McDermott's suggestion of adding "or as needed;" the Committee members responded yes.

Olden Henson, Council Member, said that he doesn't have a problem with moving to quarterly meetings. He said that he thinks the Committee has already covered many of the big topics and still has a bit to go; however, he doesn't think there are any items so pressing that we can't have quarterly meetings. Council Member Henson said that the issues with CCA were two-fold; one was staff time and the other was cost and that he recalls it being a few million dollars to get it off the ground. He said he doesn't mind hearing from Richmond and that he would be interested to know what changes have occurred, as long as it doesn't take a whole lot of staff time.

Mayor Sweeney suggested that staff do a preliminary of what this might involve and bring it back to the Committee to decide the next steps. Council Member Quirk said that we should probably wait until Richmond has done something before it comes back to the Committee, which would probably be sometime next year. Mr. Rizk said staff would talk with Richmond and see what they have done thus far, and indicated that he doesn't think it would take a lot of staff time.

Al Mendall, Planning Commissioner, said that he thinks meeting quarterly is fine. He said that when the Committee first got started there was a lot to do and we got through many of the urgent items; he thinks this is an appropriate time to step down a bit. Planning Commissioner Mendall said that he keeps hoping some of the financing issues will resolve themselves at the federal level, and until they do, it will be difficult for the Committee to take large steps.

Sara Lamnin, Planning Commissioner, said that it makes sense to meet quarterly and to explore the most effective ways to reach the goals of the CAP is good, in terms of agenda setting, etc.

Mayor Sweeney said that it looks like there is a consensus to go to the quarterly meeting and meet more often, as needed, and to approve the agenda for the next 12 months; the Committee responded yes. He said that he assumes the chart in Attachment II of the staff report will continue to refine as we move along. Mayor Sweeney said that when Richmond moves forward with the CCA, staff will bring this item back to the Committee for review and to determine the next step.

VI. Discussion of Climate Action Management (CAM) Team Role and Purpose

David Rizk, Development Services Director, said the CAM Team to date has not been successful, and a lot of momentum was related to the Residential Energy Conservation Ordinance (RECO) issue and over the last several months attendance was down with only two or three people attending the meetings. Mr. Rizk said that staff thinks it is appropriate to disband the CAM Team in its current form and develop a new group that will focus on specific tasks and projects and engage activist and interested folks, local groups and residents, who would be willing to assist staff with engaging the community. He said at the bottom of page two of the staff report, there are three suggestions for some specific projects. One is engaging one or two selected neighborhoods to promote participation in the residential energy efficiency incentive programs. Another might be to promote the PG&E smart meter on-line tracking program. The third is to possibility engage volunteers to work with “Engage 360” to promote simple energy efficiency actions to the Hayward community. Mr. Rizk said if we can come up with three or four specific tasks that will change over months and engage folks that are interested in those tasks to help staff engage the community, then he thinks it will be a successful battle.

After much discussion and questions amongst the Committee and staff, the Committee offered the following ideas and suggestions for structuring a group or committee:

- assign roles to specific people and groups based on their interest;
- utilize existing networks and also capitalize on the Youth Commission, CSHEB students; and other groups and organizations;
- not engage the leaders but their appointees from these groups and have them report back to the leader;
- create a “Do You Know” campaign, or texting or twitter campaign;
- create a strategy and methodology for outreach.

Mayor Sweeney asked if there was a consensus to disband the CAM Team; the Committee responded yes. Mayor Sweeney said he thinks the outline is good and that the next step is for staff to try and sharpen it up a bit in terms of process and bring it back to the Committee. He suggested that staff take the last paragraph on the discussion page of the report and put it into an outline of a plan, which will indicate how big the

group should be, the terms, how we are to engage people and how to decide on who these people are, how might we select neighborhoods, etc. Mr. Rizk indicated that he would like to start engaging the community at the staff level and that staff plans to attend HOA Neighborhood Group meetings. Mr. Rizk said staff thought about perhaps having a drawing for one lucky person to win, for example, a free audit, and pay for it with Energy Efficiency Block Grant funds.

VII. General Announcements and Information Items from Staff

Mr. Rizk said there is a document included with the meeting packet summarizing the REC Solar program that could be provided to City of Hayward employees that will offer discounts as an incentive to go green with solar. Mr. Rizk said there are some similarities to the Sun Shares program that San Jose did which he thinks is even more substantial savings because of the low interest on the loans they receive for energy efficiency improvements.

Erik Pearson, Senior Planner, said that he and Marc McDonald met with staff from Stopwaste.org about setting up a outreach meeting in September for owners of multi-family rental properties to let them know about incentives that are available for green point ratings for existing buildings.

VIII. Committee Referrals and Announcements

Mayor Sweeney indicated that Doug Grandt whom is a member of the Sustainability Committee as a representative of Keep Hayward Clean and Green has not been able to attend the meetings because of his work schedule has decided to resign. Mayor Sweeney said he will be working with Blytha Bowers who is the chair of Keep Hayward Clean and Green about a potential appointment. He said one of the folks of interest is Laura Oliva from Keep Hayward Clean and Green, who is here today taking notes. Mayor Sweeney said that hopefully he and Blytha Bowers we will be able to come up with a recommendation and a decision soon, and thanked Ms. Oliva for being there today.

Planning Commissioner McDermott said that she would first of all like to acknowledge Odd Fellows for picking up the slack with the decrease in funding for music for the band. She said they have instituted a program called Funds into Music, where they are going to hold monthly music events near the Hayward Plunge, and each music event will feature a 501c that will have an opportunity to do an outreach, and any donations will go to that specific organization. The next event is scheduled for Sunday, September 11. Commissioner McDermott said that secondarily, she would like to announce that Hayward Education Foundation is participating and is one of the recipients of Science in the Park. It is a family event and a great opportunity for kids to participate and witness experiments and hopefully take an interest in science. This event will be held on Saturday, October 1, at Oliver Sports Park, in Hayward.

IX. Next Meeting: Wednesday, October 5, 2011

Update on Recycling Programs

- X. Adjournment: Meeting adjourned at 5:55 p.m.

DRAFT



DATE: October 5, 2011
TO: City Council Sustainability Committee
FROM: Development Services Director
SUBJECT: Climate Action Team

RECOMMENDATION

Staff recommends that a Climate Action Team be developed as an independent citizen’s organization that advises the Committee and staff on Climate Action Plan initiatives.

SUMMARY

The purpose of the Climate Action Team would be to provide technical and non-technical advice on Climate Action Plan initiatives to the Council Sustainability Committee, and to engage in community outreach and education for initiatives that affect the Climate Action Plan.

BACKGROUND

The City Council adopted the Hayward Climate Action Plan (CAP) on July 28, 2009. The CAP includes goals to reduce greenhouse gas emissions by 12.5% below 2005 levels by 2020 and by 82.5% below 2005 levels by 2050¹. One of the actions recommended by the CAP is the formation of the Climate Action Management Team.

In September of 2010, the City of Hayward sent community leaders invitations to become members of the newly formed Climate Action Management Team (CAM Team). The mission of the team was to be an advisory body to staff and the City Council Sustainability Committee (CSC). The agenda for the CAM Team was focused on policy and technical issues.

The primary qualification for membership was community leadership status and some members were identified based on interest in climate related activities. The result was an assembly of community leaders with a broad mission and a limited set of tasks. A number of invitees assigned their staff members to attend CAM Team meetings, which resulted in some CAM Team

¹ Climate Action Plan, http://www.hayward-ca.gov/CAP08/pdfs/2009/CAP_Final/Hayward_CAP_FINAL_11-6-09%20-%20full%20document.pdf, page 27

members with limited interest in the scope and complexity of issues that faced the CAM Team. The low level of interest combined with the intensely technical nature of many of the issues brought to the CAM Team resulted in low levels of participation. Less than nine months later, attendance at CAM Team meetings had fallen from eighteen members to three. Consequently, the CAM Team was disbanded.

DISCUSSION

In accord with the recommendations described in Strategy 9 of the Climate Action Plan, staff considers the contributions of an organized group of climate-action minded citizens to be an essential element to the success of the Climate Action Plan. However, staff does not consider a stand-alone committee with the limited mission of serving as a policy advisory group to the Sustainability Committee a viable model.

Staff proposes that the Committee support the establishment of a volunteer organization composed of citizen climate activists who would advise staff and the Committee on governmental climate initiatives, raise community-wide awareness of climate issues, and increase community-wide awareness of the City's climate action initiatives. The name of the organization would be the Climate Action Team (CAT).

Organization: Staff proposes that the CAT be initially organized around three functional groups: a Steering Committee; a technical advisory group; and an outreach/communications and education group. Membership in one group would not preclude membership in other groups. Overlapping memberships would be considered valuable and encouraged.

Steering Committee: Staff would advertise for and recommend three to five Hayward citizens for the Steering Committee, and present such recommendation to the Sustainability Committee in early 2012. The initial Steering Committee members would serve a term of one year and would work with staff to identify and recruit active citizens to volunteer as members of two subgroups of the CAT (see discussion below regarding the two subgroups).

After the CAT is formed, the Steering Committee would be responsible for coordinating the activities of the two subgroups identified below, and would provide input to staff and the Sustainability Committee on Climate Action Plan implementation actions.

Outreach/Communications and Education Group: This group would be the most active of the CAT groups. Membership would be voluntary and the number of members would be unlimited. Members would include people who are actively engaged in climate action activities, including upgrading their homes, living environmentally responsible lifestyles, communicating with others about climate action activities either professionally or due to general interest, or people who are interested in climate change and are looking for a way to make a difference through membership in the CAT.

The group would focus on letting Hayward's citizens know how each person can take action to reduce their greenhouse gas production and contribute to the greening of Hayward. Actions would include participation in climate education programs and activities with the Hayward Unified School District, staffing climate education booths at community events, staffing climate

education community canvassing and outreach events and delivering information to Hayward citizens about the City's climate initiatives, including the City's energy efficiency rebate programs. Additional activities could include organizing and staffing climate themed community events, such as green fairs and speakers events. In short, the primary purpose and activities of the group would be outreach, communications and education.

Recommended Year One projects for this group would be: (1) work with the Keep Hayward Clean & Green Task Force to help Hayward Unified School District students understand how they can participate in climate change initiatives; (2) work with City staff to promote the City of Hayward residential energy efficiency incentives; and (3) work with climate education volunteer organizations, such as Engage 360, to help citizens understand how small personal actions can make a big difference in the climate.²

Technical Advisory Group: This group would consist of climate action activists, professionals, and people with technical knowledge about climate-related issues. Membership would be voluntary and unlimited. The primary purpose of the group would be to provide staff and Committee members technical information about the likely effectiveness of anticipated and ongoing climate-related government initiatives and legislation. Members should include experts on issues that impact implementation of climate change measures, such as realtors, members of the business community, members of the academic community, students, members of skilled trades (like electricians and contractors) and others. It is likely that members of this group would be contacted and assembled into topic teams on an as-needed basis to address specific issues.

Recommended Year One projects for this group would be to provide support to the Committee and staff in the analysis of technical and financial issues regarding two items that are scheduled to come before the Sustainability Committee in 2012: 1) Require solar for new construction; and 2) maximize renewable energy generation on municipal buildings.

Schedule: During the formative period of the CAT, the Steering Committee members would meet frequently with staff to identify priority projects for the CAT to address over the coming year. Meetings will also include development of strategies to identify and solicit potential CAT members. After the CAT has been formed, the Steering Committee should meet as needed, but no less frequently than once a quarter with staff to provide an update on CAT activities and to prepare to meet with the City Council Sustainability Committee. Groups should meet as needed to be effective in execution of their initiatives, but no less frequently than once a quarter with the Steering Committee to provide an update on their activities.

ECONOMIC AND FISCAL IMPACTS

The CAT will be supported by the City's Sustainability Coordinator, whose time will continue to be funded by the City's Efficiency and Conservation Block Grant funds through the end of Calendar Year 2012. Toward the end of 2012, an evaluation would be completed to determine whether there would be capacity for City staff to continue to support the CAT. Although it is

² For example, wrapping your hot water heater with insulation can reduce your CO₂e production by up to 1,000 pounds each year. See Cut CO₂.org. <http://www.cutco2.org/what-can-i-do.php>

envisioned the CAT would assist staff with implementing the various actions identified in the Climate Action Plan, it is estimated that a minimum of sixteen meetings a year requiring staff support would occur involving the three Action Team subcommittees.

PUBLIC CONTACT

Meetings of the CAT subgroups will be advertised and open to the public. As indicated previously, the outreach/education subgroup members will engage the community and attend various events to promote energy efficiency and Climate Action Plan implementation.

NEXT STEPS

Members of the City Council Sustainability Committee and staff will identify and solicit climate activist Hayward citizens to serve as the initial CAT Steering Committee. Members of the Sustainability Committee and staff will support the Steering Committee in its identification and solicitation of citizens to be active members of the CAT.

Prepared by: Marc McDonald, Sustainability Coordinator

Recommended by: David Rizk, Development Services Director

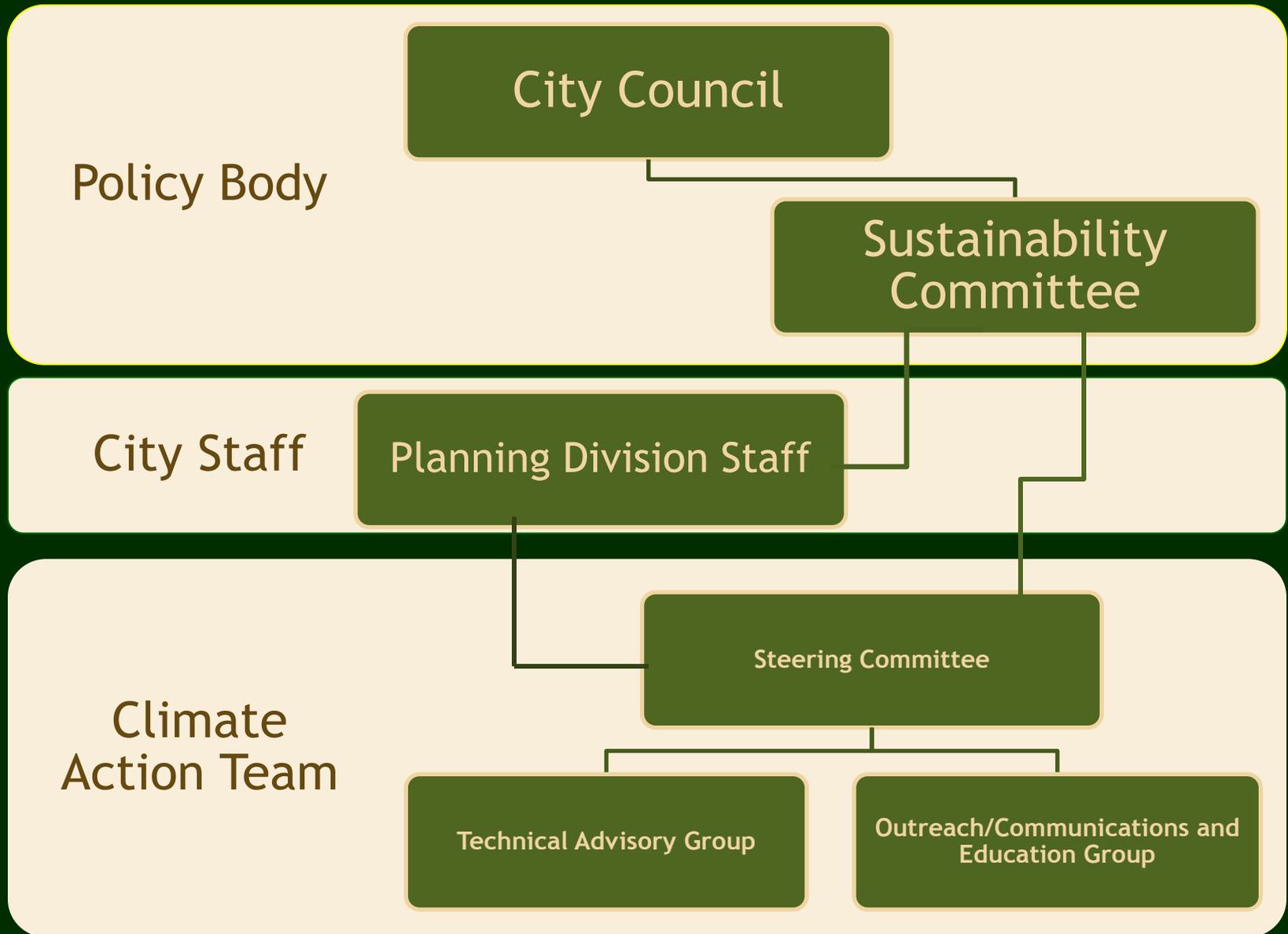
Approved by:



Fran David, City Manager

Attachment I – CAT Organizational Chart

Organization Chart



DATE: October 5, 2011
TO: City Council Sustainability Committee
FROM: Director of Public Works
SUBJECT: Mandatory Recycling Provisions: StopWaste's Proposed Ordinance; City's Recycling Programs Update

RECOMMENDATION

That the Committee reviews and comments on this report.

BACKGROUND

At the December 1, 2010 Council Sustainability Committee (CSC) meeting, staff reported that stopwaste.org (StopWaste) planned to prepare an environmental impact report (EIR) to evaluate the environmental impacts of mandatory commercial recycling. This staff report summarizes various aspects of StopWaste's Draft EIR (DEIR)¹ that proposes a mandatory recycling ordinance.

This report also describes proposed regulations prepared by the California Department of Resources Recycling & Recovery (CalRecycle), as well as recently approved and proposed state legislation regarding mandatory recycling provisions for businesses and multi-family dwellings. The report also includes an update on the various recycling programs offered residents and businesses in the City, including collection of organics, the City's requirements regarding recycling construction and demolition debris recycling, recent outreach to multi-family property owners to implement or enhance their recycling programs, and the status of recycling programs at City facilities.

The City of Hayward's adopted Climate Action Plan identifies actions related to waste reduction and recycling for each of the topics addressed in this report. Applicable actions include:

- *Action 6.1 – Increase participation in the recycling services offered businesses through the City's contract with its franchisee;*
- *Action 6.2 – Increase participation in the recycling services offered single-family homes through the City's contract with its franchisee;*
- *Action 6.5 – Evaluate the viability of requiring that residents and/or businesses participate in the recycling programs offered through the City's franchisee;*

¹ Draft Environmental Impact Report: Mandatory Recycling and Single Use Bag Reduction Ordinances, August 2011; http://stopwaste.org/docs/deir_bags.pdf

- *Action 6.6 – Develop a program that encourages overall reduction of solid waste in residential and commercial sectors. This would include increasing participation in recycling services at multi-family properties and to eventually make recycling by commercial businesses mandatory.*

DISCUSSION

Mandatory Recycling Ordinances: Proposed State Regulations—There are several proposed regulations that address requirements by businesses and multi-family complexes to recycle; each is summarized below and intended as a framework on which to evaluate StopWaste’s proposed mandatory recycling ordinance. CalRecycle’s proposed regulations comply with AB 32, the California Global Warming Solutions Act of 2006, and its mandate to reduce statewide greenhouse gas emissions to 1990 levels by 2020. AB 818 (Renters’ Right to Recycle – Blumenfeld) was recently signed by the Governor. AB 341 (Jobs & Recycling – Chesbro) has been submitted to the Governor and, if approved, would replace AB 818.

Proposed Mandatory Recycling Provisions for Businesses and Multi-Family Complexes

Major Provisions	CalRecycle – CA Global Warming Solutions Act	AB818 – Renters’ Right to Recycle	AB341 – Jobs & Recycling
Generators & Thresholds for Participants	Requires businesses with four cubic-yards of trash weekly to recycle, and multi-family complexes with 16 or more dwelling units and four cubic-yards of trash each week to recycle	Requires owners of multi-family complexes with five or more units to arrange for recycling services	Requires businesses with four cubic-yards of trash weekly to recycle, and multi-family complexes with five or more dwelling units to recycle
Materials for Collection	Determined by the jurisdiction; may include paper, plastics, glass, metals, organics, food waste, construction and demolition debris	Not specified	Not specified
Effective Date	July 1, 2012	January 1, 2012	July 1, 2012
Exemptions	At jurisdiction’s discretion; may include lack of storage space	Insufficient storage space	Not specified
Outreach	Requires monitoring and notices of non-compliance	Not specified	Requires outreach, education & monitoring
Enforcement Fees	At jurisdiction’s discretion	Not specified	Not specified

Staff from CalRecycle has confirmed the recycling services offered under the City of Hayward's contract with WMAC comply with the proposed regulations and the City needs only revise its outreach literature to advise businesses and multi-family complexes of the proposed regulations. Data indicating the type of outreach and monitoring would be required as a part of the annual report currently submitted to CalRecycle. Staff estimates that about 55% of all businesses currently participate in the mixed recyclables and/or organics collection programs and that about 50% of all multi-family dwelling units have access to the mixed recyclables collection service. Businesses that have declined to participate cite as reasons the limited time available by staff to source separate their recyclables; businesses and multi-family property managers also cite space constraints and scavengers who leave uncollected materials outside the containers.

Mandatory Recycling Ordinances: StopWaste's Proposed Mandatory Recycling Ordinance- The DEIR identifies implementation of mandatory recycling measures that are broader than those proposed by CalRecycle or state legislation, in that all single- and multi-family residents, businesses, and self-haulers, would be required to comply. Transfer stations and landfills would also be required to develop and submit compliance plans to StopWaste describing their efforts to keep recyclables and compostables separate from garbage. All sectors are proposed for inclusion in an effort to achieve the goal already approved by the Waste Management Authority Board to landfill no more than 10% by weight of all solid waste generated in Alameda County by 2020. Staff anticipates receipt of a draft ordinance the week of October 10, so is unable, at this time, to evaluate specifics such as whether and how compliance would be monitored and enforced.

Materials identified for collection include various types of paper, plastic bottles and containers, glass bottles and containers, aluminum cans, steel food and beverage cans, yard trimmings, and food scraps. Single-family households and businesses in the City of Hayward are offered weekly collection of these materials; multi-family complexes are also offered the same service, with the exception of yard trimmings and food scraps collection. Other materials proposed for collection in the DEIR include branches, prunings, carpet and e-waste items, all of which are accepted for collection using the annual bulky item service offered single-family households. Multi-family dwellings are not offered collection of these items for recycling. Businesses may recycle their branches or prunings by placing those items in their bins for organics collection. Carpet and e-waste items are not offered for collection to multi-family complexes or businesses under the City's contract with WMAC.

The DEIR evaluates a proposed County-wide ordinance to ensure consistent application and enforcement of the requirements to businesses and haulers since some businesses operate in more than one jurisdiction. The DEIR analyzes the maximum impact scenarios that could occur with the adoption of a mandatory recycling ordinance although no actual draft ordinance has been developed. Member agencies may choose not to participate in the ordinance or may adopt their own ordinance, as well as determine whether and how it would monitor and enforce compliance. The DEIR estimates that about 182,800 tons of recyclables and 425,000 tons of organics and compostable paper could be targeted for diversion, based on a 2008 waste characterization study of materials landfilled. The DEIR does not evaluate the impacts of adding capacity to existing recycling processing facilities because there is no specific proposal to expand any facility and existing private-sector facilities asked StopWaste staff to treat the data provided during interviews as confidential. As a result of the interviews with facility managers,

StopWaste staff determined that there is more than sufficient capacity at existing transfer stations and processing facilities to handle anticipated increases in recycled materials and organics resulting from the proposed ordinance. The DEIR also indicates that, to accommodate processing the additional anticipated volumes of recyclables and organics, some facilities might be within their current capacity to do so, based on their solid waste facility permits, while others may require modifications to their processing system.

The DEIR does identify one significant and unavoidable impact of a county-wide ordinance, which is associated with an increase in vehicle miles traveled (VMT) and the NOx associated with transporting additional organics to distant composting facilities such as in the City of Grover, which is located near Modesto in the San Joaquin Valley Air Basin. Mitigation measures evaluated include: (1) establishing a composting facility in Alameda County; or (2) retrofitting or replacing up to 30% of the haul trucks to meet the California Air Resources Board (CARB) Model Year 2010 NOx emissions rates. Neither mitigation was proposed at this time. The DEIR identified this impact as a Significant Unavoidable Cumulative Impact. Depending on the Ordinance that is adopted by StopWaste, a Statement of Overriding Considerations may need to be approved with the Final EIR.

StopWaste and technical municipal staff discussed the DEIR at an August 12 meeting, during which StopWaste staff summarized many features of an ordinance, including exemptions due to lack of space, no access to recycling services or financial hardship. Comments by municipal staff included a suggestion that single-family households be excluded from the proposed ordinance since all such households already have access to that service and that the focus be on businesses not yet recycling, rather than on specific materials. In response to queries regarding the scope of enforcement measures, StopWaste staff explained that its agency could monitor compliance in a manner similar to the landfill ban on plant debris that applies to commercial businesses that generate over four cubic yards of plant waste. StopWaste indicated that compliance has been accomplished through cooperation and without penalties or significant costs, and that details regarding how that task would be funded could be addressed later.

StopWaste has not yet prepared reports evaluating the economic impacts to comply with the ordinance, but per discussion at the September 8 meeting of the Programs and Administration Committee of the Waste Management Authority,² it was indicated that economic reports will be submitted for the November 10 meeting. At the same September 8 meeting, StopWaste staff proposed that the initial focus to divert materials be on high-value commodities, including paper, cardboard, cans and bottles, which have an established collection infrastructure. Lower-value commodities, such as food scraps and compostable paper, could be phased in at a later time to allow collection and processing systems for organic materials to mature.

Waste Reduction and Recycling Act of 1990 (Measure D) & Definition of an Adequate Commercial Recycling Program— This ballot initiative passed by Alameda County voters establishes various recycling policy goals identified in AB 939 and provides revenue to support the recycling programs offered in Alameda County. Measure D includes a requirement for an “adequate” commercial recycling program. The definition is broad as it includes a program to

²Agenda of the Alameda County Waste Management Authority Meeting of the Programs and Administration Committee, September 8, 2011; <http://www.stopwaste.org/docs/09-08-11-pa-packet.pdf>

collect discarded materials from businesses and institutions. Minimum standards and the timeframe for implementation are important because there is a wide range of commercial recycling services offered among the member agencies. StopWaste staff recommends setting a new standard for an “adequate” commercial recycling program during the first part of 2012, after the outcome of the mandatory recycling policy issue and to allow discussions with technical municipal staff. The City of Hayward’s current programs would comply with the options proposed by StopWaste staff.

In response to the proposed ordinances, the Alameda County City Managers’ Association prepared a letter (Attachment I) recommending development of workgroups comprised of technical municipal staff and StopWaste staff to draft the mandatory commercial recycling ordinance and to develop the definition of an adequate commercial recycling program, as described previously. Discussions could include identification of the sectors (i.e., single- and multi-family, businesses and self-haulers) that will be required to comply, the timeframe for implementation by sector, an agreement on the materials subject to the ordinance and the scope of enforcement efforts each jurisdiction anticipates conducting, whether on its own, by its service provider, or with assistance by StopWaste. Other responses to the DEIR include letters submitted by the cities of Fremont, Livermore, Piedmont, Pleasanton and Hayward (Attachment II); comments were due September 16, 2011.

StopWaste convened a joint September 8 meeting of the Waste Management Authority (WMA) and the Recycling Boards with representatives from five jurisdictions outside Alameda County that have implemented mandatory recycling programs to discuss their ordinances and to respond to questions posed by Board members. The municipalities represented included Sacramento County, San Carlos, San Diego, San Francisco and Seattle. The September 8 Agenda Report includes a four-page summary of the mandatory ordinances for each of the listed municipalities, as well as that for Portland, Oregon³. Several jurisdictions, including Sacramento County, San Carlos and San Diego, included businesses based on a specified amount of waste generated each week, e.g., two to six cubic yards. By contrast, the ordinances adopted by Portland, Oregon, San Francisco and Seattle establish that all businesses implement recycling programs. Representatives from each of the jurisdictions emphasized their efforts to provide informational materials with ample advance notice to all affected residents and technical assistance to businesses and multi-family complexes, and that they avoid assessing fines or penalties for non-compliance.

Approval of the DEIR and first reading of the mandatory recycling ordinance are scheduled for the November 16 WMA Board meeting. The second reading is scheduled for the December 14 WMA Board meeting. The cities of Dublin, Fremont, Livermore and Hayward have submitted a joint letter to StopWaste requesting that the first reading be moved from November 16 to December 14 and that the second reading be moved to a January meeting date to be determined. Doing so would allow staff more time to prepare reports to inform their respective Councils regarding the proposed ordinance. A request to allow more time was made at a recent meeting of

³Agenda for Joint Meeting of the Alameda County Waste Management Authority and Recycling Boards, September 8, 2011, pp. 30-33; <http://www.stopwaste.org/docs/09-08-11-joint-packet.pdf>

municipal technical staff from the member agencies and StopWaste, but the request was denied to maintain the schedule approved by the WMA Board.

Sustainability Committee members may wish to express their views regarding specific elements of the ordinance to guide the discussions that will be held by various committees of the WMA and Recycling Boards in November and December. Staff suggests that consideration of key provisions of the ordinance include the sectors (single family, multi-family or commercial) that would be subject to the ordinance, waivers where space is not available, an analysis of the economic impacts on municipalities and customers, a timeframe for implementation and that enforcement measures due to non-compliance be retained by the jurisdiction.

Recycling Update: Organics Collection, Construction & Demolition Debris, Multi-family Recycling, City Facilities Recycling – The City has offered collection of organics (i.e., food scraps and food-soiled paper) from single-family households since January 2009. Residents have been provided a green plastic pail to store materials until depositing the contents in their green cart. A brochure promoting this service and many others is included in each quarterly garbage bill. Visual surveys of the contents of the green carts prior to collection indicate that, on average, about 35%-40% of single-family households participate in the organics collection program. Collection of organics from businesses is also available at half the price of regular garbage service for the same level of service. To date, about 85 businesses, including restaurants and food service processors, participate by source separating their organics for later recycling.

The City adopted a Construction and Demolition Debris Recycling Ordinance in April 2001. Building permit applicants for all construction, demolition, and/or renovation projects in excess of \$75,000 are required to recycle all asphalt and concrete and at least half of all other materials generated from the project. Staff believes that compliance is acceptable and does not recommend any revisions to the ordinance, at this time, due to the downturn in the economy. In calendar 2010, staff reviewed 304 building permits, of which 270 (89%) permittees or their contractors submitted acceptable records to document compliance.

Collection of mixed recyclables from multi-family complexes is provided by Tri-CED Community Recycling, which is a subcontractor to WMA. As reported earlier in this report, staff estimates that about 50% of all multi-family residents are offered the service. To enhance that participation, City staff contacted every multi-family dwelling complex in 2009-2010 to offer to provide indoor plastic baskets for residents' use to store recyclables for delivery to outdoor containers provided by Tri-CED. Staff from Tri-CED and the City made presentations to every interested complex and/or individual residents and provided a basket and a brochure. The brochure features photos and graphics and contains text in Spanish, Mandarin, Vietnamese and English. The tonnage collected has remained relatively constant since 2009.

Collection of mixed recyclables from City facilities has increased slightly, particularly at City Hall. Materials collected include all types of paper, cans and bottles, common household batteries used for small appliances, and empty aerosol cans. Collection of organics at City facilities is scheduled for implementation later this year.

FISCAL AND ECONOMIC IMPACTS

City staff will evaluate the StopWaste reports identifying the economic impacts to individual businesses in each jurisdiction and the system costs for the proposed County-wide mandatory recycling ordinance. StopWaste will present its reports at a November 10 meeting of the Programs and Administration Committee of the Waste Management Authority. An expansion of services that would comply with StopWaste's proposed ordinance would likely result in increased fees to residents and businesses.

NEXT STEPS

A special meeting of the Council Sustainability Committee may be needed for further policy guidance because staff has not yet received Stopwaste's draft ordinance for evaluation and presentation to the Committee. Staff will continue to attend the meetings at which this ordinance is presented for discussion and continue to share information with technical staff from the other member agencies within Alameda County.

Prepared by: Alex Ameri, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: Alameda County City Managers' Association Letter Dated July 27, 2011
- Attachment II: Letters Responding to StopWaste's DEIR from Fremont, Livermore, Piedmont, Pleasanton and Hayward

ALAMEDA COUNTY CITY MANAGERS' ASSOCIATION

c/o City of Albany
1000 San Pablo Avenue
Albany, CA 94706

July 27, 2011

Stopwaste.Org
1537 Webster Street
Oakland CA, 94612
Attn: Gary Wolfe, Executive Director

Re: Stopwaste.Org Initiatives

Dear Gary:

On behalf of the Alameda County City Managers Association (ACCMA), I would like to thank you and your agency staff for the commitment you have demonstrated to further the county's collective interest in achieving our waste diversion goals. We recently had an opportunity to receive a presentation from selected technical staff from our municipalities, serving as an update regarding the many initiatives that have been identified by Stopwaste.Org in support of the recently adopted Strategic Plan.

Following the recent presentation, ACCMA had a discussion and agreed that there is an interest in establishing effective procedures to support the planning efforts being conducted by Stopwaste.Org. In particular, we would like to ensure, as a standard practice, that the process of developing new policy, programs or other items that may have implications for the member cities involve the technical staff from our cities, working in collaboration with Stopwaste's staff. This requested format is different than the typical process of reviewing and reacting to proposals developed by Stopwaste, and aims to better involve input from municipal staff at the onset of the planning process. For example, the collaborative effort that evolved for the Franchise Task Force (FTF) serves as a good example of a functional, inclusive process that allowed for the development of a particular set of recommendations that would serve as guidelines for jurisdictions to consider at the time of a franchise change. We feel confident in recommending an inclusive process such as this as it engages stakeholders at the outset of a project, which leads to effective and appropriate outcomes for all involved.

Gary Wolff, Executive Director
StopWaste.Org

July 25, 2011
Page 2

We are asking that particular consideration be given to the following items as we believe they are crucial to fostering the most productive work products for our county:

- Provide ample time to allow for stakeholder input, and ensure all stakeholders are involved in the process
- Allow municipal staff review of materials (via TAC) prior to review by Authority Board/Recycling Board Committees
- Formulate policy and program framework in a way that allows for flexibility, local control, and customization as needed
- Facilitate outcomes that are not process driven
- Provide flexibility on any requirements for receiving Measure D revenues . If cities are to be subject to any new additional requirements, allow for a menu of options to ensure cities have the ability to conduct what is most practicable for their communities
- Have fiscal and staff impact analyses conducted as part of the program development process and integrated into staff reports considered by the Board

In addition, we understand that there are some major items under development, including the mandatory commercial recycling, the single use bag ban ordinances, and revising the definition of adequate commercial recycling used to determine Measure D compliance. We recommend that workgroups be developed that are comprised of both technical municipal staff as well as Stopwaste staff (similar to what was conducted during the FTF) to develop the adequate commercial recycling definition recommendation as well as draft the mandatory commercial recycling and single use ban ordinances. We also suggest that this workgroup framework be utilized for other significant policies that may be developed in the future.

It is our intent to convey these interests to you in an effort to further improve upon our ability to utilize the wealth of expertise within your organization and to involve city staff, creating an efficient policy process and effective outcome for the entire county. ACCMA is also interested in staying apprised and engaged with Stopwaste.Org on an ongoing basis. We look forward to identifying the best framework to accomplish this interest.

Thank you in advance for your attention to this request. We look forward to continuing our working relationship to further "green" our county.

Sincerely,



Beth Pollard
Chair, Alameda County City Managers Association



Community Services Department
 P.O. Box 5006, Fremont, CA 94537-5006
 www.fremont.gov

September 15, 2011

VIA EMAIL

Debra Kaufman
 Stopwaste.Org
 1537 Webster Street
 Oakland, CA 94612

Dear Ms. Kaufman:

The City of Fremont has reviewed the Draft Environmental Impact Report for Mandatory Recycling and Single Use Bag Reduction Ordinances and provides the comments below.

The City generally supports the development of a countywide ordinance to restrict the distribution of single use bags, specifically single use plastic bags. Fremont staff looks forward to supporting the development of a specific ordinance, and providing input as policies around this issue evolve.

In regards to the proposed project for countywide mandatory recycling, the following comments are submitted:

- Staff is concerned the DEIR does not fully identify the impacts of the mandatory recycling project on the service infrastructure, such as loss of collection efficiency and the likely need for added truck routes. An incomplete assessment of environmental impacts of service changes in the DEIR may place the burden of further environmental analysis on local jurisdictions when implementing mandated recycling programs.
- We believe it is essential that a future mandatory recycling ordinance provide flexibility that allows local jurisdictions to leverage existing processing infrastructure and service contracts to the greatest extent possible.
- The economic impacts on local jurisdictions and the customer base associated with implementing the mandatory recycling project have not been adequately detailed. Such impacts may fall heavily on segments of our community who will no doubt bear the costs of increased materials collection, transfer, and processing expenses, outreach and enforcement costs, and the expense of physical



alterations to buildings and trash enclosures to fulfill the ambitions of the stated project. City staff awaits the economic analysis being conducted by Stopwaste.Org and desires to see economic impacts legitimately considered in the development of any mandatory recycling ordinance.

Thank you for the opportunity to comment on the Draft Environmental Impact Report.

Sincerely



Kathy Cote
Environmental Services Manager

C: Anu Natatrajan
Fred Diaz
Ken Pianin



September 15, 2011

Debra Kaufman
 StopWaste.Org
 1537 Webster St.
 Oakland, CA 94612

Subject: Draft Mandatory Recycling and Single-Use Bag Reduction Ordinances Environmental Impact Report

Dear Ms. Kaufman,

The purpose of this letter is to provide comments related to the Mandatory Recycling and Single-Use Bag Reduction Ordinances Draft Environmental Impact Report (DEIR) released by StopWaste.Org in August 2011. The DEIR examines two potential policies that would, once developed, be evaluated and considered independently of the other. The DEIR analyses the "maximum impact" scenarios that could occur with the adoption of these two ordinances, meaning that the set of assumptions about the scope and design of each of the two policies would likely result in the greatest environmental impact.

It should be noted that the Livermore City Council is scheduled to discuss these policies at the October 24, 2011 Council meeting, so the City Council has not yet adopted a formal position. However, given the timeline and absent any specific policies to evaluate, Livermore staff has taken this opportunity to prepare feedback assuming both potential policies intend to capture a "maximum impact" scenario as presented in the DEIR.

Proposed Single-Use Bag Reduction Ordinance

Staff has reviewed the information pertaining to a Single-Use Bag Reduction Ordinance; observations are listed below.

1. An ordinance that would apply county-wide would reduce the need for retailers to comply with slightly different rules in each City, and allay concerns about the economic impacts resulting from consumers shopping at neighboring out-of-county jurisdictions to avoid paying for single-use bags.
2. This ordinance could help Livermore comply with Regional Water Quality Control Board requirements to abate litter.

Ms. Debra Kaufman
September 15, 2011
Page 2 of 3

3. A phased-in, all inclusive policy could ensure that no retailer is unnecessarily disadvantaged by the ordinance. Phased applicability beginning with larger vendors may be desirable; any ordinance should be as inclusive as possible to include all large grocery and large retail, or all retail.
4. Adequate lead time should be incorporated to allow vendors to exhaust current supplies of plastic bags and prepare to comply.
5. Responsibility for enforcement should be at the jurisdiction's sole discretion; a funding source for costs related to enforcement should be identified prior to finalizing any ordinance.

Proposed Mandatory Recycling Ordinance

The City of Livermore staff have a number of concerns related to a Mandatory Recycling Ordinance, particularly if a "maximum impact" scenario is approved. These concerns, along with suggestions for consideration, are listed below.

1. Recycling and organics collection is heavily subsidized by garbage rates in Livermore. Therefore, shifting materials away from the garbage stream may result in hauler revenue shortfalls and additional rate increases for generators. An in-depth economic analysis should be completed to better understand the impacts of the proposed ordinance to rate payers.
2. If an opt-out provision is included, ordinance requirements could potentially be tied to Measure D funding via a proposed definition of "adequate commercial recycling", in effect forcing jurisdictions to adopt the ordinance or face becoming ineligible for Measure D funding. Measure D monies are an important source of funding for City recycling programs. Livermore would like to avoid losing grant funds if participation in a Mandatory Recycling Ordinance is not feasible for the City.
3. Adequate (even extra) processing capacity should be secured before materials (e.g. organics) are included in ordinance requirements. The current infrastructure may not be capable of handling plastic-contaminated commercial organics from Livermore if tonnages were to dramatically increase. Organics should not be included in the ordinance before capacity is secured by contract.
4. Any ordinance should focus on a defined goal (such as a diversion goal) and encourage flexibility to accommodate various collection and processing methodologies.
5. Any ordinance should allow for a phased approach, perhaps beginning with proposed state requirements and adding more materials and generators over time. Adequate lead time – perhaps 12 months or more – to ramp up for compliance is necessary.

Ms. Debra Kaufman
September 15, 2011
Page 3 of 3

6. Responsibility for enforcement should be at the jurisdiction's sole discretion; a funding source for costs related to enforcement should be identified prior to finalizing any ordinance.

City of Livermore staff are hopeful that policy drafts will be available for review by the end of September 2011. For both policies under consideration, the City of Livermore suggests that StopWaste.Org staff allow adequate time (one month or more) for jurisdiction staff to review the language, collaborate with City officials, and offer thoughtful feedback.

Thank you for considering these preliminary comments; if you have any questions, please feel free to contact me at 925-960-8002.

Sincerely,



Judy Erlandson
Public Works Manager

CITY OF PIEDMONT CALIFORNIA



September 7, 2011

StopWaste.Org
1537 Webster Street
Oakland, CA 94612
Attn: Debra Kaufman

Re: Draft EIR for proposed Mandatory Recycling and Single Use Bag Reduction Ordinances

Dear Ms. Kaufman:

At its regularly scheduled hearing on September 6, 2011, the Piedmont City Council directed City Staff to provide the following comments on the draft Environmental Impact Report (DEIR) prepared for the proposed Mandatory Recycling Ordinance and Single Use Bag Reduction Ordinance:

Process

We understand: 1) that the DEIR was developed to look at the maximum impact of these two ordinances; 2) that Alameda County residents, businesses and jurisdictions have the opportunity to comment on and influence the decision making process to certify the EIR and then adopt the proposed ordinances or variations thereof; and 3) any ordinance(s) adopted may very well have less restrictive requirements. Therefore, we encourage you to be thorough in your notification of future hearings on the DEIR and consideration of the ordinances and the release of any associated documents so that local governments and the public are fully vested in the decision-making process.

Jurisdictional Scope of the Ordinances

As is practicable for each ordinance, the adoption and implementation of the proposed ordinance should be considered at the local jurisdiction level in order to ensure that local control is maintained and solutions relevant to the local jurisdiction are implemented.

Project Description Content

Re: DEIR Section 2.1.1.1, paragraph 3: The City of Piedmont includes plastic bags as an accepted material in its recycling program. Plastic bags that are bundled or bagged and tied can be placed in the blue "Recyclables" carts for collection and processing for marketing as a recyclable material. As with all other designated materials, whether or not there is a viable market for this recyclable material is beyond the City's control.

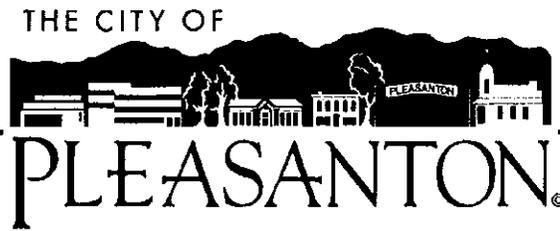
Re: DEIR Section 2.3.1, paragraph 5: Both, the collection of recyclables (bottles, cans, paper, etc.) and the collection of source-separated organics (yard trimmings, food scraps and food-soiled paper) from multi-family residences is readily available and provided in the City of Piedmont.

The agency's efforts to develop this document to assist local jurisdictions' compliance with state regulations and to meet the waste reduction goals of the county and its jurisdictions are greatly appreciated and the City looks forward to participating in future ACWMA hearings on the EIR and proposed ordinances.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Jackson". The signature is fluid and cursive, with a large initial "K" and "J".

Kevin Jackson, AICP
Assistant Planner



September 16, 2011

Stopwaste
 Gary Wolff
 Executive Director
 1537 Webster Street
 Oakland, CA 94612

Subject: Comments on the Draft Environmental Impact Report regarding Mandatory Recycling and Single Use Bag Reduction Ordinances

Dear Mr. Wolff:

Thank you for allowing the City of Pleasanton to comment on the proposed Draft Environmental Impact Report (DEIR) for the proposed Mandatory Recycling and Single Use Bag Reduction Ordinances. The City supports the concept of increasing diversion from landfills as well as the need to reduce the presence of single use plastic bags from our natural environment. The City also has some concerns about the DEIR which we wish to have addressed. The City's comments are as follows:

Comments:

1. Table 3.1-2: please add a column listing the current capacity available at Composting Facilities 11 to 16. Please clarify the conflicting information in the DEIR relating to capacity and diversion of excess compostable material. Currently, the DEIR indicates that capacity will be exceeded; please discuss why adding capacity to address this issue is not being studied. Example: (pg. 60, 4th paragraph) discusses why adding capacity is not being studied; whereas, page 69, first bullet then discusses known limits will be exceeded for ColorScope II and the excess would be diverted to Recology Grover.
2. Impact LU-1, pg. 70: mandatory recycling will likely require external modifications to existing buildings (beyond internal structures) and require additional covered trash enclosures (which drain to sewer system) to accommodate additional organics bins for multi-family residential and commercial. Please discuss the impact of these external modifications.
3. 3.2.2.1 *Transportation Impacts*, pg. 82-83: this analysis lacks discussion of potential increases in multiple collection times per week for Multi-Family Dwellings (MFD) and commercial organics (due to odor and pest concerns). The analysis does not include Vehicle Miles Traveled (VMT) or discussion on odor concerns on a per jurisdiction basis. Please include an analysis of VMT and odor and pest concerns.

P. O. Box 520, Pleasanton, CA 94566-0802

123 Main Street

City Manager
 (925) 931-5002
 Fax: 931-5482

City Attorney
 (925) 931-5015
 Fax: 931-5482

Economic Development
 157 Main Street
 (925) 931-5038
 Fax: 931-5476

City Clerk
 (925) 931-5027
 Fax: 931-5488

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4. 3.7.2 and 3.8.2: please include an analysis of the impact of multi-family households using the sink garbage disposal to avoid separating organic from garbage and analyze these impacts on water quality/wastewater treatment and the effects that this may have on sewage treatment of waste water.
5. Appendix B, pg. 11: location of additional bins in MFD and commercial sites
 - Please address the impact of bins needing to be covered and in enclosures with sewer drainage to meet storm water standards.
 - Please include a discussion on potential incentives for commercial sites/commercial businesses to enlarge enclosures.
 - Mandatory commercial recycling will require new types of bins that are watertight for organics to mitigate leaking of food waste bins. The DEIR lacks and should include a discussion on the economic impact of acquiring new bins and the storm water effects with bins that may not be watertight.
6. Appendix B, pg. 12: the DEIR should address the projected increase in frequency of pickup of organics/food waste and include an analysis of the following:
 - What is current frequency of garbage pick-up from commercial/restaurants?
 - Our analysis indicates that multiple pick-up times a week will be increased to address issues of odor/pests associated with commercial composting. Please provide additional analysis on this matter.
 - Increased traffic/air impacts;
 - We are concerned with the analysis on pages 14-16 that only new vehicle miles travelled are for post collection system transfer of organic materials to San Joaquin County;
 - If there is an increase in refuse, recyclables and organics pickups, the result will be an increase in VMT for collection per jurisdiction at jurisdiction level. The DEIR should address the VMT effects at the jurisdiction level.
 - Appendix C: We request that the Air Quality Report be updated if the VMT effects indicate that more collection trips for commercial/restaurant organics bins will be necessary.
7. Appendix B: frequency of generator “compliance plans.” The DEIR is lacking, and should address the following:
 - Specify who will be responsible for multi-tenant commercial buildings.
 - Address how individual businesses that share a trash container would comply with the 4 cubic yard requirement.
8. Appendix D, Summary of Available Information on Reusable Shopping Bags. The DEIR should include a discussion on the following:

Bag capacity discussion does not take into account that while reusable bags have greater capacity than HDPE featured, persons buying groceries have weight carrying limit that the full reusable bag may exceed; and/or types of items may not allow for reusable bag to be filled to capacity (where heavier item could crush fragile item). It is possible that more reusable bags are likely to be bought and used than precise offset from HDPE bags.

Stopwaste
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Page 3

9. Appendix E – Summary of Life Cycle Assessments (LCA)

There appears to be a typographical or editing error in the Summary [of the 2002 Australia analysis] on pg. 3, second paragraph, line 1, “The streamlined LCA found that over the course of a year, single-use paper bags resulted in greater impacts than single-use paper bags in every category except persistence of litter over time.”

We question the relevancy of the 2002 Australia analysis and would prefer more local analysis.

10. Single Use Bag Prohibition

Please address the following policy concerns about mandates for retail merchandisers and local jurisdictions in the DEIR:

- Shoppers carrying their own bag will reduce browsing/sales as buyers will not have hands free to browse through racks of clothes or items.
- Customers do not always know if they are making a purchase, or if purchases will be large or small items, and it will be unclear as to the size of the bag or quantity of bags to bring (opposed to greater predictability at grocery stores).
- Bags carried into stores may become a cover for shoplifting.
- The DEIR evaluates the widest scope of options for the ban on plastic bags. It is critical that any ordinance developed be applied equally to similar retailers e.g.: grocery stores and those selling packaged foods.
- Lacking economic analysis relating to a buyer’s choice to shop in a neighboring county where retail merchandisers do not have a ban on bags. Please conduct an economic analysis on the effects of a county by county ordinance as compared to a more comprehensive initiative.
- Enforcement, oversight and monitoring of program implementation and compliance: during a time when jurisdictions face workforce reductions and reduced revenues, the expectations and funding sources for jurisdictions must be carefully vetted prior to enacting any program. Currently, it is unclear how jurisdictions will be able to comply, monitor and implement these program and to what degree, city staff or Stopwaste staff will be required to devote to such programs. Please conduct an analysis of the expected time and FTE’s these programs will create for jurisdictions.
- It is unclear how the reusable bag campaign led by Stopwaste has influenced shoppers. An evaluation of an ongoing continued and/or more rigorous outreach and education effort should be conducted to determine if this would change the behavior of single use bag users.

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11. Mandatory Commercial Recycling

Please address the following policy concerns about mandates for commercial businesses and local jurisdictions in the DEIR:

- Summary, p. 6 and section 2.3.1.3, p. 37: “Local Jurisdictions will be required to implement commercial recycling program for eligible businesses with education, outreach, monitoring and notification of non-compliance.”
- Enforcement, oversight and monitoring of program implementation and compliance: during a time when jurisdictions face workforce reductions and reduced revenues, the expectations and funding sources for jurisdictions must be carefully vetted prior to enacting any program. Stopwaste staff has indicated at times that monitoring and implementation will be conducted by Stopwaste staff or contracted firms. The DEIR provides information that is contradictory to the comments made by Stopwaste staff. It is important for jurisdictions to understand the expectations, parameters, and duties that will be required of city staff. The DEIR should carefully outline the impact to jurisdictions.
- The DEIR lacks economic analysis on the impact of possible increase in refuse, recycling and composting rates and the effect on haulers and rate payers. This economic analysis should be part of the DEIR.
- The DEIR should address the impact to weekly vendors such as Farmer’s Markets and the impact of mandatory recycling and single use bag requirements for vendors participating at such events.

12. Unclear about Cal Recycle’s proposed regulation to ARB. In Summary (pg. 6, 3rd paragraph) states “...multi-family generators with five or more units ...”; Section 2.1.1 (pg. 16, 4th full paragraph) discusses, “... multi-family generators with sixteen or more units...”

- Please address the differences between comments made on pg. 6, 3rd paragraph and Section 2.1.1 (pg. 16, 4th full paragraph).

Thank you for considering our comments.

Sincerely,



Nelson Fialho
City Manager

c: Maria Lara, Assistant to the City Manager
Daniel Smith, Director of Operations Services
Steven Bocian, Assistant City Manager



CITY OF
HAYWARD
 HEART OF THE BAY

September 16, 2011

Gary Wolff
 Executive Director
 StopWaste.Org
 1537 Webster Street
 Oakland, CA 94612

Re: Response to Draft EIR for Mandatory Recycling and Single-Use Bag Reduction Ordinances

Dear Mr. Wolff:

This letter responds to the Draft Environmental Impact Report (DEIR) prepared by StopWaste.Org regarding the proposed mandatory recycling and single-use bag reduction ordinances. The following comments address the proposed ordinances, as described in the DEIR, and other documents provided by agency staff. It should be noted that, due to timing, our City Council has not met yet with regard to these programs, although the two ordinances will be discussed at the next City Council Sustainability Committee meeting on October 5.

Single-Use Bag Reduction

Hayward generally supports the development of a county-wide ordinance to reduce the number of single-use bags and has no specific comments on the DEIR regarding this ordinance.

Mandatory Recycling

- Space constraints, particularly for multi-family dwelling complexes, may preclude placement of outdoor containers and result in impacts on public and private roads due to the collection vehicles. These impacts are not adequately addressed in the DEIR
- Mandatory recycling services will necessarily result in additional collection services, with attendant noise and air quality impacts. The DEIR does not fully identify or assess the impact of these conditions.
- The DEIR does not adequately address the economic impacts on both local jurisdictions and customers. Since Hayward has already implemented mandatory single-family residential recycling, the impacts of the proposed ordinance may fall heavily on other segments of our community, who may need to bear the costs of increased materials collection and transfer, outreach, enforcement, and physical modifications to buildings and trash enclosures. City staff will review the economic analysis being prepared by Stopwaste.Org and anticipates consideration of economic factors in the development of any mandatory recycling ordinance.

Ordinance Development Process

We understand that the proposed ordinances will be available in October and ask that copies be provided as soon as possible to allow ample time to evaluate all aspects of both ordinances, as described in the Alameda County City Managers' Association's July 27 letter to you.

Hayward staff would expect to work collaboratively with Stopwaste.Org in crafting the provisions. To that end, we also request development of a workgroup framework, similar to that conducted by the Franchise Task Force, whose members would draft the mandatory commercial recycling and single-use bag reduction ordinances, and a schedule for discussions of those ordinances with all members of the technical staff throughout the County. The workgroups will need to discuss several elements of the proposed mandatory recycling ordinance for multi-family dwellings and businesses, including materials required for collection, a performance standard, enforcement provisions, and a timeframe for implementation based on state legislation and other proposed state regulations:

Finally, we ask that the ordinance's provisions provide flexibility and customization as a workgroup is convened to revise the definition of adequate commercial recycling used to determine Measure D compliance.

Thank you for your attention to and consideration of these comments.

Sincerely,



Robert A. Bauman
Public Works Director

cc: Fran David, City Manager
David Rizk, Development Services Director

DATE: October 5, 2011
TO: City Council Sustainability Committee
FROM: Director of Public Works
SUBJECT: Single-Use Bag Reduction Ordinance: StopWaste's Proposed Ordinance

RECOMMENDATION

That the Committee reviews and comments on this report.

BACKGROUND

At the December 1, 2010 Council Sustainability Committee (CSC) meeting, staff summarized AB 1998, which had proposed regulating single-use carryout bags, including the fact that while State Assembly passed the bill, Senate failed to approve it. The report also summarized key provisions of other municipalities' ordinances banning single-use carryout bags, several of which have been challenged by the plastic bag industry. Also described in the report were StopWaste's plans to prepare an environmental impact report (EIR) to evaluate the environmental impacts of a single-use carryout bag ordinance. The Committee agreed to wait until StopWaste's preparation of the EIR was complete before deciding on a course of action for Hayward.

The City of Hayward's adopted Climate Action Plan has policies related to waste reduction, reuse, and recycling. Applicable policies include *Action 6.4 – Ban certain materials from landfill*, and *Action 6.6 – Encourage waste reduction*. These policies are applicable to efforts to reduce the use of plastic bags and other single-use bags. This report describes current regulations regarding plastic bags and summarizes various aspects of StopWaste's Draft EIR (DEIR)¹ regarding a single-use bag reduction ordinance.

DISCUSSION

Plastic Bag Litter and Waste Reduction: Current State Law – AB 2449 requires large grocery and drug stores to provide reusable bags and plastic carryout bag recycling bins accessible to consumers. Reusable bags must be available to customers for purchase in lieu of plastic carryout or paper bags. AB 2449 prohibits municipalities from imposing a fee on plastic carryout bags, among other provisions. This law, which went into effect on July 1, 2007, will sunset in January

¹ Draft Environmental Impact Report: Mandatory Recycling and Single Use Bag Reduction Ordinances, August 2011; http://stopwaste.org/docs/deir_bags.pdf

2013, unless extended. Staff is not aware of any applicable Hayward businesses who are not complying with this requirement.

Reusable Bags: Proposed State Legislation – AB 298 – Reusable Bags (Brownley) was intended to address cleaning requirements for reusable bags, but it will not receive further consideration this year as it was not approved by the Senate Environmental Quality Committee. However, StopWaste has incorporated the bill’s proposed provisions regarding the definition of acceptable reusable bags.

StopWaste’s Proposed Single-Use Bag Ordinance – StopWaste proposes adoption of a County-wide ordinance regulating the distribution of single-use carryout bags at the point of sale, (i.e., at check-out.) The ordinance would prohibit the free distribution of single-use carryout paper and plastic bags at checkout for all retail establishments, except restaurants and non-profit charitable reuse organizations. Businesses subject to the ordinance would include grocery stores and all other businesses that put purchases into single-use carryout bags, either paper or plastic, at the point of sale. Some examples would include department stores, clothing stores, liquor stores, book stores, specialty stores, drug stores, and convenience stores. Plastic carryout bags would be allowed if the bags are intended and identified as reusable, as described below. Staff anticipates receipt of a draft ordinance the week of October 10, so is unable, at this time, to evaluate the proposed ordinance. No significant environmental impacts were identified in the DEIR related to the proposed Single-Use Bag Ordinance.

StopWaste has proposed three options that identify a progressively broad range of businesses throughout Alameda County that would be subject to the ordinance and two definitions for acceptable bags, as described below.

Retail Establishments Subject to the Ban

- Option 1: Only retail stores and pharmacies with annual gross sales of \$2,000,000 or more that sell grocery and perishable items and stores with 10,000 square feet with a pharmacy: about 200 stores
- Option 2: Sales of Packaged Food: Drug stores, pharmacies, supermarkets, grocery stores, convenience food stores, liquor stores, foodmarts and others selling good that include milk, bread, soda and snack foods: about 2,500 stores
- Option 3: All Retail, Except Restaurants: All types of retail establishments, except restaurants, take-out food establishments, or any other businesses that receive revenue primarily from the sale of food, cooked or otherwise, prepared at the establishment: about 6,800 stores

Reusable Bag Definitions

Option 1: A bag with handles designed for multiple reuse that:

- Can carry 22 pounds over a distance of 175 feet and withstand 125 uses
- Has a minimum volume of 15 liters
- Is machine washable/made of material that can be cleaned/disinfected
- Does not contain lead, cadmium, or any other heavy metal in toxic amounts
- Has a label on the bag that includes name and location of manufacturer with statement that it does not contain hazardous materials and percent of post-consumer recycled content used
- If made of plastic, is a minimum of 2.25 mils thick

Option 2: Any bag with handles that is specifically designed and manufactured for multiple reuse, and is made of cloth or other washable fabric, or a durable plastic bag with handles that is at least 2.25 mil thick and designed for reuse.

A summary of the ordinances adopted by cities and counties throughout California is attached to this report (Attachment I). The table was prepared by StopWaste and includes the store charge for paper bags, the types of allowed paper bags, businesses subject to the ordinance and those exempt from the ordinance, a definition of reusable bags, enforcement and fines, among other topics.

StopWaste's proposed ordinance would require a store charge of at least ten cents (i.e., the average cost to a retail establishment to provide a paper carryout bag) on each paper bag, which is consistent with the ordinances already adopted by the cities of San José and Santa Monica, Marin County, and unincorporated Santa Clara and Los Angeles counties. Paper bags must also contain at least 40% recycled content. The retail establishment would be required to list the paper carryout bag on the receipt as a sale. The proposed ordinance also includes an option for a minimum charge of ten cents on each reusable bag. A charge for the reusable bags is proposed to: (1) discourage people from accepting single-use bags; (2) encourage people to use reusable bags; and (3) allow people to choose whether to pay the cost of the bag.

Exceptions to the prohibition of single-use bags would include plastic or paper bags that are used by customers or the retail establishment to protect or contain meat, fresh produce, food prepared at the establishment, or other goods that must be protected from moisture, damage, or contamination, and that are typically placed inside a carryout bag at the point of sale. Restaurants, take-out food establishments, or any other businesses that receive revenue primarily from the sale of food, cooked or otherwise, prepared at the establishment would also be exempt. Charitable thrift stores would also be exempt. Transactions involving food stamps or Women, Infants and Children Nutrition Program (WIC) coupons would not be charged the per bag fees.

No effective date or enforcement provisions were proposed in the DEIR. However, StopWaste's website includes a document that summarizes some aspects of an ordinance, including infractions with fines that would range from \$100 to \$500 per violation². Costs to monitor compliance will depend on the number of stores affected by the ordinance. The same document indicates that retail establishments would be required to keep complete, accurate records of purchase and sale of recycled paper bags for a minimum three-year period from purchase/sale dates. Records must be available for review at the business' address at no cost to the enforcing agency.

The DEIR estimates that plastic bags comprise about 0.8% (9,775 tons) of all landfilled waste, but does not identify any municipal recycling program that diverts substantial percentages of plastic bags from landfill, particularly none serving a major city. The DEIR cited the City of San José's unsuccessful efforts to collect clean, bagged plastic bags from single-family homes for recycling. Plastic bag recycling increases labor and equipment costs at recycling facilities, due to interference with machinery, leading to frequent system shutdowns and the need for manual cleaning. Single-

² Alameda County Single-Use Bag Ordinance: Overview of Ordinance Features, August 10, 2011; <http://www.stopwaste.org/docs/single-use-bag-overview.pdf>

use plastic bags, even when appropriately placed in garbage containers after use, can become a part of the urban litter problem. The light-weight bags can become airborne at landfill sites, despite litter control programs. Also significant is that single-use carryout bags, especially plastic bags, contribute to a persistent litter problem harming waterways. Plastic bags can remain unchanged for hundreds of years when disposed in landfills and in our oceans can break down and become suspended particles affecting various fish species in our food chain.

The DEIR proposes that, with a ban on plastic bags and a ten cent charge for paper bags, 65% of people will use reusable bags or no bag, and 35% will pay for a paper bag. This conclusion is based on the life cycle analyses (LCAs) cited in the DEIR and is based on a study prepared for the City of San José. While representatives of the plastic bag industry have alleged that there will be a substantial increase in the use of single-use paper bags right after any ban on single-use plastic bags becomes effective, the report indicates it could not identify any documented study illustrating such an increase; and that the amount of any such increase is not known. The DEIR proposes that Alameda County residents would change behavior quickly with sufficient information about the superiority of reusable bags and the adverse impacts of single use bags, combined with a store charge.

In response to the proposed ordinances, the Alameda County City Managers' Association prepared a letter (Attachment II) recommending development of workgroups comprised of technical municipal staff and StopWaste staff to draft the single-use bag (and mandatory recycling) ordinances. Other responses to the DEIR include letters submitted by the cities of Fremont, Livermore, Piedmont, Pleasanton, and Hayward (Attachment III); comments were due September 16, 2011. City staff recommends convening such a workgroup where discussions would include a phased approach to implementation using the options described previously and the scope of enforcement efforts each jurisdiction anticipates conducting, whether on its own or with assistance by StopWaste. Other elements of an ordinance that will require discussion include outreach and education plans. Technical municipal staff in Alameda County supports these efforts. Approval of the DEIR and first reading of the mandatory recycling ordinance is presently scheduled for the November 16 StopWaste Board meeting. The second reading and adoption is scheduled for the December 14 StopWaste Board meeting.

FISCAL AND ECONOMIC IMPACTS

The economic impacts to customers as a result of a potential single-use carryout bag ordinance include: (1) the additional store charge required for paper and reusable bags in order to deter requests for paper and encourage use of reusable bags; and (2) the additional costs to purchase reusable bags.

Fiscal impacts to the City would include staff costs to convene meetings with stakeholders, prepare the ordinance for City Council discussion/approval and expenses to prepare and disseminate informational literature describing the ordinance. The ordinance would be implemented by Solid Waste Program staff using available Recycling Fund monies. No impact to the General Fund is anticipated.

NEXT STEPS

Staff will continue to attend the meetings at which the proposed ordinance is presented for discussion and will continue to share information with technical staff from the other member agencies within Alameda County. Staff anticipates submitting a report to the Council Sustainability Committee in early 2012 that will include an update regarding this ordinance. A special meeting of the Council Sustainability Committee may be needed for further policy guidance because staff has not yet received a draft of the actual ordinance from StopWaste for evaluation and presentation to the Committee.

Prepared by: Alex Ameri, Deputy Director of Public Works

Recommended by: Robert A. Bauman, Director of Public Works

Approved by:



Fran David, City Manager

Attachments:

- Attachment I: "Single-Use Bag Ordinances in CA" prepared by StopWaste; presented at the September 8, 2011 Programs and Administration Committee of the WMA and the September 8, 2011 Joint Meeting of the WMA and Recycling Boards
- Attachment II: Alameda County City Managers' Association Letter, Dated July 27, 2011
- Attachment III: Letters Responding to StopWaste's DEIR from Fremont, Livermore, Piedmont, Pleasanton and Hayward

SINGLE USE BAG ORDINANCES IN CA

Local Jurisdiction	Paper Bag Price Regulation	Allowed Bags	Affected Stores/Quantities	Exempt	Reusable Bag Definition	Reusable Bag Price Regulation	Reporting/Record keeping	Enforcement/Fines	Program Costs
San Francisco Effective 2007 <i>amendment pending*</i>	None	<ul style="list-style-type: none"> 40% post consumer recycled content (pcrc) paper reusable bags compostable plastic 	Large supermarkets (\$2 mill gross sales or more) and pharmacies with 5 plus locations in SF 119 stores affected	Restaurants	Cloth/machine washable with handles designed for reuse, (if plastic 2.25 mils thick)	None	None	Enforced by City Administrator. Infractions range from \$100 - \$500.	Incorporated into existing staff duties
Los Angeles County (Unincorporated) Effective in phases 7/11 (tier 1) and 1/12 (tier 2) Long Beach and Calabasas utilized same ordinance	\$.10	<ul style="list-style-type: none"> 40% pcrc paper reusable bags 	<u>Tier 1</u> - Large grocery and large retail with a pharmacy in store <u>Tier 2</u> all other drug, pharmacy, supermarket, grocery, food mart, liquor, convenience and stores selling packaged foods (<i>Department stores excluded</i>) 750 stores affected	Restaurants /Food Vendors, WIC,	A bag with handles designed for multiple reuse and meets the following: 1) can carry 22 pounds over a distance of 175 feet and withstand 125 uses 2) minimum volume of 15 liters 3) machine washable/ made of material that can be cleaned/disinfected 4) does not contain lead, cadmium, or any other heavy metal in toxic amounts, 5) label on bag includes name/location of manufacturer with statement does not contain hazardous materials and pcrc % used, 6) if made of plastic, is minimum of at least 2.25 mils thick.	None	On a quarterly basis, report to Director of Public works total number of recyclable paper carryout bags provided, monies collected and efforts taken to promote reusable bags.	Enforcement via Dept of Weights and Measures and Health Depts. Infractions range from \$100 - \$500.	\$20k for outreach
Santa Monica Effective 1/2012	\$.10 <i>Only the following are required to charge a fee on paper bags: grocery, drug, convenience, liquor, mini marts & pharmacies</i>	<ul style="list-style-type: none"> 40% pcrc paper (8lb bags or smaller contain 20% pcrc) reusable bags 	All retailers, (excluding exemptions noted), City managed facilities and sponsored events, and farmer's markets. 1875 stores affected	Food providers for take-away foods, WIC,	Same as Los Angeles	None	On a semi-annual basis (at a minimum) report to city on prescribed form all payments of paper bag pass-through received.	Enforcement through the Office of Sustainability and Env. Infractions not to exceed \$250.	\$100k start up costs over 2 years. \$10k/ year for ongoing program costs 1/2 FTE to implement and enforce
San Jose Effective 1/2012	\$.10 (until 12.31.13) \$.25 (1.1.14 and after)	<ul style="list-style-type: none"> 40% pcrc paper reusables (phased Dec 2013, Jan 2014) 	All retailers with exemption noted 5,000 stores affected	Restaurants, Nonprofit charitable thrifts, 1 year WIC exemption,	Any bag with handles that is specifically designed and manufactured for multiple reuse, and is made of cloth or other washable fabric, or a durable plastic bag with handles that is at least 2.25 mil thick and designed for reuse.	None	Complete, accurate records of purchased recycled paper bags by establishment for a min 3 year period. Records available at establishment at no cost to enforcing agency.	Enforced under municipal code, complaint based enforcement. Watershed Staff enforces as part of regular duties. Infractions range from \$500 -\$1,000	Annual Budget \$187k includes \$25k for certified notification mailing to all retailers .50 FTE and 1 intern devoted to implementation and outreach
Santa Clara County (unincorporated) Effective 1/2012	\$.15	<ul style="list-style-type: none"> 40% pcrc paper reusable bags 	All retailers (excluding exemptions noted) 70 stores affected	Public eating establishments, Nonprofit charitable thrifts, WIC/SNAP 2 year exemption,	<i>Until 12.2012:</i> cloth/machine washable with handles or plastic bag at least 2.25 mils thick designed for reuse, does not contain lead cadmium, or other heavy metal in toxic amounts <i>After 1.2013 :</i> In addition to above, designed to withstand 100 uses, 22 pounds, carried 175 feet, can be cleaned or disinfected, bag labeled with name and location of bag manufacturer, recycling logo, and recycling percentage.	As of 1/ 2013 can only be free when combined with limited outreach program	Complete, accurate records of purchased recycled paper bags by establishment for a min 3 year period from purchase date. Records available at no cost to enforcing agency. Records available at retail establishment address.	Enforcement complaint based. Integrated Waste Management Staff responsible for implementation/enforcement. Infractions range from \$100 - \$500.	No budget for implementation. Utilizing existing staff to implement

Local Jurisdiction	Paper Bag Price Regulation	Allowed Bags	Affected Stores/Quantities	Exempt	Reusable Bag Definition	Reusable Bag Price Regulation	Reporting/Record keeping	Enforcement/Fines	Program Costs
Marin County Effective 1/2012	\$.05	<ul style="list-style-type: none"> 40% pcr paper reusable 	Large grocery and large retail with a pharmacy in store , all other drug, pharmacy, supermarket, grocery, food mart, liquor, convenience and stores selling packaged foods (Department stores excluded)	Restaurants /Food Vendors, WIC,	Bag designed and manufactured to withstand repeated uses, be made from a material that can be cleaned or disinfected and does not contain lead cadmium or other heavy metal in toxic amounts.		None	Enforced via Agricultural Commissioner. Infractions range from \$135 - \$440.	Unknown
Palo Alto Effective 9/09	none	<ul style="list-style-type: none"> 40% pcr paper reusables bags 	Large supermarkets (\$2 mill gross sales or more)		Any bag with handles that is specifically designed and manufactured for multiple reuse, and is made of cloth or other washable fabric, or a durable plastic bag with handles that is at least 2.25 mil thick and designed for reuse.	None		Enforced under municipal code,	
Fairfax Effective 11/08	none	<ul style="list-style-type: none"> 40% pcr paper reusable bags 	All retail stores and restaurants		Any bag with handles that is specifically designed and manufactured for multiple reuse, and is made of cloth or other washable fabric	None		Enforced via Town Manager. Infractions range from \$100 - \$500.	
Malibu Effective 12/08	none	<ul style="list-style-type: none"> 40% pcr paper reusable bags 	All retail establishments, restaurants and vendors		Any bag with handles that is specifically designed and manufactured for multiple reuse, and is made of cloth or other washable fabric, or a durable plastic bag with handles that is at least 2.25 mil thick and designed for reuse.	None		Enforced under municipal code	
StopWaste.Org Effective TBD	\$.10	<ul style="list-style-type: none"> 40% pcr paper reusable bags 	<p>TBD</p> <p><u>Option 1</u> Large Supermarkets; 150 stores affected</p> <p><u>Otpion 2</u> Large grocery and large retail with a pharmacy in store , all other drug, pharmacy, supermarket, grocery, food mart, liquor, convenience and stores selling packaged foods (Department stores excluded);1,900 stores affected</p> <p><u>Option 3</u> All retail establishments who distribute bags at point of purchase # of stores : 7,150 stores affected</p>	Public eating establishments, Nonprofit charitable thrifts, WIC/SNAP	<p>TBD</p> <p><u>Option 1</u> A bag with handles designed for multiple reuse and meets the following: 1) can carry 22 pounds over a distance of 175 feet and withstand 125 uses 2) minimum volume of 15 liters 3) machine washable/ made of material that can be cleaned/disinfected 4) does not contain lead, cadmium, or any other heavy metal in toxic amounts, 5) label on bag includes name/location of manufacturer with statement does not contain hazardous materials and pcr % used, 6) if made of plastic, is minimum of at least 2.25 mils thick.</p> <p><u>Option 2</u> Any bag with handles that is specifically designed and manufactured for multiple reuse, and is made of cloth or other washable fabric, or a durable plastic bag with handles that is at least 2.25 mil thick and designed for reuse.</p>	TBD <u>Option 1</u> none <u>Option 2</u> Store charges for reusable bags (minimum \$.10)	TBD	TBD - Will follow penalty schedule for plant debris ban.	TBD - depending upon number of stores affected by ordinance.
StopWaste.Org Member Agencies Individually	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD	TBD

* San Francisco's proposed amendment to ordinance, starting 7.1.11: 10c on recyclable paper and reusables, expand to all retail establishments. Starting 1.1.13 10c fee on compostable plastic check out bags

All ordinances exempt pharmacy and produce bags from ban

ALAMEDA COUNTY CITY MANAGERS' ASSOCIATION

c/o City of Albany
1000 San Pablo Avenue
Albany, CA 94706

July 27, 2011

Stopwaste.Org
1537 Webster Street
Oakland CA, 94612
Attn: Gary Wolfe, Executive Director

Re: Stopwaste.Org Initiatives

Dear Gary:

On behalf of the Alameda County City Managers Association (ACCMA), I would like to thank you and your agency staff for the commitment you have demonstrated to further the county's collective interest in achieving our waste diversion goals. We recently had an opportunity to receive a presentation from selected technical staff from our municipalities, serving as an update regarding the many initiatives that have been identified by Stopwaste.Org in support of the recently adopted Strategic Plan.

Following the recent presentation, ACCMA had a discussion and agreed that there is an interest in establishing effective procedures to support the planning efforts being conducted by Stopwaste.Org. In particular, we would like to ensure, as a standard practice, that the process of developing new policy, programs or other items that may have implications for the member cities involve the technical staff from our cities, working in collaboration with Stopwaste's staff. This requested format is different than the typical process of reviewing and reacting to proposals developed by Stopwaste, and aims to better involve input from municipal staff at the onset of the planning process. For example, the collaborative effort that evolved for the Franchise Task Force (FTF) serves as a good example of a functional, inclusive process that allowed for the development of a particular set of recommendations that would serve as guidelines for jurisdictions to consider at the time of a franchise change. We feel confident in recommending an inclusive process such as this as it engages stakeholders at the outset of a project, which leads to effective and appropriate outcomes for all involved.

Gary Wolff, Executive Director
StopWaste.Org

July 25, 2011
Page 2

We are asking that particular consideration be given to the following items as we believe they are crucial to fostering the most productive work products for our county:

- Provide ample time to allow for stakeholder input, and ensure all stakeholders are involved in the process
- Allow municipal staff review of materials (via TAC) prior to review by Authority Board/Recycling Board Committees
- Formulate policy and program framework in a way that allows for flexibility, local control, and customization as needed
- Facilitate outcomes that are not process driven
- Provide flexibility on any requirements for receiving Measure D revenues . If cities are to be subject to any new additional requirements, allow for a menu of options to ensure cities have the ability to conduct what is most practicable for their communities
- Have fiscal and staff impact analyses conducted as part of the program development process and integrated into staff reports considered by the Board

In addition, we understand that there are some major items under development, including the mandatory commercial recycling, the single use bag ban ordinances, and revising the definition of adequate commercial recycling used to determine Measure D compliance. We recommend that workgroups be developed that are comprised of both technical municipal staff as well as Stopwaste staff (similar to what was conducted during the FTF) to develop the adequate commercial recycling definition recommendation as well as draft the mandatory commercial recycling and single use ban ordinances. We also suggest that this workgroup framework be utilized for other significant policies that may be developed in the future.

It is our intent to convey these interests to you in an effort to further improve upon our ability to utilize the wealth of expertise within your organization and to involve city staff, creating an efficient policy process and effective outcome for the entire county. ACCMA is also interested in staying apprised and engaged with Stopwaste.Org on an ongoing basis. We look forward to identifying the best framework to accomplish this interest.

Thank you in advance for your attention to this request. We look forward to continuing our working relationship to further "green" our county.

Sincerely,



Beth Pollard
Chair, Alameda County City Managers Association



Community Services Department
 P.O. Box 5006, Fremont, CA 94537-5006
 www.fremont.gov

September 15, 2011

VIA EMAIL

Debra Kaufman
 Stopwaste.Org
 1537 Webster Street
 Oakland, CA 94612

Dear Ms. Kaufman:

The City of Fremont has reviewed the Draft Environmental Impact Report for Mandatory Recycling and Single Use Bag Reduction Ordinances and provides the comments below.

The City generally supports the development of a countywide ordinance to restrict the distribution of single use bags, specifically single use plastic bags. Fremont staff looks forward to supporting the development of a specific ordinance, and providing input as policies around this issue evolve.

In regards to the proposed project for countywide mandatory recycling, the following comments are submitted:

- Staff is concerned the DEIR does not fully identify the impacts of the mandatory recycling project on the service infrastructure, such as loss of collection efficiency and the likely need for added truck routes. An incomplete assessment of environmental impacts of service changes in the DEIR may place the burden of further environmental analysis on local jurisdictions when implementing mandated recycling programs.
- We believe it is essential that a future mandatory recycling ordinance provide flexibility that allows local jurisdictions to leverage existing processing infrastructure and service contracts to the greatest extent possible.
- The economic impacts on local jurisdictions and the customer base associated with implementing the mandatory recycling project have not been adequately detailed. Such impacts may fall heavily on segments of our community who will no doubt bear the costs of increased materials collection, transfer, and processing expenses, outreach and enforcement costs, and the expense of physical



alterations to buildings and trash enclosures to fulfill the ambitions of the stated project. City staff awaits the economic analysis being conducted by Stopwaste.Org and desires to see economic impacts legitimately considered in the development of any mandatory recycling ordinance.

Thank you for the opportunity to comment on the Draft Environmental Impact Report.

Sincerely



Kathy Cote
Environmental Services Manager

C: Anu Natatrajan
Fred Diaz
Ken Pianin



September 15, 2011

Debra Kaufman
 StopWaste.Org
 1537 Webster St.
 Oakland, CA 94612

Subject: Draft Mandatory Recycling and Single-Use Bag Reduction Ordinances Environmental Impact Report

Dear Ms. Kaufman,

The purpose of this letter is to provide comments related to the Mandatory Recycling and Single-Use Bag Reduction Ordinances Draft Environmental Impact Report (DEIR) released by StopWaste.Org in August 2011. The DEIR examines two potential policies that would, once developed, be evaluated and considered independently of the other. The DEIR analyses the "maximum impact" scenarios that could occur with the adoption of these two ordinances, meaning that the set of assumptions about the scope and design of each of the two policies would likely result in the greatest environmental impact.

It should be noted that the Livermore City Council is scheduled to discuss these policies at the October 24, 2011 Council meeting, so the City Council has not yet adopted a formal position. However, given the timeline and absent any specific policies to evaluate, Livermore staff has taken this opportunity to prepare feedback assuming both potential policies intend to capture a "maximum impact" scenario as presented in the DEIR.

Proposed Single-Use Bag Reduction Ordinance

Staff has reviewed the information pertaining to a Single-Use Bag Reduction Ordinance; observations are listed below.

1. An ordinance that would apply county-wide would reduce the need for retailers to comply with slightly different rules in each City, and allay concerns about the economic impacts resulting from consumers shopping at neighboring out-of-county jurisdictions to avoid paying for single-use bags.
2. This ordinance could help Livermore comply with Regional Water Quality Control Board requirements to abate litter.

Ms. Debra Kaufman
 September 15, 2011
 Page 2 of 3

3. A phased-in, all inclusive policy could ensure that no retailer is unnecessarily disadvantaged by the ordinance. Phased applicability beginning with larger vendors may be desirable; any ordinance should be as inclusive as possible to include all large grocery and large retail, or all retail.
4. Adequate lead time should be incorporated to allow vendors to exhaust current supplies of plastic bags and prepare to comply.
5. Responsibility for enforcement should be at the jurisdiction's sole discretion; a funding source for costs related to enforcement should be identified prior to finalizing any ordinance.

Proposed Mandatory Recycling Ordinance

The City of Livermore staff have a number of concerns related to a Mandatory Recycling Ordinance, particularly if a "maximum impact" scenario is approved. These concerns, along with suggestions for consideration, are listed below.

1. Recycling and organics collection is heavily subsidized by garbage rates in Livermore. Therefore, shifting materials away from the garbage stream may result in hauler revenue shortfalls and additional rate increases for generators. An in-depth economic analysis should be completed to better understand the impacts of the proposed ordinance to rate payers.
2. If an opt-out provision is included, ordinance requirements could potentially be tied to Measure D funding via a proposed definition of "adequate commercial recycling", in effect forcing jurisdictions to adopt the ordinance or face becoming ineligible for Measure D funding. Measure D monies are an important source of funding for City recycling programs. Livermore would like to avoid losing grant funds if participation in a Mandatory Recycling Ordinance is not feasible for the City.
3. Adequate (even extra) processing capacity should be secured before materials (e.g. organics) are included in ordinance requirements. The current infrastructure may not be capable of handling plastic-contaminated commercial organics from Livermore if tonnages were to dramatically increase. Organics should not be included in the ordinance before capacity is secured by contract.
4. Any ordinance should focus on a defined goal (such as a diversion goal) and encourage flexibility to accommodate various collection and processing methodologies.
5. Any ordinance should allow for a phased approach, perhaps beginning with proposed state requirements and adding more materials and generators over time. Adequate lead time – perhaps 12 months or more – to ramp up for compliance is necessary.

Ms. Debra Kaufman
September 15, 2011
Page 3 of 3

6. Responsibility for enforcement should be at the jurisdiction's sole discretion; a funding source for costs related to enforcement should be identified prior to finalizing any ordinance.

City of Livermore staff are hopeful that policy drafts will be available for review by the end of September 2011. For both policies under consideration, the City of Livermore suggests that StopWaste.Org staff allow adequate time (one month or more) for jurisdiction staff to review the language, collaborate with City officials, and offer thoughtful feedback.

Thank you for considering these preliminary comments; if you have any questions, please feel free to contact me at 925-960-8002.

Sincerely,

A handwritten signature in cursive script that reads "Judy Erlandson".

Judy Erlandson
Public Works Manager

CITY OF PIEDMONT
CALIFORNIA



September 7, 2011

StopWaste.Org
1537 Webster Street
Oakland, CA 94612
Attn: Debra Kaufman

Re: Draft EIR for proposed Mandatory Recycling and Single Use Bag Reduction Ordinances

Dear Ms. Kaufman:

At its regularly scheduled hearing on September 6, 2011, the Piedmont City Council directed City Staff to provide the following comments on the draft Environmental Impact Report (DEIR) prepared for the proposed Mandatory Recycling Ordinance and Single Use Bag Reduction Ordinance:

Process

We understand: 1) that the DEIR was developed to look at the maximum impact of these two ordinances; 2) that Alameda County residents, businesses and jurisdictions have the opportunity to comment on and influence the decision making process to certify the EIR and then adopt the proposed ordinances or variations thereof; and 3) any ordinance(s) adopted may very well have less restrictive requirements. Therefore, we encourage you to be thorough in your notification of future hearings on the DEIR and consideration of the ordinances and the release of any associated documents so that local governments and the public are fully vested in the decision-making process.

Jurisdictional Scope of the Ordinances

As is practicable for each ordinance, the adoption and implementation of the proposed ordinance should be considered at the local jurisdiction level in order to ensure that local control is maintained and solutions relevant to the local jurisdiction are implemented.

Project Description Content

Re: DEIR Section 2.1.1.1, paragraph 3: The City of Piedmont includes plastic bags as an accepted material in its recycling program. Plastic bags that are bundled or bagged and tied can be placed in the blue "Recyclables" carts for collection and processing for marketing as a recyclable material. As with all other designated materials, whether or not there is a viable market for this recyclable material is beyond the City's control.

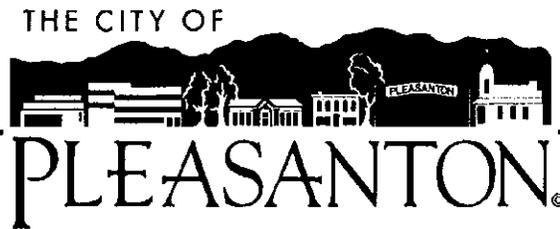
Re: DEIR Section 2.3.1, paragraph 5: Both, the collection of recyclables (bottles, cans, paper, etc.) and the collection of source-separated organics (yard trimmings, food scraps and food-soiled paper) from multi-family residences is readily available and provided in the City of Piedmont.

The agency's efforts to develop this document to assist local jurisdictions' compliance with state regulations and to meet the waste reduction goals of the county and its jurisdictions are greatly appreciated and the City looks forward to participating in future ACWMA hearings on the EIR and proposed ordinances.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Jackson". The signature is fluid and cursive, with a large initial "K" and "J".

Kevin Jackson, AICP
Assistant Planner



September 16, 2011

Stopwaste
 Gary Wolff
 Executive Director
 1537 Webster Street
 Oakland, CA 94612

Subject: Comments on the Draft Environmental Impact Report regarding Mandatory Recycling and Single Use Bag Reduction Ordinances

Dear Mr. Wolff:

Thank you for allowing the City of Pleasanton to comment on the proposed Draft Environmental Impact Report (DEIR) for the proposed Mandatory Recycling and Single Use Bag Reduction Ordinances. The City supports the concept of increasing diversion from landfills as well as the need to reduce the presence of single use plastic bags from our natural environment. The City also has some concerns about the DEIR which we wish to have addressed. The City's comments are as follows:

Comments:

1. Table 3.1-2: please add a column listing the current capacity available at Composting Facilities 11 to 16. Please clarify the conflicting information in the DEIR relating to capacity and diversion of excess compostable material. Currently, the DEIR indicates that capacity will be exceeded; please discuss why adding capacity to address this issue is not being studied. Example: (pg. 60, 4th paragraph) discusses why adding capacity is not being studied; whereas, page 69, first bullet then discusses known limits will be exceeded for ColorScope II and the excess would be diverted to Recology Grover.
2. Impact LU-1, pg. 70: mandatory recycling will likely require external modifications to existing buildings (beyond internal structures) and require additional covered trash enclosures (which drain to sewer system) to accommodate additional organics bins for multi-family residential and commercial. Please discuss the impact of these external modifications.
3. 3.2.2.1 *Transportation Impacts*, pg. 82-83: this analysis lacks discussion of potential increases in multiple collection times per week for Multi-Family Dwellings (MFD) and commercial organics (due to odor and pest concerns). The analysis does not include Vehicle Miles Traveled (VMT) or discussion on odor concerns on a per jurisdiction basis. Please include an analysis of VMT and odor and pest concerns.

P. O. Box 520, Pleasanton, CA 94566-0802

123 Main Street

City Manager
 (925) 931-5002
 Fax: 931-5482

City Attorney
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 157 Main Street
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4. 3.7.2 and 3.8.2: please include an analysis of the impact of multi-family households using the sink garbage disposal to avoid separating organic from garbage and analyze these impacts on water quality/wastewater treatment and the effects that this may have on sewage treatment of waste water.
5. Appendix B, pg. 11: location of additional bins in MFD and commercial sites
 - Please address the impact of bins needing to be covered and in enclosures with sewer drainage to meet storm water standards.
 - Please include a discussion on potential incentives for commercial sites/commercial businesses to enlarge enclosures.
 - Mandatory commercial recycling will require new types of bins that are watertight for organics to mitigate leaking of food waste bins. The DEIR lacks and should include a discussion on the economic impact of acquiring new bins and the storm water effects with bins that may not be watertight.
6. Appendix B, pg. 12: the DEIR should address the projected increase in frequency of pickup of organics/food waste and include an analysis of the following:
 - What is current frequency of garbage pick-up from commercial/restaurants?
 - Our analysis indicates that multiple pick-up times a week will be increased to address issues of odor/pests associated with commercial composting. Please provide additional analysis on this matter.
 - Increased traffic/air impacts;
 - We are concerned with the analysis on pages 14-16 that only new vehicle miles travelled are for post collection system transfer of organic materials to San Joaquin County;
 - If there is an increase in refuse, recyclables and organics pickups, the result will be an increase in VMT for collection per jurisdiction at jurisdiction level. The DEIR should address the VMT effects at the jurisdiction level.
 - Appendix C: We request that the Air Quality Report be updated if the VMT effects indicate that more collection trips for commercial/restaurant organics bins will be necessary.
7. Appendix B: frequency of generator “compliance plans.” The DEIR is lacking, and should address the following:
 - Specify who will be responsible for multi-tenant commercial buildings.
 - Address how individual businesses that share a trash container would comply with the 4 cubic yard requirement.
8. Appendix D, Summary of Available Information on Reusable Shopping Bags. The DEIR should include a discussion on the following:

Bag capacity discussion does not take into account that while reusable bags have greater capacity than HDPE featured, persons buying groceries have weight carrying limit that the full reusable bag may exceed; and/or types of items may not allow for reusable bag to be filled to capacity (where heavier item could crush fragile item). It is possible that more reusable bags are likely to be bought and used than precise offset from HDPE bags.

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9. Appendix E – Summary of Life Cycle Assessments (LCA)

There appears to be a typographical or editing error in the Summary [of the 2002 Australia analysis] on pg. 3, second paragraph, line 1, “The streamlined LCA found that over the course of a year, single-use paper bags resulted in greater impacts than single-use paper bags in every category except persistence of litter over time.”

We question the relevancy of the 2002 Australia analysis and would prefer more local analysis.

10. Single Use Bag Prohibition

Please address the following policy concerns about mandates for retail merchandisers and local jurisdictions in the DEIR:

- Shoppers carrying their own bag will reduce browsing/sales as buyers will not have hands free to browse through racks of clothes or items.
- Customers do not always know if they are making a purchase, or if purchases will be large or small items, and it will be unclear as to the size of the bag or quantity of bags to bring (opposed to greater predictability at grocery stores).
- Bags carried into stores may become a cover for shoplifting.
- The DEIR evaluates the widest scope of options for the ban on plastic bags. It is critical that any ordinance developed be applied equally to similar retailers e.g.: grocery stores and those selling packaged foods.
- Lacking economic analysis relating to a buyer’s choice to shop in a neighboring county where retail merchandisers do not have a ban on bags. Please conduct an economic analysis on the effects of a county by county ordinance as compared to a more comprehensive initiative.
- Enforcement, oversight and monitoring of program implementation and compliance: during a time when jurisdictions face workforce reductions and reduced revenues, the expectations and funding sources for jurisdictions must be carefully vetted prior to enacting any program. Currently, it is unclear how jurisdictions will be able to comply, monitor and implement these program and to what degree, city staff or Stopwaste staff will be required to devote to such programs. Please conduct an analysis of the expected time and FTE’s these programs will create for jurisdictions.
- It is unclear how the reusable bag campaign led by Stopwaste has influenced shoppers. An evaluation of an ongoing continued and/or more rigorous outreach and education effort should be conducted to determine if this would change the behavior of single use bag users.

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Page 4

11. Mandatory Commercial Recycling

Please address the following policy concerns about mandates for commercial businesses and local jurisdictions in the DEIR:

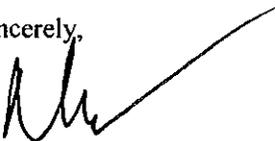
- Summary, p. 6 and section 2.3.1.3, p. 37: “Local Jurisdictions will be required to implement commercial recycling program for eligible businesses with education, outreach, monitoring and notification of non-compliance.”
- Enforcement, oversight and monitoring of program implementation and compliance: during a time when jurisdictions face workforce reductions and reduced revenues, the expectations and funding sources for jurisdictions must be carefully vetted prior to enacting any program. Stopwaste staff has indicated at times that monitoring and implementation will be conducted by Stopwaste staff or contracted firms. The DEIR provides information that is contradictory to the comments made by Stopwaste staff. It is important for jurisdictions to understand the expectations, parameters, and duties that will be required of city staff. The DEIR should carefully outline the impact to jurisdictions.
- The DEIR lacks economic analysis on the impact of possible increase in refuse, recycling and composting rates and the effect on haulers and rate payers. This economic analysis should be part of the DEIR.
- The DEIR should address the impact to weekly vendors such as Farmer’s Markets and the impact of mandatory recycling and single use bag requirements for vendors participating at such events.

12. Unclear about Cal Recycle’s proposed regulation to ARB. In Summary (pg. 6, 3rd paragraph) states “...multi-family generators with five or more units ...”; Section 2.1.1 (pg. 16, 4th full paragraph) discusses, “... multi-family generators with sixteen or more units...”

- Please address the differences between comments made on pg. 6, 3rd paragraph and Section 2.1.1 (pg. 16, 4th full paragraph).

Thank you for considering our comments.

Sincerely,



Nelson Fialho
City Manager

c: Maria Lara, Assistant to the City Manager
Daniel Smith, Director of Operations Services
Steven Bocian, Assistant City Manager



CITY OF
HAYWARD
 HEART OF THE BAY

September 16, 2011

Gary Wolff
 Executive Director
 StopWaste.Org
 1537 Webster Street
 Oakland, CA 94612

Re: Response to Draft EIR for Mandatory Recycling and Single-Use Bag Reduction Ordinances

Dear Mr. Wolff:

This letter responds to the Draft Environmental Impact Report (DEIR) prepared by StopWaste.Org regarding the proposed mandatory recycling and single-use bag reduction ordinances. The following comments address the proposed ordinances, as described in the DEIR, and other documents provided by agency staff. It should be noted that, due to timing, our City Council has not met yet with regard to these programs, although the two ordinances will be discussed at the next City Council Sustainability Committee meeting on October 5.

Single-Use Bag Reduction

Hayward generally supports the development of a county-wide ordinance to reduce the number of single-use bags and has no specific comments on the DEIR regarding this ordinance.

Mandatory Recycling

- Space constraints, particularly for multi-family dwelling complexes, may preclude placement of outdoor containers and result in impacts on public and private roads due to the collection vehicles. These impacts are not adequately addressed in the DEIR
- Mandatory recycling services will necessarily result in additional collection services, with attendant noise and air quality impacts. The DEIR does not fully identify or assess the impact of these conditions.
- The DEIR does not adequately address the economic impacts on both local jurisdictions and customers. Since Hayward has already implemented mandatory single-family residential recycling, the impacts of the proposed ordinance may fall heavily on other segments of our community, who may need to bear the costs of increased materials collection and transfer, outreach, enforcement, and physical modifications to buildings and trash enclosures. City staff will review the economic analysis being prepared by Stopwaste.Org and anticipates consideration of economic factors in the development of any mandatory recycling ordinance.

DEPARTMENT OF PUBLIC WORKS
 ADMINISTRATION

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Ordinance Development Process

We understand that the proposed ordinances will be available in October and ask that copies be provided as soon as possible to allow ample time to evaluate all aspects of both ordinances, as described in the Alameda County City Managers' Association's July 27 letter to you.

Hayward staff would expect to work collaboratively with Stopwaste.Org in crafting the provisions. To that end, we also request development of a workgroup framework, similar to that conducted by the Franchise Task Force, whose members would draft the mandatory commercial recycling and single-use bag reduction ordinances, and a schedule for discussions of those ordinances with all members of the technical staff throughout the County. The workgroups will need to discuss several elements of the proposed mandatory recycling ordinance for multi-family dwellings and businesses, including materials required for collection, a performance standard, enforcement provisions, and a timeframe for implementation based on state legislation and other proposed state regulations:

Finally, we ask that the ordinance's provisions provide flexibility and customization as a workgroup is convened to revise the definition of adequate commercial recycling used to determine Measure D compliance.

Thank you for your attention to and consideration of these comments.

Sincerely,



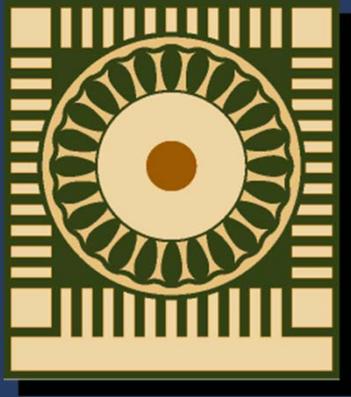
Robert A. Bauman
Public Works Director

cc: Fran David, City Manager
David Rizk, Development Services Director

Suggested Sustainability Committee Quarterly Meeting Topics for Fall of 2011 and 2012

Presenting Department	Date	Topics	Climate Action Plan Action Number (Priorities are per Appendix D in the Climate Action Plan)
	August	<i>No Meeting – annual recess</i>	
DS	January 2012	Staff Report – Possible Benchmarking Requirements for Commercial Buildings	3.3 (3)
		Staff Report – Status of Benchmarking Municipal Buildings	3.12 (2*)
DS	April 2012	Staff Report –Require Solar for New Construction	5.3 (19)
DS		Annual Update on Climate Action Plan Implementation	
DS	July 2012	Ordinance – Require Solar for New Construction – Revisions to the City’s Green Building Ordinance	5.3 (19)
DS		Ordinance – Benchmarking Commercial Buildings (Commercial Energy Conservation Ordinance - CECE)	3.3 (3)
DS		Report - Maximize Renewable Generation on Municipal Property	5.5 (4*), 5.6(5*)
DS	October 2012	Annual Update – QuEST Report on City Sustainability Progress	
PW		Waste Reduction Report – Annual Update on Recycling Programs (food scraps, construction & demolition debris, multi-family recycling, City facilities and waste to energy)	6.1 (28), 6.2 (26), 6.3 (14), 6.6 (34), 6.7 (11), 6.8 (16*), 6.9 (13*)

*Municipal Actions Priority per Appendix D in the Climate Action Plan.



CITY OF
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HEART OF THE BAY

**Mandatory Recycling Provisions:
StopWaste's Proposed Ordinance**

**Council Sustainability Committee Meeting
October 5, 2011**

Alex Ameri, Deputy Director of Public Works

Utilities Division - Solid Waste Program
Public Works Department



Mandatory Recycling Provisions

Outline of Report

- Update to December 1, 2010 Committee Meeting
 - ✓ Reported StopWaste's plans to prepare an EIR evaluating mandatory commercial recycling and plastic bag ban
- Proposed State Regulations
- StopWaste's Proposed Mandatory Recycling Ordinance (**note actual draft ordinance received only yesterday**)
- Fiscal and Economic Impacts to Businesses, Residents and the City
- Next Steps



Proposed State Regulations Mandating Recycling

Regulations Apply to Businesses & Multi-family Complexes

- Require participation in recycling services based on specific thresholds, e.g., four cubic yard of weekly trash service or multi-family complexes with a specified number of dwelling units
- Covered materials may be determined by the jurisdiction or are not specified
- Allow exemptions due to lack of space or are not specified
- Emphasize education and outreach to monitor participation, etc.
- Use of enforcement fees is discretionary or are not specified



StopWaste's Proposed County-wide Ordinance

- Requires all multi-family complexes, businesses and self-haulers to recycle
- Recyclables targeted include paper, food and beverage containers, food and compostable paper
- Jurisdictions are not prohibited from enacting regulations more stringent than StopWaste's Ordinance, *provided that any regulation or ordinance does not conflict with StopWaste's Ordinance*
- Includes waivers due to space limitations or if service is not available; subject to documentation approved by StopWaste
- Two-phased implementation that allows jurisdictions to opt out:
 - ✓ July 1, 2012 for collection of paper, glass and all recyclable food and beverage containers
 - ✓ July 1, 2014 for collection of food and compostable paper
- StopWaste would conduct inspections and enforcement with participating jurisdictions



StopWaste's Proposed County-wide Ordinance

Materials Targeted Versus City's Recycling Services

- Multi-family residents have access to recycling services to collect paper, glass and all recyclable food and beverage containers, but not food or compostable paper
- Businesses are offered collection of all of the recyclables listed

Discussions with StopWaste and Technical Municipal Staff

- Recommend only targeting businesses not yet participating
- Require further evaluation of enforcement measures and costs
- Should not tie opt-out to any city monetary impacts



Mandatory Recycling: Stopwaste's Ordinance

Responses by Cities in Alameda County

- Convene a workgroup to draft the ordinance to allow local control
- Convene a workgroup to develop the definition of an adequate commercial recycling program with options to ensure flexibility
- Elements of an ordinance
 - ✓ Determine who will be required to comply
 - ✓ Develop a timeframe for implementation
 - ✓ Focus on non-participants or on targeted recyclables
 - ✓ Scope of monitoring and enforcement
- Letters from cities cited concerns about economic and environmental impacts and enforcement measures



Mandatory Recycling: Stopwaste's Ordinance

Timeline for Ordinance's Review

- Readings scheduled for November and December Board Meetings
- Request to StopWaste to delay December action was denied to maintain the current schedule
- Joint letter requesting more time to prepare reports was submitted by the cities of Alameda, Dublin, Fremont, Livermore, Piedmont, Pleasanton, San Leandro, Union City and Hayward



Mandatory Recycling: Stopwaste's Ordinance

Sustainability Committee Comments Requested

- Analyze economic impacts on cities and customers
- Allow waivers at each jurisdiction's discretion
- Input on a timeline for implementation
- Confirm enforcement measures and by whom, e.g., jurisdiction, service provider or StopWaste



Organics Collection Programs: Recycling Update

Residential & Commercial Organics Collection Services

- Accepts food scraps, food-soiled paper, yard trimmings, untreated lumber and unpainted wallboard

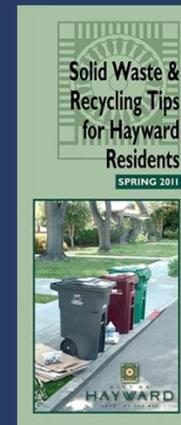
Residential Organics Collection

- Offers pail for indoor storage and cart for curbside collection
- Service began in January 2009 at no additional charge
- In 2011: 35%-40% participate; based on visual surveys of carts



Public Outreach Materials

- Brochures in garbage bills and on City's website
- Stickers on green carts



Mandatory Recycling: Recycling Update

Construction & Demolition Debris Ordinance

- Applies to building permits with a valuation in excess of \$75,000
- Compliance is acceptable; no revisions recommended

Multi-Family Recycling Services

- Offer indoor plastic container each resident to enhance participation
- Informational literature features photos and text in four languages



Mandatory Recycling: Stopwaste's Ordinance

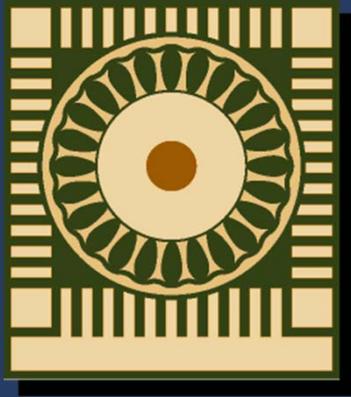
Fiscal & Economic Impacts

- Evaluate StopWaste's analysis of economic impacts to individual businesses and system costs, which will be presented to a November 10 Programs and Administration Committee meeting
- Expanding recycling services would likely result in increased fees

Next Steps

- Consider a special meeting of the Committee for further policy guidance
- Continue to attend meetings regarding this ordinance





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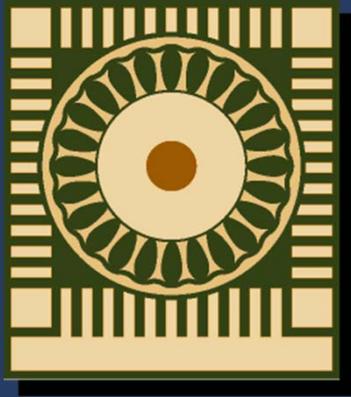
**Mandatory Recycling Provisions:
StopWaste's Proposed Ordinance**

**Council Sustainability Committee Meeting
October 5, 2011**

Alex Ameri, Deputy Director of Public Works

Utilities Division - Solid Waste Program
Public Works Department





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**Single-Use Bag Reduction Ordinance:
StopWaste's Proposed Ordinance**

**Council Sustainability Committee Meeting
October 5, 2011**

Alex Ameri, Deputy Director of Public Works

Utilities Division - Solid Waste Program
Public Works Department



Stopwaste's Single-Use Bag Reduction Ordinance

Outline of Report

- Update to December 1, 2010 Committee Meeting
 - ✓ Summarized key provisions of other municipalities' bag bans
 - ✓ Reported StopWaste's plans to prepare an EIR evaluating a plastic bag ban
- Plastic Bag Recycling and Current State Law
- StopWaste's Proposed Single-Use Bag Ordinance
- Fiscal and Economic Impacts
- Next Steps



StopWaste's Single-Use Bag Reduction Ordinance

Discussion

- Plastic Bag Recycling in Current State Law: Large grocers and drug stores provide reusable bags and plastic carryout bag recycling bins
- StopWaste's Single-Use Bag Reduction Ordinance
 - ✓ Prohibit free distribution of single-use carryout paper and plastic bags at checkout
 - ✓ Include all retail establishments, except restaurants and non-profit charitable organizations
 - ✓ Apply County-wide; adoption by each jurisdiction or StopWaste



StopWaste's Single-Use Bag Reduction Ordinance

Proposed Options

- Retail Establishments Subject to the Ban

- ✓ Option 1: Only retail stores and pharmacies; about 200 stores
- ✓ Option 2: Sales of packaged food; about 2,500 stores

StopWaste uses this definition in its ordinance, received October 4.

- ✓ Option 3: All retail, except restaurants; about 6,800 stores

- Reusable Bag Definitions

- ✓ Option 1: Bag with handles designed for reuse that does not contain heavy metal in toxic amounts and can be cleaned

StopWaste uses this definition in its ordinance, received October 4.

- ✓ Option 2: Bag with handles designed for reuse, is made of washable fabric or a durable plastic bag



StopWaste's Single-Use Bag Reduction Ordinance

Proposed Provisions

- Require store charge of at least \$0.10 per paper bag recorded as a sale
- Option to include a \$0.10 store charge on each reusable bag to discourage single-use bags
- Exempt produce bags, and bags offered by restaurants and charitable thrift stores
- Enforcement by StopWaste; fines per violation
- Proposes that 65% of people will use reusable bags or no bag, based on the life cycle analyses cited in the DEIR



StopWaste's Single-Use Bag Reduction Ordinance

New Provisions Included in Ordinance Received October 4

- Effective Dates
 - ✓ January 1, 2013: Single-use carryout bags prohibited at check out
 - ✓ January 1, 2013: A store charge of \$0.10 on each recycled paper or reusable bag
 - ✓ January 1, 2015: A store charge of \$0.25 on each paper or reusable bag only if StopWaste finds that the number of paper bags has significantly increased
- Jurisdictions are not prohibited from enacting regulations more stringent than Stopwaste's Ordinance, *provided that any regulation or ordinance does not conflict (e.g., not less stringent) with the provisions of StopWaste's Ordinance*



StopWaste's Single-Use Bag Reduction Ordinance

Responses by Cities in Alameda County

- Convene workgroup to draft the ordinance, solicit stakeholder input and determine a phased implementation approach that would include outreach, education and enforcement provisions
- Letters commenting on the DEIR from the Alameda County City Managers' Association and the cities of Fremont, Livermore, Piedmont, Pleasanton and Hayward
- Cities are not requesting a delay in StopWaste's schedule to review and adopt the ordinance



StopWaste's Single-Use Bag Reduction Ordinance

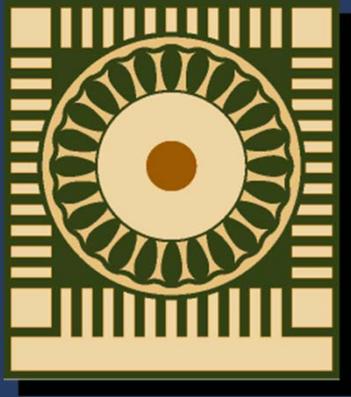
Fiscal & Economic Impacts

- Customers would incur the additional \$0.10 store charges for paper and reusable bags and the additional costs to purchase reusable bags
- Fiscal impacts to the City would include convening stakeholder meetings, preparing the ordinance for approval and disseminating literature
- Solid Waste Program staff would implement the ordinance using available Recycling Fund monies

Next Steps

- Submit a status report to the Committee in early 2012, including an update of a suit filed against LA County by a plastic bag manufacturer alleging violation of Proposition 26
- Convene a special meeting for further policy guidance





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**Single-Use Bag Reduction Ordinance:
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