

MARIN COUNTY HAZARDOUS & SOLID WASTE MANAGEMENT
JOINT POWERS AUTHORITY

Board of Directors Meeting

Thursday, January 27, 2011
Marin Municipal Water District
220 Nellen Avenue, Corte Madera

9:00 -10:00 AM

AGENDA

Call to Order.

1. Approval of JPA Board Minutes from June 24, 2010. (Action)
2. FY 11-12 Budget Process, Executive Committee Subcommittee. (Information/Action)
3. Novato Zero Waste Opt Out and Associated Budget Adjustments. (Action)
4. JPA Grant Program Recommendations. (Action)
5. Novato Sanitary District Request for JPA Membership. (Information/Action)
6. Zero Waste Outreach Contract Approval. (Action)
7. Reusable Bag Program Augmentation. (Action)
8. Draft Zero Waste Toolkit Report. (Information)
9. Local Task Force Member Appointments. (Action)
10. Elementary School Outreach Program Update. (Information)
11. Communication and Collaboration with Other Agencies. (Information)
12. Open Time.
13. Next scheduled JPA Board Meeting to be held on Thursday, May 26, 2011. 9:00 – 10:00 AM, MMWD,
220 Nellen Avenue, Corte Madera.
14. Adjourn.

The full agenda including staff reports can be viewed at www.marinrecycles.org/mins_agendas.cfm

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Contact the County's Waste Management Division, at 499-6647 for more information

Draft**MARIN COUNTY HAZARDOUS & SOLID WASTE
MANAGEMENT JOINT POWERS AUTHORITY**

Board of Directors Meeting
Thursday, June 24, 2010
Marin Municipal Water District
220 Nellen Avenue, Corte Madera

MINUTES**MEMBERS PRESENT**

George Rodericks, Belvedere
Michael Rock, Fairfax
Gary Broad, Ross
Debra Stutsman, San Anselmo
Michael Frank, Novato
Peggy Curran, Tiburon
Ken Nordhoff, San Rafael
David Bracken, Corte Madera

MEMBERS ABSENT

Matthew Hymel, County of Marin
Adam Politzer, Sausalito
Dan Schwartz, Larkspur
Jim McCann, Mill Valley

STAFF PRESENT

Michael Frost, JPA Staff
Alex Soulard, JPA Staff
Eric Lueder, JPA Staff

OTHERS PRESENT

Joan Griffin, Environmental Forum
Julie Allecta, Marin Food Scrap Task Force
Barbara Winter, Marin Food Scrap Task Force
Katie Garrison, CalRecycle
Clarissa Daniel, County of Marin
Jennie Pardi, Conservation Corps NB
Patty Garbarino, Marin Sanitary
Joan Irwin, Marin Food Scrap Task Force
Jim Iavarone, Mill Valley Refuse
Beverly James, Novato Sanitary Dist.
Dee Johnson, Novato Sanitary Dist.
Steve McCaffrey, Redwood Empire Disposal
Jim Schutz, San Rafael

Call to Order The Board of Directors meeting came to order at 9:00 AM.

1. Approval of JPA Board meeting Minutes from January 28, 2010. M/s Nordhoff, Bracken to approve JPA Board Meeting minutes from January 28, 2010. The motion was approved unanimously.
2. CalRecycle Grant Resolution. Staff informed Board Members that the California Integrated Waste Management Board has been dissolved and reformed as CalRecycle. CalRecycle requires a resolution be included with any grant application. It is requested that a new resolution be drafted and approved by JPA Board Chair allowing JPA staff to apply for CalRecycle grants. This would allow for awarded grants to be accepted, following JPA Board approval. No comments were received. M/s Nordhoff, Schutz to approve the request for the Board Chair sign the proposed resolution. Motion was approved unanimously.
3. Joan Irwin Environmental Forum. Joan Irwin presented information from a four month study on the Marin Food Scrap Recycling Task-Force for curbside food waste composting programs within the County. Her report noted that composting is a highly fragmented activity within the county and that the food to energy combination is the future. Conditions necessary to enhance composting include; a committed community, a composting facility,

and a hauler to conduct food scrap pick-up service. She noted Alameda County faced similar fragmentation issues, but in the past 6-7 years has developed a successful economic model for composting.

4. FY 10-11 Budget Process, Budget Sub-Committee Recommendation and Fee Schedule.

Staff presented the proposed FY Budget, Work-Plan and Fee Schedule and requested its approval. Michael Frank asked staff define the participation roles for member agencies in the proposed programs, as well as program details once the budget was approved. Staff explained that each jurisdiction is allowed to decide on its own if they will participate in Section 6.2 Programs as these programs operate outside the AB 939 regulations for which the JPA was originally formed. Beverly James requested that Zero Waste Programs be identified as a Section 6.2 program and be optional for member agencies. Board Members discussed the purpose of the Zero Waste Coordinator position to coordinate zero waste programs identified in the tool kit currently being developed by R3 Consulting Group and work on community outreach. M/s Nordhoff, Bracken to approve the budget, contract, fee schedule, have the Board Chair sign the Fee Resolution and grant authority to staff to move forward. Motion was unanimously approved.

5. Local Task Force Request for Additional Members. Staff reported the Local Task Force has requested the JPA Board approve two additional LTF member seats. The LTF is recommending adding one Special District seat to be filled by Judy Schriebman of the Los Gallinas Valley Sanitary District, and to change Steve McCaffrey's 'Alternate' hauler position to a 'Regular Member'. M/s. Frank, Broad to approve this request. Motion was approved unanimously.

6. Legislative Platform. Staff reported that in 2009 the Executive Committee requested the LTF develop a legislative platform to address a list of specific waste issues. That platform has been developed. Staff requests approval of the developed platform. Michael Frank thanked the LTF for assistance in developing this framework. M/s Bracken, Nordhoff to approve the platform and allow staff to send support letters that meet the appropriate criteria. Motion was approved unanimously.

7. Local Task Force Procedures. Staff reported that the direction and structure of the LTF has changed dramatically changed over the past few years. To more accurately define the purpose and makeup of the LTF. Staff presented the LTF's recommended procedures to be approved by the Board. Debra Stutsman thanked the LTF for their productive work over the past months. M/s Frank, Rodericks to accept the proposed procedures. Motion was approved unanimously.

8. Uncollectable Fees from West Marin Landfill. Staff reported that tipping fees have been deemed uncollectable from West Marin Landfill since its closure in 1998. Staff request to cease collection activities. M/s. Frank, Broad to acknowledge approval of debit discharge. Motion was approved unanimously.

9. Open Time.

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
George Rodericks

Date: January 27, 2011

Corte Madera:
David Bracken

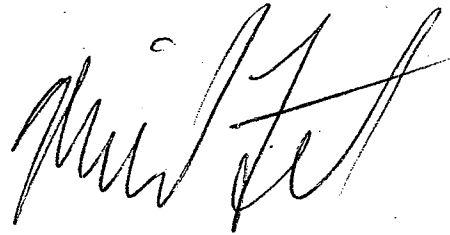
To: JPA Board Members

County of Marin:
Matthew Hymel

From: Michael Frost
Executive Director

Fairfax:
Michael Rock

Re: FY 11-12 Budget Process



Larkspur:
Dan Schwarz

At their January 13, 2011 meeting the Executive Committee appointed Debbie Stutsman and George Rodericks as the Executive Committee's budget subcommittee. The Committee also approved the following budget schedule:

Mill Valley:
Jim McCann

Novato:
Michael Frank

1. February 11, 2011, San Rafael Fire Department submits budget request to JPA staff.

Ross:
Gary Broad

2. March 11, 2011, JPA staff submits budget request and fee resolution to Executive Committee budget subcommittee.

San Anselmo:
Debbie Stutsman

3. Budget subcommittee meets with staff before April 12, 2011 for review and approval.

San Rafael:
Jim Schutz

4. April 20, 2011, budget and fee resolution approved by Executive Committee.

Sausalito:
Adam Politzer

5. May 26, 2011, budget and fee resolution adopted by full JPA Board.

Tiburon:
Margaret Curran

cc: Chief Chris Grey, San Rafael Fire Department
Captain Bradley Mark, San Rafael Fire Department

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MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
George Rodericks

Date: January 27, 2011

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Michael Frost
Executive Director

Fairfax:
Michael Rock

Re: Novato Zero Waste Opt Out and Associated Budget Adjustment

Larkspur:
Dan Schwarz

Mill Valley:
Jim McCann

Novato:
Michael Frank

Ross:
Gary Broad

San Anselmo:
Debbie Stutsman

San Rafael:
Jim Schutz

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

Following the recommendation of the Novato City Manager, and Manager of the Novato Sanitary District, the Novato City Council decided on October 26, 2010 to opt out of the JPA's Zero Waste programs. Your Executive Officer, along with Novato's appointee to the LTF Matt McCarron attended Novato City Council's meeting to answer questions from the Council and encourage their support for this countywide program. In the end the City Council determined that without the support of Novato Sanitary District, who serve as the solid waste franchisor for North Marin, they would prefer to opt out of the JPA's Zero Waste Program and not have their community contribute to this program.

The Executive Committee previously determined that the JPA's Zero Waste Programs would be considered an optional 6.2 program pursuant to the JPA's operating agreement, and if some municipalities wished to drop out you would make the appropriate adjustments.

For fiscal year 2010-2011 the approved JPA fee resolution had assessed \$49,889 to North Marin's Hauler, Redwood Empire Disposal. Attached is a revised resolution which deletes that charge to Redwood Empire Disposal. Also attached is a revised JPA budget which is reduced by \$49,889.

The Executive Committee has reviewed this amendment and is recommending your Board approve the budget amendment and the attached revised fiscal year 2010-2011 fee resolution.

Attachment.

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MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT
POWERS AUTHORITY

RESOLUTION NO. 2010-3

A RESOLUTION REVISING FEES FOR INTERGRATED WASTE MANAGEMENT
PLANNING AND IMPLEMENTATION OF PROGRAMS FOR FY 2010-11

WHEREAS, the Marin County Hazardous and Solid Waste Management Joint Powers Authority (Authority) was established to prepare, adopt, and administer hazardous and solid waste plans; and

WHEREAS, the Authority may impose fees based on the types and amounts of solid waste for costs related to the preparation and adoption of a Regional Integrated Waste Management Plan (AB 939); and

WHEREAS, the Authority established the Integrated Waste Management Planning Fees at regular meeting on June 24, 2010 and revised those fees due to budgetary changes on January 27, 2011; and

WHEREAS, the following fee amounts include only those costs directly related to preparing, adopting, and administering the Regional Integrated Waste Management Plan; and

WHEREAS, these fees are set and imposed for FY 2010/11 only; and

WHEREAS, the City of Novato is not participating in the Authority's household hazardous waste collection or zero waste programs; the City, in conjunction with Novato Disposal, will offer its own household hazardous waste collection and zero waste programs;

NOW, THEREFORE, BE IT RESOLVED that the following fees are imposed for FY 2010/11 and shall be collected from the organization specified herein;

Redwood Landfill	\$1,530,760.46	(of this total amount, \$218,293.75 shall be assessed on waste disposed from Marin Resource Recovery)
Marin Sanitary Transfer Station	\$4,678.90	
Bay Cities Refuse	\$46,623.79	
Marin Sanitary Service	\$410,407.60	
Mill Valley Refuse	\$154,071.04	
Novato Disposal	\$33,466.19	
Shoreline Disposal	\$33,538.42	
Tamalpais Community Service District	\$12,033.93	
TOTAL	\$2,225,580.33	

BE IT FURTHER RESOLVED that collection of fees shall be as follows:

1. Annual fees are based upon the tons of material collected and disposed during 2009, which was provided by the haulers, landfills, and recovery center (Attachment A).
2. Fee payment shall be made in two installments – half amount shall be due and payable on December 1, 2010; the remaining half shall be due and payable on May 1, 2011.
3. Fees shall be due and payable to the "Marin County Treasurer – Tax Collector", Administration Bldg., Civic Center, P.O. Box 4220, San Rafael, CA 94913-4220.

PASSED AND ADOPTED at a regular meeting of the Marin County Hazardous and Solid Waste Management Joint Powers Authority held this 27th day of January, 2011 by the following vote:

AYES:

NOES:

ABSENT:

Chair

ATTEST: _____

JPA Tipping Fees

FY 2010 - 11

	2009 DISPOSAL (tons)			TOTAL TONS	Per Ton Disposal Fee			
					Zero Waste	Adminstration	HHW	Total
MSW Haulers								
Bay Cities Refuse		7,075	N/A	7,075	\$11,390.64	\$7,640.92	\$27,592.23	\$46,623.79
Marin Sanitary Service (MSS)		62,277	N/A	62,277	\$100,266.50	\$67,259.52	\$242,881.59	\$410,407.60
Mill Valley Refuse		23,380	N/A	23,380	\$37,641.03	\$25,249.88	\$91,180.13	\$154,071.04
Novato (Redwood Empire Disposal)		30,987	N/A	30,987	\$0.00	\$33,466.19	\$0.00	\$33,466.19
Shoreline (Redwood Empire Disposal)		5,089	N/A	5,089	\$8,193.76	\$5,496.43	\$19,848.23	\$33,538.42
Tam. CSD		1,826	N/A	1,826	\$2,940.00	\$1,972.18	\$7,121.75	\$12,033.93
Total Franchised Hauler		130,634	N/A	130,634	\$160,431.93	\$141,085.12	\$388,623.92	\$690,140.97
Landfills								
Redwood		N/A	199,160	199,160	\$320,648.16	\$215,093.18	\$776,725.37	\$1,312,466.71
Total Landfills		N/A	199,160	199,160	\$320,648.16	\$215,093.18	\$776,725.37	\$1,312,466.71
Non-Disposal Facilities								
MSS Transfer Station		N/A	710	710	\$1,143.10	\$766.80	\$2,769.00	\$4,678.90
Marin Resource Recovery		N/A	33,125	33,125	\$53,331.25	\$35,775.00	\$129,187.50	\$218,293.75
Total Non-Disposal Facilities		N/A	33,835	33,835	\$54,474.35	\$36,541.80	\$131,956.50	\$222,972.65
TOTALS		130,634	232,995	363,630	\$535,554.44	\$392,720.10	\$1,297,305.79	\$2,225,580.33

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
George Rodericks

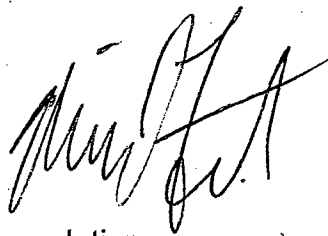
Date: January 27, 2011

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Michael Frost
Executive Director



Fairfax:
Michael Rock

Re: JPA Grant Program Recommendation

Larkspur:
Dan Schwarz

Mill Valley:
Jim McCann

Novato:
Michael Frank

Ross:
Gary Broad

San Anselmo:
Debbie Stutsman

San Rafael:
Jim Schutz

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

At the beginning of this fiscal year the JPA Executive Committee appointed a subcommittee to work with staff to develop a grant program to distribute budgeted funds to support Zero Waste programs. The JPA Grant Subcommittee comprised of George Rodericks and Ken Nordhoff met twice with JPA staff to develop a recommendation for the current fiscal year grants. The following is a program overview and synopsis of their recommendation. The JPA Executive Committee approved these guidelines at their January 13, 2011 meeting and directed staff to include this item on this agenda for your review.

Because this is a new undertaking for the JPA some details may need to be worked out as we proceed. As a baseline the funds will be divided among member agencies with the specific goal of implementing the zero waste toolkit. The toolkit is being developed for your consideration by R3 under contract with the JPA. Other waste reduction programs may be developed by the Local Task Force (LTF) as the grant program matures. Staff has had several discussions with Alameda County Waste Management Authority with the goal of implementing similar grant and claim procedures in Marin. Alameda has a vastly larger organization with several years of experience in operating grant programs. Attached to this report is a copy of their 2008/2009 disbursement process. Please note the claim process is quite simple and designed to not become a burden for agencies accepting the grants.

The proposal is to allocate grant funds to member agencies with a \$5,000 minimum and the balance distributed according to population. The minimum funding will provide equity and allow smaller municipalities to undertake activities without greatly impacting the funding required for the larger agencies.

The total allowable funds for each jurisdiction would be:

Municipality	2008 Population	\$5K Minimum
Belvedere	2,059	\$6,995.21
Corte Madera	9,245	\$13,958.59
County of Marin	67,158	\$70,077.42
Fairfax	7,066	\$11,847.09
Larkspur	11,693	\$16,330.75
Mill Valley	13,268	\$17,856.95
Ross	2,278	\$7,207.43
San Anselmo	11,986	\$16,614.67
San Rafael	55,602	\$58,879.43
Sausalito	7,158	\$11,936.24
Tiburon	8,676	\$13,407.21
Total	196,189	\$245,111.00

If municipalities determine they will be unable to adopt the required toolkit documents with their current funding they may forgo applying for grant funds. Their allotted funding will be encumbered and carry over to the next grant term for that specified agency.

For the first year of the grant program it is recognized that each municipal body will incur many staff costs in the various departments that will be implementing the Toolkit documents. Therefore, it is intended that for the first year of the grant program funding will cover those costs. For those agencies that receive funding above the amount required to implement the toolkit programs additional funding must be spent on waste reduction or diversion programs.

The model toolkit documents are currently being prepared by the R3 consulting group, and their initial recommendations are on this agenda. It is recognized that every agency has its own legal counsel, and therefore it is not practical to require the model documents be adopted verbatim, but the substance must be similar. Following the Alameda County Waste Management Authority model, staff recommends that Marin's municipalities be required to sign a pledge that states within the grant term they will work toward adopting the tool kit documents outlined below:

- Zero Waste Resolution
- Construction and Demolition Ordinance(C&D Ordinance)
- Commercial and Multifamily Recycling Ordinance
- Commercial and/or Residential Food Scrap Program

Special Districts that administer solid waste franchise agreements do not have the authority to implement a C&D Ordinance and Commercial and Multifamily Recycling Ordinances and those elements of the toolkit will by necessity be handled by the County. Due to the reduced burden on Special Districts they will be eligible for only \$3,500 of funding to amend their franchise agreements to include Food Scrap

Composting and adopt a Zero Waste Resolution. For this first year of the grant program, special district funding will be deducted from the County's share as these agencies are all located within unincorporated areas.

To facilitate the process staff recommends that each municipality have their governing board pass a resolution that allows a city/county/special district staff member to sign all documents related to grant applications, reports, and other documents for the next 5 years. This person will also certify that all grant criteria have been completed. If all criteria have not been met the agency may report on the progress toward each grant task and demonstrate they have made all reasonable and feasible efforts to implement those programs.

For funding that exceeds the amount necessary to implement the toolkit documents member agencies must use funding for waste reduction or diversion programs, which could include:

- C and D Ordinance Enforcement Costs
- Large Event and Venue Recycling Costs
- Adding Public Recycling Receptacles
- Commercial Waste Audits
- Local Composting Classes
- Under-the-Counter Food Scrap Containers
- Differential Costs of an Environmental Purchasing Policy

At the end of the grant term agencies will be asked to report on the programs they have implemented an estimated tonnage of waste that was diverted through each program. The Local Task Force will be asked to help develop a full list of eligible programs for grant funding.

The primary goal of the first year of the grant program is to implement the toolkit, which is anticipated to be finalized in January 2011. Accordingly, the proposed timeline for the grant program is:

- March 1, 2011 – Application Materials Released
- April 31, 2011 - Application Deadline
- June 15, 2011 - Cycle Awarded
- July 1, 2011 through May 15, 2012 - Grant Term
- May 31, 2012 - Final Reports Due

Staff requests that your Board review and accept these guidelines for the grant program and direct staff to begin drafting grant documents. The program outline has already been reviewed and accepted by the JPA Executive Committee. Grant applications and reporting forms will be presented to the Executive Committee for approval before the grant application process begins.

Attachment

Alameda County Waste Management Authority

Disbursement of Waste Import Mitigation Funds

FY 2008/2009

During FY 2008/2009, the Waste Management Authority has allocated \$1,100,000 to its member agencies for “non-residential” or any “new” landfill diversion programs. This funding, from waste import mitigation funds, is intended to assist member agencies meet their responsibility of reducing landfill disposal.

As part of the budget development process for FY 07/08 the Authority committed to provide \$1,100,000 annually for a period of three fiscal years through FY 2009/2010, in order to allow for multi-year program planning. The Board also adopted eligibility criteria that have been outlined in detail in recent correspondence. To recap:

In FY 07/08, no change to eligibility criteria from past policies (i.e. all jurisdictions eligible, provided unspent fund balance is within limits). *These funds were all disbursed last year.*

To be eligible for funding in FY 08/09, as of 7/1/2008 a jurisdiction will need to have 4 of the following 5 measures in place:

- Residential food scraps co-collected curbside with plant debris for composting
- Formal adoption of a 75% diversion goal
- C&D Debris Diversion Ordinance applicable to private projects as well as to civic projects
- Civic Green Building Ordinance
- Civic Bay-Friendly Landscaping Ordinance

To be eligible for funding in FY 09/10, a jurisdiction will need to have **all** of the above in place **as of 7/1/09**. Funds withheld from any ineligible jurisdiction will be allocated to the remaining eligible ones.

- Top-performing jurisdictions may appeal to the Authority Board for an exemption from the eligibility criteria.
- For FY 08/09, the Authority Board affirmed at the September 17, 2008 meeting that all 17 member agencies have met 4 of the 5 specified criteria and are eligible for the Waste Import Mitigation Funding allocations in FY 08/09 (see Attachment D, Eligibility Criteria Conformance Chart).

As there are seven jurisdictions lacking a Civic Bay-Friendly Landscaping (BFL) ordinance or policy, *it is critical that cities desiring technical assistance from StopWaste.Org staff not wait to address the BFL criteria. Our staff will help as many as possible but likely will not be able to meet all of the demand if left to the last few months of the fiscal year.* For agencies needing to adopt a Civic Bay-Friendly Landscaping policy, please contact Teresa Eade, Senior Program Manager at 510-891-6515 or by email at teade@stopwaste.org for a copy of the Civic Bay-Friendly Landscape model policy, presentations or technical assistance.

The current policy is to disburse \$20,000 to each agency and to pro-rate the remaining \$760,000 based upon each jurisdiction's percentage of the prior calendar year landfill disposal tonnage. The attached chart (Attachment A) identifies the amount to be received by each agency this year. The Board reaffirmed the use of these funds for any non-residential or any "new" diversion program. A "new" residential diversion program is defined as within the first two years of that program's inception. A policy was previously adopted prohibiting the use of these funds (funds disbursed in FY 04/05 and forward) for any project "where the majority of the diversion is through materials used as Alternative Daily Cover (ADC) or for other uses within landfills."

Prior to the release of funds for this fiscal year, the Authority requires a report covering the use of the previous year funds (Column #1 on Attachment B), including tons diverted from landfill, an estimated "cost-per-ton diverted" for each project or program funded with mitigation monies, and an accounting of any accumulated, unspent funds remaining from any prior years' import mitigation disbursements.

If any agency has accumulated more than their last two years' worth of funds (Column #2 on Attachment B), then that jurisdiction is ineligible for this year's funding disbursement, per policies adopted in October 2005:

The Waste Management Authority adopted a policy at the October 26, 2005 meeting, effective immediately, requiring expenditure of current and future allocations within two years (i.e. the funds disbursed in mid-FY05/06 need to be spent by the end of FY 06/07). The Authority Board also adopted a policy that, beginning in FY 07/08 (i.e. after two years disbursements with the above new policy in place), jurisdictions will be ineligible for any funding allocation in a fiscal year if unspent balances as of June 30 of the prior fiscal year exceed the sum of the last two years' disbursements. A jurisdiction may apply to the Authority Board for "pre-approval" to spend specific funds over three fiscal years (as opposed to two) for a specified, pre-approved program without becoming ineligible for further disbursements. Annual audit reviews of member agency fund balances may be conducted as needed.

If you have any questions about this funding process or in regard to anything on the enclosed forms, please contact Tom Padia, ACWMA Recycling Director, at (510) 891-6525 or by email at tpadia@stopwaste.org.

Application forms, indicating both the intended use of current funds and a report on previous year funds are enclosed, and must be submitted by **February 13, 2009** to:

Alameda County Waste Management Authority
1537 Webster Street
Oakland, CA 94612
Attention: Tom Padia, Source Reduction and Recycling Director

Attachments

1. FY 2008/2009 Application Form
2. FY 2007/2008 Report Form

Attachment A - FY 2008/2009 Allocation Chart
Attachment B - FY 2007/2008 & FY06/07 + 07/08 Disbursement Chart
Attachment C - WMA Resolution approved 10/26/05 adopting new policies for Import Mitigation Fund Allocations made in FY 05/06 forward
Attachment D - Eligibility Criteria Conformance Chart
Attachment E - Clarification of Eligibility Criteria

cc: Authority Member
TAC Representative

**Alameda County Waste Management Authority
Application Form for FY 2008/2009 Import Mitigation Funds**

Describe the intended uses of the funds to be disbursed (attach additional sheets if necessary):

Check should be mailed to the following address:

Attn:

As the Chief Executive for _____ I hereby affirm that \$ _____ in funds to be received in Fiscal Year 2008/2009 will be used to provide non-residential waste reduction programs, or to fund new diversion programs, in conformance with the Waste Management Authority funding guidelines. I agree to expend these funds by June 30, 2010 and to submit a report on utilization of these funds.

City/Agency Manager

Date

Please return this form by February 13, 2009 to:
Alameda County Waste Management Authority; 1537 Webster Street, Oakland, CA 94612;
Attn: Tom Padia, Source Reduction & Recycling Director

FAX: 510-893-2308 Email: tpadia@stopwaste.org

Alameda County Waste Management Authority
Import Mitigation Funding
Member Agency Report on Use of FY 2007/2008 Funds

Municipality Name: _____

Contact Name: _____ Phone Number: _____

Reporting Period: July 1, 2007 - June 30, 2008

Funds Disbursed: \$ _____ (Column #1 from Attachment B)

(A) Unspent Import Mitigation Fund Balance as of 6/30/08: \$ _____

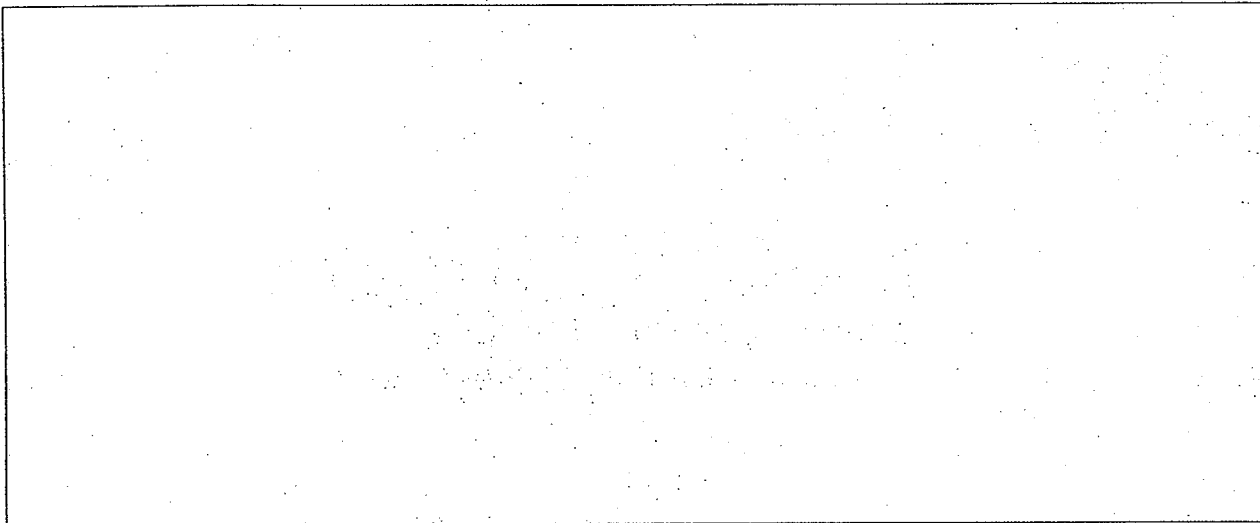
(B) Sum of Funds Disbursed in FY 2006/07 and FY 2007/08: \$ _____

(Column #2 from Attachment B)

Submittal Deadline: February 13, 2009

1. For what projects, programs, activities or uses were FY 2007/2008 Mitigation funds used?
Please provide a brief explanation of each project or use. Please note any major partners, contractors, consultants or vendors, where applicable. Please comment on project objectives and whether or not they were achieved. If not, why not?

2. For each program or use noted in #1, please indicate what % of the total program budget was supplied by WMA mitigation funds.
3. For each program or use noted above, please provide (where possible) the annual tons diverted from landfill by that program or activity, and explain how that diversion number is calculated.



This report must be completed and returned by February 13, 2009 along with the attached application form for FY 2008/2009 funding to:

Alameda County Waste Management Authority

1537 Webster St.

Oakland, CA 94612

Attention: Tom Padia, Source Reduction and Recycling Director

FAX: 510-893-2308

Email: tpadia@stopwaste.org

ATTACHMENT A

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

\$1,100,000 MITIGATION FUND DISBURSEMENT TO MUNICIPALITIES

ALLOCATION OF FUNDS FOR FY 2008/2009 BASED UPON 2007 DISPOSAL TONS

<u>MEMBER AGENCY</u>	<u>2007 DISPOSAL</u>	<u>% TOTAL DISPOSAL</u>	<u>BASE AMT.</u>	<u>% OF BALANCE</u>	<u>TOTAL ALLOCATION</u>
Alameda	52,514	3.39%	\$20,000	\$ 25,764	\$ 45,764
Albany	8,741	0.57%	\$20,000	\$ 4,332	\$ 24,332
Berkeley	110,451	7.14%	\$20,000	\$ 54,264	\$ 74,264
Dublin	36,448	2.36%	\$20,000	\$ 17,936	\$ 37,936
Emeryville	20,649	1.33%	\$20,000	\$ 10,108	\$ 30,108
Fremont	182,165	11.78%	\$20,000	\$ 89,528	\$ 109,528
Hayward	176,053	11.38%	\$20,000	\$ 86,488	\$ 106,488
Livermore	107,551	6.95%	\$20,000	\$ 52,820	\$ 72,820
Newark	37,690	2.44%	\$20,000	\$ 18,544	\$ 38,544
Oakland	390,287	25.23%	\$20,000	\$191,748	\$ 211,748
Piedmont	5,536	0.36%	\$20,000	\$ 2,736	\$ 22,736
Pleasanton	114,331	7.39%	\$20,000	\$ 56,164	\$ 76,164
San Leandro	143,619	9.29%	\$20,000	\$ 70,604	\$ 90,604
Union City	59,136	3.82%	\$20,000	\$ 29,032	\$ 49,032
Castro Valley S. D.	30,412	1.97%	\$20,000	\$ 14,972	\$ 34,972
Oro Loma S. D.	54,193	3.50%	\$20,000	\$ 26,600	\$ 46,600
Remaining Uninc.	16,984	1.10%	\$20,000	\$ 8,360	\$ 28,360
TOTALS	1,546,760	100.00%	\$340,000	\$760,000	\$1,100,000

ATTACHMENT B

MITIGATION FUND DISBURSEMENTS MADE IN FY 2007/2008

SUM OF DISBURSEMENTS MADE IN FY 2006/2007 & IN FY 2007/2008

<u>MEMBER AGENCY</u>	<u>COLUMN #1 TOTAL 07/08 ALLOCATION</u>	<u>COLUMN #2 SUM OF LAST TWO YEARS TOTAL ALLOCATIONS (FY 06/07 + 07/08)</u>
Alameda	\$ 43,864	\$ 84,588
Albany	\$ 24,408	\$ 48,236**
Berkeley	\$ 75,176	\$ 143,092**
Dublin	\$ 39,076*	\$ 75,642
Emeryville	\$ 29,424	\$ 57,608
Fremont	\$ 108,388*	\$ 205,146
Hayward	\$ 98,964	\$ 187,538**
Livermore	\$ 74,340*	\$ 141,530
Newark	\$ 46,220	\$ 88,990**
Oakland	\$ 209,924	\$ 394,858**
Piedmont	\$ 22,888	\$ 45,396**
Pleasanton	\$ 75,556*	\$ 143,802
San Leandro	\$ 93,036	\$ 176,462**
Union City	\$ 51,008	\$ 97,936**
Castro Valley S.D.	\$ 35,352	\$ 68,684
Oro Loma S. D.	\$ 42,192	\$ 81,464
Remaining Uninc.	\$ 30,184	\$ 59,028**
	<u>\$1,100,000</u>	<u>\$2,100,000</u>

* : These remaining 4 jurisdictions in FY 07/08 elected to participate in the ICLEI Greenhouse Gas Inventory and Template Action Plan project. For each, \$10,000 was subtracted from the check sent to them in FY 07/08 and was paid directly by StopWaste.Org to ICLEI on their behalf. The \$10,000 was subtracted from the "Total 07/08 Allocation" shown here.

** : These 9 jurisdictions elected to participate in the ICLEI project in FY 06/07 and to have \$10,000 deducted "off the top" from their 06/07 Import Mitigation allocations for the purpose of receiving a greenhouse gas inventory and a template action plan for their jurisdiction. The \$10,000 was subtracted from the "Total Allocation" shown here.

ATTACHMENT C
ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

RESOLUTION WMA 2005 - 09

MOVED: Hosterman
SECONDED: Landis

AT THE MEETING HELD OCTOBER 26, 2005

**RESOLUTION ACCEPTING IMPORT MITIGATION FUND SPENDING PLANS AND
SCHEDULES FROM THE CITIES OF ALAMEDA, EMERYVILLE, HAYWARD, SAN
LEANDRO AND UNION CITY AND ADOPTING NEW POLICIES FOR ALLOCATIONS
MADE IN FY 05/06 FORWARD**

WHEREAS, the Alameda County Waste Management Authority collects Waste Import Mitigation Fees contractually from the City and County of San Francisco and through adopted policy from all other wastes generated out-of-county and landfilled within Alameda County; and

WHEREAS, these Waste Import Mitigation Funds may be used to enhance waste diversion programs within Alameda County and thus reduce our need for additional landfill capacity; and

WHEREAS, for the last ten years the Waste Management Authority has annually distributed \$1 million dollars among its 17 member agencies from the Waste Import Mitigation fees revenue for the purpose of enhancing and increasing landfill diversion efforts; and

WHEREAS, most member agencies have spent their funding disbursements in a timely manner on appropriate uses but a handful of jurisdictions have accumulated large unspent balances; and

WHEREAS, as part of the FY 04/05 budget the Authority adopted the current allocation formula, committed to another three years of funding to the member agencies through FY 06/07, and adopted a policy requiring agencies accumulating more than their last two years' worth of funds to obtain approval of the WMA Board before receiving additional disbursements; and

WHEREAS, the cities of Alameda, Emeryville, Hayward, San Leandro and Union City all reported accumulated Import Mitigation fund balances in excess of the two-year threshold in FY 04/05; and

WHEREAS, these five cities submitted reports describing intended uses of the accumulated funds and obtained Authority approval on March 23, 2005 for release of FY 04/05 funding with the condition that the five cities report back in September 2005 to the Planning Committee on progress in spending their accumulated funds; and

WHEREAS, at the March 23, 2005 the Authority also requested that the Planning Committee consider options for amending or modifying the Board policy regarding release of these funds and that staff research and present the Committee with various policy options regarding the Board's ability to reclaim funds previously disbursed, to withhold current and future funds and potential alternative uses of withheld funds; and

WHEREAS, the Planning Committee at the September 20, 2005 meeting discussed the expenditure progress reports submitted by the five cities and the policy options regarding reclaiming or withholding funds and alternate potential uses of any withheld or reclaimed funds and unanimously recommends that the Authority adopt the following findings and policies;

NOW, THEREFORE, BE IT RESOLVED, that the Alameda County Waste Management Authority hereby:

- Accepts the submitted expenditure plans and schedules from the cities of Alameda, Emeryville, Hayward, San Leandro and Union City and requests that these five cities account for and track expenditures from their Import Mitigation fund balances as of 6/30/04, separately from funds received in FY 04/05 forward. Failure to expend these funds on eligible uses according to the attached schedules will trigger a case by case review by the Board prior to any future disbursements, in conformance with current policy.
- Adopts a new policy effective immediately, prior to disbursement of FY 05/06 funds (normally funding applications would be sent out in October) requiring expenditure of current and future allocations within two years (i.e. funds disbursed in mid-FY05/06 would need to be spent by the end of FY 06/07).
- Adopts a policy that, beginning in FY 07/08 (i.e. after two years disbursements with the above new policy in place), jurisdictions will be ineligible for any funding allocation in a fiscal year if unspent balances as of June 30 of the prior fiscal year exceed the sum of the last two years' disbursements. A jurisdiction may apply to the Authority Board for "pre-approval" to spend specific funds over three fiscal years (as opposed to two) for a specified, pre-approved program without becoming ineligible for further disbursements. Annual audit reviews of member agency fund balances may be conducted as needed.
- Affirms current policy - case by case review by Board for any jurisdiction with more than last 2 years' worth of funds unspent –for this year (FY 05/06) and for FY 06/07.
- Adopts a policy stating that any future withheld funds, either under the current or future policy, will be added to the pool of project funds for supplemental allocation to eligible member agencies according to the adopted allocation formula.

ADOPTED BY THE FOLLOWING VOTE:

AYES: Carson, Okawachi, Spring, Waespi, McCormick, Wieckowski, Henson, Quan, Landis, Hosterman, Young, Green, Dietrich
NOES: None
ABSENT: Johnson, Bukowski, McEnroe, Tong
ABSTAINED: None

Karen Smith, Executive Director

Attachment D - Eligibility Criteria Conformance Chart

As of September 30, 2008, the jurisdictions listed below have passed the following ordinances/resolutions that meet the criteria set forth in StopWaste.Org's model ordinances :

JURISDICTION

ORDINANCE/RESOLUTION

Civic Green Building	Civic Bay Friendly	C&D	75%	Food Scraps
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	x	<input checked="" type="checkbox"/>	n/a
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	n/a	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
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<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	n/a	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>

Key:

☒ = meets eligibility criteria

☒ = affects originality

☐ n/a = not applicable to this jurisdiction

= adopted ordinance/policy does not meet eligibility criteria

☒ ¹ = Food scraps collection scheduled to begin January 2009

ALAMEDA COUNTY (Unincorporated)
ALBANY
ALAMEDA
BERKELEY
CASTRO VALLEY SD
DUBLIN
EMERYVILLE
FREMONT
HAYWARD
LIVERMORE
NEWARK
OAKLAND
ORO LOMA SD
PIEDMONT
PLEASANTON
SAN LEANDRO
UNION CITY

ATTACHMENT E

Clarification of Eligibility Criteria

At the March 26, 2008 meeting the Waste Management Authority unanimously (19-0) approved the following clarifications to the eligibility criteria for Waste Import Mitigation funding allocations to the member agencies:

- Residential Food Scraps Collection: all single family residents must have access to weekly organics collection that includes all food scraps and food-soiled paper.
- Formal adoption of a 75% diversion goal: any resolution or policy approved by the council/board that includes a goal of 75% diversion from landfill.
- Adoption of C&D Debris Diversion Ordinance: must be applicable to private as well as to civic projects exceeding a specified threshold (sq. ft. or \$\$) and must require minimum diversion of 50% by weight of all debris generated.
- Adoption of Civic Green Building Ordinance: must require certification of LEED™ rating by the U. S. Green Building Council (USGBC) for civic projects above a specified threshold (square feet or \$\$).
- Adoption of Civic Bay Friendly Landscaping Ordinance: must apply to all jurisdiction-sponsored projects over a specified threshold (square feet or \$\$) and meet the minimum Bay Friendly Landscape Scorecard points.

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
George Rodericks

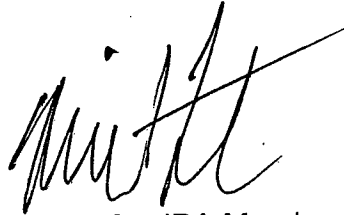
Date: January 27, 2011

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Michael Frost
Executive Director



Fairfax:
Michael Rock

Re: Novato Sanitary District Request for JPA Membership

Larkspur:
Dan Schwarz

Attached is a letter dated December 23, 2010 from Beverly James, Manager-Engineer of the Novato Sanitary District requesting the District to be a member of the JPA to facilitate collaboration on the JPA's Zero Waste Program as well as any future programs.

Mill Valley:
Jim McCann

Novato:
Michael Frank

At the January 13, 2011 Executive Committee meeting the Committee discussed the option of City of Novato designating the Sanitary District to their seat on the Board. Michael Frank and other Executive Committee members determined that the Novato Sanitary District's request has merit as the District is the garbage franchisor for the City of Novato, which is the only City that does not franchise its own garbage service.

Ross:
Gary Broad

San Anselmo:
Debbie Stutsman

San Rafael:
Jim Schutz

Following a previous request from Michael Frank, staff conferred with County Counsel who determined a member agency can designate their Seat through drafting by-laws. The JPA Agreement grants the JPA Board the authority to adopt by-laws to conduct its affairs as may be required. Drafting by-laws will allow the JPA to forgo amendment of the JPA Agreement, which would require approval of every member agencies' governing body.

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

Following discussion the Executive Committee directed staff to have counsel draft by-laws that would allow the Novato City Council to designate their seat on the JPA to the Novato Sanitary District. Staff will present these bylaws to the Executive Committee at their May meeting and at the next JPA Board meeting.

Attachment.

F:\Waste\JPA\JPA Agenda Items\JPA 110127\NDS Request.doc



NOVATO SANITARY DISTRICT

500 DAVIDSON STREET • NOVATO • CALIFORNIA 94945 • PHONE (415) 892-1694 • FAX (415) 898-2279
www.novatosan.com

BOARD OF DIRECTORS

WILLIAM C. LONG, President
JAMES D. FRITZ, President Pro-Tem
MICHAEL DI GIORGIO
GEORGE C. QUESADA
DENNIS WELSH

BEVERLY B. JAMES
Manager-Engineer-Secretary

KENTON L. ALM
Legal Counsel

RECEIVED

DEC 27 2010

MARIN COUNTY
DEPARTMENT OF PUBLIC WORKS

December 23, 2010

To: Board Members
Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA)
Marin County Department of Public Works
P.O. Box 4186
San Rafael, CA 94913

RECEIVED

DEC 27 2010

From: Board of Directors
Novato Sanitary District

DFW
Waste Management

Re: Novato-Sanitary District Membership in the JPA

The Novato Sanitary District is the authority for solid waste franchising for the properties within its jurisdiction, which includes the City of Novato as well as the surrounding unincorporated area. The District represents approximately 25% of the residents in Marin County.

The JPA is expanding its programs beyond its original purpose of AB 939 compliance reporting and HHW collection for Central and Southern Marin to include Zero Waste. Novato Sanitary District is requesting that the JPA consider allowing the District to join the JPA. Membership in the JPA would facilitate collaboration with the other jurisdictions in the County on the Zero Waste program as well as any future programs.

Sincerely,

Beverly B. James
Manager-Engineer

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
George Rodericks

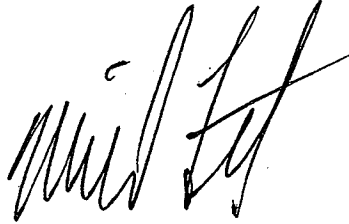
Date: January 27, 2011

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Michael Frost



Re: Zero Waste Outreach Program Contract

Fairfax:
Michael Rock

Attached for you approval is a contract with Hive advertising in the amount of \$199,700 to develop and implement a public outreach campaign to encourage community consumption to align with zero waste goals. Funding for this contract is included in the JPA's current budget. The Executive Committee reviewed this contract at their January 13, 2011 meeting and is recommending its approval to your Board.

Larkspur:
Dan Schwarz

Mill Valley:
Jim McCann

Novato:
Michael Frank

On August 30, 2010, following Executive Committee authorization, staff released a Request for Qualifications with responses due by October 1, 2010. The following nine qualified responses were received:

Ross:
Gary Broad

San Anselmo:
Debbie Stutsman

San Rafael:
Jim Schutz

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

1. Kimbrell & Company
2. Kendall Concepts
3. Citizen Group
4. Gigantic
5. G Rock
6. SGA (S. Gronner Associates, Inc.)
7. Hive Advertising
8. Gumas
9. Conscious Creative

A Local Task Force subcommittee consisting of Steve McCaffrey, Tamara Hall and Alex Soulard from staff reviewed the written responses and selected the following three firms for interview:

1. Citizen Group
2. Gigantic
3. Hive Advertising

An interview panel consisting of JPA Chair Debbie Stutsman, Local Task force Chair, Jon Elam, Berkeley's Manager for Solid Waste and Recycling, Ken Etherington, and JPA staff, Eric Lueder and Alex Soulard interviewed the three firms and selected Hive Advertising as their preferred firm to negotiate a contract.

The Hive Advertising listed several public agency clients who gave excellent reviews of the service and outcome of the media campaign produced by this firm. Since this is the first year for this JPA to undertake this type of activity it seemed appropriate to select a firm that is experienced in working in the public sector and the associated public process that will be necessary in developing and implementing a successful program.

Staff has subsequently developed the attached contract with Hive Advertising for your approval. The contract was presented to the JPA Executive Committee at their January 13, 2011 meeting.

The Executive Committee recommendation is that your Board approve the attached contract with the Hive Advertising. DeeAnn Budney, Founder and Creative Director of the Hive, will attend your meeting to answer any questions you may have.

Attachment.

F:\Waste\JPA\JPA Agenda Items\JPA 110127\ZW Outreach.doc

JPA OF MARIN
PROFESSIONAL SERVICES CONTRACT
2010 – Edition 1

THIS AGREEMENT is made and entered into this 7 day of January, 2011 by and between the MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY, hereinafter referred to as "JPA" and .. , hereinafter referred to as "Contractor."

RECITALS:

WHEREAS, JPA desires to retain a person or firm to provide the following services: Zero Waste Tool Kit; and

WHEREAS, Contractor warrants that it is qualified and competent to render the aforesaid services;

NOW, THEREFORE, for and in consideration of the agreement made, and the payments to be made by JPA, the parties agree to the following:

1. SCOPE OF SERVICES:

1. SCOPE OF SERVICES:
Contractor agrees to provide all of the services described in Exhibit "A" attached hereto and by this reference made a part hereof.

2. FURNISHED SERVICES:

The JPA agrees to:

- agrees to:
- A. Guarantee access to and make provisions for the Contractor to enter upon public and private lands as required to perform their work.
 - B. Make available all pertinent data and records for review.
 - C. Provide general bid and contract forms and special provisions format when needed.

3. FEES AND PAYMENT SCHEDULE:

3. FEES AND PAYMENT SCHEDULE:
The fees and payment schedule for furnishing services under this Contract shall be based on the rate schedule which is attached hereto as Exhibit "B" and by this reference incorporated herein. Said fees shall remain in effect for the entire term of the Contract. Contractor shall provide JPA with his/her/its Federal Tax I.D. number prior to submitting the first invoice.

4. MAXIMUM COST TO JPA:

4. MAXIMUM COST TO JPA:
In no event will the cost to JPA for the services to be provided herein exceed the maximum sum of \$ _____ including direct non-salary expenses. As set forth in paragraph 14 of this Contract, should the funding source for this contract be reduced, Contractor agrees that this maximum cost to JPA may be amended by written notice from JPA to reflect that reduction.

5. TIME OF AGREEMENT:

5. TIME OF AGREEMENT:
This Agreement shall commence on _____, and shall terminate on _____. Certificate(s) of Insurance must be current on day Contract commences and if scheduled to lapse prior to termination date, must be automatically updated before final payment may be made to Contractor. The final invoice must be submitted within 30 days of completion of the stated scope of services.

6. INSURANCE:

6. INSURANCE:
All required insurance coverages shall be substantiated with a certificate of insurance and must be signed by the insurer or its representative evidencing such insurance to JPA. The general liability policy shall be endorsed naming the JPA of Marin as an additional insured. The certificate(s) of insurance and required endorsement shall be furnished to the JPA prior to commencement of work. Each certificate shall provide for thirty (30) days advance notice to JPA of any cancellation in coverage. Said policies shall remain in force through the life of this Contract and shall be payable on a per occurrence basis only, except those required by paragraph 6.4 which may be provided on a claims-made basis consistent with the criteria noted therein.

Nothing herein shall be construed as a limitation of Contractor's liability, and Contractor shall indemnify and hold the JPA, its employees, officers, and agents, harmless and defend the JPA against any and all claims, damages, losses and expense that may arise by reason of the Contractor's negligent actions or omissions. JPA agrees to timely notify Contractor of any negligence claim.

Failure to provide and maintain the insurance required by this Contract will constitute a material breach of the agreement. In addition to any other available remedies, JPA may suspend payment to the Contractor for any services provided during any time that insurance was not in effect and until such time as the Contractor provides adequate evidence that Contractor has obtained the required coverage.

A request for a waiver of any of the following insurance requirements must be set forth on Exhibit "C" attached hereto. A waiver must address reduced amounts of coverage or the type of coverage waived entirely.

6.1 GENERAL LIABILITY

The Contractor shall maintain a commercial general liability insurance policy in an amount of no less than one million dollars (\$1,000,000.00) with a two million dollar (\$2,000,000.00) aggregate limit. The JPA shall be named as an additional insured on the commercial general liability policy and the Certificate of Insurance shall include an additional endorsement page. (see sample form: ISO - CG 20 10 11 85).

☐ Insurance Reduction or Waiver of Coverage Requested (Exhibit "C")

6.2 AUTO LIABILITY

Where the services to be provided under this Contract involve or require the use of any type of vehicle by Contractor in order to perform said services, Contractor shall also provide comprehensive business or commercial automobile liability coverage including non-owned and hired automobile liability in the amount of one million dollars combined single limit (\$1,000,000.00).

☐ Insurance Reduction or Waiver of Coverage Requested (Exhibit "C")

6.3 WORKERS' COMPENSATION

The Contractor acknowledges the State of California requires every employer to be insured against liability for workers' compensation or to undertake self-insurance in accordance with the provisions of the Labor Code. If Contractor has employees, a copy of the certificate evidencing such insurance or a copy of the Certificate of Consent to Self-Insure shall be provided to JPA prior to commencement of work.

☐ Insurance Reduction or Waiver of Coverage Requested (Exhibit "C")

6.4 PROFESSIONAL LIABILITY INSURANCE

Coverages required by this paragraph may be provided on a claims-made basis with a "Retroactive Date" either prior to the date of the Contract or the beginning of the contract work. If the policy is on a claims-made basis, coverage must extend to a minimum of twelve (12) months beyond completion of contract work. If coverage is cancelled or non-renewed, and not replaced with another claims made policy form with a "retroactive date" prior to the Contract effective date, the contractor must purchase "extended reporting" coverage for a minimum of twelve (12) months after completion of contract work. Contractor shall maintain a policy limit of not less than \$1,000,000 per incident. The amount of the policy deductible or self-insured retention must be declared on Exhibit "C", only if it exceeds \$100,000. If the deductible or self-insured retention amount exceeds \$100,000, the JPA may ask for evidence that contractor has segregated amounts in a special insurance reserve fund or contractor's general insurance reserves are adequate to provide the necessary coverage and the JPA of Marin may conclusively rely thereon.

Contractor's Professional Liability Insurance may be provided, in part, by self-insurance or large deductible, as long as contractor provides: (1) evidence to the JPA that contractor has segregated amounts in a special insurance reserve fund meeting the contract's insurance requirements and restricted specifically to this project or (2) contractor's general insurance reserves are adequate to provide the necessary coverage and the JPA of Marin may conclusively rely thereon.

Amount of professional liability deductible if under \$100,000 = \$ _____

☐ Insurance Reduction or Waiver of Coverage Requested (Exhibit "C")

7. ANTI DISCRIMINATION AND ANTI HARASSMENT:

Contractor and/or any subcontractor shall not unlawfully discriminate against or harass any individual including, but not limited to, any employee or volunteer of the JPA of Marin based on race, color, religion, nationality, sex, sexual orientation, age or condition of disability. Contractor and/or any subcontractor understands and agrees that Contractor and/or any subcontractor is bound by and will comply with the anti discrimination and anti harassment mandates of all Federal, State and local statutes, regulations and ordinances including, but not limited to, JPA of Marin Personnel Management Regulation (PMR) 21.

8. SUBCONTRACTING:

The Contractor shall not subcontract nor assign any portion of the work required by this Contract without prior written approval of the JPA except for any subcontract work identified herein. If Contractor hires a subcontractor under this Agreement, Contractor shall require subcontractor to provide and maintain insurance coverage(s) identical to what is required of Contractor under this Agreement and shall require subcontractor to name Contractor as additional insured under this Agreement. It shall be Contractor's responsibility to collect and maintain current evidence of insurance provided by its subcontractors and shall forward to the JPA evidence of same.

9. ASSIGNMENT:

The rights, responsibilities and duties under this Contract are personal to the Contractor and may not be transferred or assigned without the express prior written consent of the JPA.

10. LICENSING AND PERMITS:

The Contractor shall maintain the appropriate licenses throughout the life of this Contract. Contractor shall also obtain any and all permits which might be required by the work to be performed herein.

11. BOOKS OF RECORD AND AUDIT PROVISION:

Contractor shall maintain on a current basis complete books and records relating to this Contract. Such records shall include, but not be limited to, documents supporting all bids, all income and all expenditures. The books and records shall be original entry books with a general ledger itemizing all debits and credits for the work on this Contract. In addition, Contractor shall maintain detailed payroll records including all subsistence, travel and field expenses, and canceled checks, receipts and invoices for all items. These documents and records shall be retained for at least five years from the completion of this Contract. Contractor will permit JPA to audit all books, accounts or records relating to this Contract or all books, accounts or records of any business entities controlled by Contractor who participated in this Contract in any way. Any audit may be conducted on Contractor's premises or, at JPA's option, Contractor shall provide all books and records within a maximum of fifteen (15) days upon receipt of written notice from JPA. Contractor shall refund any monies erroneously charged.

12. WORK PRODUCT/PRE-EXISTING WORK PRODUCT OF CONSULTANT:

Any and all work product resulting from this agreement is commissioned by the JPA of Marin as a work for hire. The JPA of Marin shall be considered, for all purposes, the author of the work product and shall have all rights of authorship to the work, including, but not limited to, the exclusive right to use, publish, reproduce, copy and make derivative use of, the work product or otherwise grant others limited rights to use the work product.

To the extent Consultant incorporates into the work product any pre-existing work product owned by Consultant, Consultant hereby acknowledges and agrees that ownership of such work product shall be transferred to the JPA of Marin.

13. TERMINATION:

- A. If the Contractor fails to provide in any manner the services required under this Contract or otherwise fails to comply with the terms of this Contract or violates any ordinance, regulation or other law which applies to its performance herein, the JPA may terminate this Contract by giving five (5) calendar days written notice to the party involved.
- B. The Contractor shall be excused for failure to perform services herein if such services are prevented by acts of God, strikes, labor disputes or other forces over which the Contractor has no control.
- C. Either party hereto may terminate this Contract for any reason by giving thirty (30) calendar days written notice to the other parties. Notice of termination shall be by written notice to the other parties and be sent by registered mail.
- D. In the event of termination not the fault of the Contractor, the Contractor shall be paid for services performed to the date of termination in accordance with the terms of this Contract so long as proof of required insurance is provided for the periods covered in the Contract or Amendment(s).

14. APPROPRIATIONS:

The JPA's performance and obligation to pay under this contract is contingent upon an annual appropriation by the Marin JPA Board of Supervisors, the State of California or other third party. Should the funds not be appropriated JPA may terminate this agreement with respect to those payments for which such funds are not appropriated. JPA will give Contractor thirty (30) days' written notice of such termination. All obligations of JPA to make payments after the termination date will cease.

Where the funding source for this Agreement is contingent upon an annual appropriation or grant from the Marin JPA Board of Supervisors, the State of California or other third party, JPA's performance and obligation to pay under this Agreement is limited by the availability of those funds. Should the funding source for this Agreement be eliminated or reduced, upon written notice to Contractor, JPA may reduce the Maximum Cost to JPA identified in Paragraph 4 to reflect that elimination or reduction.

15. RELATIONSHIP BETWEEN THE PARTIES:

It is expressly understood that in the performances of the services herein, the Contractor, and the agents and employees thereof, shall act in an independent capacity and as an independent contractor and not as officers, employees or agents of the JPA. Contractor shall be solely responsible to pay all required taxes, including but not limited to, all withholding social security, and workers' compensation.

16. AMENDMENT:

This Contract may be amended or modified only by written agreement of all parties.

17. ASSIGNMENT OF PERSONNEL:

The Contractor shall not substitute any personnel for those specifically named in its proposal unless personnel with substantially equal or better qualifications and experience are provided, acceptable to JPA, as is evidenced in writing.

18. JURISDICTION AND VENUE:

This Contract shall be construed in accordance with the laws of the State of California and the parties hereto agree that venue shall be in Marin JPA, California.

19. INDEMNIFICATION:

Contractor agrees to indemnify, defend, and hold JPA, its employees, officers, and agents, harmless from any and all liabilities including, but not limited to, litigation costs and attorney's fees arising from any and all claims and losses to anyone who may be injured or damaged by reason of Contractor's negligence, recklessness or willful misconduct in the performance of this contract.

20. COMPLIANCE WITH APPLICABLE LAWS:

The Contractor shall comply with any and all Federal, State and local laws and resolutions (including, but not limited to the JPA of Marin Nuclear Free Zone, Living Wage Ordinance, and Resolution #2005-97 of the Board of Supervisors prohibiting the off-shoring of professional services involving employee/retiree medical and financial data) affecting services covered by this Contract. Copies of any of the above-referenced local laws and resolutions may be secured from the JPA's contact person referenced in paragraph 20. NOTICES below.

21. NOTICES:

This Contract shall be managed and administered on JPA's behalf by the Department Contract Manager named below. All invoices shall be submitted and approved by this Department and all notices shall be given to JPA at the following location:

Contract Manager:	Michael Frost
Dept./Location:	Department of Public Works
	P. O. Box 4186
	San Rafael, CA 94913-4186
Telephone No.:	415 499-3725

Notices shall be given to Contractor at the following address:

Contractor:	The Hive Advertising
Address:	639 Front Street
Telephone No.:	San Francisco, CA 94111 415-255-3000

22. ACKNOWLEDGEMENT OF EXHIBITS

	<input checked="" type="checkbox"/> Check applicable Exhibits	CONTRACTOR'S INITIALS
EXHIBIT A.	<input checked="" type="checkbox"/> Scope of Services	DB
EXHIBIT B.	<input checked="" type="checkbox"/> Fees and Payment	DB
EXHIBIT C.	<input type="checkbox"/> Insurance Reduction/Waiver	

IN WITNESS WHEREOF, the parties have executed this Contract on the date first above written.

APPROVED BY
JPA OF MARIN:

By: _____
CHAIR

CONTRACTOR:

By: [Signature]
Name: Dee Ann Budney
Telephone No.: 415-255-3000

the hive advertising | scope document

EXHIBIT A & B

Client: Marin JPA
 Assignment: Public Awareness Outreach Campaign
 Date: January 2011

OBJECTIVE. The Hive Advertising is being hired to build a public awareness campaign targeted at Marin residents, with the goal of increasing conservation efforts around waste. Specifically, the goal would be to get residents to re-use and reduce their waste—not just recycle more. Given many residents' desire to conserve, the message may be centered around giving them specific things that they can do to conserve more, not to persuade them that they should conserve. Messages will reach residents in mainstream media, like TV. This will be complemented with some grassroots efforts as well.

PROCESS. After the advertising team is immersed in the issues surrounding this effort, they will present a coherent plan, including a media and message strategy. JPA team will provide feedback, and ultimately approve strategies before the agency proceeds to creative development. Then, the agency will develop concepts that express the message strategy in a creative way. This will include name, logo, slogan (as necessary). And, of course it will include advertisements, executed in the appropriate media. JPA will have more than one direction to choose from (at least three). JPA will approve one direction (or idea), agency will make any refinements based on client comments, and will execute the chosen campaign.

SCOPE. Below is a scope, which breaks out specific tasks, associated costs, and potential deadlines. After every phase is completed, there may be a refinement of the tasks that follow, as the details of execution become clearer. It is our intention to keep the project within budget, and will balance budget between tasks as necessary to keep the project on-budget. We consider a 10% variance in budget normal. If the scope changes considerably (either increases or decreases), we will alert you before spending time, and will present you with a change order to reflect the change.

BILLING. We will bill you for agency time in four installments of \$25,000, \$25,000, \$20,000 in February, March, and May (as the bulk of the work is being done), with the remaining \$6400 being billed at the end of the contract. The out-of-pocket expenses will be billed separately, according to the rules of the outside vendors.

CONSULTING COSTS		Task	Hours	Consulting cost (at \$200/hr)	Due date/deliverable
Project management		<ul style="list-style-type: none"> • Phone calls • Conference reports • Accounting • Reconciliations • (4 hours/month average) 	48	\$9600	4 hours/month
1. Discovery		<ul style="list-style-type: none"> • Research the JPA's current programs. • Distinguish different groups and behaviors. • Conduct surveys if necessary. • Evaluate 3rd party research. • Attend Local Task Force Meetings to solicit opinions as needed • Work with JPA to establish a success metric achievable in year one, and a way to measure success. 	24	\$4800	w/o 2/20
2. Develop message strategy		<ul style="list-style-type: none"> • Motivates audiences to change behavior. • Has clear success metrics for feasible goals. • Lays groundwork for expanded campaign. 	40	\$8000	w/o 3/16 strategy presentation

2. Develop media strategy	<ul style="list-style-type: none"> Choose media that has a high composition of our chosen target audience Choose media that will present our message in a complimentary light Reaches our target enough times that they will remember message 	40	\$8000	w/o 3/16 strategy presentation
3. Develop creative	<ul style="list-style-type: none"> Develop a logo and a unique brand for the JPA and Zero Waste. Develop at least 3 concept directions. Show the concepts through selected media vehicles. Solicit JPA staff's opinion to refine concepts. Develop social media management strategies for the JPA. 	120	\$24000	w/o 4/17 creative presentation
4. Execute creative	<ul style="list-style-type: none"> Make revisions to concepts based on JPA staff feedback. Present concepts to JPA Executive Committee and board as needed. Make minor adjustments based on Committee member comment. 	80	\$16000	w/o 4/25 present final revisions w/o 5/15 release final materials to pubs/printers
5. Execute media buy	<ul style="list-style-type: none"> Provide media buy options to JPA staff for consideration. Provide updates to adjust media buy as results are seen. Develop media plan, which includes for each media vehicle chosen impressions, # insertions, CPMs, and gross costs. 	30	\$6000	w/o 4/17 present media plan for final client approval Throughout buy: monitor to make sure media vendors are delivering as planned
6. Present success metrics	<ul style="list-style-type: none"> Provide metrics of online campaigns and cost per impression statistics. Recommend directions the program should go in future years. Attend a JPA Executive Committee meeting to present the report if needed. 	gratis		w/o 11/16
	<p>Total Consulting Hours 382</p> <p>(We reserve the right to move hours from one phase to another as the assignment becomes clearer.)</p>		\$76,400	

OUT-OF-POCKET COSTS		Cost	Date cost will be incurred
Item			
PRODUCTION COSTS: Photography, commercial production, printing (These costs can't be specified until media plan is approved, but this is a safe budget for a typical public service project.)		\$22,500	4/25-5/15
MEDIA BUY. This is the budget we give the media team to plan against. *		\$100,000	First half 4/15 Second half 6/15
MISCELLANEOUS EXPENSES. May include fedex, messengers, bridge tolls, parking, books, articles, color copies @ \$1/each, and any other small incidental expenses.		\$800	12/31
Total Out of Pocket Expenses		\$123,300	

* To have a point of reference, a typical week of TV in Marin at 125 GRPs (average person would see maybe twice a week or more) is \$8k. A typical online buy would be 1MM impressions spread over 3 months for \$20k. This is very loose, and not in any way a recommendation.

the hive advertising | timeline

CLIENT: JPA
 ASSOCIATES: Zoo Health Outreach 2011

January 2011 - December 2011	JANUARY	FEBRUARY	MARCH	APRIL	MAY	JUNE	JULY	AUGUST	SEPTEMBER	OCTOBER	NOVEMBER	DECEMBER
1. Discovery (3 weeks) Stakeholder interviews, reading materials												
2. Develop message and media strategy (3 weeks) Create overall message strategy, discuss, refine												
2A. Present strategy to JPA												
3. Develop concepts (4 weeks) Express message in poster-formatting materials, content? Content? Graphics? Strategy?												
3A. Present concepts												
4. Prepare final approved creative (3 weeks) Translate approved concept into materials for all necessary media												
CAMPAIGN IN MARKET (estimated TBD)												
5. Assess, begin planning for 2012. (Continually we document being part of advertising before the end of the holiday season. This is a perfect time to look at success metrics before 2012. If you need to adjust budget plans before then, we could do a mid-campaign check in.												

Dee DePaulis

representative of Marin JPA

CEO, The Hive Advertising 1/5/2011

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
George Rodericks

Date: January 27, 2011

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Michael Frost
Executive Director



Fairfax:
Michael Rock

Re: Reusable Bag Program Augmentation

Larkspur:
Dan Schwarz

It is the recommendation of the Executive Committee that your Board approve a budget adjustment to augment the reusable bag program from \$10,000 to \$25,000 to provide outreach funds in advance of the January 2012 effective date of County's Single-Use bag ordinance. The additional \$15,000 funding is available within JPA Reserves.

Mill Valley:
Jim McCann

Novato:
Michael Frank

Staff will be working with Stacy Carlsen of the County Department of Agricultural Weights and Measures to develop outreach materials. Staff will report back to the Executive Committee for approval prior to expending funds.

Ross:
Gary Broad

San Anselmo:
Debbie Stutsman

Starting in 2007, the JPA has handed out approximately 12,000 reusable, locally manufactured, canvas shopping bags. These bags have been distributed in front of grocery stores, at farmers markets, through the Marin Food Bank, and through various community groups and events. The program costs \$10,000 annually to purchase 3,000 bags. The bag distribution has been well received in the community, but may be reaching a saturation point necessitating a shift in efforts.

San Rafael:
Jim Schutz

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

Due to the fact that several plastic bag ban bills and fees have been rejected by the State legislature or the Governor the past two legislative cycles several municipalities have started adopting their own ordinances to reduce the consumption of single use bags. The County of Marin recently moved forward to pass its own single use bag ordinance and both San Rafael and Mill Valley are in process of similar action. This ordinance has already generated a dialogue within the community. This is an optimal time to enhance the bag handout program with outreach and educational materials to retailers and residents promoting reuse and educating them about coming changes.

F:\Waste\JPA\JPA Agenda Items\JPA 110127\Reusable Bags.doc

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
George Rodericks

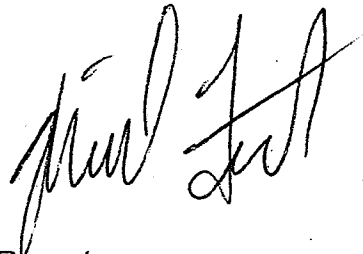
Date: January 27, 2011

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Michael Frost
Executive Director



Fairfax:
Michael Rock

Re: Draft Zero Waste Toolkit Report

Larkspur:
Dan Schwarz

Attached is a research document with a five-page cover summary the R3 Consulting Group prepared for the JPA regarding the Zero Waste Toolkit the JPA commissioned. Richard Tagore-Erwin, R3 Partner, will be at your meeting to review his findings.

Mill Valley:
Jim McCann

Novato:
Michael Frank

Contained in this document are the four components as requested by the JPA: (1) Development of Model Construction and Demolition(C&D) Ordinances, (2) Development of Model Commercial and Multi-Family Recycling Ordinances, (3) Development of Model Zero Waste Resolution(s), and (4) Model Franchise Agreement Language for Best Practices.

Ross:
Gary Broad

San Anselmo:
Debbie Stutsman

(1) Development of Model Construction and Demolition (C&D) Ordinances:

San Rafael:
Jim Schutz

Three options were presented based on various case studies with # 3 below being R3's recommended option: (1) Member Agency enforcement with each municipality managing their respective areas, (2) The JPA being the leading authority who acts as both the facilitator and monitor enforcement. (3) A hybrid of both which provides each municipality enforcement authority, while the JPA certifies qualified C&D facilities.

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

This research shows a C&D ordinance to be a significant undertaking with enforcement falling to local building officials, and JPA staff undertaking the task of certifying C&D facilities. It is recommended the next step prior to the JPA adopting a position, staff is recommending JPA staff meet with the local Community Development Directors to solicit their feedback, and report to the Executive Committee at a later date. There are funds available in R3's existing contract that could be used to assist in this undertaking.

(2) Development of Model Commercial and Multi-Family Recycling Ordinances:

R3 reviewed sample ordinances from several Bay Area and Statewide communities as well as from other states, and prepared a draft ordinance on page 33 that is consistent with the requirements of AB 32 projected to be effective January 1, 2012.

(3) Development of Model Zero Waste Resolution(s):

In the research a variety of Zero Waste Resolutions were located, however, no Zero Waste **Ordinances** were identified in any California communities. Page 52 contains a draft Zero Waste Resolution.

Based on their research, the following recommendations are provided to be included in a zero waste resolution:

- Adopt a Zero Waste Goal
- Specific Landfill Reduction Goal
- Carbon Emission Reduction Goal
- C&D Recycling
- Product Stewardship / Extended Producer Responsibility
- Mandatory Recycling
- Adding new materials to Recycling Program
- Waste Reduction Programs (Plastic Bag & Polystyrene Container Bans)
- Environmental Purchasing Policies

(4) Model Franchise Agreement Language for Best Practice:

Model Franchise Agreement Language proposed in the Toolkit would allow the County to attain "Best Practice" options from future franchise amendments, and begins of page 56 of their report.

Recommendation

The JPA Executive Committee reviewed this document at their January 13, 2011 meeting and directed staff to put it on your agenda to begin public review and solicit your comments. As part of this next step, staff will meet with the Marin Planning Director's group for their input on local implementation and place the Tool Kit on a future agenda for action.

Attachment.

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Summary and Recommendations

OVERVIEW

The Marin Hazardous and Solid Waste Management Joint Powers Authority (JPA) has established a Zero Waste Goal of achieving 80 percent waste reduction by 2012 and zero disposal by 2025. To address how best to meet this Zero Waste Goal, the JPA has initiated a two-phase process. Phase I, the "Zero Waste Feasibility Study", completed in December 2009, focused on **establishing** programs and policies to strengthen the regional framework for meeting the Goal. Phase II, the "Zero Waste Tool Kit", will focus on **implementation** of specific programs and policies by the Member agencies and the JPA to meet the Goal.

The Member Agencies and the JPA have successfully implemented programs to comply with the Integrated Waste Management Act's (AB 939) requirements of diverting from landfill 50 percent of waste generation on a countywide basis. As a regional agency, comprising of all the communities in Marin County, the JPA reports diversion progress to the Department of Resources Recycling and Recovery (CalRecycle) on a regional basis.

In order for Zero Waste to be attained on a regional basis, it is highly beneficial and cost effective for the JPA, Member Agencies, and haulers to implement programs, policies, ordinances/resolutions¹ that are consistent countywide. To promote regional consistency and effective programs that can be adopted/implemented by the Member Agencies, and administered/implemented by either each Member Agency or by the JPA, model documents have been developed. These documents include:

- Model Construction and Demolition Debris Ordinance/Resolution;
- Model Commercial and Multi-Family Recycling Ordinance/Resolution; and

¹ There are two types of documents that can be used to adopt/implement these programs by the Member Agencies:

1. **An ordinance** is a local law generally passed by a city council or other legislative body and enforced by local police and district attorneys.
2. **A resolution** is a non-binding statement made by a municipality's city council or other legislative body. They are not enforceable.

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Zero Waste Tool Kit Components

- Model Franchise Agreement Language.

R3 has reviewed numerous ordinances, plans, resolutions, regulations and franchise agreements as summarized in Tables 1 - 4 in the Zero Waste Tool Kit and prepared the following recommended next steps for the JPA and Member Agencies to consider.

1. Adopt a Hybrid Construction and Demolition Ordinance/Resolution;
2. Adopt a Mandatory Commercial and Multi-Family Recycling Ordinance/Resolution;
3. Adopt a Zero Waste Ordinance/Resolution that addresses all Zero Waste subject areas
4. Make changes to franchise agreements to require haulers to meet diversion standards using rate incentives and extension options.

RECOMMENDED NEXT STEPS

1. Adopt a Construction and Demolition Debris Ordinance/Resolution

Information was compiled on Construction and Demolition programs in over 40 jurisdictions in the Bay Area and statewide. Three programs, from the cities of San José, San Ramon and Los Angeles, were selected and case studies prepared to show the JPA and Member Agencies the range of options that are currently in place, from deposit requirements and enforcement through rebates or certifications. The Case Studies can be found in the Zero Waste Tool Kit.

Options the JPA and Member Agencies could choose from include:

Option 1: Enforcement by Member Agencies

Option 2: Enforcement by JPA

Option 3: Hybrid of Option 1 & 2 (**recommended option**)

All options have the same goals in mind: 1) highest and best use, 2) deconstruction, salvage and reuse, and 3) limited use of ADC and transformation; however,

Recommendation: Option 3 will be the most versatile for the JPA and Member Agencies. With this option, the JPA would focus on certifying facilities annually using a certification standards and a certification application form similar to those used in the City of San José (see Appendix B of the Zero Waste Tool Kit). The Member Agencies would have the opportunity to implement a deposit and/or fee during the permit process to ensure compliance and to fund enforcement.

R3

Zero Waste Tool Kit Components

2. Adopt a Mandatory Commercial and Multi-Family Recycling Ordinance/Resolution

R3 reviewed ordinances and resolutions from several communities that have been adopted in the Bay Area and statewide, two that are from other states, and the sample ordinance prepared by the Institute of Local Governments.

The sample is consistent with the requirements of the Mandatory Commercial Recycling Ordinance that is required as part of AB 32, projected to be effective January 1, 2012.

The formal rulemaking process for the Mandatory Commercial Recycling Regulation will begin in late January or February 2011. Proposed regulatory provisions include:

- Businesses (including multi-family dwellings of 5 or more units) generating four cubic yards or more of service per week subscribe to recycling service;
- Requires each jurisdiction to meet its AB939 50% equivalent per capita disposal target;
- Require each jurisdiction implement a recycling program by July 1, 2012;
- Establishes general criteria for monitoring businesses participation in recycling services; and
- Enforcement by CalRecycle through review of Annual Report.

Recommendation: Adopt the sample ordinance prepared by the Institute of Local Governments as provided in the Zero Waste Tool Kit. This covers the following:

- Businesses, multi-family dwellings and special events requirements; and
- Educational outreach, incremental notification and enforcement, and citations and fines.

3. Adopt a Zero Waste Ordinance/Resolution Addressing all Zero Waste Subject Areas

R3 compiled various zero waste related resolutions² adopted by communities throughout California to use as comparative guides to develop a model(s) that can be adopted by the JPA and its Member Agencies. The cities of Alameda, Burbank, Fresno, Los Angeles, Oakland, Palo Alto, and San José have created a Zero Waste Implementation / Strategic Plan, similar to the JPA's Zero Waste Feasibility Study. Policies and programs selected for review in the Plan were then analyzed for feasibility. Some

² R3 did not identify any communities in California that adopted a Zero Waste *Ordinance*.

R3

Zero Waste Tool Kit Components

communities then created resolutions for each policy/program to establish the Zero Waste goals.

Recommendation: Adopt a comprehensive ordinance/resolution covering all Zero Waste subject areas, such as those listed below:

- **Zero Waste Goal** – Adopt the JPA Zero Waste Goal of achieving 80 percent waste reduction by 2012 and zero disposal by 2025.
- **Landfill Reduction Goal** – Specific numerical goal of reduction in landfill disposal by a specific year (i.e., reduce the current amount of landfill disposal by 80% by 2020).
- **Carbon Emission Reduction Goal** – Specific numerical goal of reduction in carbon related emissions by a specific year.
- **Product Stewardship/Extended Producer Responsibility (EPR)** – encourage manufacturers to design long lasting, repairable and recyclable products, take-back products at end of their useful life.
- **Construction and Demolition Recycling** – Mandatory recycling of construction materials.
- **Mandatory Recycling for Residential and Commercial Sectors** – implement recycling programs, require minimum percentage of waste to be taken to material recovery facilities.
- **Waste Reduction Programs** – Plastic Bag Ban and Polystyrene Container Ban.
- **Environmental Purchasing Policies.**

4. Priority of Franchise Agreement Changes

To assist the JPA with identifying best practices and model franchise agreement language, R3 reviewed the Member Agencies solid waste franchise agreements and provided an overview of performance related “Best Practice” options for the JPA and the Member Agencies to consider in adopting an amended or new franchise agreement.

Recommendation: The following items should be incorporated into franchise agreements:

- **Expanded Services** – Include Sharps, On-premise HHW Collection, E-Waste, and U-Waste Collection, and Organics Collection (green waste and food waste) and Recyclables Collection as part of the basic required services. Included “equal capacity” for commercial and multi-family sectors (recycling/organics must be provided at a volume at least equal to or greater than regular trash service).

R3

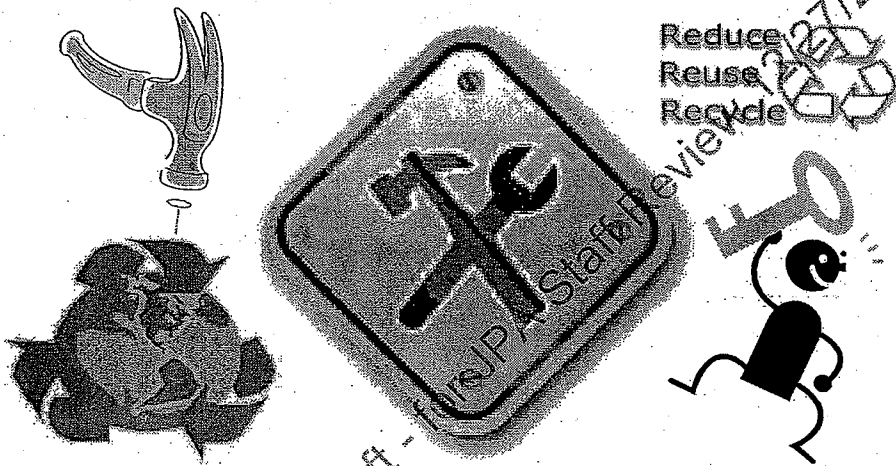
Zero Waste Tool Kit Components

- **Diversion Requirements** - Adopt specific numerical diversion requirements that the franchised hauler must meet. For example, require the franchised hauler to divert 60% of all materials collected under the terms of the franchise agreement by December 31, 2016, and 80% by 2020.
- **Hauler Incentives** – Tie extensions to the franchise agreement to meeting Diversion Requirements; tie rate/compensation increases/decreases to meeting Diversion Requirements; tie assessment of liquidated damages to failure to meeting the Diversion Requirements; tie additional outreach and/or diversion programs to meeting the Diversion Requirements.
- **Vehicle Requirements** – Require that all collection trucks and support vehicles be CNG/LNG, or hybrid. This should be done on a scheduled replacement basis to avoid sharp increase in customer rates to pay for new vehicles.
- **Customer Rates** – Customer rates based on volume of trash disposed (more trash, higher customer rates). Implement 18 – 20 gallon “super recycler” trash cart as part of base services.
- **Definitions** – Clearly define all material types that are to be included in the recycling and organics diversion. A complete list of “Best Practice” options can be found in the Zero Waste Tool Kit.

R3

Marin County Hazardous and Solid Waste Management JPA

Zero Waste Tool Kit



Presented by
R3 Consulting Group

December 2010

Zero Waste Tool Kit Components

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R3

Zero Waste Tool Kit Components

Appendix C: City of San Ramon

C&D Recycling Requirements

Appendix D: City of San Francisco Policies

Internal Draft - for JPA Staff Review 12/27/2010

R3

Zero Waste Tool Kit Components

Introduction

The Marin Hazardous and Solid Waste Management Joint Powers Authority (JPA¹) has established a Zero Waste Goal of achieving 80 percent waste reduction by 2012 and zero disposal by 2025. To address how best to meet this Zero Waste Goal, the JPA has initiated a two-phase process. Phase I, the "Zero Waste Feasibility Study", completed in December 2009, focused on **establishing** programs and policies to strengthen the regional framework for meeting the Goal. Phase II, the "Zero Waste Tool Kit", will focus on **implementation** of specific programs and policies by the Member agencies and the JPA to meet the Goal.

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- Model Construction and Demolition Debris Ordinance;
- Model Commercial and Multi-Family Recycling Ordinance; and
- Model Franchise Agreement Language.

Development of a Model Construction and Demolition Debris Ordinance

To assist the JPA with identifying potential changes to the Construction and Demolition Debris Model Ordinance established in November 2000, information was compiled on Construction and Demolition programs in over 40 jurisdictions in the Bay Area and

¹ The JPA is comprised of 12 Member Agencies: Belvedere, Corte Madera, Fairfax, Larkspur, Mill Valley, Novato, Ross, San Anselmo, San Rafael, Sausalito, Tiburon and unincorporated Marin County.

R3

Zero Waste Tool Kit Components

statewide. On the following pages, Table 1 shows a comparison of the programs identified.

The information obtained, incorporates various program characteristics, including, among other things:

- Requirements
 - Minimum diversion;
 - Deposit/Fee;
 - Salvage and deconstruction;
 - Certified facilities; and/or
 - Reporting
- Threshold
 - dollar amount; and/or
 - square footage
- Enforcement

Internal Draft - for JPA Staff Review 12/27/2010

R3

TABLE 1
Construction and Demolition Debris Ordinance

Jurisdiction	Dollar Amount	Threshold			Requirements				Reporting	Enforcement	
		Square Footage	Other	Minimum Diversion	Deposit Fee	Salvage & Deconstruction	Certified Facilities				
MARIN COUNTY		*New SFD: up to 3,500 sq. ft. - 50 pts req.; ≥ 3,500 - 60 pts req. *New 2nd units: +500 sq. ft. - 50 pts req. *New MFD: all - 80 pts req. *New Mixed Use: all - 50 pts req. *Additions: 50% or greater increase in conditioned floor area - 50 pts req.									
Mill Valley	no	500+ sq. ft.	no	50%	no	no	no	no	Green Building Compliance Form and Checklist	no	Civil penalties not to exceed \$1,000/violation or imprisonment not exceeding 6 months
Novato	no		no	50%	no	no	no	no	Waste Management Plan (WMP)	no	Exclusive franchise for debris box collection. Deny final occupancy permit; Civil penalty \$100 first day, \$150 second day, \$200 third day, \$300 fourth day, and every day after; or assess administrative verification fee of \$500
Sausalito	no	*All new construction *500+ sq. ft. for additions to existing dwelling units *3,000+ sq. ft. for new construction and additions to non-residential buildings *Town-sponsored projects *New Residential 500+ sq. ft. *New Commercial projects & additions over 2,000 sq. ft. *All residential remodels & additions, new MFD construction, and commercial remodels	no	no	no	no	no	no	Green Building Compliance Checklist and supporting documentation	no	Civil penalties not to exceed \$2,500/violation
Tiburon	no		no		no	no	no	no	WMP	no	
Marin County											
ALAMEDA COUNTY											
Albany	Construction and Renovation projects \$75,000+ Demolition projects \$25,000+	no	no	100% asphalt, concrete and similar materials 50% by weight all other C&D Debris generated	Projects not using City's franchised hauler. The fee shall be 3% of project cost or \$10,000	no	no	no	Debris Recycling Statement	no	Fines not to exceed \$500/violation or imprisonment for up to 6 months. Stop work order on a project where work already commenced
Berkeley	Construction and Renovation projects \$100,000+ Demolition projects \$50,000	no	no	100% asphalt and concrete 50% of remaining waste generated	no	salvageable materials available for reuse prior to demolition	no	no	Waste Diversion Plan Waste Diversion Report	no	Fines not to exceed \$1,000/violation or imprisonment for up to 6 months
Dublin	All projects with building or demolition permit values \$100,000+	no	no	100% concrete and asphalt 50% of remaining waste generated	Projects over \$1M pay a Performance Security (Sq. Ft. x (60/2000) x (\$35)) \$2,738		no	no	WMP and Waste Reduction and Recycling Form	no	Fines: First violation \$100 Second violation within a year \$200 Each additional violation within a year \$400
Emeryville	Construction and Renovation Projects \$50,000+	*Construction and Renovation projects 1,000 sq. ft. or more *All Demolition Projects within the City *All City Projects including Construction, Renovation and Demolition Projects \$50,000+	no	100% concrete and asphalt 50% of remaining C&D debris	no		no	no	WMP	no	Fines: First violation \$100 Second violation within a year \$200 Third violation within a year \$400 Additional penalties within a year charged

TABLE 1 Construction and Demolition Debris Ordinance									
Jurisdiction	Threshold			Requirements				Reporting	Enforcement
	Dollar Amount	Square Footage	Other	Minimum Diversion	Deposit/Fee	Salvage & Deconstruction	Certified Facilities		
Fremont	Construction and Renovation Projects \$300,000+ All Demolition Projects	no	no	100% concrete and asphalt 50% remaining waste generated	no	no	no	Waste Handling Plan and Waste Disposal and Diversion Report	Administrative remedy - penalty of \$1,000/ton of material that w to be diverted as set forth in the Waste Handling Plan, but was not demonstrated to have been diverted.
Hayward	Projects valued at \$75,000+ and all City sponsored projects	no	no	100% asphalt, concrete and similar materials 50% of remaining waste generated	no	no	no	Debris Recycling Statement and Summary Report	
Livermore	Projects valued at \$300,000+ for construction or renovation \$40,000 for demolition	no	no	50%	Construction projects valued \$1M+ requires performance security deposit of 1% up to \$100,000 Demolition projects require deposit of \$10,000 plus 1% up to \$100,000	no	no	WMP	Civil Action
Newark	All projects (City and private) valued at \$100,000+ Structure demolition projects \$20,000+	Pavement Demolition 1,000+ sq. ft.	no	100% asphalt and concrete 50% remaining waste	no	no	no	WMP	Civil Action
Oakland	All new construction, all demolition projects, commercial projects valued at \$50,000+	no	no	50%		no	no	Waste Reduction and Recycling Plan and C&D Debris Summary Report	Administrative Citations & Civil Penalties
Oro Loma Sanitary District	All construction, demolition or renovation projects \$100,000+	no	no	100% Asphalt and Concrete 50% by weight of total of all other C&D Debris generated	no	no	no	Debris Recycling Statement	Fines and penalties
Piedmont	Construction, Demolition, and Renovation projects \$50,000+	no	no	50%	no	Salvage materials to the extent possible	no	Salvage Materials form & Franchised Hauler monthly reports	Franchise Agreement
Pleasanton	Construction or Renovation project of \$125,000+ Demolition project of \$25,000+	no	no	90% portland cement concrete and asphalt and 50% of the remaining C&D debris	WMP Fee	no	no	WMP	Franchise Agreement

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TABLE 1
Construction and Demolition Debris Ordinance

Jurisdiction	Dollar Amount	Threshold Square Footage	Requirements					Enforcement
			Other	Minimum Diversion	Debris/Fee	Salvage & Deconstruction	Certified Facilities	Reporting
San Leandro	Construction, Demolition, and Renovation projects \$100,000+	no	no	100% asphalt, concrete and similar material and 50% by weight of all other C&D debris generated	no	no	no	Debris Recycling Statement
Union City	Construction, Demolition, and Renovation projects \$100,000+	Residential remodels/increasing square footage 50%+	no	50%	Performance Security and Permit Fee lesser of 3% of project cost or \$10,000	Salvage materials to the extent possible prior to land filling	no	WMP
Alameda County	Construction projects \$100,000+ Demolition projects \$25,000+	no	no	75% of inert solids and 50% of remaining waste generated from Traditional Public Works Projects 50% of debris generated from County Projects	no	no	no	Fines and penalties
SANTA CLARA COUNTY								
Palo Alto	All projects requiring a permit for demolition and new construction and projects requiring a permit for renovation or addition valued at or above \$25,000+	no	no	100% of all C&D debris of salvaged materials must be sent to an approved facility for recycling	Administrative Fee	Salvageable materials must be made available for reuse	Yes	WMP
San José	Residential construction projects \$115,000+ Non-Residential construction \$135,000+ Residential alterations \$2,000+ Non-Residential alterations \$5,000+	no	Exemptions: Roofing and seismic tie-down projects, installation/ replacement of shelves, pre-fab patio enclosures and covers (no foundation/ other structural building mods are required), pools/spas	2010 - 55% 2011 - 60% 2012 - 65% 2013 - 70%	Deposit	no	yes	Document destination of material
CONTRA COSTA COUNTY								
Antioch	All Projects \$75,000+ no	no	no	50%	no	no	no	WMP
Brentwood	All Projects \$75,000+ no	no	no	50%	no	no	no	WMP
Clayton	no	All projects 500 sq. ft. + requiring a building, grading, or demolition permit	no	50%	Deposit	no	no	WMP
Fines and civil penalties								
Fines and civil penalties								
Fines and civil penalties								

TABLE 1
Construction and Demolition Debris Ordinance

Jurisdiction	Dollar Amount	Threshold Square Footage	Other	Requirements				Enforcement
				Minimum Diversion	Deposit/Fee	Salvage & Deconstruction	Certified Facilities	
Concord	All demolition projects; Building, Encroachment, or Grading project requiring permit valued at \$50,000+; City-owned/ sponsored project valued at \$150,000+; Roofing/Re-roofing project valued at \$10,000+	no	50% or more of roof area is re-roofed, or requires 5 squares or more of roofing material regardless of permit value	50% C&D materials generated by weight and 75% Inert Debris generated by weight	Program Fee and Performance Security deposit	yes		Final Report Franchise Hauler
Contra Costa County	no	All construction, renovation or demolition projects for which a building permit or demolition permit is required covering 5,000 sq. ft. or more	no	50%	no	no	no	Debris Recovery Plan Fines and civil penalties
Lafayette	Construction, demolition and renovation projects \$50,000+	Construction, demolition or renovation projects covering 5,000 sq. ft. or more	no	50%	Performance Security Deposit	Deconstruction to the maximum extent feasible or salvage prior to landfilling	no	WMP Fines and civil penalties
Martinez	Construction, demolition and renovation projects \$75,000+	Construction, demolition or renovation projects covering 5,000 sq. ft. or more	no	50%	Diversion Security Deposit equal to 1% of total costs for project and an Administrative Fee	Deconstruction to the maximum extent feasible or salvage prior to disposal to recycling center, transformation facility or landfill	no	WMP Abatement, Civil Action and/or Misdemeanor
Moraga	Construction, demolition and renovation projects \$250,000+	Construction, demolition or renovation projects covering 3,000 sq. ft. or more	no	Substantial C&D debris must be redirected via reuse or recycling	Deposit	Deconstruction to the maximum extent feasible or salvage prior to landfilling	no	WMP Fines and civil penalties
Orinda	Construction, demolition and renovation projects \$50,000+	Construction, demolition or renovation projects covering 1,000 sq. ft. or more (except Public Agency Projects)	no	50%	Deposit of 2% or \$5,000 whichever is less	Deconstruction to the maximum extent feasible or salvage prior to landfilling	no	WMP Fines and civil penalties
Pleasant Hill	Construction, demolition and renovation projects \$50,000+	Construction, demolition or renovation projects covering 5,000 sq. ft. or more	no	50%	Performance Security Deposit	Deconstruction to the maximum extent feasible or salvage prior to landfilling	no	WMP Civil action, Misdemeanor, Public nuisance

TABLE 1

Construction and Demolition Debris Ordinance

Construction and Demolition Debris Ordinance									
Jurisdiction	Threshold		Requirements					Reporting	Enforcement
	Dollar Amount	Square Footage	Other	Minimum Diversion	Deposit/Fee	Salvage & Deconstruction	Certified Facilities		
San Ramon	All demolition projects and all other projects valued at \$100,000+	no	no	50%	Applicant Fee (Only charged to applicants that do not use the permitted hauler)	no	yes	WMP	Permitted commercial recycling transporter Approved construction/demolition debris recycling facilities: Fines and civil penalties
SAN MATEO COUNTY									
Atherton	\$50,000+	no	generation of 10 tons or more of construction and demolition debris	60% from demolition and new construction projects 50% from remodeling and re-roofing projects	Deposit \$50/ton (minimum \$1,000 except for re-roofing projects minimum \$500)	no	no	Recycling and Waste Reduction Form	Fines and civil penalties
Brisbane	Renovation, remodel, or addition to existing structure or new construction project valued over \$75,000	Demolition work greater than 200 sq.ft. Re-roofing project greater than 500 sq.ft.	no	Demolition: 100% inerts & 50% C&D excluding inerts Construction, remodeling & re-roofing projects: 50% of all C&D tonnage	Deposit \$0.025/estimated pound of C&D debris and an Administrative Fee	Each structure planned for demolition shall be made available for salvage and recovery	no	documentation of compliance within 60 days following completion of project	Fines and civil penalties
San Carlos	\$10,000+ AND 5 tons or more of Construction and Demolition Debris	no	Any re-roofing of residential and commercial structures with wood shake, tile, or concrete	1) Projects comprised of at least 60% inert materials: 60% of all generated debris 2) Projects generating waste comprised of mixed debris: 60% of all generated debris, 25% of all generated debris 3) Projects exclude inert materials generating waste that doesn't include inert materials: 50% of all generated tonnage	Deposit of \$50/estimated ton (not less than \$1,000) and an Administrative Fee	Every project shall be made available for deconstruction, salvage and recovery prior to demolition; 5 day waiting period from issuance of demolition permit	no	WMP and Waste Management Report within 60 days following completion	Fines and civil penalties
SAN FRANCISCO COUNTY									
San Francisco	no	no	All Projects requiring a building or demolition permit from the City or State	65%	no	no	yes	1. Demolition Debris Recovery Plan 2. Plan Report within 30 days of completion 3. Registered facilities annual report	Facility and Transporter Registration

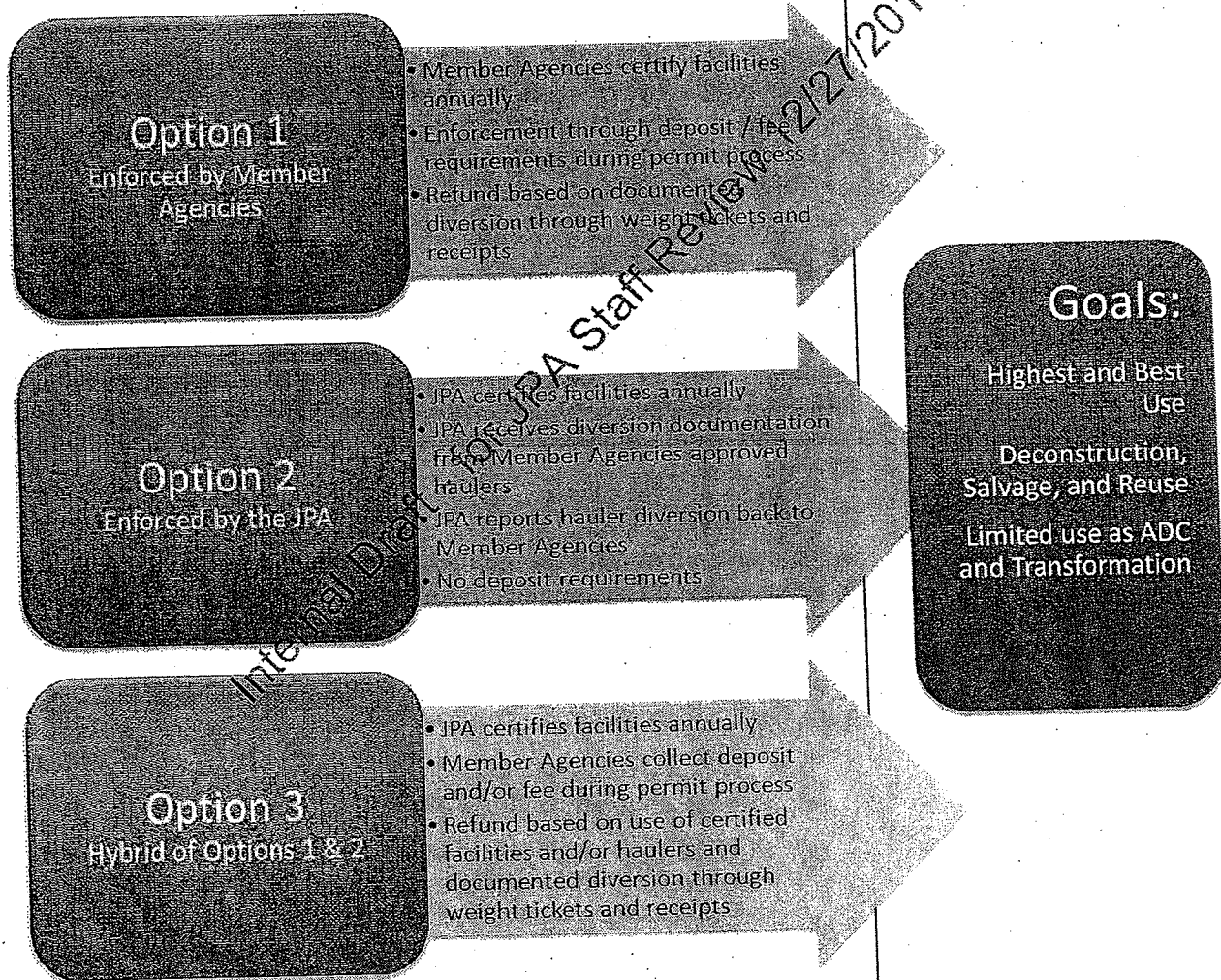
TABLE 1 Construction and Demolition Debris Ordinance									
Jurisdiction	Dollar Amount	Threshold Square Footage	Other	Requirements				Reporting	Enforcement
				Minimum Diversion	Deposit Fee	Salvage & Deconstruction	Certified Facilities		
ORANGE COUNTY									
Orange	no	no	All Projects requiring a building or demolition permit from the City or State	no	Deposit up to \$500	no	yes	receipts, weight tickets, or other documentation	Fines and Civil penalties
Rancho Santa Margarita	\$10,000+	250+ sq. ft.	no	60%	yes	Demolition projects shall be made available for deconstruction, salvage and recovery prior to demolition	yes	Waste reduction and recycling plan Facilities - quarterly reports	Fines and Civil actions, Withhold building permit, issue stop work notice
LOS ANGELES COUNTY									
Burbank	no	500+ sq. ft. for all New construction; additions; remodels, alterations, and renovations; and tenant improvements	All Demolition projects regardless of size or value	50%	Administrative Fee - \$50 Deposit - \$250-\$1,000: residential \$250-\$5,000: commercial (depending on total tons generated) AB 939		no	WMP and Recycling Summary Report	Forfeiture refund of deposit
Los Angeles	no	no	All projects regardless of size or value	Year One: 50% Year Two: 60% Year Three: 70%	Compliance Fee (charged to Haulers); Rebate based on diversion (based out dropping from \$10 to \$5/ton for year one and increasing for year two onward)		no	Quarterly Reports through certified facilities and haulers	City Certified Facilities and Haulers

for JPA Staff Review

CONSTRUCTION AND DEMOLITION DEBRIS ORDINANCE CASE STUDIES

R3 has prepared case studies for Construction and Demolition programs operated in the cities of Los Angeles, San José, and San Ramon. These programs were selected to show the JPA and Member Agencies the range of options that are currently in place, from deposit requirements and enforcement through rebates or certifications. Figure 1 shows options the JPA and Member Agencies could choose from.

FIGURE 1
C&D Debris Ordinance Options



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Case Study: City of Los Angeles – C&D Hauler Rebate Program

Summary

The City of Los Angeles (City) approved a unique financial incentive system on June 6, 2003 that allows haulers to receive a rebate on their AB 939 compliance fee payments if a certified mixed waste processing facilities was used (rebates are not provided for using source separated processing facilities). The participation of the facilities becoming certified and haulers using them is voluntary. Depending on the diversion rate the certified facility achieves, the hauler will get a rebate of the same amount applied to the following quarter's fee amount.

On March 5, 2010, the City Council approved an updated Construction and Demolition Debris Recycling Ordinance that requires all C&D waste generated within City limits be taken to a City certified C&D waste processor. In addition, the C&D rebates will be phased out dropping from \$10 to \$5 per ton during the first year and from year two onward there will no rebates issued for C&D. Appendix A includes updated program information.

Permitting Private Waste Haulers

All private waste haulers that haul their own C&D waste are required to be permitted in the City, regardless of their annual tonnage. There is an application process and haulers are given decals for their trucks. In addition, they pay the City an AB 939 compliance fee, which is 10 percent of their gross receipts per quarter.

Processor Certification

All haulers, construction and demolition contractors are required to take all mixed C&D debris produced within City limits to City certified mixed construction and demolition debris processing facilities. There are several requirements to become a certified processor as noted below. The type of facilities certified is not restricted; it can include transfer stations if they meet the requirements.

- Submit a Processor Certification Application Form;
- Provide a Quarterly Tonnage Report to the hauler that identifies the total tonnage delivered for processing and the processor's quarterly diversion rate. Mixed C&D and solid waste loads must be reported separately. (This certifies the amount of tonnage the hauler reports as delivered);
- Submit a Quarterly Tonnage Report. This shall confirm the claim by the haulers. Mixed C&D and solid waste loads must be reported separately;

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- Conduct daily origin surveys;
- Have certified scales to weigh trucks;
- Cooperate in the periodic audits conducted by BOS; and
- Have weigh tickets on site to support reported tonnages.

City Certification Verification Process

Once a facility has submitted the application to the City, the following steps are taken:

- Application is reviewed;
 - Check to make sure the tonnages make sense (e.g., equipment on-site, hours of operation, a year worth of mass balance information, tonnage in and out).
- Follow-up questions by phone;
- Site audit (1-5 visits);
 - Observe all incoming, outgoing, and handling process;
 - Take samples of weight tickets and invoices and sometimes take system reports;
 - Take photographs; and
 - Review receipts and invoices from destination facilities (make sure destination facilities are really recycling the materials).
- Cross-check data with Transfer Station and hauler data.

Diversion Rate

The Certified Processor Program requires an incremental increase in recycling rates over a three year period. Certified Processors will need to maintain the following minimum recycling rates: Year 1 – 50%; Year 2 – 60%; and Year 3 – 70%. City Certified Processors are also required to keep detailed records that include tonnage, hauler name, city of origin, material type and delivery date and time.

The diversion rate is calculated by the following:

$$\frac{\text{Weight of mixed waste taken in at the facility}}{\text{Weight of mixed waste taken in at the facility} + \text{Weight of waste taken from facility to the landfill or transfer station}}$$

Weight of mixed waste taken in at the facility

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Case Study: City of San José – Construction and Demolition Deposit (CDDD) Program

Summary

The City of San José (City) began a Construction and Demolition Deposit (CDDD) program in 1998 as a means to divert construction and demolition materials (C&D) from landfills in San José through economic incentives. At the time, more than 30 percent of disposed materials in San José landfills were C&D material.

Since 2001, the CDDD program has provided an economic incentive for recycling by requiring contractors to pay a deposit before being issued a building permit. Contractors receive their deposit back if material is reused or taken to one of the 21 City-certified recovery facilities.

An important characteristic of the CDDD program is the emphasis on obtaining the highest and best use of material and phasing out C&D material used as Alternative Daily Cover (ADC). The phase out began in 2001 and concluded in 2004. Consequently, no use of C&D material for ADC is attributed to a certified facility's diversion rating.

Facility Certification

Appendix B includes the City's certification standards, an application for facility certification and a current list of certified facilities. To become a CDDD-Certified Facility, the following steps are taken:

- File an application for Certification of a Recovery Facility in the City's CDDD program;
- City will complete evaluation within 90 days of receipt of all required application documents, evaluation includes:
 - Verification of permit application accuracy;
 - Review of materials flow. Must divert 50% or more C&D debris (alternative daily cover (ADC) at landfills does not count towards diversion);
 - On-site observation
 - Quantitative review
- Certification – After the facility has been certified, it will be added to a list of CDDD-Certified Facilities provided to each person requiring a CDDD clearance when applying for a permit.

Permit Deposit Process

Prior to any project, a contractor/home owner must obtain a building permit from the City. When a contractor/home owner

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applies for the appropriate permit, City Staff requires a deposit to be provided by the contractor/home owner based on project type, square footage and estimated C&D waste generation rates. Once the deposit is submitted, contractors/home owners are responsible for diverting 50 percent of materials generated from their project site away from landfills. Qualified compliance options include bringing materials to a CDDD Certified Facility, donating or reusing materials, or some combination of the two.

City Refund Requirements

Once a project is completed, the contractor/home owner applies for a refund. Documentation of ultimate destination of the waste materials must be provided in order to qualify for a deposit refund. For contractors taking materials to a CDDD facility, it is critical to acquire receipts with permit numbers on them to present as accurate documentation of material destinations. Applications for refunds are only accepted within 12 months after the permit has been inactive. Once the application is received, weight tickets submitted for the project are compared to the estimates made prior to project commencement. Based on review by City Staff of the application and this supporting documentation, the City chooses to refund the deposit proportionally to degree of compliance (or not at all).

Diversions Rate

Facilities must meet a minimum diversion standard to continue being certified as follows: 55% in 2010, 60% in 2011, 65% in 2012, and 70% in 2013.

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Case Study: City of San Ramon – Collection, Recycling and Disposal of Waste Generated from Construction, Demolition and Renovation Projects

Summary

The City of San Ramon (City) adopted an ordinance in August 2007 requiring applicants for building, remodeling, and demolition permits to reuse or recycle at least 50 percent of the construction and demolition debris generated by each of their projects.

All permit applicants for covered projects are required to complete a Waste Management Plan (WMP). A covered project is any complete demolition project (removing an entire structure) or project valued at \$100,000 or more. Appendix C includes additional information on the City's C&D program.

Hauler/Facility/Processor Certification

Recycling Transporters must complete an application and submit an application fee to become certified by the City. Each permit is issued for a 24-month period.

Permit Process

There are two ways to comply with the City's C&D Recycling requirements.

Option 1: Select **one** company to haul material from the project.

- a. Select and execute an agreement with **one** permitted commercial recycling transporter, permitted by the City to handle all of the debris from the project,
- b. Complete a detailed WMP designating the hauler selected, and
- c. Instruct designated hauler to fax or email City a confirmation that you have retained them for the project; or

Option 2: Self-manage waste from your project site.

- d. Complete a detailed WMP;
- e. Submit an administrative fee; and
- f. Demonstrate at least 50 percent of the material was recycled through the use of construction / demolition debris recycling facilities that are approved by the City.

Diversion Rate

All covered projects are required to reuse or recycle at least 50 percent of the construction and demolition debris generated by each of their projects.

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SAMPLE CONSTRUCTION AND DEMOLITION DEBRIS ORDINANCES

The following are Construction and Demolition Debris Ordinances prepared for the JPA and Member Agencies to consider for implementing a regional program based on the options presented in the above-mentioned case studies.

Option 1 – Enforced by the Member Agencies

Endorsed by the Marin County Hazardous and Solid Waste Joint Powers Authority: Date _____

Sample Construction and Demolition Debris Program Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF _____
AMENDING THE MUNICIPAL CODE BY ADDING A NEW
ARTICLE XX (CONCERNING THE COLLECTION,
RECYCLING AND DISPOSAL OF WASTE GENERATED
FROM CONSTRUCTION, DEMOLITION, AND
RENOVATION PROJECTS WITHIN THE CITY OF _____)

SECTION 1 (ENACTMENT):

The City Council of the City of _____ does ordain this
ORDINANCE No. _____ in full, amending the _____ Municipal
Code by adding a new Article to the _____ Municipal Code which
shall read as follows:

ARTICLE XX.XX COLLECTION, RECYCLING AND
DISPOSAL OF WASTE GENERATED
FROM CONSTRUCTION,
DEMOLITION, AND RENOVATION
PROJECTS WITHIN THE CITY OF

XX-1 FINDINGS

- A. The City finds that the State of California through its California Waste Management Act of 1989, Assembly Bill 939 (AB 939 passed and signed into law in 1989) and Alternative Compliance Act of 2008 (SB 1016 passed and signed into law in 2008), requires that each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis.
- B. The City finds that every city and county in California,

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Sample Construction and Demolition Debris Ordinance

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Sample Construction and Demolition Debris Ordinance

Option 1 – Enforced by the Member Agencies

including the City, could face fines up to \$10,000 a day for not meeting the above mandated goal.

- C. The City finds that the State of California through its California Global Warming Solutions Act of 2006 (AB 32 passed and signed into law in 2006), requires that commercial generators statewide participate in recycling programs.
- D. The City finds that in recent years, inerts and mixed Construction and Demolition (C&D) debris constituted approximately 16% of the materials landfilled in Marin County and a similarly large portion of the waste stream in the City. These materials have significant potential for waste reduction and recycling.
- E. The City finds that reusing and recycling C&D debris is essential to further the City's efforts to reduce waste and comply with AB 939, AB 32 and other waste reduction goals.
- F. The City finds that C&D debris waste reduction and recycling have been proven to reduce the amount of such material in landfills, increase site and worker safety, be cost effective, and thereby assisting in the protection of public health, safety and welfare.
- G. The City finds that, except in unusual circumstances, it is feasible to divert on average at least one hundred percent (100%) asphalt and concrete and fifty percent (50%) of all remaining C&D debris from most construction, demolition, and renovation projects.
- H. The City desires to implement a program to encourage the Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) goal to increase the diversion of materials from landfill and transformation facilities achieving an 80% diversion goal by 2012 and Zero Waste by 2025, ensure that resources are used to their highest potential, reduce upstream waste and reduce Marin's ecological footprint.
- I. The City finds that, to ensure compliance with this Article and to ensure that those contractors that comply with the Article are not placed at a competitive disadvantage, it is necessary to impose a financial incentive as set forth by resolution of the City Council.
- J. The City finds that, to ensure compliance with this Article, facilities will be evaluated annually through an extensive certification process conducted by the certifying agency.

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Option 1 – Enforced by the Member Agencies

XX-2 DEFINITIONS

- A. "Certified Recycling Facility" means a recycling, composting, materials recovery or re-use facility determined to process incoming C&D materials to divert from landfill or transformation for which the certifying agency has issued a certification.
- B. "Director" means the City Manager, including his or her designee.
- C. "Diversion" or "Diverted" means a reduction of the amount of waste being disposed in a landfill or transformation facility by any of the following methods:
 - i. Use of new construction methods, as described in regulations promulgated by Director, that reduce the amount of waste generated.
 - ii. On-site re-use of the waste.
 - iii. Delivery of the waste from the site to a Certified Recycling Facility described in Section XX-7
 - iv. Other methods as approved in regulations promulgated by the Director.

XX-3 DIVERSION DEPOSIT AND CLEARANCE DOCUMENT REQUIRED

- A. Except as otherwise specified in this Article, on or after July 1, 2011, each person who applies for a building permit pursuant to Article XX.XX of this code shall apply for a construction and demolition debris clearance document to be issued by the Director. On or after July 1, 2011, no building permit shall be issued unless the applicant submits the clearance document issued by the Director.
- B. Except as otherwise specified in this Article, on or after July 1, 2011, each person who applies for a building permit pursuant to Article XX.XX of this code shall remit a diversion deposit in the amount set forth by resolution of the city council. The diversion deposit shall be remitted at the same time the permit application is filed.

XX-4 DIVERSION DEPOSIT EXEMPTIONS

- A. Neither a construction and demolition debris clearance document nor a diversion deposit shall be required for the following:
 - i. Work for which a building permit is not required

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*Sample Construction
and Demolition Debris
Ordinance*

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Sample Construction and Demolition Debris Ordinance

Option 1 – Enforced by the Member Agencies

under Article XX.XX.

- ii. New residential construction projects of less than \$115,000 in value.
- iii. New non-residential construction projects of less than \$135,000 in value.
- iv. Residential alterations of less than \$2,000 in value.
- v. Non-residential alterations of less than \$5,000 in value.
- vi. Roofing projects.
- vii. Work for which only a plumbing permit, only an electrical or only a mechanical permit is required.
- viii. Seismic tie-down projects.
- ix. The installation or replacement of shelves.
- x. Installation of prefabricated patio enclosures and covers where no foundation or other structural building modifications are required.
- xi. Installation of swimming pools and spas, provided that the exemption shall apply only to (1) the area to be excavated for the installation of the pool or spa and (2) the area for the pad for the pool/spa equipment that does not exceed sixteen square feet; and shall not apply to any related construction or alterations necessary for any other equipment or accessories, nor to any other portion of the project.
- xii. Installation of pre-fabricated accessories such as signs or antennas where not structural building modifications are required.

- B. It is unlawful to split or separate a project into small work projects for the purpose of evading the requirements of this Section XX-4.

XX-5 REFUND OF DIVERSION DEPOSIT

- A. The Director may authorize the refund of any diversion deposit which was erroneously paid or collected.
- B. The Director may authorize the refund of any diversion deposit when the building permit application is withdrawn or cancelled before any work has begun.
- C. The Director may authorize the refund of a diversion deposit when at least one hundred percent (100%) asphalt and concrete and fifty percent (50%) of all remaining C&D

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Option 1 – Enforced by the Member Agencies

debris generated by the project was diverted from landfill or transformation facility.

- D. The Director may authorize a partial refund of a diversion deposit when less than one hundred percent (100%) asphalt and concrete and fifty percent (50%) of all remaining C&D debris by weight of the waste generated by the project was diverted from landfill or transformation facility. The partial refund shall not exceed that portion of the diversion deposit that is in the same ratio as the demonstrated amount of diverted waste bears to one hundred percent (100%) asphalt and concrete and fifty percent (50%) of all remaining C&D debris by weight of the waste generated.
- E. The Director shall not authorize the refund of any diversion deposit, or any portion thereof, unless the original building permit applicant files a written request for refund no later than twelve (12) months after the building permit is no longer active for any reason (including because the project has been completed, the permit has been withdrawn, or the permit has been revoked), and the applicant provides documentation satisfactory to the Director in support of the request.

XX-6 DIVERSION OF WASTE

- A. All of the waste diversion methods which may qualify for a refund of a diversion deposit are subject to restrictions and documentation requirements as set forth in regulations promulgated by the Director.

XX-7 CERTIFIED RECYCLING FACILITIES

- A. The Director shall issue a certification only if the owner or operator of the facility submits documentation satisfactory to the Director:
- i. That the facility has obtained all applicable Federal, State, and local permits, and is in full compliance with all applicable regulations; and
 - ii. The percentage of incoming waste from construction, demolition, and alteration activities that is diverted from landfill disposal meets the required minimum percentage set forth in regulations promulgated by the Director.
- B. The City shall make available to each building permit applicant paying a diversion deposit a current list of Certified Recycling Facilities.

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Sample Construction and Demolition Debris Ordinance

Option 1 – Enforced by the Member Agencies

XX-8 USE OF DIVERSION DEPOSITS

- A. Moneys received by the City as diversion deposits shall be used only for:
- i. Payment of diversion deposit refunds;
 - ii. Costs of administration of the program established by this Article;
 - iii. Cost of programs whose purpose is to divert from landfill disposal the waste from construction, demolition, and alteration projects; and
 - iv. Costs of programs whose purpose is to develop or improve the infrastructure needed to divert from disposal in a landfill or transformation facility the waste from construction, demolition and alteration projects.

SECTION 2 (SEVERABILITY):

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article XX, or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article XX or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article XX irrespective of that fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provision of this Article are declared to be severable.

SECTION 3 (EFFECTIVE DATE):

This Article XX shall take effect thirty (30) days after its passage.

SECTION 4 (NOTICE):

[Jurisdiction should insert the relevant notice requirements here]

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

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Option 1 – Enforced by the Member Agencies

ABSTAIN:

Mayor: _____

City Clerk: _____

Zero Waste Tool Kit Components

*Sample Construction
and Demolition Debris
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Internal Draft – for JPA Staff Review 12/27/2010

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Zero Waste Tool Kit Components

Sample Construction and Demolition Debris Ordinance

Option 2 – Enforced by the JPA

Endorsed by the Marin County Hazardous and Solid Waste Joint
Powers Authority: Date _____

Sample Construction and Demolition Debris Program Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF _____
AMENDING THE MUNICIPAL CODE BY ADDING A NEW
ARTICLE XX (COLLECTION, RECYCLING AND
DISPOSAL OF WASTE GENERATED FROM
CONSTRUCTION, DEMOLITION, AND RENOVATION
PROJECTS WITHIN THE CITY OF _____)

SECTION 1 (ENACTMENT)

The City Council of the City of _____ does ordain this
ORDINANCE No. _____ in full, amending the _____ Municipal
Code by adding a new Article to the _____ Municipal Code which
shall read as follows:

ARTICLE XXXX

COLLECTION, RECYCLING AND
DISPOSAL OF WASTE GENERATED
FROM CONSTRUCTION,
DEMOLITION, AND RENOVATION
PROJECTS WITHIN THE CITY OF

XX-1 FINDINGS

- A. The City finds that the State of California through its California Waste Management Act of 1989, Assembly Bill 939 (AB 939 passed and signed into law in 1989) and Alternative Compliance Act of 2008 (SB 1016 passed and signed into law in 2008), requires that each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis.
- B. The City finds that every city and county in California, including the City, could face fines up to \$10,000 a day for not meeting the above mandated goal.
- C. The City finds that the State of California through its California Global Warming Solutions Act of 2006 (AB 32 passed and signed into law in 2006), requires that commercial generators statewide participate in recycling

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Option 2 – Enforced by the JPA

programs.

- D. The City finds that in recent years, inerts and mixed Construction and Demolition (C&D) debris constituted approximately 16% of the materials landfilled in Marin County and a similarly large portion of the waste stream in the City. These materials have significant potential for waste reduction and recycling.
- E. The City finds that reusing and recycling C&D debris is essential to further the City's efforts to reduce waste and comply with AB 939, AB 32 and other waste reduction goals.
- F. The City finds that C&D debris waste reduction and recycling have been proven to reduce the amount of such material in landfills, increase site and worker safety, be cost effective, and thereby assisting in the protection of public health, safety and welfare.
- G. The City finds that, except in unusual circumstances, it is feasible to divert on average at least one hundred percent (100%) asphalt and concrete and fifty percent (50%) of all remaining C&D debris from most construction, demolition, and renovation projects.
- H. The City desires to implement a program to encourage the Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) goal to increase the diversion of materials from landfill and transformation facilities achieving an 80% diversion goal by 2012 and Zero Waste by 2025, ensure that resources are used to their highest potential, reduce upstream waste and reduce Marin's ecological footprint.
- I. The City finds that, to ensure compliance with this Article, facilities will be evaluated annually through an extensive certification process conducted by the JPA.

XX-2 DEFINITIONS

- A. "Certified Recycling Facility" means a recycling, composting, materials recovery or re-use facility determined to process incoming C&D materials to divert from landfill or transformation for which the certifying agency has issued a certification.
- B. "C&D Hauler" means the current list of permitted haulers that have been issued a Recycling Transporter Permit by the JPA authorizing the hauler to provide C&D Debris services in the County.

Zero Waste Tool
Kit Components

*Sample Construction
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Sample Construction and Demolition Debris Ordinance

Option 2 – Enforced by the JPA

- C. “Director” means the designated staff person(s), authorized and responsible for implementing this chapter.
- D. “Diversion” or “Diverted” means a reduction of the amount of waste being disposed in a landfill or transformation facility by any of the following methods:
 - i. Use of new construction methods, as described in regulations promulgated by Director, that reduce the amount of waste generated.
 - ii. On-site re-use of the waste.
 - iii. Delivery of the waste from the site to a Certified Recycling Facility described in Section XX-7
 - iv. Other methods as approved in regulations promulgated by the Director.
- E. “JPA” means the Marin Hazardous and Solid Waste Management Joint Powers Authority.

XX-3 DIVERSION CLEARANCE DOCUMENT EXEMPTIONS

- A. A construction and demolition debris clearance document shall not be required for the following:
 - i. Work for which a building permit is not required under Article XX.XX.
 - ii. New residential construction projects of less than \$115,000 in value.
 - iii. New non-residential construction projects of less than \$135,000 in value.
 - iv. Residential alterations of less than \$2,000 in value.
 - v. Non-residential alterations of less than \$5,000 in value.
 - vi. Roofing projects.
 - vii. Work for which only a plumbing permit, only an electrical or only a mechanical permit is required.
 - viii. Seismic tie-down projects.
 - ix. The installation or replacement of shelves.
 - x. Installation of pre-fabricated patio enclosures and covers where no foundation or other structural building modifications are required.
 - xi. Installation of swimming pools and spas, provided that the exemption shall apply only to (1) the area

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Option 2 – Enforced by the JPA

to be excavated for the installation of the pool or spa and (2) the area for the pad for the pool/spa equipment that does not exceed sixteen square feet; and shall not apply to any related construction or alterations necessary for any other equipment or accessories, nor to any other portion of the project.

- xii. Installation of pre-fabricated accessories such as signs or antennas where not structural building modifications are required.

- B. It is unlawful to split or separate a project into small work projects for the purpose of evading the requirements of this Section XX-3.

XX-4 CERTIFIED RECYCLING FACILITIES

- A. The Director shall issue a certification only if the owner or operator of the facility submits documentation satisfactory to the Director:
 - i. That the facility has obtained all applicable Federal, State, and local permits, and is in full compliance with all applicable regulations; and
 - ii. The percentage of incoming waste from construction, demolition, and alteration activities that is diverted from landfill disposal meets the required minimum percentage set forth in regulations promulgated by the Director.
- B. The City shall make available to each building permit applicant requiring clearance documents a current list of Certified Recycling Facilities.

SECTION 2 (SEVERABILITY):

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article XX, or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article XX or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article XX irrespective of that fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or effective. To this end the provision of this Article are declared to be severable.

SECTION 3 (EFFECTIVE DATE):

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**Sample Construction
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Sample Construction and Demolition Debris Ordinance

Option 2 – Enforced by the JPA

This Article XX shall take effect thirty (30) days after its passage.

SECTION 4 (NOTICE):

[Jurisdiction should insert the relevant notice requirements here]

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor: _____

City Clerk: _____

Internal Draft - for JPA Staff Review 12/27/2010

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Option 3 – Hybrid of Options 1 & 2

This option would be the same as Option 1 with the following exception:

XX-1 FINDINGS

- J. The City finds that, to ensure compliance with this Article, facilities will be evaluated annually through an extensive certification process conducted by the JPA.

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Development of a Model Commercial and Multi-Family Recycling Ordinance

R3 reviewed ordinances from several communities that have been adopted in the Bay Area and statewide, two that are from other states and the sample ordinance established by the Institute of Local Governments. Various program features included, among other things:

- Threshold
 - Garbage collection size and frequency; and/or
 - Size of business / number of dwelling units
- Designated Recyclables
 - Paper / OCC;
 - Plastic;
 - Glass;
 - Metals;
 - Organic Materials; and/or
 - Other
- Enforcement

The following table shows a comparison of the programs identified.

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TABLE 2 Multi-Family and Commercial Recycling Ordinance Comparison												
Jurisdiction	Sector	Effective Date	Threshold		Other	Designated Recyclables					Funding	Enforcement Method
			Garbage Collection Size	Frequency		Paper OCG	Plastic	Glass	Metal	Organic Waste		
Rancho Cordova, CA	MFD and Commercial	December-08	4CY+	Weekly	All businesses and MFD with 5+ Units	x	x	x	x		Commercial Franchise Fees	Notice of Violation, Enforcement order (up to \$1,000 per day violation occurs)
Elk Grove, CA	MFD and Commercial	July-10	4CY+	Weekly	all generators	x	x	x	x			Recycling plan from all haulers,
Sacramento Regional Solid Waste Authority (Sacramento County & City of Sacramento, CA)	Commercial	May-07	4CY+	Weekly	all businesses	x	x	x	x		SWA Franchise Fee	Notice of Violation, Enforcement order, penalty of misdemeanor
	MFD	June-09	10CY+	Weekly	5+ Dwelling Units	x	x	x	x			
Chula Vista, CA	All Generators of Residential, Commercial & Industrial Recyclables	January-08	all generators	all generators	all generators	x	x	x	x			City Manager is responsible for enforcing ordinance
San Carlos, CA	Commercial, MFD and Special Events	April-10	2CY+	Weekly		x	x	x	x	x		3 step enforcement for Contamination/ Other Violations: 1. Issuance of a Courtesy Notice 2. Issuance of a Warning Notice 3. Issuance of a Violation Notice
		January-08	MFD generating more than 6 CY waste including recyclables	Weekly	SFD Serviced by City							SFD refuse container containing recycling or failure to provide recycling service to a residential, commercial or mixed use facility:
		February-08			100+ units	x	x	x	x			1-3 Notices: Tag container advising requirements 4th Notice: \$100 Admin Citation 5+ Notice(s): Admin Citation \$250-\$1,000 If no compliance after \$1,000 citation, refer to City Attorney's office
		January-09			50+ units							Franchisee / Recyclable Materials Hauler disposing of recyclables: 1st Offense: Administrative Warning 2nd and 3rd Offense: \$1,000 Admin Citation 4th Offense: Prepare case for City Attorney/refer to ESD Franchise... Administrator for evaluation
		January-10			All apts/condos							Written notice followed by up to \$1,000 per day a violation occurs, violation as misdemeanor
San Diego, CA (City)	Commercial	February-08	Commercial generating more than 6 CY waste including recyclables	Weekly	20,000 sq. ft. +	x	x	x	x			
San Luis Obispo County, CA	All Generators of Residential, and Commercial Recyclables	January-09			10,000 sq. ft. +	x	x	x	x			
		January-10			All commercial facilities	x	x	x	x			
Austin, TX (City)	MFD/Commercial	1999	all generators	all generators	all generators	x	x	x	x	green waste		Complaint Driven, quarterly reports from each person contracting with a recycling service provider
Montgomery County, MD	Residential and Commercial	February-05	all generators	all generators	all generators	x	x	x	x	yard trim, Christmas Trees		Recycling and Waste Reduction Plan, Reporting requirements annually for 101 MFD units/businesses 100+ onsite employees and upon request for MFD units fewer than 10/businesses fewer than 100

SAMPLE MANDATORY COMMERCIAL RECYCLING ORDINANCE

The following is a sample Mandatory Commercial Recycling Ordinance for the Member Agencies to consider implementing. The sample is consistent with the requirements of the Mandatory Commercial Recycling Ordinance that is required as part of AB 32, projected to be effective January 1, 2012. Draft regulatory provisions include:

- Businesses (including multi-family dwellings of 5 or more units) generating four cubic yards or more of service per week subscribe to recycling service;
- Require each jurisdiction implement a recycling program by July 1, 2012; and
- Enforcement by CalRecycle through review of Annual Report.

The sample ordinance includes options to incorporate:

- Businesses, multi-family dwellings and special events requirements; and
- Enforcement options such as educational outreach, incremental notification and enforcement, and citations and fines.

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Sample Mandatory Commercial Recycling Ordinance

Endorsed by the Marin County Hazardous and Solid Waste Joint Powers Authority: Date _____

Mandatory Commercial Recycling Ordinance

ORDINANCE NO. _____

**AN ORDINANCE OF THE CITY COUNCIL OF _____
AMENDING THE MUNICIPAL CODE BY ADDING A NEW
ARTICLE XX (ESTABLISH MANDATORY COMMERCIAL
RECYCLING WITHIN THE CITY OF _____)**

SECTION 1 (ENACTMENT):

The City Council of the City of _____ does ordain this
ORDINANCE No. _____ in full, amending the _____ Municipal
Code by adding a new Article to the _____ Municipal Code which
shall read as follows:

**ARTICLE XX.XX REQUIRING MANDATORY
COMMERCIAL RECYCLING WITHIN
THE CITY OF _____**

XX-1 FINDINGS

- A. The City finds that the State of California through its California Waste Management Act of 1989, Assembly Bill 939 (AB 939 passed and signed into law in 1989) and Alternative Compliance Act of 2008 (SB 1016 passed and signed into law in 2008), requires that each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis.
- B. The City finds that every city and county in California, including the City, could face fines up to \$10,000 a day for not meeting the above mandated goal.
- C. The City finds that the State of California through its California Global Warming Solutions Act of 2006 (AB 32 passed and signed into law in 2006), requires that commercial generators statewide participate in recycling programs.
- D. The City continues to make progress in maintaining the disposal reduction requirements of the state recycling law, but additional efforts, particularly in the recycling of paper, cardboard, glass, and other recyclable materials generated by businesses, will assist the City in maintaining and exceeding the goal of diverting waste from landfill disposal.

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Sample Mandatory Commercial Recycling Ordinance

Sample Mandatory Commercial Recycling Ordinance

The City desires to implement a program to encourage the Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) goal to increase the diversion of materials from landfill and transformation facilities achieving an 80% diversion goal by 2012 and Zero Waste by 2025, ensure that resources are used to their highest potential, reduce upstream waste and reduce Marin's ecological footprint.

- E. The City finds that organic or compostable waste that is buried in the anaerobic conditions of landfills creates methane gas and leachate that may impact air and water quality. Reductions or capture of methane is critical as methane gas from the decomposition of waste is a source of renewable energy, but if not collected and controlled is at least twenty-one times as potent as carbon dioxide in contributing to climate change.
- F. The City finds that reductions in greenhouse gas emissions from solid waste management can be realized by recovering traditional recyclable materials from the waste stream to use in the manufacturing of products from these materials. Traditional recyclable materials have significant intrinsic energy value that displaces fossil fuel energy requirements when introduced back into the manufacturing cycle. Additionally, by remanufacturing products using recycled materials, additional reductions in greenhouse gas emissions are realized through reduced fossil fuel demands in transportation and avoided methane emissions at landfills.
- G. The City finds that efforts by the City and the private sector to encourage voluntary diversion of commercial and special event recyclables materials have not achieved desired levels of diversion.
- H. The City finds that mandatory commercial recycling programs in other cities and counties in California, similar to the one implemented by this Article, have proven successful.
- I. The City agrees to be subject to the terms of this ordinance for all of the City's non-residential facilities and properties, including parks and City buildings, as well as City sponsored or partnered special events.

XX-2 DEFINITIONS

- A. "Authorized Recycler" means any person or business entity which lawfully collects, accepts, transports or otherwise processes recyclable materials from Generators for a fee

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Sample Mandatory Commercial Recycling Ordinance

or profit through a proper permit, business license or other regulatory structure or authorization issued by the City.

- B. "Commercial Facility" means all retail, professional, office, wholesale and industrial facilities, and other commercial enterprises offering goods or services to the public and Multi-Family Dwelling Units located within the boundaries of the City.
- C. "Director" means the City Manager, including his or her designee.
- D. "Franchised Hauler" means a hauler holding a franchise, contract, license or permit issued by the City which authorizes the exclusive or non-exclusive right to provide solid waste
- E. "Generator" means an owner or Responsible Party for a Commercial Facility or business, including non-residential property, which generates recyclable or compostable materials as a result of its business, Commercial Facility or property activity. Generator may also include tenants, property managers for facilities with leased space, employees and contractors of Generator as well as a Responsible Party for Special Events. Generator also includes the City, its facilities, its non-residential properties and Special Events, its sponsors or co-sponsors.
- F. "Multi-Family Dwelling Units" means five (5) or more residential dwelling units located on a single parcel of land and any mobile home park located in the City utilizing a common garbage bin for the accumulation and set-out of garbage.
- G. "Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials that would otherwise become solid waste and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meeting the quality standard necessary to be used in the market place. Recycling does not include transformation as defined in Public Resources Code §40201.
- H. "Responsible Party" means the individual or entity responsible for the Generator's management of solid waste and/or recycling at the Generator's Commercial Facility, business, non-residential property, or Special Event.
- I. "Source Separate" means the process of removing recyclable materials from solid waste at the place of discard generation, prior to collection, into separate containers that are separately designated from recyclables.

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compostables, or garbage for the purposes of recycling.

- J. "Special Event" means a community, public, commercial, recreational or social event which may serve food or drink and which may require a permit from the City. Special Events may include the temporary or periodic use of a public street, publicly owned site or facility, or public park and which is expected to have 1,000 or more persons in attendance.

XX-3 SOURCE SEPARATION REQUIREMENTS

- A. Each Generator shall be responsible for ensuring and demonstrating its compliance with the requirements of this ordinance. Each Generator shall:
- Source Separate Recyclable Materials from Solid Waste; and
 - Subscribe to a basic level of Recycling service that includes at a minimum, the collection of Recyclable Materials; and
 - Enter into a written service agreement with a Franchised Hauler or Authorized Recycler; or
 - Complete and retain on-site a Self Hauling form certifying that all Self Hauling activities will be completed in accordance with this ordinance or any other applicable law or regulation. A copy of such form shall be available to the City Director upon request.
- B. Each Generator shall use containers to collect and store Recyclable Materials and shall designate areas to collect and/or store recyclable materials.
- C. Each Generator shall prominently post and maintain one or more signs in maintenance or work areas or common areas where recyclable materials are collected and/or stored that specify the materials to be Source Separated in addition to collection procedures for such materials.
- D. Each Generator shall notify and instruct employees in writing of applicable Source Separation requirements, including outreach and training on what materials are required to be Source Separate and how to Source Separate such material. A copy of such instruction or training materials shall be provided to the Director or designee upon request.
- E. All recyclable materials shall be placed for collection in covered collection containers conforming to the following

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Sample Mandatory Commercial Recycling Ordinance

requirements. No container shall be loaded beyond its capacity. It shall be the Generator's responsibility to keep the containers used for the storage and collection of recyclable material generated on the premises in a clean and sanitary condition. No material or containers shall be kept or handled in such a manner as to become a nuisance. No putrescible materials shall be commingled with recyclables. No recyclable material shall be allowed to become odoriferous or a producer of vermin. Lids on containers shall remain closed at all times while stored or placed for collection. The Director is specifically authorized to promulgate rules and regulations regarding any and all recyclable material containers including as related to the recyclable materials to be placed therein, the placement and maximum weight of high-density materials for collection and the proper use of containers.

- F. Each Generator shall ensure that recyclable materials generated at the Generator's site will be taken only to a recycling or composting facility or make other arrangements to ensure that the materials are recycled or composted and not delivered to a landfill for disposal. Generator shall not dispose of, or arrange for disposal of recyclable materials by placement in a landfill except in an emergency situation, or when no viable markets or recycling facilities are available, as determined by the Director. Further, all Generators are encouraged to consider recycling additional materials, whether or not they have been specifically designated by the Director.
- G. The recycling service agreement and other recycling documents shall be available for inspection by the Director or designee, at the principal location of the Generator's Business, Commercial Facility, Special Event, or non-residential property during normal business hours.
- H. No franchised hauler or authorized recycler shall be held liable for the failure of its customers to comply with such regulations, unless specified in the franchise, contract or permit issued by the City.

XX-4 FRANCHISED HAULERS AND AUTHORIZED RECYCLERS

- A. No person shall provide services as a hauler of recyclables within the boundaries of the City without either being: (1) a Franchised Hauler with the City, or (2) an Authorized Recycler.
- B. Franchised Haulers and Authorized Recyclers shall offer

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collection service and automatic lift containers, bins or roll-off bins for recyclable materials sufficient to accommodate the quantity and types of recyclable materials to all of its customers and shall provide recycling services as described in Section XX-5.

- C. Franchised Haulers and Authorized Recyclers shall identify automatic lift containers, bins or roll off bins for recyclable materials with its name, recognizable corporate or company logo, and phone number of the Franchised Hauler or Authorized Recycler that is legible from a distance of fifty (50) feet.
- D. Franchised Haulers and Authorized Recyclers shall equip and provide automatic lift containers, bins and roll-off bins for recyclable materials, with locks and/or other suitable features, where feasible, to prevent scavenging. They shall conduct all activities in accordance with applicable laws, City codes and regulations and best management practices. Vehicles and equipment and containers shall be kept in a clean and well-maintained condition.
- E. Franchised Haulers and Authorized Recyclers shall not take a customer's recyclable materials to a landfill or other site for disposal. Such materials shall be taken to a recycling facility or Franchised Haulers and Authorized Recyclers shall make other arrangements for recycling the materials instead of disposal. The Franchised Haulers and Authorized Recyclers shall make other arrangements for recycling the materials instead of disposal. The Franchised Haulers and Authorized Recyclers shall maintain a copy of a service agreement and/or receipts documenting that the Generator's recyclable materials have been properly delivered, as well as any documentation evidencing an event of force majeure which prevented the proper delivery of recyclable materials. Such documents shall be available for inspection by the Director at the place of business during normal business hours and maintained for not less than three years.

XX-5 RECYCLING SERVICES

- A. The Recycling services provided by Franchised Haulers and Authorized Recyclers shall include, at a minimum, all of the following:
 - i. Collection of recyclable materials at a minimum of two times per month, or more as specified by contract, license or permit;
 - ii. Collection of recyclable materials as identified by

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Director;

- iii. Utilization of recycling receptacles which comply with City standards;
- iv. Appropriate signage on all recycling receptacles, containers, chutes and/or enclosures which allows users to clearly and easily identify which containers to use for recyclables, compostables, or garbage and be color-coded (blue for recyclables, green for compostables, and black for garbage).
- v. Occupant Education. For Multi-family facilities, the Responsible Party shall provide information about recycling services as follows:
 - 1. Types of recyclable materials accepted, the location of recycling containers, and the occupant's responsibility to recycle pursuant to this Section. This information shall be distributed to all occupants annually;
 - 2. All new occupants shall be given information and instructions upon occupancy; and
 - 3. All occupants shall be given new information and instructions upon any change in recycling service.

XX-6 EXEMPTIONS

- A. The following shall be exempt from the requirements of this Section:
 - i. The State of California, a special district or other local public agency other than the City, as defined, or any employee thereof, when collecting or transporting recyclable materials produced by operation or system of the entities described above.
 - ii. Municipal corporations and governmental agencies other than City using their own vehicles and employees engaged in the collection, transportation or disposal of recyclable materials within the boundaries of the City.
- B. Generator shall be exempt from the requirements in this Section if the Business, Commercial Facility or non-residential property generates four (4) cubic yards or less of Solid Waste per week. This exemption does not apply to Special Events unless the Generator demonstrates to the Administrator that the event will produce less than the

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threshold amount.

- C. Generator may not be required to Source Separate recyclable materials if the Generator demonstrates to the Director that there is no collection service or other system available for such materials.
- D. Generator may be exempt from the requirement of this Section if the Generator demonstrates to the Director that there are no recyclable materials being generated by any activities in the Generator's Business, Commercial Facility, or non-residential property.
- E. Space and Zone.
 - i. Generator may be exempted from the requirements of this Section by the Director, if it is determined, through a site visit required by the Generator, that either:
 - 1. There is inadequate storage space for automatic lift containers, bins or roll-off bins for recyclable materials on site and that it is infeasible for the Generator to share automatic lift containers, bins or roll-off bins for recyclable materials with a Generator or an adjoining property; or
 - 2. Compliance with this Section will result in a violation of zoning codes or City regulations for minimum parking spaces.
 - ii. If, after reviewing the site, the Director determines that it is feasible for recycling containers to be placed either on-site or shared with an adjoining business or property, then the Generator will not be exempted from these requirement sand will be responsible for full compliance with this Section.
- F. Generators may be exempted from the requirements of the Section when no viable markets or recycling facilities are available, as determined by the Director.
- G. If the Generator seeks an exemption, an application for such exemption shall be submitted on a form prescribed by the Director. After reviewing the exemption request, and after an on-site review, if applicable, the Director shall either approve or disapprove the exemption request.

XX-7 SELF HAUL

- A. Nothing in this ordinance shall preclude any person from self-hauling recyclable materials generated by that person

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to a recycling facility. A Generator may transport recyclable materials generated at its business or property to a recycling facility (rather than hiring a Franchised Hauler or Authorized Recycler) only if the Generator completes its activity by utilizing a vehicle owned by either the Generator or Generator's employee. This self-haul exemption does not include contracting for or hiring a third party to transport the recyclable materials. A self-hauler must retain on-site a self-hauling form certifying that all self-hauling activities will be completed in accordance with this Section or any other applicable law or regulation. The self-hauling form shall be made available to the Director or designee upon request. At a minimum, the Generator shall provide the following information on the self-hauling form:

- i. The name, address and telephone number of the Generator's representative that will be signing the self-hauling form.
 - ii. A list of the types of recyclable materials that are being transported.
 - iii. For each type of recyclable material, the amount that is being taken from the Generator's business or property to a recycling facility on a quarterly basis.
 - iv. The name and address of the recycling facility.
 - v. A written statement, signed by the Generator or representative, certifying that the Generator is in compliance with the requirements of this Section XX-6.
- B. The Director may restrict or prohibit self-hauling by a Generator if the Director determines, after providing notice and an opportunity for a hearing, that the Generator's self-hauling activities violate the provisions of this Section or any other applicable law or regulation.
- C. Sale or Donation. Nothing in this ordinance shall preclude any Generator from selling or exchanging at fair market value, for reuse or recycling, Source Separated recyclable materials generated from that business, commercial facility or property; or from donating to another entity for reuse or recycling; Source Separated recyclable materials generated from that business, commercial facility or property.

XX-8 SPECIAL EVENT RECYCLING

- A. For a Special Event, in addition to any other conditions the

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City requires as part of the Special Event permit, the Responsible Party shall provide recycling receptacles throughout the event location to make Source Separation of recyclables, compostables, or garbage convenient for the employees, volunteers, contractors, and customers of the food vendors and attendees of the event.

- B. The minimum number of recycling receptacles shall equal or exceed the number of solid waste receptacles. The solid waste and recycling receptacles shall be placed as close together as possible throughout the event location in order to provide equally convenient access to users.
- C. All of the receptacles must have appropriate signage and be color coded to identify the type of refuse to be deposited (blue for recyclables, green for compostables, and black for garbage) and meet any additional design criteria established by the City by regulation.
- D. Food vendors must have at least one separate container each for recyclables, compostables and trash for use by customers and visitors. Multiple food vendors that provide disposable food service ware and share a common eating area may share an appropriate number, size and placement of containers for recyclables, compostables, and garbage for convenient use by customers or visitors or have common access to such a container which shall be located within a reasonable proximity of the vendors.
- E. The types of recyclable materials suitable for deposit into each receptacle shall include at a minimum; plastic bottles and jars, paper, cardboard, glass, newspaper, metal containers, and cans. Each recycling receptacle shall be clearly identified as a recycling receptacle and shall display a list of types of recyclable materials which may be deposited into the recyclable receptacle.
- F. The Responsible Person shall ensure that the recyclable materials deposited into the recycling receptacles are delivered to a recycling facility. The recycling facility may be located at a landfill, but recyclable materials shall not be delivered to a landfill for disposal.

XX-9 OWNERSHIP/SCAVENGING OF RECYCLABLE MATERIALS

- A. All recyclable materials placed in automatic lift containers, bins or roll-off bins for recyclable materials provided by any Franchised Hauler or Authorized Recycler sufficient to accommodate the quantity and types of materials generated by businesses, or non-residential properties,

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shall be considered owned by and be the responsibility of either the Franchised Hauler or Authorized Recycler. Without permission of either the Franchised Hauler or Authorized Recycler, no person shall collect recyclable materials placed in such automatic lift containers, bins or roll-off bins by customers or Generators.

- B. All recyclable materials placed in recyclable materials containers provided or owned by the Generator, shall be considered owned by and be the responsibility of that Generator until the material is placed at a Franchised Hauler's or Authorized Recycler's designated point of collection or in containers described in paragraph A.
- C. No person other than the person or Business under contract with the Generator of the recyclable materials to collect the recyclable materials, shall remove or otherwise interfere with recyclable materials which have been placed at a designated recycling or recycling materials collection location. Except as authorized under Section XX-6, it shall be unlawful for any person to engage in the business of collecting, removing or transporting, or otherwise organize or direct the collection, removal or transportation of recyclable materials without being a Franchised Hauler or Authorized Recycler.

XX-10 REPORTING

- A. Franchised Haulers and Authorized Recyclers shall provide quarterly reports on the dates described below to the Director identifying at a minimum, the following information, including Special Events:
- i. The total number of customers or commercial accounts they have in the City, the name and address of the facility serviced, and the name of the Responsible Party for Solid Waste and recyclable materials management;
 - ii. The frequency of recyclable materials collection service provided to the business, commercial facility or property;
 - iii. The recyclable materials collected per week by volume in cubic yards and tons, measured by the size of applicable containers of and removed by them within the City during the previous year;
 - iv. The location of the recycling facility to which the recyclable materials were taken during the previous quarter; and

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- v. Information about non-compliance by Generators.
- vi. The quarterly reporting periods shall be as follows:

Reporting Period	Due Date
January 1 - March 30	May 1
April 1 - June 30	August 1
July 1 - September 30	November 1
October 1 - December 31	February 1

- B. If the quarterly report is not filed by the due dates above, the report shall be deemed delinquent, and the Franchised Hauler or Authorized Recycler shall pay to the City a delinquent report charge in the amount of \$XXX. If the report remains delinquent for more than fifteen (15) days, the amount shall be increased to \$XXX.
- C. The Franchised Hauler's or Authorized Recycler's failure to file the reports required by this Section shall, at the option of the Agency, constitute cause for termination or suspension of its franchise or other permit status.

XX-11 IMPLEMENTATION AND ENFORCEMENT

- A. The Director is authorized to administer and enforce the provisions of this Section, beginning with Section XX-1 and following. The Director or anyone designated by the Director to be an enforcement officer may exercise such enforcement powers. To the extent permitted by law, the Director may inspect any collection container, collection vehicle load, or receiving facility for collected garbage or recyclables.
- B. Unless otherwise expressly provided by the City's Code, any person adversely and directly affected by any determination made or action taken by the Director pursuant to the provisions of this Section may file an administrative appeal. If no appeal is filed within the time prescribed and consistent with the City's procedures in the City's Codes, the determination or action of the Director shall be final.
- C. Enforcement (*Chose Option A, B, or C or a combination of the Options*)

Option A. Education [Only]

Education as the sole enforcement mechanism or in combination with other enforcement mechanisms.

Option B. Incremental Notification and Enforcement

- i. If the Franchise hauler or Authorized Recycler first finds incorrect materials in a collection container,

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- they shall notify the Generator by written notice attached to the Recycling container and shall provide a copy of the notice to the Director.
- ii. If the Franchise Hauler or Authorized Recycler finds incorrect materials in a collection container a second time, they shall notify the Generator by a written "Second Notice" attached to the recycling container and shall provide a copy of this Second Notice to the Director for possible follow up and enforcement.
 - iii. After the Franchised Hauler or Authorized Recycler has already left two or more tags for that Customer and that type of container, the Franchised Hauler or Authorized Recycler may refuse to empty the container if contamination occurs a third time subject to California Code of Regulations Title 14 Section 17331, or as determined by the Director. If the container is not emptied, the Franchised Hauler or Authorized Recycler must leave a tag and send a written notice to the Generator, identifying the incorrect materials and describing what action must be taken for the materials to be collected; provided, however, that a Franchised Hauler or Authorized Recycler may not refuse on this basis to empty containers from Multifamily or Commercial properties with multiple tenants and joint account collection service due to excessive contamination, but any manage contaminated loads as solid waste and charge the Generators accordingly.
 - iv. The Franchised Hauler or Authorized Recycler shall, in addition to the above, upon request, provide to the Director a list of the names and addresses of those customers or Responsible Parties who have received tags or notices or whose containers have not been emptied due to non-compliance with this Section, or copies of the tags or notices. The Franchised Hauler or Authorized Recycler shall also provide to the Director, upon request, a list of the names, addresses, and service levels of the customers and any additional information required by the Director.

Option C. Citations and Fines

i. Administrative Citations

The Director may issue administrative citations for violations of this Section or of any rule or regulation

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adopted pursuant to the Section, except as otherwise provided in the Section. City's procedures on imposition of administrative fines are hereby incorporated in its entirety and shall govern the imposition, enforcement, collection, and review of administrative citations issued to enforce this Section and any rule or regulation adopted pursuant to the Section; provided, however, that the Director may adopt regulations providing for lesser penalty amounts.

ii. Notices of Violations

A Notice of Violation shall be issued and served upon the Generator, Franchised Hauler or Authorized Recycler for any violations of this Section. Upon curing a violation, the Generator or Responsible Party may request special service of the containers at an additional expense, or may opt to wait until their next scheduled service day for the container to be serviced.

iii. Remedies and Penalties

For the _____ and any subsequent violations, public nuisance proceedings and/or code enforcement proceedings under the City's Code shall apply, in addition to the administrative penalties approved by resolution of the City Board, as modified from time to time. The Director has the authority to impose administrative penalties for the notices of Violations. The amount of the administrative penalty shall not be more than \$1,000 for each day of each violation, provided that in no event shall administrative penalties assessed under this subsection exceed _____ during any calendar year period.

iv. Additional Remedies

1. The Director may seek injunctive relief or civil penalties in the Superior Court in addition to the above remedies and penalties.
2. All administrative civil penalties collected from actions brought from actions brought pursuant to this Section shall be paid to the Director and shall be deposited into a Solid Waste account that is available to fund activities to implement the applicable provisions of this Section.

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XX-12 OTHER ACTIONS AND REMEDIES

A. No other powers affected.

This Section (Section XX-1 and following) does not do any of the following:

- i. Otherwise affect the authority of the Director, or designee to take any other action authorized by any other provision of law.
- ii. Restrict the power of a city attorney, district attorney or the Attorney General to bring in the name of the people of California, any criminal proceeding otherwise authorized by law.
- iii. Prevent the Director or designee from cooperating with, or participating in, a proceeding specified in XX-11 B above.
- iv. Affect in any way existing contractual arrangements including franchises permits or licenses previously granted or entered into between the Franchised Hauler or Authorized Recycler and City.

B. Cumulative Remedies

Any remedy provided under this section is cumulative to any other remedy provided in equity or at law. Nothing in this article shall be deemed to limit the right of the City or its authorized collection agent(s) to bring a civil action; nor shall a conviction for such violation exempt any person from a civil action brought by the City or its authorized collection agent(s). The fees and penalties imposed under this article shall constitute a civil debt and liability owing to the City from the persons, firms or corporations using or chargeable for such services and shall be collectible in the manner provided by law.

C. Liability

Nothing in this article shall be deemed to impose any liability upon the Agency or upon any of its officers or employees including without limitation under the Comprehensive Environmental Response, Compensation and Liability Act of 1980 (CERCLA).

XX-13 FORMS, REGULATIONS AND GUIDELINES

- A. After public notice and a public hearing, the Director may adopt necessary forms, rules, regulations, and guidelines which may be necessary or desirable to aid in the administration or enforcement of the provisions of this article, including all necessary policies and procedures for the issuance of the permits, administration of this article,

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collection of fees and bonds and/or indemnities, or proof(s) of insurance.

- B. The City shall provide information on its website regarding what materials are accepted as recyclables, compostables and garbage under this Section.

SECTION 2 (SEVERABILITY):

If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article XX, or any part thereof is for any reason held to be unconstitutional or invalid or ineffective by any court of competent jurisdiction, such decision shall not affect the validity or effectiveness of the remaining portions of this Article XX or any part thereof. The City Council hereby declares that it would have passed each section, subsection, subdivision, paragraph, sentence, clause or phrase of this Article XX irrespective of that fact that one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional or invalid or ineffective. To this end the provision of this Article are declared to be severable.

SECTION 3 (EFFECTIVE DATE):

This Article XX shall take effect thirty (30) days after its passage.

SECTION 4 (NOTICE):

[Jurisdiction should insert the relevant notice requirements here]

ADOPTED BY THE FOLLOWING VOTE:

AYES:

NOES:

ABSENT:

ABSTAIN:

Mayor: _____

City Clerk: _____

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Development of a Model Zero Waste Resolution(s)

R3 collected various zero waste related resolutions and ordinances passed by several communities throughout California to use as comparative guides to develop a model(s) that can be adopted by the JPA and its Member Agencies. The cities of Alameda, Burbank, Fresno, Los Angeles, Oakland, Palo Alto, and San José have created a Zero Waste Implementation / Strategic Plan, similar to the JPA's Zero Waste Feasibility Study. Policies and programs selected for review in the Plan were then analyzed for feasibility. Some communities then created resolutions or ordinances for each policy/program to establish the Zero Waste goals, such as:

- Product Stewardship/Extended Producer Responsibility (EPR) – encourage manufacturers to design long lasting repairable and recyclable products, take-back products at end of their useful life.
- Construction and Demolition Recycling – Mandatory recycling of construction materials.
- Mandatory Recycling for Residential and Commercial Sectors – implement recycling programs, require minimum percentage of waste to be taken to material recovery facilities.
- Adding Materials to Recycling Program – New materials may include film plastic, textiles, food waste, etc.
- Waste Reduction Programs – Plastic Bag Ban and Polystyrene Container Ban.
- Environmental Purchasing Policies.

The following table shows a comparison of the various Zero Waste related plans, resolutions and ordinances identified. The City of San Francisco has created a very easy to follow webpage including environmentally specific ordinances, regulations, and resolutions that have been passed to date. Appendix D includes some ordinances and resolutions passed by the City of San Francisco for the JPA and Member Agencies to consider implementing in order to attain zero waste on a regional basis.

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TABLE 3
Zero Waste Resolutions, Plans and Goals

Jurisdiction	Diversion Goal	Actions Taken	Resolution Passed	Source
Berkeley	75% by 2010 Zero Waste by 2020 3/22/2005	Zero Waste Commission	Currently Creating Plan	
		Solid Waste Commission becomes Zero Waste Commission Ordinance	2/7/2006	http://greenpolicy.us/index.php?title=Berkeley%2C_CA_Solid_Waste_Management_Commission_Becomes_Zero_Waste_Commission
		Zero Waste Resolution	3/22/2005	http://www.ci.berkeley.ca.us/uploadedFiles/Planning_and_Development/Level_3_Energy_and_Sustainable_Development/Zero%20Waste%20Goal.pdf
		Construction and Demolition Debris Salvage and Recycling Ordinance	11/9/2010	http://www.ci.berkeley.ca.us/citycouncil/2006citycouncil/packet/112806/2006-11-28%20Item%2015%20Construction%20and%20Demolition%20Debris%20Salvage%20and%20Recycling.pdf
		Green Purchasing Policy	2004	www.besafenet.com/ppc/docs/purchasing/PU_BPP.pdf
Burbank	Zero Waste to landfills and incinerators by 2040	Zero Waste Strategic Plan	1/22/2008	http://www.ci.burbank.ca.us/Modules/ShowDocument.aspx?documentid=3117
		Resolution Supporting the UN Environmental Accords and Burbank Sustainability Action Plan	1/22/2008	
Oceanside	75% landfill diversion by 2020	Zero Waste Resolution	8/25/2010	http://www.ci.burbank.ca.us/Modules/ShowDocument.aspx?documentid=1812 http://www.sandiegocountynews.com/2010/08/31/oceanside-city-council-passes-a-zero-waste-resolution/
Alameda (City)	75% diversion	Currently Creating Strategic Resource Management Plan	Currently Creating Plan	http://www.ci.oceanside.ca.us/pdf/RFP_Consulting_ZWSRMP.pdf
Los Angeles (City)	70% by 2013 90% by 2025	Zero Waste Implementation Plan	8/10/2010	http://www.ci.alameda.ca.us/news/1008_zero_waste_implementation_plan.html
		Plastic Bag Ban	11/16/2010	http://plasticbagbanreport.com/la-countys-plastic-bag-ban-ordinance/
Palo Alto	73% Diversion by 2011, Zero Waste by 2020	5-Yr Strategic Plan, Solid Waste Integrated Resources Plan	7/1/2009	http://www.zerowaste.lacity.org/home/index.html
		Zero Waste Strategic Plan	10/1/2005	http://www.cityofpaloalto.org/cvsa/filebank/blobdload.asp?BlobID=7100
San Francisco	75% Diversion by 2010 and Zero Waste by 2020	Zero Waste Operational Plan	9/17/2007	http://www.cityofpaloalto.org/cvsa/filebank/blobdload.asp?BlobID=10289
		Coca Cola Recycled Plastics Resolution	12/20/1999	
		Plastic Beverage Bottle Resolution	6/17/2000	
		Computer and Electronic Recycling Resolution	8/8/2001	
		Zero Waste Goal Resolution	5/16/2002	
		Resolution for 75% Waste Diversion Goal	9/30/2002	
		Resolution Setting Zero Waste Date	3/6/2003	
		Recycling and Resource Conservation in the Consumer Catalog Industry	5/20/2003	
		City Composting Ordinance	5/20/2003	
		Resource Efficiency Requirements and Green Building Standards Ordinance	4/26/2004	
		Check Out Bag Fee Resolution	1/8/2005	http://www.sfenvironment.org/our_policies/index.html
		Precautionary Purchasing Ordinance	9/2/2005	
		EPR Resolution	7/7/2006	
		C&D Ordinance	6/1/2006	
		Bag Recycling Resolution	7/17/2006	
		Food Service Waste Reduction Ordinance	11/14/2006	
		Resource Conservation Ordinance	2/14/2007	
		Construction-Use of Recycled Content Materials Ordinance	3/6/2007	
Oakland	Zero Waste by 2020	Plastic Bag Reduction Ordinance	3/22/2007	
		Mandatory Recycling and Composting Ordinance	6/9/2009	
Fairfax	Zero Waste by 2020	EPR Framework Resolution	4/20/2010	
		Resolution Adopting Zero Waste as a Goal	3/7/2006	http://www.eurekarecycling.org/PDFS/ZW3.pdf
Glendale	70% by 2015 and 90% by 2020	Resolution to Adopt Zero Waste Strategic Plan	12/6/2006	http://www.eurekarecycling.org/PDFS/ZW4.pdf
		Zero Waste Strategic Plan	11/26/2006	http://www.eurekarecycling.org/PDFS/ZW4.pdf
Irvine	Zero Waste by 2020	Resolution Adopting Zero Waste as a Goal	3/7/2007	http://greenpolicy.us/index.php?title=Fairfax%2C_CA_Adoption_of_Zero_Waste_as_a_Goal
		Plastic Bag Ordinance	7/11/2007	http://www.stopwaste.org/docs/fairfax_plastic_bag_ordinance.pdf
San Jose	Zero Waste by 2023	In process of creating Zero Waste Action Plan	Currently Creating Plan	
		Single Use Bag Reduction and Recycling Program	August, 2008	http://www.ci.glendale.ca.us/public_works/
San Diego (Cities and County)	75% by 2010	Zero Waste Resolution	6/10/2007	http://www.cityofirvine.us/files/City%20of%20Irvine%20Zero%20Waste%20Resolution.pdf
		Sustainability Resolution	11/9/2010	http://www.sanjoseca.gov/esd/PDFS/ZeroWasteResolution74077_10-07.pdf
		Environmental Preferred Purchasing Policy	3/20/2007	http://greenpolicy.us/index.php?title=San_Jose%2C_CA_Environmentally_Preferable_Procurement_Policy
		Green Building Policy	3/6/2007	http://greenpolicy.us/index.php?title=San_Jose%2C_CA_Green_Building
		Water Bottle Policy	6/12/2008	http://greenpolicy.us/index.php?title=San_Jose%2C_CA_Bottled_Water_Policy
Fresno	75% by 2012 and zero waste by 2025	Construction and Demolition Ordinance	1998	http://www.sjrecycles.org/construction-demolition/program-background.asp
		Zero Waste Strategic Action Plan	November, 2008	http://www.sjrecycles.org/zerowaste-stratplan.asp
		Zero Waste Resolution		http://www.zerowastesandiego.org/
		San Diego Recycling Ordinance	11/13/2007	http://docs.sandiego.gov/municode/MuniCodeChapter06/Ch06Ant06Division07.pdf
El Cajon	75% by 2010	Environmental Preferred Purchasing Regulation	4/4/2007	http://www.sandiego.gov/environmental-services/ep3/documents/
		Compostable Organics out of Landfill by 2012	Draft	http://www.zerowastesandiego.org/pdf/cool2012/cool2012resolution.pdf
Fresno	75% by 2012 and zero waste by 2025	Zero Waste as a Goal Resolution	2/14/2007	http://www.zerowastesandiego.org/pdf/elcajonzw.pdf
		Mandatory Recycling Ordinance (effective 10/29/05)	2/11/2008	http://library.municode.com/index.aspx?clientId=14478&stateId=5&stateName=California
		Zero Waste Strategic Plan	2/11/2008	http://www.fresno.gov/NR/rdonlyres/9112A6F3-33A3-428E-9762-6EBC0E0523B7/0/ZeroWasteStrategicActionPlan.pdf

SAMPLE ZERO WASTE RESOLUTION

The JPA and/or Member Agencies have the option to follow the City of San Francisco's lead by 1) developing similar ordinances, regulations and resolutions over a period of time or 2) creating and implementing a zero waste resolution by incorporating some or all of these policies/programs immediately. The following is a sample resolution based from the City of San Francisco's recently passed EPR Resolution.

Sample Extended Producer Responsibility and Environmentally Preferable Purchasing Resolution

Endorsed by the Marin County Hazardous and Solid Waste Joint Powers Authority: Date

Extended Producer Responsibility

Resolution urging the California State Legislature to enact an extended producer responsibility framework, requesting the City's lobbying efforts include extended producer responsibility advocacy, authorizing the City to become a member of the California Product Stewardship Council and committing the City to the goals of Environmentally Preferable Purchasing.

WHEREAS, approximately XXX,XXX tons of discarded materials and products are currently sent to disposal from Marin County each year; and

WHEREAS, On February 8, 2006 California's Universal Waste Rule (CCR, Title 22, Division 4.5, Chapter 23) became effective; and

WHEREAS, The Universal Waste Rule banned landfill disposal of certain products that are deemed hazardous, including household batteries, fluorescent bulbs and tubes, thermostats and other items that contain mercury, and electronic devices such as, televisions, cell phones, microwave ovens, printers, and computers; and

WHEREAS, It is anticipated that the list of waste products determined to be hazardous or problematic will continue to grow and will therefore be banned from landfills as demonstrated by the 2007 ban of treated wood and the 2008 ban on sharps; and

WHEREAS, State policies currently hold local governments responsible for achieving waste diversion goals and enforcing product disposal bans, both of which are unfunded mandates; and

WHEREAS, The costs to manage Universal Waste and problematic products are currently borne by taxpayers and rate payers and because of the bans these costs are increasing substantially and will continue to do so unless policy changes are

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Sample Extended Producer Responsibility and Environmentally Preferable Purchasing Resolution

made; and

WHEREAS, Data from city and county annual reports show that, statewide, less than ten percent of the household hazardous waste and Universal Waste generated is being collected; and

WHEREAS, Local governments do not have the resources to adequately address the rising volume of discarded products; and

WHEREAS, Costs paid by local governments to manage products are, in effect, subsidies to the producers of hazardous products and products designed for disposal; and

WHEREAS, Assuming a fifty percent recovery rate, collecting and disposing of universal waste items now banned from the trash costs the City an estimated \$X million each year; and

WHEREAS, There are significant environmental and human health impacts associated with improper management of Universal Waste, sharps, pharmaceuticals, and other products and economic impacts when waste becomes litter, including ocean litter; and

WHEREAS, EPR incorporates the cost of disposal and recovery for discarded products into the purchase price and reduces the financial burden on local taxpayers and garbage ratepayers; and

WHEREAS, EPR encourages reuse and recycling and also encourages producers to consider the health and environmental costs associated with the products they create and to include those costs in the product price, thereby creating an incentive to design products that are more durable, easier to repair and recycle, and are less toxic; and

WHEREAS, City incorporates EPR policies into the procurement practices to reduce costs and protect the environment; and

WHEREAS, The National and California League of Cities adopted policy statements in support of a framework approach to EPR; the Solid Waste Association of North America adopted a policy supporting EPR, and the Association of State and Territorial Solid Waste Management Officials adopted a Product Stewardship Framework Policy Document; now, therefore, be it

RESOLVED, by the City Council of _____ hereby urges the California Legislature to continue taking timely action to implement the Framework for an EPR System adopted by CalRecycle in 2008 to manage problematic products; and be it

FURTHER RESOLVED, that the City Council of _____

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**Sample Extended Producer Responsibility and
Environmentally Preferable Purchasing Resolution**

additionally urges the California Legislature to enact framework EPR legislation which will give producers the incentive to design products to make them less toxic and easier to reuse and recycle; and, be it

FURTHER RESOLVED, that the City Council of _____ encourages the Department of Toxic Substances Control to implement the Green Chemistry initiative to manage Universal Waste and other toxic products; and, be

FURTHER RESOLVED, that the City Council of _____ requests the Mayor to send letters to the League of California Cities, the California State Association of Counties, the Department of Toxic Substance Control, and the State Legislature and to use other advocacy methods to urge support for EPR product and framework legislation and related regulations and otherwise direct the City's Sacramento Lobbying efforts to advocate for EPR product and framework legislation; and, be it

FURTHER RESOLVED, that the City Council of _____ encourages all manufacturers to share in the responsibility for eliminating waste through minimizing excess packaging, designing products for durability, reusability and the ability to be recycled; using recycled materials in the manufacture of new products; and providing financial support for collection, processing, recycling, or disposal of used materials; and, be it

FURTHER RESOLVED, that the City Council of _____ commits to the following goals: Reduce occupational health hazards for City staff as well as reduce exposure of City residents and visitors to potential toxics; reduce City's contribution to global climate change by purchasing products that lead to a reduction in greenhouse gas emissions; improve the air quality by purchasing equipment that minimizes emissions of air pollutants; protect the quality of ground and surface waters by eliminating the use of chemicals known to contaminate through toxicity, bioaccumulation or persistence; preserve resources locally and globally through purchasing practices that maximize water and energy efficiency; utilize post-consumer recycled content and readily recyclable and compostable materials; favor renewable energy sources and long term use through product durability, reparability, and reuse; and consider the life cycle economics of a product's manufacture, transportation, use and disposal.

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Model Franchise Agreement Language

To assist the JPA with identifying best practices and model franchise agreement language, R3 reviewed the Member Agencies solid waste franchise agreements. Table 4 below illustrates the current terms to the Member Agencies franchise agreements.

TABLE 4
Marin County Franchise Agreements

Jurisdiction	Term		Amendments	Evergreen
Almonte Sanitary District	1/1/2004	12/31/2013	no	
Alto Sanitary District	6/7/1965	12/31/2015	1992	
Belvedere	11/6/1995	12/31/2005	no	1 year
Bolinas Community Public Utility District	4/1/2003	6/30/2013	no	
Marin Central 1-6	10/18/1994	12/31/2020	7/15/2008	1 year
Corte Madera	7/1/2006	12/31/2026	no	
Fairfax	6/30/1998	6/30/2013	no	
Homestead	12/28/1964	12/31/2015	1/1/1992	
Larkspur	2/19/2003	12/31/2024	no	
Las Gallinas Valley Sanitary District	2/1/2006	12/31/2020	no	1 year
Marin City Community Service District	7/1/1995	6/30/2010	no	1 year
Mill Valley	1/1/1996	12/31/2005	no	1 year
Novato Sanitary District	12/31/2005	12/31/2015	no	
Ross	12/14/1994	12/31/2020	10/12/2000	1 year
Ross Valley North Franchise area	7/11/2006	11/30/2009	no	
Ross Valley South Franchise Area	7/11/2006	7/10/2026	7/15/2008	
San Anselmo	2/1/2004	1/31/2009	10/30/2008*	
San Rafael	9/4/2001	12/31/2021	no	1 year
Sausalito	2/5/2002	2/4/2017	no	
S Marin Area 1	4/1/1993	12/31/2017**	7/15/2008	
S Marin Areas 2-7	9/7/1993	12/31/2017**	7/15/2008	
Stinson Beach County Water District	7/21/1990	12/31/2009***	5/20/1999	
Strawberry	2/24/1965	12/31/2025	8/9/1995	
Tamalpais		NO AGREEMENT ON FILE		
Tiburon	1/30/1996	12/31/2005	no	1 year
West Marin Area 1	7/1/1990	6/30/2015	7/15/2008	

* Extension extension through 7/31/09 exercised

** Original agreement expired in 2002 with an extension of 15 years.

*** has second extension been exercised (would extend term through 12/31/2019)

The following provides an overview of performance related “Best Practice” options for the JPA and the Member Agencies to consider in adopting an amended or new franchise agreement.

1. Definitions – Clearly define all terms used in the franchise agreement. Examples include:

- **Food Waste:** Food scraps and trimmings from food preparation, including but not limited to: meat, fish and dairy waste, fruit and vegetable waste, grain waste, Stable Matter, and acceptable food packaging such items as pizza boxes, paper towels, waxed cardboard and food contaminated paper products.
- **Recyclable Materials:** Those materials which are capable of being recycled and which would otherwise be processed or disposed of as Garbage.

R3

Zero Waste Tool Kit Components

Recyclable Materials include those materials defined by the CITY, including newsprint (including inserts); mixed paper (including magazines, catalogs, envelopes, junk mail, corrugated cardboard, brown bags and paper, paperboard, paper egg cartons, office ledger paper, and telephone books); glass containers; aluminum beverage containers; small scrap and cast aluminum (up to 20 pounds); steel including "tin" cans, empty aerosol cans (empty, non-toxic products) and small scrap (up to 20 pounds); bimetal containers; plastic bags, plastic food containers, #1-7 plastics regardless of form or mold (including but not limited to plastic containers, bottles, wide mouth tubs, plastic bags, film plastic, and polystyrene), aluminum foil and pans.

2. Term of the Agreement

- o Competitive Procurement Process - Base Term of – 10 years, with options to extend tied to the hauler meeting specific performance requirements such as meeting minimum diversion standards (75-80%), and not exceeding a dollar amount of assessed liquidated damages (\$35,000 in any one contract year).
- o Extension of Current Agreement with SGC - One 5-year term, with City option for additional extension(s) tied to SGC meeting specific performance requirements such as meeting minimum diversion standards (75-80%), and not exceeding a dollar amount of assessed liquidated damages (\$35,000 in any one contract year).

3. Diversion Requirements

- o Contractor must meet a minimum guaranteed diversion rate of 75-80%;
- o Diversion is calculated as the tons of materials collected by contractor that are sold or delivered to a processing facility, recycler or re-user, net of all residue, divided by the total tons of materials collected by the contractor in each Agreement Year;
- o Failure to meet minimum guaranteed diversion rate will require subject contractor to one or more of the following: 1) not eligible for contract extension, 2) begin new diversion programs at no additional cost, 3) pay liquidated damages, and 4) forgo a rate increase; and

R3

Zero Waste Tool Kit Components

- Rate increases or decreases for exceeding or not meeting diversion requirements.
- 4. Customer Rates and Future Adjustments**
 - Customer rates based on the volume of trash disposed;
 - Unlimited recycling provided as a “free” service;
 - Unlimited green waste/food waste (residential) provided as a “free” service;
 - Commercial food waste provided at discounted rate compared to trash rate;
 - Roll-off/debris box rates based on a “pull” cost plus the cost for processing/disposal of the specific materials collected;
 - City services provided at no cost;
 - Public school services provide at no cost or discounted rate; and
 - Future rate changes utilize a RRI (Refuse Rate Index) tied to U.S. Bureau of Labor Statists published indices for the solid waste industry.

- 5. Hauler Fees** Require the hauler to pay the City a fee for:
 - Franchise Fee - 10 – 25% of hauler’s gross revenue received for providing franchised services;
 - Vehicle Impact Fee – set amount or per vehicle fee charged to the hauler subject to legal review and nexus study to compensate the City for road wear-and-tear directly attributable to solid waste collection vehicles;
 - AB 939 Fee to compensate the City for the time/cost necessary for the City to submit required reports to CalRecycle, manage the contract, manage the City’s solid waste efforts; and
 - Audit and Performance Review Fee to require the hauler to pay for the cost of audits and performance reviews.

6. Services to be Provided

- Trash;
- Recyclables (commingled vs. source separated recycling);
- Green Waste/Yard Waste;
- Food Waste (leafy greens and fruits, food contaminated paper products, proteins);

R3

Zero Waste Tool Kit Components

- Bulky waste (item or size limits, diversion requirements);
- Household Hazardous Waste;
- ABOP - used oil/oil filter and battery, paint collection;
- Sharps and pharmaceutical collection;
- E-waste; and
- U-Waste collection.

7. Sectors to be Serviced

- Single-family Residential;
- Multi-family Residential;
- Commercial/Industrial Services;
- Construction and Demolition/Temporary Services;
- City Facilities (i.e. parks, public facilities, special events); and
- Street Sweeping; and
- Public Schools.

8. Method of Service

- Automated, semi-automated, or manual collection;
- Mandatory commercial and multi-family recycling and/or "equal capacity" provided for trash and recycling;
- Bulky waste collected in non-compaction vehicles to allow for greater reuse and recycling of bulky waste materials; and
- On-call door-to-door collection of HHW, E-Waste, U-Waste, or sharps and pharmaceutical.

9. Collection Vehicles

- New in contracts with base terms of 7 years or longer (applies to both contract extensions and new contracts);
- Require vehicle replacement based on hauler's depreciation schedule (generally the maximum age allowable is 10 years);
- Use of CNG/LNG fueled collection vehicles;
- Use of CNG/LNG street sweepers;
- Use of hybrid fueled support vehicles;

R3

Zero Waste Tool Kit Components

- Split body collection trucks that allow for collecting trash and green/food waste at one stop but placed in separate compartments in the collection truck (will reduce the number of vehicle stops per house and reduce wear and tear on City streets);
- On-board GPS route/customer tracking with real-time direct link to customer service center;
- Safety markers, back up cameras, on-board spill kits;
- Pre-and Post-trip inspections;
- Schedule repair of hydraulic lines;
- Washed daily, steam cleaned weekly;
- Use low VOCs or water based paint to paint vehicles;
- Painted every 3 years or sooner if needed; and
- Establish maximum weight when loaded 10 – 15% lower than manufacturer's specifications to reduce wear and tear on City streets.

10. Collection Containers

- New to contracts with base terms of 7 years or longer (applies to both contract extensions and new contracts);
- 20, 32, 64, 96 gallon carts for recyclables, organics, and trash;
- Cart bodies and lids the same color;
- Carts made from a minimum 25% recycled content material, and fully recyclable when service life ends;
- Carts lids 100% UV protected;
- Carts have a minimum 10 year manufacture warranty;
- Carts to be labeled with instructions as to use either in-molded on lids or hot stamped;
- Contractor to place its name on residential carts;
- Carts and bins to be washed by contractor at least once every 7 years;
- Carts and bins to be repaired/exchanged by next scheduled service day;
- Ownership of carts may be transferred to the City after ten years at City option;

R3

Zero Waste Tool Kit Components

- Bins to be repainted a minimum of every 3 years, or sooner if requested by customer or City;
- Bin lids may be plastic to save weight and reduce noise;
- Split bins that allow for recyclables trash to be placed in one bin with separate compartment for each;
- Graffiti to be removed from carts, bins, roll-off with 24 hour's notice by the customer or the City;
- Use low VOCs or water based paint to paint bins and roll-offs;
- Bins to be labeled for contents (trash, recyclables, organics); and
- Bins labeled with bin size inventory id.

11. Facilities

- Processing transfer and disposal facilities to fully licensed and permitted at all times;
- Contractor to provide written documentation (annually) of status of facilities, licenses and permits; and
- Contractor to propose facilities to be used, with approval by City.

12. Recordkeeping and Reporting Requirements

- Use accepted accounting principles;
- Separate any non-franchised services, and/or separated by different jurisdictions;
- Include specific reporting information on:
 - Customer information;
 - Material collected, diverted, & disposed;
 - Gross Revenue received;
 - Customer Education and Outreach activity; and
 - Customer Service issues.

13. Performance Reviews

- Require Performance Review to be done every 5 years, with hauler paying for the cost of the review.

14. Performance Bonds – The performance bond should be equal to 10% of annual gross receipts.

R3

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
George Rodericks

Date: January 27, 2011

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Michael Frost
Executive Director



Fairfax:
Michael Rock

Re: Local Task Force Member Appointments

Larkspur:
Dan Schwarz

Mill Valley:
Jim McCann

Novato:
Michael Frank

Ross:
Gary Broad

San Anselmo:
Debbie Stutsman

San Rafael:
Jim Schutz

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

There are several vacancies on the AB939 Local Task Force (LTF). Currently, there are vacancies for an environmental position, the Southern Marin Cities representative, San Rafael's representative, and the Ross Valley Cities representative. The vacancies on the LTF have made it extremely difficult to obtain a quorum for their monthly meetings. It is recommended your Board make appointments to these vacant LTF positions and/or ratify appointments made by the JPA Executive Committee.

The Local Task Force, which is an advisory group to the JPA, is comprised of the following categories: waste haulers and facility operators, environmental groups, special districts, and public representatives.

Environmental Position

The Executive Committee reviewed the nominees at the January 13, 2011 meeting and recommended appointing Delyn Kies to the Environmental position and appointing Jennie Pardi to a new Environmental Alternate position. Under this recommendation Delyn Kies and Jennie Pardi shall alternate voting positions annually. The alternate member will be able to vote in the absence of any voting Environmental LTF Member. Nominees' references and/or resumes are attached for reference and they have all been invited to attend this meeting to answer any questions you may have in ratifying this selection.

Delyn Kies – member 2011 and alternate every other year
Jennie Pardi – alternate 2011 and rotate every other year

Southern Marin Cities

The Executive Committee is recommending you appoint Joan Irwin. The Southern Marin seat represents the cities and towns of Sausalito,

Tiburon, Belvedere, and Mill Valley. Joan Irwin was nominated by City managers from those areas. Her resume is attached.

Joan Irwin – member Southern Marin Cities.

San Rafael

The Executive Committee and the San Rafael City Council recommend appointment of Elissa Giambastiani to fill San Rafael's vacant position.

Elissa Giambastiani – City of San Rafael

Ross Valley Cities

The nomination of the Ross Valley is historically made by the City/Town Managers for the areas they represent. The vacant Ross Valley LTF position represents the cities and towns of Ross, San Anselmo, Fairfax, Larkspur, and Corte Madera. There have been two nominations for this position. Both nominees' resumes are attached and they have been invited to this meeting. After confirming with your Chair it was decided to have the Ross Valley Cities make their selection at this meeting, with your Board subsequently ratifying their selection. The nominees are:

Donna Bjorn – Ross Valley Cities Candidate

Renee Goddard – Ross Valley Cities Candidate

It is recommended you make the appointments as outlined above.

Attachments.

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Delyn Kies
Owner and Principal
Kies Strategies

Resume

Ms. Kies has 32 years of experience in the environmental management field with a primary focus in the area of integrated solid waste management.

As a consultant and as a former solid waste manager for both Washington County and the City of Portland, Oregon, Ms. Kies has worked extensively with local and state governments and trade organizations. She participated in the drafting and legislative adoption of the 1983 Oregon Recycling Opportunity Act and the 1991 Oregon Recycling Act. She has been an active member and served in leadership positions for the Solid Waste Association of North America, Association of Oregon Recyclers, and the National Association of Women in Construction. She is also a current member of the California Resource Recovery Association, the Northern California Recycling Association, and the Marin Builders Association. She is a member and former board member of the National Recycling Coalition, serving as Vice President in 1995 and as Chair of the 35-member board in 1996.

Ms. Kies has a broad range of experience in all facets of solid waste management including environmental purchasing, waste prevention, commercial recycling, household hazardous waste, organics collection, and construction and demolition debris recycling programs.

Selected Project Experience

- StopWaste.Org – Member of the consultant team providing recycling, composting, energy efficiency, water conservation and waste prevention *technical assistance to large businesses and institutions* in Alameda County since 2002. Ms. Kies also provides *strategic research and analysis for waste prevention policies and programs* for the Agency, most recently completing the *Paperless Express*, a paper use reduction guide for businesses.
- StopWaste.Org – Member of the staff and consultant team assisting member agencies and businesses in Alameda County in the *purchase of recycled content and environmentally preferable products* since 2001. Most recently, Ms. Kies developed the content and worked with the Agency's purchasing and green building teams to produce the *Guide to Green Maintenance and Operations*.
- City and County of San Francisco - Key member of the consultant team providing *recycling, composting, and waste prevention technical assistance to businesses and institutions* in partnership with SF Environment staff and private collectors since 2003.
- City and County of San Francisco – Instrumental in establishing and administering the San Francisco Mini-Grants program that provides funding to businesses to start or expand recycling, composting or waste prevention programs.
- Metro, Oregon – Managed and conducted research, surveys and interviews on *shipping and packaging waste prevention* in the Metro region. Prepared report identifying opportunities and best management practices, and the benefits and barriers to more widespread adoption of these practices.

Kies Strategies
50 Plata Court
Novato, California 94947
415/209-0321

- Metro, Oregon – Conducted research and interviews as part of a consultant team for the Food Waste Prevention and Donation Project. The results supported the Agency's development of the ForkItOver.org *program to reduce hunger and waste by encouraging donation of surplus food*.
- Solid Waste Management System and Facilities Plans - Performed research and analysis, provided senior technical review, made public presentations, and managed numerous projects to prepare local solid waste management and implementation plans in Oregon, California, Nevada, Hawaii, Colorado, Alaska, New Mexico, Wyoming and Washington State. She completed a comprehensive Integrated Solid Waste Management Plan for the U.S. Commonwealth of the Northern Mariana Islands, the solid waste and recycling component of the East Yosemite Valley Site Study, and an Integrated Solid Waste Alternatives Plan for the Golden Gate National Recreation Area.

Key components of these plans were *recycling, composting, source reduction, buying recycled, education and outreach, and methodologies to track progress*. Tasks included facilitation and work with regulators, elected officials, technical staff, the media, local businesses, and citizen groups.

- Nineteen Oregon Counties - Prepared *Household Hazardous Waste Management Plans* for eighteen Oregon Counties since 2000. Provided senior technical review in the preparation of a Plan for an additional County in 2004. Plans include a review of local conditions, a needs assessment, analysis of management options including staffing and estimated costs for facilities and events, funding mechanisms, an outreach plan, and measurements for program effectiveness.
- University of California at San Francisco - Worked with the design team and staff to *develop and incorporate sustainability goals and objectives into the Master Plan for the new Mission Bay Campus*. A design charette was facilitated to identify sustainability features, an overview of the U.S. Green Building Council's LEED® (Leadership in Energy and Environmental Design) certification program was presented, and a preliminary review of the building concept against the LEED certification criteria was conducted.
- San Francisco Redevelopment Agency - Prepared specifications for salvage, reuse and recycling for bid documents for the *deconstruction and demolition of buildings* at Hunters Point Shipyard.
- Shea Homes - Worked with this developer to *meet an 80% recycling requirement* for the demolition of 1,200 vacated military housing units at the former Hamilton Army Airfield in Novato, CA from 2000-2005. Currently assigned similar tasks for *deconstruction and demolition of buildings* at the former Fort Ord for the Marina University Villages development in Monterey County, CA.

Memberships

National Recycling Coalition - member; past board member, vice president and chair of the board

Association of Oregon Recyclers - member; past board member; past chair

Northern California Recycling Association - member

California Resource Recovery Association - member

National Association of Women in Construction – member; past chapter board officer

Marin Builders Association – member

Sonoma County Recycling Association – board member

Sonoma County AB 939 Local Task Force – alternate member for Sonoma County Recycling Association

Marin Food Scrap Recycling Task Force

Kies Strategies

50 Plata Court

Novato, California 94947

415/209-0321

Jennie Whitmyer-Pardi
455 Corte Escuela ~ Novato, Ca 94949
415-827-2342 ~ jennie.pardi@sbcglobal.net

Computer Experience:

Microsoft Office, Excel, Outlook, Power Point, Internet proficient, GPS systems

PROFESSIONAL EXPERIENCE

Community Recycling Program Coordinator

Conservation Corps North Bay
Novato, CA 94949

**current position
promoted 1/09**

- Manage community recycling programs in city, county, state, national parks, schools and businesses
- Coordinate waste diversion efforts at large scale special events including the Marin County Fair, Bioneers, Fairfax Festival, NASCAR, Harmony Festival and Sonoma/Marin Fair
- Provide recycling, composting and overall waste reduction education to event organizers, schools and community groups
- Run recycling and waste reduction programs for the Novato Unified School District
- Mentor AmeriCorps members serving in Youth in Environmental Services leading school programs including garden projects, composting, global warming education, recycling and social and environmental justice
- Manage CCNB's facilities maintenance and upkeep,
- Manage organic, native plant gardens, and composts and organization wide waste reduction efforts
- Compose grant reports, track grant deliverables, ensure programs are meeting goals
- Compose program reports for Executive Director and Board of Directors
- Supervise and train staff and corpsmembers on the Community Recycling Crews
- Provide daily support and direction to corpsmembers in career and educational development
- Provide environmental education and green collar job training to corpsmembers

Restoration and Ecosystem Management Crew Supervisor

Conservation Corps North Bay
Novato, CA

7/08 to 1/09

- Supervise AmeriCorps members working in restoration and ecosystem management roles
- Assist the HR department with recruitment and interviewing of potential members
- Serve as a liaison between site partners, AmeriCorps members and CCNB
- Develop and facilitate orientation and member development trainings
- Develop and implement methods for tracking daily progress of members and reporting data to program managers and funding sources
- Organize and supervise members in the creation and implementation of community events
- Develop education and support material for members in recycling education curriculum and presenting to volunteer groups

Program Assistant

Save The Bay
Oakland, CA

3/07 to 2/07

Duties and Responsibilities

- Provide overall administrative support to the Finance, Administration, Development and Education Departments
- Manage volunteer registrations and coordination for public events
- Provide phone and e-mail support to program participants and members by answering questions, promoting STB events and securing essential registration information.
- Manage outreach for public events
- Recruit, coordinate and supervise office volunteers
- Participate in volunteer events (habitat restoration and species monitoring)
- Complete data entry and invoicing for school and public programs

Veterinary Practice Manager

Tamalpais Pet Hospital
Mill Valley, Ca

12/00 to 12/02

Duties and Responsibilities

- Handled accounting and finances, payroll, employee insurance plans
- Personnel management, recruitment, and training
- Marketing and Public Relations
- Maintained OSHA requirements and safety standards
- Maintained proper inventory, researched new products
- Managed client services
- Equipment and facility maintenance

Head Veterinary Nurse/Receptionist

Tamalpais Pet Hospital
Mill Valley, Ca

10/91 to 12/00

Duties and Responsibilities

- Assisted doctors with all medical procedures
- Responsible for taking x-rays, placing IV catheters and drawing blood
- Responsible for running all in house lab work
- Supervised medical care of patients
- Prioritized medical procedures and delegated responsibilities to staff
- Calculated dosages and administered drugs and anesthesia
- Assisted surgeries and monitored patients under anesthesia
- Trained and supervised nursing and kennel staff
- Interviewed potential employees
- Managed scheduling of staff
- Organized patient files, answered phones, scheduled appointments
- Ordered all hospital supplies and pharmaceuticals
- Supervised customer relations

BOARDS AND COMMITTEES

- Loma Verde Elementary, PTA Executive Vice President
- Loma Verde Grounds Beautification/Sustainability Committee Chair
- Novato Unified School District Sustainability Committee representative for CCNB and Loma Verde Elementary School

CERTIFICATIONS

- Certified American Red Cross Instructor

VOLUNTEER EXPERIENCE

- Senior Volunteer at Wildcare (Terwilliger Nature Center)
- Instructors Assistant for Core Dynamics Self-Defense and Empowerment for Woman
- Audubon Canyon Ranch, Cypress Grove Research Center Heron and Egret Project
- Friends of the River Rafting Guide/Educator
- Oiled Wildlife Care Network – Oil Spill Response Volunteer
- Loma Verde Elementary School Garden Coordinator, Cool the Earth Coordinator

EDUCATION

Prescott College, Prescott Arizona

Graduated – December 1997

Bachelor's Degree in Field Ecology and Environmental Conservation

Minors in Spanish and Wilderness Leadership

6057 SHELTER BAY AVENUE
MILL VALLEY, CA 94941
(415) 381-1490, jirwin3@pacbell.net

BUSINESS EXPERIENCE

- 1996-2010 **NON PROFIT ADVISOR, Various Non-Profit Organizations** MARIN COUNTY, CA
Designed and implemented financial systems for non-profit organizations. Advised Executive Staff and Boards of Directors on governance issues especially related to fiduciary responsibilities.
- 1992-1995 **FINANCE/BUSINESS MANAGER, Univ. of Calif., San Francisco Foundation** SAN FRANCISCO, CA
Managed financial, administrative and corporate functions. Developed investment policies and managed over \$100MM in long and short-term investments. Managed budget, real estate, tax and other filings. Managed trust administration and information systems. Coordinated volunteer committees.
- 1988-1991 **FINANCIAL CONSULTANT** SAN FRANCISCO, CA
Developed business plans and funding sources for start-up businesses.
- 1986-1987 **PACIFIC TELESIS GROUP** SAN FRANCISCO, CA
Directed investor activities. Managed 23 equity and debt issues including common, preferred and convertible. Administered IPO, new debt and equity offering, stock repurchase, debt calls and redemptions, stock split. Managed stock transfer activities, dividend reinvestment program, ESOP. Negotiated with SEC and NYSE. Managed design of major computer system.
- 1983-1986 Directed financial management activities. Developed acquisition policy and analyzed M&A candidates. Designed and managed corporate planning and budgeting cycle. Analyzed numerous business plans. Recommended strategic resource allocation to top management. Monitored performance of all subsidiaries and investments. Consulted with officers of subsidiaries. Supervised staff of professional financial analysts.
- 1977-1982 **PACIFIC BELL** SAN FRANCISCO, CA
Managed Sales/Marketing Operations. Supervised 60 premises and telemarketing salespeople. Managed operations and compensation for 550 salespeople.
- 1968-1976 Managed Customer Training School, Public Affairs Programs and Clerical Operations.

SKILLS AND APPROACH

Thorough understanding of and experience with principles of modern finance.
Strong communicator.
Team oriented and comfortable with all organizational levels.

TRAINING

- 2010 **ENVIRONMENTAL FORUM OF MARIN** SAN RAFAEL, CA
Completed Sustainable Earth Forum
- 2003 to 2010 **UNIVERSITY OF CALIFORNIA Cooperative Extension** DAVIS, CA
Certified Master Gardener
- 1986 **THE WHARTON SCHOOL** PHILADELPHIA, PA
Certificate in Strategic Planning
- 1983 **UNIVERSITY OF CALIFORNIA** BERKELEY, CA
MBA-Finance
- 1966 **THE UNIVERSITY OF MICHIGAN** ANN ARBOR, MI
BA-Political Science

Donna Bjorn
14 Brookside Drive
San Anselmo, CA 94960
December 28, 2010

Alex Soulard
Marin County Hazardous and Solid Waste Management/Local Task
Force

My experience encompasses business, government and non-profit organizations. I spent 22 years working for Blue Shield of California; nineteen of those years were in management with increasing responsibility. I retired from Blue Shield as a Vice President. I held that title in both operations and marketing. These positions had responsibility for managing a budget in excess of \$12 million dollars, employees in excess of 150. The skills I brought to these positions included communicating clarity of purpose, establishing guidelines for various positions and processes and establishing standards governing the relationships between managers, employees, outside contractors and customers.

Following my retirement in 1994, I joined the League of Women Voters, was elected to the board the following year and was elected president in 1998. While holding this position for three years, I was the public face of the organization and managed various volunteer efforts so that they were aligned to the League's positions and while they continued to fulfill the individual member's desire to contribute to their community.

From 1996 to 2005 I was a board member for the Ross Valley Sanitary District and Commissioner for the Central Marin Sanitary Agency. In his role, I helped establish working relationships between the board and the management and staff of those two organizations. As a board member it is vital that clarity is used when establishing standards and rules governing how the organization staff relates to the public, the outside contractors, other agencies and to the board itself. Role definition and understanding is vital in order to have the most efficient and highest quality service provided to the public.

I hold a Bachelor of Arts degree from San Francisco State University and I am a long time resident of San Anselmo.

Renee Goddard
294 Cascade Dr. Fairfax, CA si22ng@gmail.com

Born and raised in San Francisco

Work Experience:

- 2006 Contract field instructor and Team Leader for Safe Routes to Schools
Member of the Ross Valley Task force
- 2002 Center Director and Teacher: Music Together of West Marin
- 1998-2002 Yoga Instructor
- 1993-1996 Bilingual Social worker for Jewish Family and Children's Services in San Francisco, resettling Russian refugees
- 1982-1994 International whitewater river guide & field instructor for outdoor survival program

Volunteer and Life Experience:

- 2010-present Working with Green Sangha and the county to bring forth the plastic bag ban and paper reduction ordinance.
- 2007- present Project Coordinator on the Board of Directors for Sustainable Fairfax
- 2009 Travelled around the world with my family and observed waste practices and the devastating effects of human carelessness and lack of education around waste practices.
- 2008 Ran the campaign to bring the plastic bag ban to the ballot-won approval at 79% of the votes.
- 2007 Began the "Inconvenient Group", a community call to action in response to Al Gore's film.
- Piloted a 'plastic free' Farmer's Market in Fairfax
 - Worked with the Marin Farmer's Market to make Fairfax's Market plastic free
 - Developed 'Green Wednesdays', outreach activities and information designed to educate and motivate families to make sustainable choices

Education:

- BA Brandeis University: Theater & Sociology
MA New York University: Drama Therapy

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:

George Rodericks

Date: January 27, 2011

Corte Madera:

David Bracken

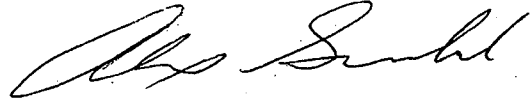
To: JPA Board Members

County of Marin:

Matthew Hymel

From: Alex Soulard

Waste Management Specialist



Fairfax:

Michael Rock

Re: Elementary School Outreach Program Update

Larkspur:

Dan Schwarz

On August 26, 2010 the Executive Committee approved a contract with ZunZun for \$25,000 to provide Zero Waste assemblies to local elementary school students.

Mill Valley:

Jim McCann

ZunZun has been contacting elementary schools throughout Marin, with the exception of Novato, which has opted out of the JPA's Zero Waste Programs. So far they have scheduled 9 schools, which is just under half of their contracted amount of assemblies.

Novato:

Michael Frank

Ross:

Gary Broad

The schools that have already been booked are as follows:

San Anselmo:

Debbie Stutsman

San Rafael:

Jim Schutz

Sausalito:

Adam Politzer

Tiburon:

Margaret Curran

Date	Location	# of shows	Times	# of students	City
1-5	Bel Aire	1	1:50	350	Tiburon
1-5	Tam Valley	1	10:50	160	Mill Valley
2-2	Vallecito	1	9:25	400	San Rafael
3-23	Manor	2	9:25, 10:30	350	Fairfax
3-24	Lycee Francais	1	11:00	TBA	Corte Madera
4-6	Brookside Lower	1	10:45	320	San Anselmo
4-6	Brookside Upper	1	1:00	395	San Anselmo
4-7	Wade Thomas	2	9:40 & 10:35	390	San Anselmo
4-8	Reed	2	10:50 & 11:30	500	Tiburon

TOTAL 9 Schools

As the elementary school program is developed staff has directed ZunZun to tailor presentations to focus on Zero Waste issues. Staff is also attempting to coordinate with ZunZun, the haulers, and the schools to make sure the haulers are aware of the presentations that occur within their service areas and ensure the school administration is aware of all available waste reduction services. ZunZun is providing the schools with an electronic survey to give us a final report and refine the program.

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Marin County Department of Public Works, P.O. Box 4186, San Rafael, CA 94913
Phone: 415/499-6647 - FAX 415/446-7373

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
George Rodericks


Date: January 27, 2011

Corte Madera:
David Bracken

To: JPA Board Members

County of Marin:
Matthew Hymel

From: Alex Soulard
Waste Management Specialist



Fairfax:
Michael Rock

Re: Communication and Collaboration with other Agencies

Larkspur:
Dan Schwarz

Recommendations 1, 2 and 4 of the JPA's Zero Waste Feasibility Study were directed toward providing assistance in siting/permitting new waste facilities and increased coordination with other countywide programs. This report is intended to provide information on recent steps JPA staff has taken to act on these recommendations.

Mill Valley:
Jim McCann

Novato:
Michael Frank

The most significant and development in this area concerns the advancement of the siting of a green waste facility in Nicasio. Several years ago the West Marin Landfill was closed due to environmental concerns and ever since there has been a concern that this increased the material going into Redwood Landfill and left the West Marin Community underserved. Many steps were taken over the last few years to address this concern; including the receipt of an almost \$500,000 dollar grant to the west Marin based Resource Conservation District (RCD) from the United States Department of Agriculture to develop a compost facility in the community. However, finding a local site for the facility and addition required funding has been problematic.

Ross:
Gary Broad

San Anselmo:
Debbie Stutsman

San Rafael:
Jim Schutz

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

As currently envisioned a green waste drop off/grinded facility will accept green waste and transport it to a local dairy to facilitate nutrient management on the dairy, provide bedding material for the dairy, and enable production of high quality compost for use on certified organic and conventional agricultural operations on the dairy and elsewhere in the region. Recent steps that have taken place with JPA assistance include:

1. A site has been located in Nicasio that is positioned on property owned by the County of Marin, Marin Municipal Water District (MMWD). Staff from MMWD, RCD and County are close to agreement and it is anticipated in early 2011 a lease agreement will be proposed to each agencies respective Boards.

2. An agreement has been reached with the local waste hauler to donate \$400,000 for the purchase of equipment and infrastructure for the project.
3. The County's Community Development Agency and Environmental Health Division staff have reviewed the proposed project and indicated the proper environmental documents are in order. They have also worked with the Bay Area Air Quality Management District and received notification a permit for the project is not required as described.

JPA staff has been in discussions with County Community Development Agency (CDA) about Construction and Demolition issues. CDA is the enforcement agency of the current County C and D ordinance and has completed a Reuse Grant from the Integrated Waste Management Board. Our interest has been to start a dialogue and advance mutual reuse goals.

Additionally, staff has been in contact with several other regional municipalities including the Alameda County Solid Waste Management Authority (Stopwaste.org) and the San Francisco Department of the Environment regarding development of a regional recycling database. This group aims to create a database of all Bay Area recycling resources that would be functional as a widget that can be placed on various websites and will be usable as a mobile application.

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