

*Please note different
meeting location.*

MARIN COUNTY HAZARDOUS & SOLID WASTE
MANAGEMENT JOINT POWERS AUTHORITY

AB 939 LOCAL TASK FORCE

Wednesday, April 3, 2013
Marin Sanitary Service Environmental Classroom
535 Jacoby St., San Rafael CA, 94901
8:30 – 10:00 AM

*Directions: Off of Bellam – turn east
onto Andersen – and take the immediate
right onto Jacoby – until you see the
parking helpers.*

AGENDA

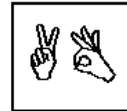
Call to Order.

- 1) Open Time for Public Comment
- 2) Approval of the March 6, 2013 JPA Local Task Force Minutes (Action)
- 3) Presentation by CalRecycle Staff (Information)
- 4) Updates from LTF Subcommittees (Information)
- 5) Updates from Zero Waste Week/NCRA Recycling Update Attendees (Information)
- 6) Zero Waste Grants Discussion (Information)
- 7) Staff Report on Recent and Ongoing Activities (Information)
- 8) Open Time for Member Comments (Information)

The next scheduled LTF Meeting is May 1, 2013 at 8:30 AM.

The full agenda including staff reports can be viewed at:
<http://zerowastemarin.org/who-we-are/2013-jpa-agendas-and-minutes/>

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All public meetings and events sponsored or conducted by the County of Marin are held in accessible sites. Requests for accommodations may be requested by calling (415) 473-4381 (voice) (415) 473-3232 (TTY) at least **four work days** in advance of the event. Copies of documents are available in alternative formats, upon written request.

Contact the County's Waste Management Division, at 473-6647 for more information

2
DRAFT

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

AB 939 Local Task Force Meeting

Wednesday, March 6, 2013
Las Gallinas Valley Sanitary District Classroom
300 Smith Ranch Rd
San Rafael, Calif. 94903

MINUTES

MEMBERS PRESENT

Loretta Figueroa, Almonte Sanitary District
David Green, Unincorporated Marin Co.
Russ Greenfield, LGVSD
Delyn Kies, Sustainable Novato
Patty Garbarino, Marin Sanitary Svc.
Matt McCarron, City of Novato
Steve McCaffrey, Redwood Empire Disposal
Renee Goddard, Ross Valley Cities
Dan North, Redwood Landfill
David Haskell, Sustainable Marin
Alex Stadtner, San Rafael
Joan Irwin, Southern Marin Cities

MEMBERS ABSENT

Jennie Pardi, Conservation Corps North Bay

STAFF PRESENT

Steve Devine, JPA Staff
Alex Soulard, JPA Staff
Kiel Gillis, JPA Staff

OTHERS PRESENT

Andy Campbell, Renew Computers
Madeline Hope, West Marin Ed. Coordinator
Kim Scheibly, Marin Sanitary Service
Andy Campbell, Renew Computers
Nancy Mackle, JPA Chair
Krysty Emery, CalRecycle
San Ferrero, CalRecycle
Kerry Mazzoni, San Rafael
Grier Mathews, O'Rorke
Connie Zhang, O'Rorke
Emi Hashisaki, O'Rorke
Tracy Keough, O'Rorke

Call to Order. The LTF Meeting came to order at 8:32AM

1. Open Time for Public Comment

No public comment was heard.

2. Approval of the February 6, 2013 JPA Local Task Force Minutes

Ms. Figueroa requested to update the minutes. M/s Figueroa/Irwin to approve the February 6, 2013 LTF minutes as amended. The motion passed unanimously.

3. Updates from JPA Board Chair Nancy Mackle

LFT Chair Green identified JPA Chair Mackle will be attending one LTF meeting quarterly to update the LTF with ongoing developments of the JPA as well as collect feedback for the JPA Board. Chair Mackle noted the development of possibly changing the name of the JPA, as well as reported on recent approval of a contract to develop a Single Use Bag Ordinance, approval of a Zero Waste Outreach contract with O'Rorke, Inc., thanked the LTF members for recommendation for increased outreach funding for sharps and pharmaceuticals, introduced the newly appointed San Rafael LTF member Alex Stadtner,

and commended JPA Staff for their efforts. Chair Mackle fielded questions from LTF members. No public comment was heard. No action was necessary.

4. Meet and Greet with New Zero Waste Outreach Contractor O'Rorke Inc.

Staff summarized the selection process for the Zero Waste Outreach contractor O'Rorke, Inc., noted O'Rorke's relevant experience and introduced the firm to the LTF. Mrs. Keough provided a brief overview of O'Rorke, its experience and work on environmental projects, briefly outlined upcoming LTF member interviews and fielded questions from the LTF. Mr. McCaffrey commended O'Rorke as a Bay Area firm with a history of known and relevant programs in-line with the Zero Waste concept. No public comment was heard. No action was necessary.

5. Presentation by Krysty Emery from CalRecycle on AB 341 - Mandatory Commercial Recycling

CalRecycle staff presented on State mandated Mandatory Commercial Recycling (AB341), overviewed AB341 history, requirements, purpose, and efforts made by CalRecycle to assist the JPA in disseminating mandate information. CalRecycle Staff identified the mandate states: any business subscribing to 4 yards or more of disposal service per week, as well as all multi-family units are required to recycle, that waste jurisdictions are required to provide education and outreach to the public, conduct monitoring of disposal practices, and reporting this information to the State. CalRecycle Staff identified working with the JPA to develop outreach for member agencies and working with haulers to improve customer participation, which, as noted by CalRecycle Staff that Marin County is already at 90% compliance. CalRecycles presented expansive information on grant availability information regarding beverage container recycling, as well as HHW and oil grants. CalRecycle staff fielded questions from the LTF and public such as the implementation of the mandate in areas not required to subscribe to a disposal service. CalRecycle Staff identified they will be responding to those questions individually. No action was necessary.

6. Updates from LTF Subcommittees

The Extended Producer Responsibility (EPR) Subcommittee (Members: Garbarino, Goddard, Green. Public: Scheibly) identified its LTF approved recommendation drafted to the JPA Board for additional outreach funding for \$5,330 was approved and resulted in the County Environmental Health Department producing an updated program flyer which will be disseminated accordingly once finalized. Ms. Garbarino reported on health incidents that have occurred at Marin Sanitary due to contamination of sharps in the waste stream, as well as a brief overview of current sharps related legislation. Ms. Goddard noted an upcoming sharps take-back day coming in April, with more information to follow. The Construction & Demolition (C&D) subcommittee (Member: Garbarino, Greenfield, Kies Public: Mazzoni, McLaren) reported on the progress of the pilot roof shingle recycling program. LTF members requested a more detailed report of the pilot program in the coming months as the program comes online. Mr. North identified Redwood Landfill has procured a roof shingle shredder that will soon be ready for use. No action was necessary.

7. Staff Report on Recent and Ongoing Activities

Staff provided a report on recent and ongoing JPA activities which included; the 5 year annual review of the Integrated Waste Management Plan and that the JPA is soliciting

comments from the public due by March 15, JPA letters of legislative support have been submitted for AB158 (Living Single Use Bag Bill), the DTSC Green Chemistry Support Bill, and that the JPA has submitted a grant application for the CalRecycle HD20 HHW Infrastructure Grant. Staff summarized the upcoming JPA Board and Executive Committee meetings as well as identified the upcoming budget adoption protocol.

8. Open Time for Member Comments

Ms. Goddard requested clarification on the JPA Board approved Single Use Bag Ban contract and the options available to provide input. Staff noted that at the August 23rd JPA Board meeting, the Single Use Bag Subcommittee made its recommendation to issue an RFP. Following the RFP release on December 17, 2012, Subcommittee meetings and screening interviews occurred evolving into a contract with Rincon Consultants which was awarded at the February 28, 2013 JPA Board meeting. Staff identified the contract scope of services include model ordinance and Environmental Impact Review. All JPA Board meeting packets are emailed to the LTF and interested parties should the public wish to provide input to the JPA Board. Chair Green identified JPA Chair Mackle has expressed interest in receiving input from the LTF and reiterated that Chair Mackle will be attending LTF meetings quarterly.

9. Adjourn

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Mary Neilan

Date: April 3, 2013

Corte Madera:
David Bracken

To: Local Task Force Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Fairfax:
Judy Anderson

Re: Presentation by CalRecycle Staff

Larkspur:
Dan Schwarz

Krysty Emery is the State of California's Department of Resources Recycling and Recovery (CalRecycle), Local Assistance and Market Development liaison to Marin County.

Mill Valley:
Jim McCann

Ms. Emery, assisted by Mr. Ferrero would like to share information regarding ongoing and upcoming CalRecycle programs.

Novato:
Michael Frank

Recommendation
Receive oral report.

Ross:
Rob Braulik

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San Anselmo:
Debbie Stutsman

San Rafael:
Nancy Mackle

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Mary Neilan

Date: April 3, 2013

Corte Madera:
David Bracken

To: Local Task Force Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Re: Updates from LTF Subcommittees

Fairfax:
Garret Toy

Currently there are three active subcommittees:

Larkspur:
Dan Schwarz

- EPR, Sharps and Pharmaceuticals Subcommittee
- JPA Long Term Funding Subcommittee
- Construction & Demolition/Asphalt Shingle Subcommittee

Mill Valley:
Jim McCann

Subcommittee members will be reporting back on progress they have made researching and addressing the issues at each LTF Meeting.

Novato:
Michael Frank

Recommendation

Receive reports from Subcommittees.

Ross:
Rob Braulik

Attachment.

San Anselmo:
Debbie Stutsman

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San Rafael:
Nancy Mackle

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

'Roofs to Roads' recycling program helps Marin aim at zero waste

Posted:

marinij.com

Marin is marching toward a zero-waste goal with the help of a new program seeking to divert tons of old roofing shingles from landfills and using them instead to pave roadways.

Beginning this month, local roofers are able to recycle composition shingles at Marin Sanitary Service as part of a pilot project dubbed "Roofs to Roads."

"This will result in a great reduction of tonnage from going to the landfill," said Dave Garbarino of Marin Sanitary Service and a board member of the Marin Builders Association, which helped start the program.

More than 4,800 tons of roofing shingles from Marin are dumped in local landfills every year. Under the new program, instead of being discarded the shingles will be trucked to a plant in Alameda where they will be turned into a renewable asphalt base or hot mix additive for paving.

The Marin Builders Association is working with Marin Sanitary Service and the Marin Hazardous and Solid Waste Joint Powers Authority to promote the program.

"Our company started working with Marin Sanitary Service 10 months ago to see what we could recycle," said Brian McLaren, owner of San Rafael's McLaren Roofing Inc. and chairman of the Marin Builders Association's "Roof to Roads" committee. "We found that by starting with simple things, we could save money and divert some roofing (shingles) from the landfill."

Some of the first shingles to be recycled as part of the project will come from the Mill Valley Inn, which will embark on a roofing project in the coming weeks, McLaren said.

The county has already been lauded for diverting up to 74 percent of its waste, tops in the state. But county officials do not want to stop there and are making plans to reach zero waste by 2025.

A zero-waste feasibility study was completed by the Marin County Hazardous and Solid Waste Management Joint Powers Authority in 2009. One conclusion: 100 percent zero waste is not likely; there will always be some material that can't be recycled. But county officials said 94 percent is doable and that's the goal.

The study showed that between 75 and 80 percent of the material that goes to the landfill can be diverted. Building materials have been targeted to reduce the amount of garbage.

Efforts to recycle in the state have been successful. In 1989, the state Legislature passed the California Integrated Waste Management Act — AB 939 — requiring each jurisdiction to divert 25 percent of waste by 1995 and 50 percent by 2000. In 1990, California diverted just 10 percent of its garbage.

Each year, recycling saves enough energy to power 1.4 million California homes and reduces water pollution by 27,000 tons. Recycling also saves 14 million trees and helps to reduce air pollution by 165,000 tons, according to the Integrated Waste Management Board.

Roofers interested in participating in "Roofs to Roads" will receive training on procedures and set up an account with Marin Sanitary Service. All roofers who recycle will receive a discounted rate.

For more information on "Roof to Roads," call Dave Garbarino at Marin Sanitary Service at 456-2601.

Contact Mark Prado via email at mprado@marinij.com

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Mary Neilan

Date: April 3, 2013

Corte Madera:
David Bracken

To: Local Task Force Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Fairfax:
Garret Toy

Re: Updates from Zero Waste Week/NCRA Recycling Update Attendees

Larkspur:
Dan Schwarz

The Northern California Recycling Association (NCRA) recently held its annual Recycling Update during the Zero Waste Week event in Berkley from March 17-22 2013. LTF Vice-Chair Kies has asked that those who attended the event provide the LTF with a brief recap of the subject material members may find interesting and useful.

Mill Valley:
Jim McCann

Recommendation

Receive oral reports.

Novato:
Michael Frank

Attachment.

Ross:
Rob Braulik

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San Anselmo:
Debbie Stutsman

San Rafael:
Nancy Mackle

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

Official Program for NCRA's Recycling Update 18

Tuesday March 19, 2013 - Berkeley, California

Recycling Update Conference

Since 1996, the Recycling Update Conference (RU) has brought together speakers who are doing programs that are new and different in discard materials management. Held in early Spring, RU gives a yearly snapshot of best practices from the San Francisco Bay Area and beyond. **For Recycling Update 18, we're doing something different this year, we're telling the story of the 4Rs (Reduce, Reuse, Recycle, and Rot) through our speaker lineup shown below.** We hope you enjoy the day as much as years past. Thanks for coming!

The Northern California Recycling Association (NCRA)

The RU 18 Speaker Lineup

8:00 am Registration, Breakfast, and Networking

8:20 am **Lifetime Achievement Award for Arthur Boone**

Introduction to Recycling Update 18 Rebecca Jewell and Jordan Figueiredo

8:45 am **Reduce**

Megan Ponder of the City of Portland Bureau of Planning and Sustainability:

Why Weekly Garbage? Try EOW!

Bill Pollack of Alameda County Household Hazardous Waste: Pharms EPR and Pending Lawsuit

Paul Fresina of Paintcare: PaintCare and California's Paint Stewardship Program

Conrad MacKerron of As You Sow: Unfinished Business - The Case for EPR for Packaging

Corinne Atwood of the British Columbia Bottle Depot Association:

Printed Paper and Packaging Extended Producer Program (EPR) in BC

Melissa Walsh Innes of Recycling Reinvented:

How to Move Business Into Supporting EPR Legislation

Mary Lou Van Deventer of Urban Ore:

Analysis of some EPR legislation and results of some implemented programs

10:10-10:25 am **Break and Networking**

10:25 am **Reduce/Reuse**

Steven Chiv of SF Environment, Megan Ponder of the City of Portland Bureau of Planning and Sustainability, and Nina McNitzky of the City of San Jose: Three Cities - Implementing a Bag Ordinance (all 3 speaking in back to back sessions with questions for all at the end)

Reuse

Terry McDonald of Saint Vincent DePaul of Lane County Oregon: Reuse Markets

Kristina Miller of Tehama County: REAP the Benefits of Reuse - Mobile Reuse Pilot Project

4Rs Sampler

Laura McKaughan of San Francisco Conservation Corps; Dan Henderson and Pat Rogan of the San Francisco 49ers: 49ers Go Green - Waste Diversion at Candlestick Stadium

Todd Sutton of WasteSleuth.com and Michael Chandler of the City of Martinez:

Sustainable Citizen Workshops

Leslie Lucaks of L2 Environmental: CRRRA 2013 in Pasadena - Get in the Game!

12:00 - 1:20 pm **Lunch and More Networking**



Recycling Update 18 Program Continued

1:20 pm 4Rs Sampler Continued

Jacques Franco of CalRecycle: Anaerobic Digestion Projects in Development Across California
Timonie Hood of U.S. EPA Region 9: U.S. EPA National Measurement Update

Recycle

Danielle Peacock of GreenBlue: The Sustainable Packaging Coalition and How2Recycle Label

Monica Wilson of GAIA: Coal Plants & Cement Kilns - the Future of Plastics and Waste?

Garth Schultz of the City of El Cerrito: How El Cerrito's New Recycling and Environmental Resource Center Came to Be, and Why Other Communities are Taking Note

Recycle/Rot

Eric Lombardi of Eco-cycle and Dr. Jeff Morris of Sound Resource Management Group, Inc: After 70% Recycling, What To Do With The Leftovers?

Janelle Fitzpatrick and Keith Dews of SF Environment:

Environment Now, Grassroots Outreach Program

StopWaste.Org: The 4Rs Student Action Project

Jeff Krump of the City of San Jose: The Way to San Jose's Commercial System

2:50-3:15 pm Break and What Else, More Networking!

3:15 pm Rot

Hillary Near of Cascadia Consulting:

Compostable Bioplastics Testing Protocol - "Real-world" Experiences from San Jose

Will Bakx of Sonoma Compost: Bio-dynamic Compost

Dana Frasz of Foodshift: Feeding People Not Landfills

Bart Carr of Contra Costa Solid Waste Authority:

Commercial Food Waste Collection - Retro Approach Yields Cost Savings

Emily Hanson of Greenwaste and Zero Waste Energy Development Company:

Permitting & Construction of the First Commercial-Scale Dry Fermentation Anaerobic Digestion Facility in the United States

Closing

Tom Padia of StopWaste.Org wraps up the day

4:30 pm Off to the Hotel Shattuck Bar!

Don't forget to attend International Dialog tomorrow and the rest of the International Zero Waste Week 2013 San Francisco Bay Area events! www.ncrarecycles.org

See you next year at Recycling Update 19!

The Northern California Recycling Association



www.ncrarecycles.org/RU

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere:
Mary Neilan

Date: April 3, 2013

Corte Madera:
David Bracken

To: Local Task Force Members

County of Marin:
Matthew Hymel

From: Steve Devine, Program Manager

Re: Zero Waste Grants Discussion

Fairfax:
Garret Toy

Local Task Force Chair Green has requested the LTF have a discussion about the utility of the Zero Waste Grant Program.

Larkspur:
Dan Schwarz

As background, the Final Reports from the first year's recipients are attached for review.

Mill Valley:
Jim McCann

Recommendation
LTF discussion.

Novato:
Michael Frank

Attachments.

Ross:
Rob Braulik

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San Anselmo:
Debbie Stutsman

San Rafael:
Nancy Mackle

Sausalito:
Adam Politzer

Tiburon:
Margaret Curran

Exhibit C

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY (JPA)

FAIRFAX
FY 10/11
ZW FINAL REPORT

Fiscal year 2010 -2011
Zero Waste Grant Final Report Form

Explanation of Project

Provide a brief description of the project as a whole

Sustainable Fairfax performed outreach and education campaign to kick off the Fairfax, 'Zero Waste by 2020' campaign. Met with Marin Sanitary Service (MSS) to strategize and schedule the implementation of the new services in the resource recovery contract with the Town of Fairfax. Researched and gathered information on the most recent technologies being used nationally and internationally for waste reduction, and recycling processes.

Program Start Date & Progress

Please identify the program commencement date, state completion on pending tasks (percentage), date of work complete.

Program Commencement Date – July, 2011

Tasks-

1. Coordination of recycling and composting at special events.
 - a. Coordinated with California Conservation Corp of North Bay for waste reduction and recycling at the Fairfax Festival. - See attached invoice.
 - b. CCNB collected and sorted recyclables, compost and landfill items during the Fairfax Festival on June 11 and 12, 2011.
 - c. Coordination of recycling receptacles in public right-of-way.
 - d. Coordination with California Conservation Corp of North Bay.
2. Conduct backyard workshops for residents.
 - a. Completed worm bin workshop held at the Sustainable Backyard on May 6, 2012.
 - b. Promoted four compost drop offs (two in April, one in May, one scheduled in June and September).
3. Promote all new services in the Resource Recovery Agreement and promote waste, waste reduction and recycling services throughout the community.
 - a. Coordinate and promote Marin Sanitary Service tours - Completed on May 8, 2012.
 - b. Coordinate and promote workshop Extended Product Responsibility (EPR) at Marin Sanitary Service with California Product Stewardship Council to bring the Completed on May 11, 2012.
 - c. Design and promote "Zero Waste Wednesdays" at the Farmer's Markets in Fairfax. May 2, June 6th, July 11th, and August 1st.
4. Zero Waste Committee
 - a. Complete committee recruitment – June 2011
5. Coordinate a Zero Waste Panel
 - a. Scheduled for September
6. Design and promote Zero Waste Stations at local events.
 - a. Good Earth Opening - June 2nd
 - b. Fairfax EcoFest - June 9/10

c. Fairfax Picnic - September

COSTS

Using the Financial Report Form, please provide a simple breakdown by unit, hour, category or service rendered by contractor and the associated incurred cost the grant funding has helped cover to date.

1) Personnel Costs

Please describe personnel costs associated with planning, management and administration of Waste Reduction Program implementation used to date.

1. Zero Waste Program Coordinator, Sustainable Fairfax (Renee Goddard), collaborated with Marin Sanitary Service, California Product Stewardship Council, Conservation Corp North Bay, Town of Fairfax and local officials.
 - a. Start date July 2011 – June, 2012
 - b. Worked 240 hours at \$25/hour or a total of \$6,000.
2. Consultant organizational oversight staff & organizational support.
 - a. Worked 84 hours at \$25/hour or a total of \$1,500.

2) Material / Contract Costs

Please describe costs related to development of materials / contracts for Waste Reduction Program Implementation to date.

1. Contract with non-profit, Conservation Corp North Bay (CCNB) to manage all waste (recyclables, PLAs, compost and landfill) from the Fairfax Festival on June 11-12. CCNB provided six Zero Waste Stations, over 40 recycling totes, and over 10 staff from 8am to 7 pm on Jun 11 & 12. The contract totals \$2,500. Please see attached contract for further details.

3) Town Staff Administrative Costs

The Town Manager/Public Works Director accomplished the following tasks in accordance with this Zero Waste Grant:

- a. Wrote Zero Waste Grant and submitted to the Town Council for approval. – 3 hours
- b. Wrote and Town Council approved a Professional Services Agreement with Sustainable Fairfax – 3 hours
- c. Met with Sustainable Fairfax staff several times and with the Council Appointed Zero Waste Committee to coordinate this grant – 2 hours
- d. Wrote and submitted this Final Report - 2 hours

Hourly FBLR is \$175/hour at 10 hours of work = \$1750

SUMMARY OF COSTS:

Professional Services Agreement with Sustainable Fairfax	\$7,500
Contract with North Bay Conservation League	\$2,500
Town Staff Time	\$1,750

TOTAL REQUEST FOR REIMBURSEMENT TO THE TOWN: \$11,750

Certification

I declare, under the penalty of perjury under the laws of the State of California, that all information herein submitted to the Marin County Hazardous and Solid Waste Management Joint Powers Authority for the Zero Waste Grant Fund is true and accurate to the best of my knowledge.

X Michael Rock
Signature

Michael Rock
Print Name

May 15, 2012
Date

Town Manager
Print Title

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT
JOINT POWERS AUTHORITY

Fiscal Year 2011-2012
Zero Waste Grant Final Report Form

Grantee

Name:

City of Larkspur

Mailing Address:

**400 Magnolia Avenue
Larkspur, CA 94939**

Email Address:

kteiche@cityoflarkspur.org
ntoft@cityoflarkspur.org

1. Grant fund Use (Identify the Waste Reduction Program the funds were used for.)

Primary WRPs as indicated in the FY 2010/2011 Zero Waste Grant Guidelines: Zero Waste Resolution, Construction and Demolition (C&D) Ordinance. Commercial and Multi-Family Recycling Ordinance was not completed based upon JPA letter of November 21, 2011 and direction provided by phone by Steve Devine of JPA on March 7, 2012.

2. Project Description (Provide a brief description of the project as a whole in 3-5 Sentences)

Reliant on grant funds in conjunction with City of Larkspur General Funds, Larkspur completed adoption of Primary WRPs identified in #1 above, using the JPA's model ordinance and resolutions. Completion required participation and coordination of both Planning and Building Department staff and City Attorney. Work included drafting of reports and agendas, drafting of resolution and ordinance, preparation of documents for public hearing, public noticing, preparation and printing of materials. Additional work included; 1) two meetings at City Council; 2) meetings with other Cities to develop a coordinated program; 3) creation of forms implement C&D regulations; and 4) web site development.

3. Please provide a brief explanation of each project. (Identify major partners, contractors, consultants or vendors where applicable. Comment on objectives and if they were or were not achieved. If not, why not. What "Best Practices" might be shared with other jurisdictions.)

Working with consulting Building Official, and in consultation with other jurisdictions, including City of San Rafael and City of Novato, Planning and Building Department staff developed the necessary resolution and ordinance, prepared a text amendment to the Municipal Code and supplementary documents to implement the adopted programs mandated under the primary WRPs.

4. Please briefly explain how the grant funds have directly and/or indirectly reduced waste that would have otherwise made its way to the landfill and provide an estimate of waste diverted.

Working with the information provided in the JPA Zero Waste Tool Kit, and Mr. Steve Devine of the JPA, roughly 75% of all asphalt concrete and any remaining C&D debris generated within Larkspur will now be reused or recycled. Due to adoption Ordinance 985 approving a C&D Program, reuse and recycling are anticipated to increase to 80% by December 2012 and continue increasing to a goal of 94% by 2025. The program also provides awareness to contractors and homeowners on the benefits of recycling demolished materials and construction debris.

5. Please attach any supporting documentation, including approved Toolkit Documents, Resolutions or Ordinances that were generated through the use of Grant fund.

The following documents are attached:

1. City Council Zero Waste Resolution No. 15/12, Adopted April 18, 2012
2. Ordinance No. 985 (C&D Ordinance), Adopted May 2, 2012
3. Building Department Webpage Identifying a link to the C&D Program Instructions and Application Form
4. C&D Debris Program Diversion Report and Informational Sheet

Zero Waste Grant Final Report

Payment Request

Jurisdiction Allowance

\$16,330.75

Requested Grant Reimbursement

\$14,573.50

Please provide a simple breakdown by unit, hour, category or service rendered by contractor and the associated incurred cost the grant funding has helped cover.

1. Personnel Costs

Staff	Title	Hours Billed	Billing Rate	Total Cost
Daryl Phillips	Building Official	55.75	\$145.00 HR	\$8,083.75
Kristin Teiche	Planner/Zoning Admin.	39.5	\$101.00 HR	\$3,989.50
Neal Toft	Senior Planner	16.75	\$101.00 HR	\$1,691.75
Total Staff Billing				\$13,765.00
Additional Costs				
Nathalie Bamatter	Permit Technician/ Admin Support	7.0	\$78.50	\$ 549.50
Legal Noticing	Marin Independent Journal			\$ 259.00
Total:				\$14,573.50


2. Publicity Education Costs

Please identify costs related to development of materials for Waste Reduction Program implementation and provide samples if applicable.

In development.

Certification

I declare, under the penalty of perjury under the laws of the State of California, that all information herein submitted to the Marin County Hazardous and Solid Waste Management Joint Powers Authority for the Zero Waste Grand Fund is true and accurate to the best of my knowledge.



Signature

6/15/30

Date

NEAL TOFT

Print Name

SENIOR PLANNER

Print Title

**CITY OF LARKSPUR
RESOLUTION No. 15/12**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LARKSPUR
ADOPTING A ZERO WASTE GOAL**

WHEREAS, approximately 1.8% of the greenhouse gases emitted within the City of Larkspur in 2005 were associated with waste disposal;

WHEREAS, the California Integrated Waste Management Act of 1989 (AB 939) required that all California jurisdictions achieve a landfill diversion rate of 50% by the year 2000, and reduce, reuse, recycle, and compost all discarded materials to the maximum extent feasible before any landfilling or other destructive disposal method is used;

WHEREAS, the County of Marin has established itself as a State leader in waste diversion and sustainability practices by exceeding the requirements of AB 939 to achieve a 77% diversion rate in 2004 and is constantly looking for innovative ways to decrease waste;

WHEREAS, in 2001 the California Integrated Waste Management Board set a goal of Zero Waste in its strategic plan for the state; and cities, councils, counties, and states worldwide have adopted a goal of achieving zero waste, including the counties of San Francisco, Santa Cruz, San Luis Obispo, and Del Norte in California; the cities of Palo Alto, Oakland and Berkeley in California, Seattle in Washington, Toronto in Canada, and Canberra in Australia; and the local state of New South Wales in Australia; and 45% of New Zealand's local government councils;

WHEREAS, strategies to reach zero waste can help to promote the over-arching goal of each generation leaving less of an ecological footprint on the earth;

WHEREAS, on July 21, 2010 the Larkspur City Council adopted Resolution 26/10 approving the Climate Action Plan and Green House Gas Emission Reduction Target, which includes Section 3.6 directing the City to "Adopt a policy to achieve zero waste going into landfills";

WHEREAS, a zero waste resolution is in keeping with the Larkspur General Plan, Chapter 6 Environmental Resources as follows: Goal 6 "Reduce the total volume of the City's waste stream."; and, Policy k: "Support programs to recycle paper, cardboard, glass, metal, plastics, motor oil, and to compost or generate energy from tree prunings, brush and other vegetation.", and

WHEREAS, the Marin County Hazardous and Solid Waste Management Joint Powers Authority passed a Zero Waste resolution on November 9, 2006 and the County of Marin passed a Zero Waste resolution on April 17, 2007.

NOW, THEREFORE, BE IT RESOLVED, that the City Council of the City of Larkspur hereby resolve, declare, determine and order as follows:

That the City of Larkspur joins the Marin County Hazardous and Solid Waste Management Joint Powers Authority ("JPA") representing the eleven cities and towns of Marin and County of Marin, and hereby adopts a goal of 80% landfill diversion by 2012 and 94% diversion by 2025, with diversion meaning the elimination of materials from being disposed of in a landfill, diversion of recyclable materials to be reprocessed into usable forms with minimal transport, energy use and other deleterious environmental or social effects, the maximum practical reuse, recirculation and repair of usable items and components, and the reduction of unnecessary packaging; and

NOW BE IT FURTHER RESOLVED, that the City of Larkspur commits itself to the ultimate goal of Zero Waste, whereby no materials are landfilled, but instead fully recycled, repaired and reused; and

BE IT FURTHER RESOLVED, that the City of Larkspur, through the JPA, will support the implementation and progressive refinement and strengthening of the Regional Integrated Waste Management Plan and the development of a Strategic Plan that will provide guidance in the planning and decision-making process to achieve the County's Zero Waste Goal; and

BE IT FURTHER RESOLVED, that the City of Larkspur will partner with regional, state, national and international communities to actively pursue strategies that will go beyond reuse and recycling to eliminate waste upstream.

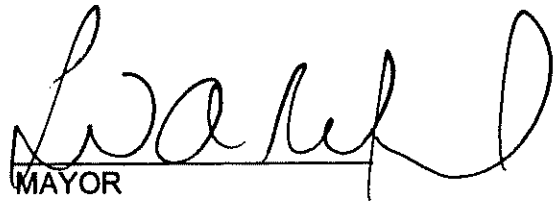
IT IS HEREBY CERTIFIED that the City Council of the City of Larkspur duly introduced and regularly adopted the foregoing resolution at a regular meeting held on the 18th day of April, 2012, by the following vote, to-wit:

AYES: COUNCILMEMBER: Chu, Hillmer, Morrison, Rifkind

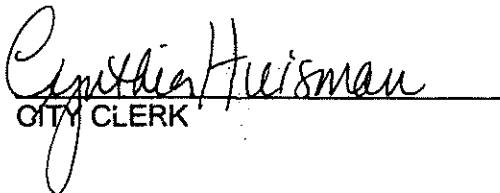
NOES: COUNCILMEMBER: None

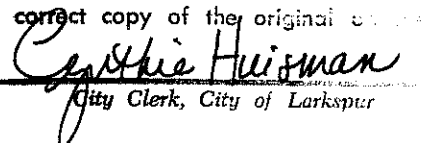
ABSENT: COUNCILMEMBER: Marsh

ABSTAIN: COUNCILMEMBER: None


MAYOR

ATTEST:


CITY CLERK

The within instrument is a true
correct copy of the original on file

City Clerk, City of Larkspur

**CITY OF LARKSPUR
ORDINANCE No. 985**

**AN ORDINANCE OF THE CITY OF LARKSPUR AMENDING THE MUNICIPAL CODE BY
ADDING A NEW CHAPTER 15.26 CONCERNING THE COLLECTION, RECYCLING AND
DISPOSAL OF WASTE GENERATED FROM CONSTRUCTION, DEMOLITION AND
RENOVATION PROJECTS**

WHEREAS, the State of California through Assembly Bill 939, the California Waste Management Act of 1989, and Senate Bill 1016, the Alternative Compliance Act of 2008, requires each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis;

WHEREAS, every city and county in California, including the City of Larkspur, could face fines up to \$10,000 a day for not meeting the above mandated goal;

WHEREAS, the State of California through Assembly Bill 32, the California Global Warming Solutions Act of 2006, requires that commercial generators statewide participate in recycling programs;

WHEREAS, 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;

WHEREAS, on July 21, 2010 the City Council adopted Resolution 26/10 approving the Larkspur Climate Action Plan which includes the recommendation to adopt a policy to achieve zero waste going to landfills and to require diversion of construction and demolition debris from construction, demolition and renovation projects;

WHEREAS, the City desires to implement a program to achieve the Marin County Hazardous and Solid Waste Management Joint Powers Authority goal to increase the diversion of materials from landfill and transformation facilities to an eighty percent (80%) diversion level by December 31, 2012 and a ninety-four percent (94%) diversion level by December 31, 2025, ensuring that resources are used to their highest potential and that Marin's ecological footprint is reduced;

WHEREAS, inert and mixed construction and demolition (C&D) waste constitutes approximately 16% of the materials landfilled in Marin County and are a similarly large portion of the waste stream in the City, and these materials have significant potential for reduction and recycling;

WHEREAS, C&D debris waste reduction and recycling have been proven to reduce the amount of such waste in landfills, to increase site and worker safety, be cost effective, and thereby assist in the protection of public health, safety and welfare;

WHEREAS, except in unusual circumstances, it is feasible to divert on average one hundred percent (100%) asphalt and concrete, and at least seventy percent (70%) of all remaining C&D debris from most construction, demolition and renovation projects;

WHEREAS, to ensure compliance with this Ordinance and to ensure that those contractors that comply with the chapter are not placed at a competitive disadvantage, it is necessary to impose an Avoided Disposal Regulatory Fee, or such fees as set forth by resolution of the City Council, for noncompliance; and

WHEREAS, to ensure compliance with this Ordinance, participating recycling facilities will be evaluated annually through an extensive certification process conducted by the Marin County Hazardous and Solid Waste Joint Powers Authority.

**NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF LARKSPUR DOES HEREBY
ORDAIN AS FOLLOWS:**

SECTION 1: Chapter 15.26 of the Larkspur Municipal Code is hereby added to read as follows:

Chapter 15.26

CONSTRUCTION AND DEMOLITION DEBRIS PROGRAM

Sections:

15.26.010	Definitions
15.26.020	C&D Diversion Report required
15.26.030	C&D Diversion Report exempted
15.26.040	Certified C&D Recovery Facilities
15.26.050	Diversion requirements
15.26.060	Use of Avoided Disposal Regulatory Fees

15.26.010 Definitions. For the purposes of this chapter, the following words have the following definitions:

"Alternative Daily Cover (ADC)" means disposal facility cover material, other than organic waste and at least six (6) inches of earthen material, placed on the surface of the active face of the refuse fill area at the end of each operating day to control vectors, fires, odor, blowing litter and scavenging, as defined in Title 27, Section 20164 of the California Code of Regulations.

"Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the City for the applicable permits to undertake any construction, demolition or renovation project within the Town.

"Avoided Disposal Regulatory Fee" means three percent (3%) of the value of the project, not to exceed ten thousand dollars (\$10,000) or such fee as may hereafter be set by City Council resolution.

"Building Official" means the Building Official, including his or her designee.

"Certified C&D Recycling Facility" means a recycling, composting, materials recovery or re-use facility determined to process incoming construction and demolition materials to divert from landfill or transformation for which the JPA has issued a certification.

"C&D Diversion Report" means a report submitted by an applicant, on a form approved by the Building Official, which contains documentation of the diversion of C&D waste, and such additional information deemed necessary by the Building Official to document accomplishment of the requirements of this chapter.

"Construction and Demolition Waste (C&D Waste)" means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, deconstruction or demolition operations on any pavement, house, commercial building or other structure.

"Deconstruction" means a process to carefully dismantle or remove useable materials from structures, as an alternative to demolition.

"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:

1. Use of new construction methods, as described in regulations promulgated by the Building Official, that reduce the amount of waste generated.
2. On-site re-use of the waste.
3. Delivery of the waste from the site to a Certified C&D Recycling Facility described in Section 15.26.040.
4. Other methods as approved in regulations promulgated by the Building Official.

"Joint Powers Authority" or "JPA" means the Marin County Hazardous and Solid Waste Management Joint Powers Authority.

"Project" means a construction, demolition or renovation project for which a building permit is required under Chapter 15.04 of this code.

"Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials such as newsprint, mixed paper, glass containers, aluminum beverage containers, small scrap and cast aluminum, steel including "tin" cans, empty aerosol cans, bimetal containers, plastic bags, plastic food containers, #1-7 plastics regardless of form or mold, aluminum foil and pans 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 meet the quality standard necessary to be used in the market place.

"Reuse" means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material.

"Transformation" means incineration, pyrolysis, distillation, or biological conversion other than composting. "Transformation" does not include composting, gasification, or biomass conversion.

15.26.020 C&D Diversion Report Required. Upon the effective date of this chapter, each person who obtains a building permit for a project subject to this chapter shall submit a C&D Diversion Report to the Building Department prior to final inspection of the project, except for those projects listed below in section 15.26.030 that may self-certify. If the Building Official determines that the applicant has not satisfied the diversion requirements of this chapter, the person who has obtained a building permit shall pay an Avoided Disposal Regulatory Fee.

15.26.030 C&D Diversion - Self Certification

A. A C&D Diversion Report shall not be required for the following when the applicant has completed and signed the required forms certifying that all construction and demolition debris will be properly diverted and recycled in conformance with this chapter:

1. That portion of a project being deconstructed where removed materials are re-used on-site as part of the project.
2. Work for which a building permit is not required under Chapter 15.04 of this code.
3. Projects where the affected area is 500 sq. ft. or less.
4. Removal and reinstallation of roof covering materials
5. Work for which only a plumbing permit, electrical or mechanical permit is required.
6. Seismic tie-down projects.
7. Installation or replacement of shelves.
8. Installation of pre-fabricated patio enclosures and covers where no foundation or other structural building modifications are required.
9. Installation of swimming pools and spas, provided that the exemption shall apply only to:
 - a. The area to be excavated for the installation of the pool or spa, and
 - b. 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.
10. Installation of pre-fabricated accessories such as signs or antennas where no structural building modifications are required.
11. If the Building Official determines that it is infeasible for the applicant to meet the diversion requirement due to unique circumstances, he or she shall determine the maximum feasible diversion rate for each material and shall issue the final approval on any permitted work or approve the issuance of a Certificate of Occupancy if the maximum feasible diversion rate is met

B. No project shall be separated into smaller projects for the purpose of evading the requirements of this chapter.

15.26.040 Certified C&D Recovery Facilities.

A. The JPA may certify a facility as a Certified C&D Recovery Facility if the owner or operator of the facility submits the following documentation satisfactory to the JPA:

1. The facility has obtained all applicable federal, state and local permits, and is in full compliance with all applicable regulations; and
2. The percentage of incoming waste from construction, demolition and renovation activities that is diverted from landfill disposal, transformation and use as ADC meets the minimum diversion requirement as set forth in Section 15.26.050.

B. Facilities that fail to achieve the minimum diversion requirements may request and receive temporary certification from the JPA provided they have:

1. Complied with all of the certification requirements other than the minimum diversion requirement;
2. Demonstrated, to the JPA's satisfaction, a good faith effort to achieve the minimum diversion requirement; and
3. Met any and all other requirements that the JPA may establish for issuing any such temporary certification.

C. The City shall make available to each building permit applicant a current list of Certified C&D Recovery Facilities.

15.26.050 Diversion Requirements. Diversion requirements for a Project and for a Certified C&D Recovery Facility shall be a minimum of seventy percent (70%) on or after the effective date of this chapter, and shall increase to 80% by December 31, 2012, to 85% by December 31, 2015, to 90% by December 31, 2018, and to 94% by December 31, 2025.

15.26.060 Use of Avoided Disposal Regulatory Fees. Moneys received by the City as Avoided Disposal Regulatory Fees shall be used only for:

1. Cost of administration of the program established by this chapter;
2. Cost of programs whose purpose is to divert the waste from construction, demolition, and alteration projects from landfill disposal, transformation and use as ADC; and
3. Costs of programs whose purpose is to develop or improve the infrastructure needed to divert the waste from construction, demolition and renovation projects from disposal in a landfill, transformation facility or use as ADC.

SECTION 2: Environmental Declaration. The City Council hereby finds that adoption of this ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines (14 Cal. Code §15308) because it is an action taken by a regulatory agency for the protection of the environment and no exceptions to this categorical exemption apply.

SECTION 3: Severability. If any section, subsection, sentence, clause or phrase or word of this ordinance is for any reason held to be unconstitutional, unlawful or otherwise invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Larkspur hereby declares that it would have passed and adopted this ordinance and each and all sections, subsections, sentences, clauses, phrases and words there of irrespective of the fact that any one or more of said sections, subsections, sentences, clauses, phrases or words be declared unconstitutional, unlawful or otherwise invalid.

SECTION 4. Effective Date and Publication. This ordinance of the City of Larkspur shall be effective thirty (30) days after the date of its passage. Before expiration of fifteen (15) days after its passage, this ordinance or a summary thereof as provided in California Government Code Section 36933, shall be published at least once in a newspaper of general circulation published and circulated in the City of Larkspur, along with the names of the members of the City Council voting for and against its passage.

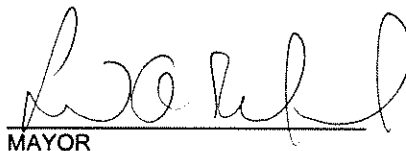
IT IS HEREBY CERTIFIED that the foregoing ordinance was duly introduced at a regular meeting of the Larkspur City Council held on April 4, and on April 18, 2012 and thereafter passed and adopted by the Larkspur City Council on May 2, 2012 by the following vote, to wit:

AYES: COUNCILMEMBER: Chu, Hillmer, Morrison, Rifkind

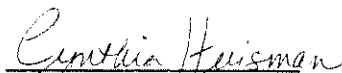
NOES: COUNCILMEMBER: None

ABSTAIN: COUNCILMEMBER: None

ABSENT: COUNCILMEMBER: Marsh


MAYOR

ATTEST:


CITY CLERK

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You are here: [Home](#) > [Departments](#) > [Building](#) > [Permit Process](#) > **Forms and Applications**

Forms and Applications

Form	Description
Application for Building Permit	Use this form if you are hiring a licensed contractor.
Application for Building Permit (Owner / Builder)	Use this form if you are acting as an "Owner Builder". Know the risks involved by visiting the Contractors State License Board .
Changes to Issued Permit Form	Use this form to request modifications to an issued, active permit.
Contractor's Business License	This application is only for nonresident contractors, for all other business license inquiries please call (415) 927-5024
Encroachment Permit	An Encroachment permit is required for any work in the public right-of-way such as landscaping, sidewalk repair, debris boxes, etc. Quite often a portion of a driveway or a fence is located in the public right-of-way and not on the owner's private property so before making any repairs or changes that might impact the public right-of-way please contact Larkspur's Public Works Department at (415) 927-5017.
Grading Permit	If your project moves 25 or more cubic feet of earth (fill and/or excavation) than this permit is required
Tree Removal Permit	Any tree, regardless of species, is considered a heritage tree if it measures 50" or more in circumference (measured 2 feet up from grade) and a permit is required for removal.
Construction and Demolition Debris Program instructions and form	Each person who obtains a building permit for a project shall submit a C&D Diversion Report to the Building Department prior to final inspection. See instructions for more details.



California Energy Code Update - Requirements

With the adoption of the 2008 California Energy Code in July 2009, there are [documentation and process requirements](#) for certain permits effective January 1, 2010. Reroof, window water heater and HVAC permits can be issued over the counter but the below documents must be completed. Without these forms, we will not be able to process your permit the same day.

- [Window replacement](#)
- [Water heater replacement](#)
- [HVAC](#)
- [Reroof](#)

Please note: The California Energy Commission has all regulations, manuals, and forms available online for [residential](#) and [commercial](#) projects.

City of Larkspur, 400 Magnolia Avenue, Larkspur, California 94939 • tel: (415) 927-5110 • fax: (415) 927-5022

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CONSTRUCTION AND DEMOLITION (C&D) DEBRIS PROGRAM
C&D Diversion Report – Application Form (page 1 of 2)

Are you renting a Debris Box or hiring a Recycling Contractor?

- ☐ If **Yes** (Fill out part 1 only and sign declaration)
☐ If **No** (Fill out Part 1 now & Part 2 and declaration prior to Final)

Part 1: Project Overview – Please print

Job Address: _____

Owner: _____ Phone #: _____

Contractor: _____ Phone #: _____

Waste Hauler/Recycling Contractor: _____ Phone #: _____

Note: If the Building Official determines that the applicant has not satisfied the diversion requirements of this chapter, the person who has obtained a building permit shall pay an *Avoided Disposal Regulatory Fee of 3% of the value of the project, up to \$10,000.* _____ (initial)

Compliance by Use of Recycling Contractor: Submittal of receipts from State licensed recycling/reuse facility is required for compliance. Compliance is required as a condition of approval for a building permit and for final approval and/or occupancy of the building.

Compliance by Self-Hauler: See back for list of self-certification type projects. If you are bringing job debris directly to an authorized State licensed facility you are required to collect and attach all receipts or reports for disposal and recycling. Fill out Part 1 and complete Part 2 of this document with actual disposal and diverted weight for each material. Using the actual weights, calculate the diversion rate for your final submittal.

Part 2: Material Generation and Recycling – Complete for FINAL. Must submit receipts.

1. Total volume or weight of construction or demolition debris, by type:
Construction - Actual Final Weight: _____
Demolition - Actual Final Weight: _____
2. Volume or weight or description of materials that can feasibly be diverted via reuse:
Actual Final Weight: _____
Description of materials for reuse: _____
3. Facility/Facilities receiving materials: _____
(PLEASE SUBMIT RECEIPTS for compliance verification)
4. Final Inspection Requirements:
 - Receipt from waste hauler or recycling contractor
 - Redwood Landfill receipts MUST have their Recyclable C&D stamp for acceptance by City of Larkspur
 - Waste Management Plan Form submitted with required receipts
 - Exception: Part 1 permit types with signed penalty of perjury statement

PENALTY OF PERJURY STATEMENT

I declare under penalty of perjury, under the laws of the State of California, that all statements contained in this application are true and correct, with full knowledge that all statements made in this application are subject to investigation and that any false or dishonest answer to any question may be grounds for revocation of the building permit.

Signed _____ Owner ☐ Contractor ☐ Date: _____

FINAL APPROVAL

Building Official: _____ Date: _____

CONSTRUCTION AND DEMOLITION (C&D) DEBRIS PROGRAM

C&D Diversion Report – Informational Sheet (page 2 of 2)

Each person who obtains a building permit for a project shall submit a C&D Diversion Report to the Building Department prior to final inspection of the project, except for those projects listed below that may self-certify.

If the Building Official determines that the applicant has not satisfied the diversion requirements of this chapter, the person who has obtained a building permit shall pay an *Avoided Disposal Regulatory Fee of 3% of the value of the project, not to exceed \$10,000.*

Self-Certification type projects:

1. That portion of a project being deconstructed where removed materials are re-used on-site as part of the project.
2. Work for which a building permit is not required under Chapter 15.04 of the Larkspur Municipal Code.
3. Projects where the affected area is 500 sq. ft. or less.
4. Removal and reinstallation of roof covering materials
5. Work for which only a plumbing permit, electrical or mechanical permit is required.
6. Seismic tie-down projects.
7. Installation or replacement of shelves.
8. Installation of pre-fabricated patio enclosures and covers where no foundation or other structural building modifications are required.
9. Installation of swimming pools and spas, provided that the exemption shall apply only to:
 - a. The area to be excavated for the installation of the pool or spa, and
 - b. 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.
10. Installation of pre-fabricated accessories such as signs or antennas where no structural building modifications are required.
11. If the Building Official determines that it is infeasible for the applicant to meet the diversion requirement due to unique circumstances, he or she shall determine the maximum feasible diversion rate for each material and shall issue the final approval on any permitted work or approve the issuance of a Certificate of Occupancy if the maximum feasible diversion rate is met

Note: No project shall be separated into smaller projects for the purpose of evading the requirements of this chapter.

Receipts will be accepted from these approved recycling or refuse facilities. Please check with the City of Larkspur if you plan to use a different facility. All debris boxes must be ordered from Marin Resource Recovery:

1. Marin Resource Recovery Center Public Dump, 565 Jacoby Street, San Rafael, CA 415-485-5646
2. Redwood Land Fill, 8950 Redwood Highway, Novato, CA 892-5646
3. Richmond Land Fill, Parr Blvd, Richmond, CA (510) 970-7260

ORIGINAL

**MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGING
JOINT POWERS AUTHORITY**

COUNTY OF MARIN

ZW 10/11

FINAL REPORT

Fiscal year 2010 - 2011

Zero Waste Grant Final Report Form

Grantee

Name

County of Marin

Mailing Address:

PO Box 4186, San Rafael, Calif. 94913-4186

Email Address

BBeaumont@MarinCounty.Org

1. Grant Fund Use:

(Identify the Waste Reduction Program the funds were used for)

- ▶ Outreach & Training Coordinator set up recycling and composting at 9 elementary and high schools.
- ▶ Recycling and composting services at 5 local events throughout the County of Marin.
- ▶ Introductory composting classes attended by 159 adults, middle and high school age individuals.
- ▶ Operations in support of a food scrap composting program.

2. Project Description

(Provide a brief description of the project as a whole in 3-5 Sentences)

Over the term of the grant, Conservation Corps staff (working with 9 elementary and high school teachers and administrators) conducted base-line waste audits followed up by school wide presentations which outlined waste reduction and composting at home and in school. Recycling stations were established in conjunction with waste bins and 'Student Green Teams' were utilized to encourage proper separation of waste, recyclable's, and compostables. Schools were continuously revisited to evaluate program success, effectiveness and address challenges.

Conservation Corp staff also devised and designed plans to effectively address waste issues at 5 local special events (including the Marin County Fair and Earth Day Festival) throughout the term of the grant by working with the individual event coordinators as well as the waste haulers to develop a complete event disposal program. Eco-stations consisting of recycle, compost and waste bins marked with appropriate signage and monitored by Corps Staff directed and educated event attendees on proper sorting of disposables.

5 composting and recycling classes were taught over the term of the grant to educate individuals how to Reduce, Reuse, Recycle and Rot through various composting methods as well as the environmental benefits of gardening. These courses also included instruction in support of food scrap programs.

3. Please Provide a brief explanation of each project. (Identify major partners, contractors, consultants or vendors where applicable. Comment on objectives and if they were or were not achieved. If not, why not. What 'Best Practices' might be shared with other jurisdictions)

Vis-à-vis a service contract with the Conservation Corps North Bay the County of Marin conducted waste reduction , recycling, composting education and related services to a large number of Marin County Residents as well as advised a number of local businesses and event coordinators on waste reduction. These services are described in Section 2 of this report.

4. Please briefly explain how the grant funds have directly and/or indirectly reduced waste that would have otherwise made its way to the landfill and provide an estimate of waste diverted .

Grant funds have directly reduced nearly 48 tons of recyclable and compostable materials from the landfill during special events. 3,176 school age children and 159 adults participated directly in grant related programs. We estimate that if only 1/4 of the school children begin composting, 352.6 tons of food scraps, green waste and other organics will be diverted annually. If 3/4 of the adults who participated in the composting courses begin composting, 52.9 tons of food scraps, green waste, and other organics will be diverted annually from the land fill as well.

Indirectly, impressions through education and hands-on experience at the aforementioned special events by adults and children would have and will continue to divert tons of materials from the landfill, and will continue to divert as many of the composting programs continue on campus.

5. Please attach any supporting documentation, including approved Toolkit Documents, Resolutions or Ordinances that were generated through the use of Grant fund.

Original invoices and Conservation Corps Report available upon request.

Payment Request

Jurisdictional Allowance
\$ 38,577.42

Requested Grant Reimbursement
\$ 38,577.42

Please provide a simple breakdown by unit, hour, category or service rendered by contractor and the associated incurred cost the grant funding has helped cover.

1) Personnel Costs

Please identify staffing costs associated with planning, management and administration of Waste Reduction Program implementation.

The County of Marin is not requesting reimbursement in this category.

2) Publicity Education Costs

Please identify costs related to development of materials for Waste Reduction Program implementation and provide samples if applicable

The County of Marin is not requesting reimbursement in this category.

Certification

I declare, under the penalty of perjury under the laws of the State of California, that all information herein submitted to the Marin County Hazardous and Solid Waste Management Joint Powers Authority for the Zero Waste Grand Fund is true and accurate to the best of my knowledge.

X

Signature

MICHAEL FROST

Print Name

29 May 2012

Date

ASSISTANT DEPUTY DIRECTOR

Print Title

County of Marin
Final Report: Grant Costs

F:\Waste\Solid Waste\Grants\ZW Grant w JPA\FY 10-11 Grant\Final Report\[ZW Grant Waste Tonnage Cost Data.xlsx]Effectiveness

FY 10/11 Zero Waste Grant

County of Marin

Final Report: Grant Tonnage

Event	Aluminum	Compostables	Paper / Cardboard	Glass	Plastic	Mixed Recycleables	Total Recycled / Composted (Lbs)	Total Solid Waste (TLbs)	Total (Tons)	Diversion Rate
Marin County Fair	178.0	82,900.0	0.0	1,739.0	2,189.5	1,870.0	88,876.5	10,100.0	49.5	90%
Far West Fest	26.0	*a	0.0	521.5	57.0	30.5	635.0	*a	0.6	n/a
Bioneer Fair	17.0	2,140.0	1,960.0	575.0	111.5	219.0	5,022.5	1,700.0	3.4	75%
BAEER Fair	0.1	90.0	0.0	0.0	2.0	2.5	94.6	0.0	0.0	100%
Earth Day	0.1	200.0	0.0	28.5	26.5	31.5	286.6	95.0	0.2	75%
Cumulative	221.1	85,330.0	1,960.0	2,864.0	2,386.5	2,153.5	94,915.1	11,895.0	53.7	85%

*a : Compost and solid waste from this event was disposed in gallon bags; no tonnage data was available.

FY 10/11 Zero Waste Grant

County of Marin
Final Report: Grant Effectiveness

Compost Classes	
ReGen Summer Youth #1	39
Organic Farming Class #1	27
Organic Farming Class #2	32
ReGen Summer Youth #2	16
IVC	3
ReGen Summer Youth #3	19
EcoFest	15
ReGen Summer Youth #4	8
	<u>159</u>

Pounds per Day per person = 3.9
 Food Scraps + Green Waste + Other Organic = 40% of waste stream
 $159(75\%) = 119$ Likely composters
 365 Days per year
 3.9 x .40 = 1.56 lbs per person if they compost
 $119 \times 1.56 = 185.64$ lbs per day if 119 compost
 $365 \times 185.6 = 105,703$ lbs per year if 119 compost
 $105,703/2,000 = 52.9$ Tons per year if 119 compost

Schools	
San Rafael High School	880
Bayside Elementary	92
Del Mar Middle School	428
Short Elementary	150
Laurel Dell Elementary	220
Terra Linda High school	1150
Willow Creek Academy	256
	<u>3,176</u>

Pounds per Day per person = 3.9*
 Food Scraps + Green Waste + Other Organic = 40% of waste stream*
 $3,176(25\%) = 794$ Likely composters
 365 Days per year
 3.9 x .40 = 1.6 lbs per person if they compost
 $794 \times 1.6 = 1,238.6$ lbs per day if 794 compost
 $365 \times 1,238.6 = 705,281.6$ lbs per year if 794 compost
 $105,703/2,000 = 352.6$ Tons per year if 794 compost

* Based on JPA provided data

RECEIVED

JUN 04 2012

MARIN COUNTY
DEPARTMENT OF PUBLIC WORKS

Exhibit D

**MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT
JOINT POWERS AUTHORITY (JPA)**

Fiscal year 2011 -2012

Zero Waste Grant Final Report Form

Grantee

Name: *City of San Rafael*

Mailing Address:

*P.O. Box 151560
San Rafael, CA 94915-1560*

Email Address: *Jim.schutz@cityofsanrafael.org*

RECEIVED

JUN 4 - 2012

DPW
Waste Management

1. Grant Fund Use:

(Identify the Waste Reduction Program the funds were used for)

See attached

2. Project Description

(Provide a brief description of the project as a whole in 3-5 Sentences)

See attached

3. Please Provide a brief explanation of each project. (Identify major partners, contractors, consultants or vendors where applicable. Comment on objectives and if they were or were not achieved. If not, why not. What 'Best Practices' might be shared with other jurisdictions)

See attached

4. Please briefly explain how the grant funds have directly and/or indirectly reduced waste that would have otherwise made its way to the landfill and provide an estimate of waste diverted.

See attached

5. Attach any supporting documentation, including approved Toolkit Documents, Resolutions or Ordinances that were generated through the use of Grant fund.

Payment Request

Jurisdictional Allowance

\$ 58,879.43

Requested Grant Reimbursement

\$ 58,879.43

Please provide a simple breakdown by unit, hour, category or service rendered by contractor and the associated incurred cost the grant funding has helped cover.

1) Personnel Costs

Please identify staffing costs associated with planning, management and administration of Waste Reduction Program implementation.

WORK PROGRAM	STAFF TIME	RATE	TOTAL
ZW Resolution	11 Hours	\$110-331	\$2,875
C & D Ordinance	91 Hours	\$89-331	\$10,730
Comm/MF Recycling	31 Hours	\$87-331	\$6,993
Single Use Plastics	117 Hours	\$90-331	\$28,281.43
TOTAL			\$48,879.43

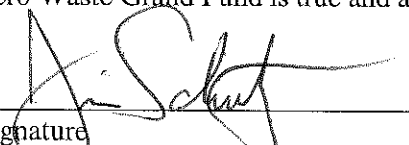
2) Material / Contract / Other Costs

Please identify costs related to development of materials / contracts for Waste Reduction Program implementation and provide samples if applicable

Recycling Signage/Posters/Materials Design (1,000)	\$5892.92
Recycling Guides (500)	\$458.76
Cart Labels (3,000)	\$3648.32
TOTAL	\$10,000.00

Certification

I declare, under the penalty of perjury under the laws of the State of California, that all information herein submitted to the Marin County Hazardous and Solid Waste Management Joint Powers Authority for the Zero Waste Grant Fund is true and accurate to the best of my knowledge.

X 
Signature

Jim SCHUTZ
Print Name

5/31/12
Date

Assistant City Manager
Print Title

**Zero Waste Grant Final Report Attachment to Exhibit D
City of San Rafael**

1. Grant fund use

1) a Zero Waste Resolution, 2) a Construction and Demolition Debris Ordinance and Implementation, 3) a Multi-Family and Commercial Recycling Ordinance and Implementation, and 4) Single-Use Plastics Ordinances.

2. Project Descriptions

Grant funds were used to pass a Zero Waste Resolution, and a Construction and Demolition Debris Ordinance and implementation, which were passed on August 1, 2011. Grant funds were also used to implement and conduct outreach for Multi-Family and Commercial Recycling through an agreement with Marin Sanitary Service, which began in early 2012. Grant funds were used to conduct a facilitated process involving six Marin jurisdictions toward preparing Single-Use Plastics Ordinances, an implementation process and legal review. Finally, grant funds were also used to monitor Zero Waste programs and prepare a final grant report.

3. Brief explanation of each project

City Planning and Legal staff developed a Zero Waste Resolution and C&D Ordinance, both enacted on August 1, 2011, using the model documents in the ZW Toolkit with some minor alterations made in consultation with JPA staff. The City worked with Marin Sanitary Service to conduct marketing and outreach for Multi-Family and Commercial Recycling implementation, which was used for printed material development and distribution (a few samples attached). These documents can be used in all jurisdictions that Marin Sanitary Service serves. The State passed AB341 precluding the need for the City of San Rafael to pass a local ordinance; however, Marin Sanitary Service has done extensive outreach to businesses and landlords. Staff convened six meetings with five other Marin cities and various other interested parties (SUPAC) to develop recommendations for a cohesive approach to passing single-use plastic reduction ordinances. The cities included: Novato, Mill Valley, San Anselmo, Tiburon and Sausalito. These recommendations are included in two staff reports (attached). Due to the ongoing lawsuits surrounding plastic bag ordinances, and the lack of legal resources to counter them, the ordinances have not been passed. However, since then staff has continued to work with the JPA, the County, and the Marin Climate and Energy Partnership toward finding solutions to ongoing litigation. It is our City's intention to enact this ordinance as soon as feasible once an environmental review can be done.

4. How grant funds have directly or indirectly reduced waste and an estimate of waste diverted

The C&D Ordinance will divert waste from all projects valued at \$10,000 or more. City staff and Marin Sanitary Service estimate this will increase the City's waste diversion rate by at least 4%. City staff and MSS estimate the Commercial and Multi Family Recycling program will increase the City's waste diversion by another 3-6%.

RESOLUTION NO. 13217

A RESOLUTION ADOPTING A ZERO WASTE GOAL

WHEREAS, approximately 14% of the greenhouse gases emitted within the City of San Rafael in 2005 were associated with waste disposal; and

WHEREAS, the California Integrated Waste Management Act of 1989 (AB 939) required that all California jurisdictions achieve a landfill diversion rate of 50% by the year 2000, and reduce, reuse, recycle, and compost all discarded materials to the maximum extent feasible before any landfilling or other destructive disposal method is used; and

WHEREAS, the County of Marin has established itself as a State leader in waste diversion and sustainability practices by exceeding the requirements of AB 939 to achieve a 77% diversion rate in 2004 and is constantly looking for innovative ways to decrease waste; and

WHEREAS, in 2001 the California Integrated Waste management Board set a goal of Zero Waste in its strategic plan for the state; and cities, councils, counties, and states worldwide have adopted a goal of achieving zero waste, including the counties of San Francisco, Santa Cruz, San Luis Obispo, and Del Norte in California; the cities of Palo Alto, Oakland and Berkeley in California, Seattle in Washington, Toronto in Canada, and Canberra in Australia; and the local state of New South Wales in Australia; and 45% of New Zealand's local government councils; and

WHEREAS, strategies to reach zero waste can help to promote the over-arching goal of each generation leaving less of an ecological footprint on the earth; and

WHEREAS, on April 20, 2009 the San Rafael City Council adopted the San Rafael Climate Change Action Plan which includes Program LF-11 which states, "Adopt a Zero Waste Goal and develop a Zero Waste Strategic Plan for San Rafael"; and

WHEREAS, on July 18, 2011 the San Rafael City Council added the Sustainability Element to General Plan 2020, which includes Policy SU-9 which states, "Reduce material consumption and waste generation, increase resource re-use and composting of organic waste, and recycle to significantly reduce and ultimately eliminate landfill disposal," and Program SU-9a, which states, "Adopt a Zero Waste Goal and a Zero Waste Strategic Plan to achieve this goal"; and

WHEREAS, the Marin County Hazardous and Solid Waste Management Joint Powers Authority passed a Zero Waste resolution on November 9, 2006 and the County of Marin passed a Zero Waste resolution on April 17, 2007.

NOW, THEREFORE, BE IT RESOLVED, that the City of San Rafael joins the Marin County Hazardous and Solid Waste Management Joint Powers Authority ("JPA") representing the eleven cities and towns of Marin and the County of Marin, and hereby adopts a goal of 80% landfill diversion by 2012 and 94% diversion by 2025, with diversion meaning the elimination of materials from being disposed of in a landfill, diversion of recyclable materials to be reprocessed into usable forms with minimal transport, energy use and other deleterious environmental or social effects, the maximum practical reuse, recirculation and repair of usable items and components, the reduction of unnecessary packaging.

Exhibit 1
 **ORIGINAL**

ORDINANCE NO.1897

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF SAN RAFAEL DELETING FROM THE SAN RAFAEL MUNICIPAL CODE CHAPTER 12.46 (REQUIREMENT TO DIVERT CONSTRUCTION AND DEMOLITION DEBRIS FROM LANDFILL, AND ADDING NEW CHAPTER 12.46 (CONSTRUCTION AND DEMOLITION MATERIALS RECOVERY)

WHEREAS, the State of California through Assembly Bill 939, the California Waste Management Act of 1989, and Senate Bill 1016, the Alternative Compliance Act of 2008, requires that each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis; and

WHEREAS, 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; and

WHEREAS, the State of California through Assembly Bill 32, the California Global Warming Solutions Act of 2006, requires that commercial generators statewide participate in recycling programs; and

WHEREAS, the City has conducted a Greenhouse Gas Inventory and determined that approximately fourteen percent (14%) of greenhouse gasses generated by the community of San Rafael in 2005 was associated with waste disposal; and

WHEREAS, the City Council on April 6, 2009 adopted the San Rafael Climate Change Action Plan which includes programs to achieve reductions in community greenhouse gas emissions, including Program LF11 which calls for adoption of a Zero Waste Goal and a Zero Waste Strategic Plan to reduce the landfilling of waste; and

WHEREAS, 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. The City desires to implement programs to achieve the Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) goal to increase the diversion of materials from landfill and transformation facilities to an eighty percent (80%) diversion level by 2012 and a ninety-four percent (94%) diversion level by 2025, ensuring that resources are used to their highest potential, and that upstream waste and Marin's ecological footprint are reduced; and

WHEREAS, inert and mixed construction and demolition (C&D) waste constitutes approximately 16% of the materials landfilled in Marin County and a similarly large portion of the waste stream in the City, indicating that such waste has a significant potential for reduction and recycling; and

WHEREAS, C&D waste reduction and recycling have been proven to reduce the amount of such waste in landfills, to increase site and worker safety, and to be cost effective; and

WHEREAS, it is deemed feasible to divert on average one hundred percent (100%) asphalt and concrete, and at least seventy percent (70%) of all remaining C&D debris from most construction, demolition, and renovation projects in the City.

"Construction and demolition waste (C&D waste)" means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, deconstruction or demolition operations on any pavement, house, commercial building or other structure.

"Certified Recovery Facility" means a recycling, composting, materials recovery or re-use facility determined to process incoming C&D waste to divert from landfill or transformation for which the certifying agency has issued a certification.

"C&D Diversion Report" means a report submitted by a permittee, on a form approved by the City Official, which contains an estimate of the amount of C&D waste generated by the project, documentation of the diversion of C&D waste, including recycling, reuse and Certified Recovery Facility receipts, and such additional information deemed necessary by the City Official to document accomplishment of the requirements of this Chapter.

"Deconstruction Project" means a process to carefully dismantle or remove useable materials from structures, as an alternative to demolition.

"City Official" means the Chief Building Official, or his or her designee.

"Diversion" or "Diverted" means a reduction of the amount of C&D waste being disposed in a landfill or transformation facility by any of the following methods:

1. Use of new construction methods, as described in regulations promulgated by the City Official, that reduce the amount of waste generated.
2. On-site or off-site reuse of the waste.
3. Delivery of the waste from the project site to a Certified Recovery Facility or other approved facility described in Section 12.46.040.
4. Other methods as approved in regulations promulgated by the City Official.

"Joint Powers Authority" or "JPA" means Marin County Hazardous and Solid Waste Management Joint Powers Authority.

"Permittee" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who obtains the applicable building permit under Chapter 12.12 to undertake any construction, demolition or renovation project within the City.

"Project" means a construction, demolition or renovation project for which a building permit is required under Chapter 12.12 of this code, with the exception of a project exempted under Section 12.46.030.

"Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials such as newsprint, mixed paper, glass containers, aluminum beverage containers, small scrap and cast aluminum, steel including "tin" cans, empty aerosol cans, bimetal containers, plastic bags, plastic food containers, #1-7 plastics regardless of form or mold, aluminum foil and pans 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 meet the quality standard necessary to be used in the market place. Recycling does not include transformation as defined in Public Resources Code §40201.

"Reuse" means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material.

2. Redwood Landfill Recycling Center
 3. Such other facilities as are licensed by the California Integrated Waste Management Board for receipt of solid waste.
- C. Facilities that fail to achieve the minimum diversion requirements to obtain certification as a Certified C&D Recovery Facility may request and receive a temporary certification from the Certifying Agency provided they have:
1. Complied with all of the certification requirements other than the minimum diversion requirement;
 2. Demonstrated, to the Certifying Agency's satisfaction, a good faith effort to achieve the minimum diversion requirement; and
 3. Met any and all other requirements that the Certifying Agency may establish for issuing any such temporary certification.

D. The City shall make available to each building permit applicant a current list of Certified C&D Recovery Facilities.

12.46.050 DIVERSION REQUIREMENTS

Diversion requirements for a Project and for a Certified C&D Recovery Facility shall be a minimum of seventy percent (70%) on or after the effective date of this Chapter, and shall increase to 80% by December 31, 2012, to 85% by December 31, 2015, to 90% by December 31, 2018 and to 94% by December 31, 2025.

12.46.060 USE OF AVOIDED DISPOSAL REGULATORY FEES

A. Moneys received by the City as Avoided Disposal Regulatory Fees shall be used only for:

1. Costs of administration of the program established by this Chapter;
2. Cost of programs whose purpose is to divert the waste from construction, demolition, and alteration projects from landfill disposal, transformation and use as ADC; and
3. Costs of programs whose purpose is to develop or improve the infrastructure needed to divert the waste from construction, demolition and alteration projects from disposal in a landfill, transformation facility or use as ADC.

DIVISION 3: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid.

DIVISION 4: A summary of this ordinance shall be published and a certified copy of the full text of this ordinance shall be posted in the office of the City Clerk at least five (5) days prior to the Council meeting at which it is adopted. The Ordinance shall be in full force and effect thirty (30) days after its final passage and the summary shall be published within fifteen (15) days after adoption, together with the names of the Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the City of San Rafael, County of Marin, State of California.

CITY OF SAN RAFAEL
SAN RAFAEL, CALIFORNIA

DATE: February 29, 2012
TO: Mayor and City Council
FROM: Cory Bytof, Sustainability & Volunteer Program Coordinator
SUBJECT: **Staff Report for March 5, 2012 Study Session on Single Use Plastics**

ANALYSIS OF ALTERNATIVE APPROACHES TO ELIMINATING SINGLE-USE PLASTICS

OVERVIEW

Bag ban ordinances have been considered and implemented throughout California and the US for several years. The intention is to reduce environmental harm through less Greenhouse Gas (GHG) emissions and less waste, which often becomes litter. Most began singling out plastic bags, which are the worst offenders in the environment once discarded. However, soon these ordinances were broadened to include any type of single-use, disposable bag since it was found that paper bags, the major alternative to plastic bags in most retail stores, causes even larger GHG emissions. An extension of this type of ordinance involves Extended Polystyrene (EPS) takeout food containers, which are often made of a form of plastic or foam, have a very low potential for recycling, and end up in the litter stream as well. All of these products have biodegradable alternatives, but the consensus is that they are often no better than plastic due to the amount of energy needed to produce them, the length of time and process of biodegradability, and production costs, among other things.

BACKGROUND

In April 2009, the City adopted a Climate Change Action Plan (CCAP) with much community input. The "Our Lifestyles" section of the CCAP recommended program LF17, which states: "Investigate options for banning nonrecyclable single use items such as plastic bags and polystyrene takeout food containers." According to San Rafael's 2005 Greenhouse Gas inventory, the "Waste" category amounts to approximately 14% of the City's GHG emissions.

More details and statistics on bag use, ordinances, and a thorough history of San Rafael's involvement in the issue can be found in the August 1, 2011 "Single-Use Plastics Policy Analysis and Recommendations" (attached) which was presented to the City Council during a Study Session. Rather than re-state all of the key background information here, a brief overview of the highlights follows.

necessary to prepare an ordinance, to conduct research for enforcement, and to consider phasing in all retailers after one year of implementation.

An outgrowth of SUPAC is the Single Use Plastics Education Team (SUPET), which formed to do the community outreach necessary to gain support for new ordinances as well as to coach businesses and shoppers on how to move toward more reusable and less single use bags. They are currently communicating with merchants and shoppers, and are encouraging voluntary compliance. SUPET typically employs tactics such as signs in parking lots and at bag dispensers, promotion of reusable bags, presentations to employees, a Bring Your Own Bag day, films and forums, and surveys of merchants. SUPET has expressed an intention to assist with a San Rafael ordinance or voluntary bag ban.

Other Marin jurisdictions are considering similar ordinances. For example, Mill Valley passed a non-binding Resolution affirming their commitment to ban plastic and require a fee on paper bags once the County lawsuit is resolved. According to County staff, Tiburon, Ross and Sausalito are also awaiting the appeal to the County lawsuit.

Across the State, other jurisdictions have passed ordinances based on full Environmental Impact Reports (EIR's) such as the City of San Jose, Categorical Exemptions like the County of Marin, and Negative Declarations, such as the City of Manhattan Beach. In July, the City of Manhattan Beach won a California Supreme Court decision that upheld a bag ban ordinance utilizing a Negative Declaration. The Court referenced the small size of the city (population of 33,000) and limited number of retail outlets (under 220).

EXPANDED POLYSTYRENE AND PLASTIC TAKE-OUT CONTAINERS

Part of the SUPAC process was to look at and recommend actions for curtailing single-use plastic and foam take-out food containers. The Committee recommended adoption of an ordinance to eliminate expanded polystyrene (EPS) take-out food containers, the most impactful disposable packaging on the environment and municipal cleanup costs.

Such an ordinance would:

- Ban restaurants and retail food vendors from providing EPS take-out food containers (cups, plates, "clamshells")
- Ban EPS containers from City facilities and sponsored events, and
- Exempt meat packaging trays, which do not typically become litter.

This recommendation was not opposed by the California Restaurant Association or the California Grocers Association. Many other local jurisdictions across the country have passed similar ordinances, including 48 in California, and very few have met with legal challenges. Sausalito, Mill Valley, and the County of Marin

ATTACHMENTS

1. Single-Use Plastics Policy Analysis and Recommendations Staff Report, August 1, 2011
2. Exhibit attachments:
 - Exhibit 1: Summary of bag ban ordinances (updated January 2012)
 - Exhibit 2: Summary of EPS ban ordinances (updated February 2012)
 - Exhibit 3: Merchant comments from San Rafael bag ban survey (original from August 1, 2011 Staff Report)
 - Exhibit 4: Agendas and summaries of Single-Use Plastics Advisory Committee meetings (originals from August 1, 2011 Staff Report)

CITY OF SAN RAFAEL

SAN RAFAEL, CALIFORNIA

DATE: July 27, 2011
TO: Mayor and City Council
FROM: Bob Brown, Community Development Director
SUBJECT: Staff Report for August 1, 2011 Study Session on Single-Use Plastics

SINGLE-USE PLASTICS POLICY ANALYSIS AND RECOMMENDATIONS

Background

Reasons for the Study

Marin is a recognized national leader in waste recycling, reaching a countywide diversion rate of 72% in 2006. Although recycling rates in Marin have increased significantly over the past two decades, the amount of waste going to the landfill has also increased. The following chart from Marin Sanitary Services shows total waste generation has increased 75% between 1995 and 2006.

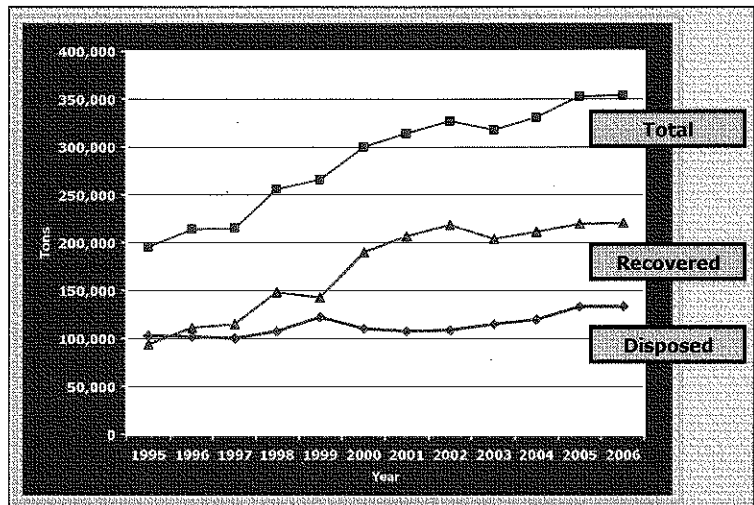
Recycled material more than doubled, but landfill disposal increased by 30%.

Redwood Landfill currently is projected to reach capacity in 2024.

As a result of these trends and challenges, the Marin Hazardous and Solid Waste Management JPA prepared a Zero Waste Feasibility Study in December 2010 which identified goals of achieving 80% waste diversion by 2012 and 94% diversion by 2025.

All Marin jurisdictions are being encouraged to adopt a Model Zero Waste Resolution committing to these reduction goals. The ZW Feasibility Study proposes 28 programs to reduce waste generation, including Program 11 which states, "Promote countywide sales and/or disposal ban on single-use plastics."

The City of San Rafael's Climate Change Action Plan (2009) determined that waste disposal was responsible for 14% of the city's greenhouse gas (GHG) emissions, and that waste reduction could achieve over half of the city's GHG reduction goals by 2020. The Plan includes eight programs related to waste reduction, including Program LF-17 which states, "Investigate options for banning nonrecyclable single-use items such as plastic bags and polystyrene takeout food containers."



ordinance adoption which utilized a CEQA exemption to not prepare an environmental analysis, and will most likely be adjudicated by the end of this year. The City of Manhattan Beach's lawsuit over preparing a Negative Declaration instead of an EIR was decided by the California Supreme Court on July 14, 2011. The Supreme Court determined that the preparation of a Negative Declaration by Manhattan Beach was appropriate due to the level of potential impacts.

Save the Plastic Bag Coalition believes that paper bags have greater environmental impacts than plastic bags and should not be favored. This has been borne out by the preparation of lifecycle analyses of the energy and resources needed to manufacture, transport and recycle plastic and paper bags. For that reason as well, most of the recent bag ban ordinances in California ban plastic and impose a fee on paper bags to encourage reusable bags and significantly reduce the total number of single-use carryout bags provided to consumers. These anticipated reductions are discussed below.

There are also a number of major cities in the United States which have banned the use of extended polystyrene foam (EPS, known as Styrofoam) take-out food and beverage containers (Chicago, Illinois; Seattle, Washington; Portland, Oregon; Suffolk County, New York; Freeport, Maine) and 48 California jurisdictions (see Exhibit 2 for a summary). All of these ordinances ban EPS containers, and some require that compostable alternatives be used instead. Some of the ordinances requiring compostable alternative packaging include a waiver if the compostable alternatives exceed a certain price differential.

Major Findings:

Much of the information below was obtained from EIRs prepared by the cities of San Jose and Santa Monica and the County of Los Angeles, and from the U.S. Environmental Protection Agency.

Impacts of Single-Use Disposable Plastics

- Plastics make up about 10% of Marin's waste stream, and plastic bags by weight do not constitute a large percentage of disposal tonnage.
- It is estimated that about 128 million plastic carryout bags are distributed by retailers in Marin each year and about 15 million paper carryout bags. That equates to about 600 bags per person per year.
- Because of their shape and light weight, plastic bags and EPS food containers are highly windblown throughout the urban environment and into creeks, wetlands and the Bay.
- Municipal costs to pick-up plastic bags and containers are substantial. The City of Los Angeles determined that one-quarter of storm drain debris was composed of plastic bags.
- The Redwood Landfill employs a full-time position to pick up windborne plastic bags.
- 60-80% of man-made marine debris is plastic.
- Plastic bags were the second-most common item collected during worldwide Coastal Cleanup Day in 2009.
- Plastic bags and EPS containers degrade into smaller pieces which are more difficult to remove from the environment and are consumed by wildlife.

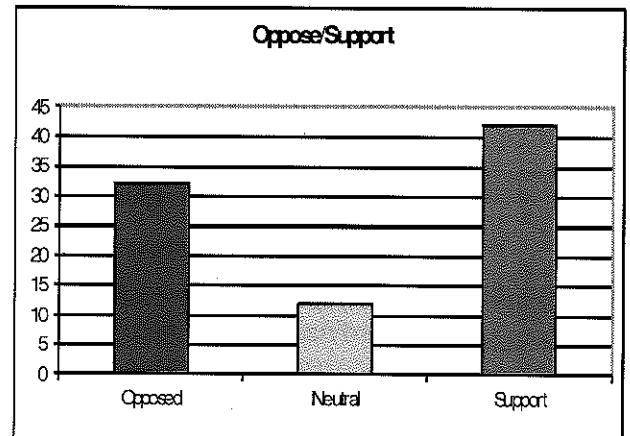
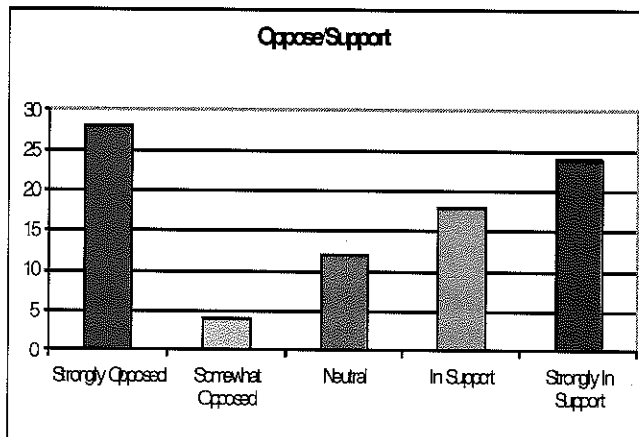
Effects of a Single-Use Carryout Bag Ban

- The City of San Jose EIR estimates that a ban on both paper and plastic carryout bags and an allowance to purchase a recycled content paper bag for a minimum of 10¢ would reduce the use of plastic carryout bags by 95%. It would initially double the use of paper bags, but this would decrease as customers switch to reusable bags. The overall significant reduction in total disposable bag use was found to have a positive environmental impact.
- The County of Marin estimated that its proposed 5¢ minimum paper bag charge would reduce overall disposable bag use by 60%.

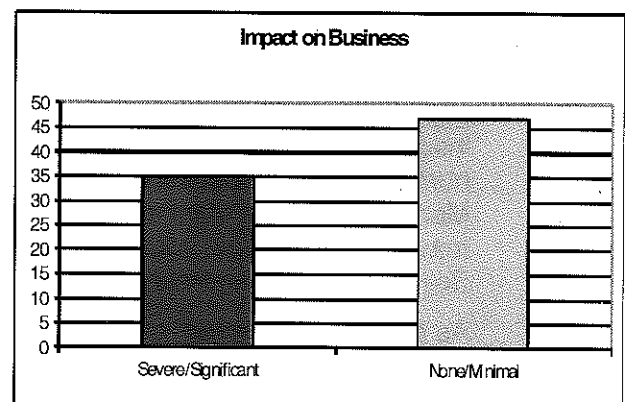
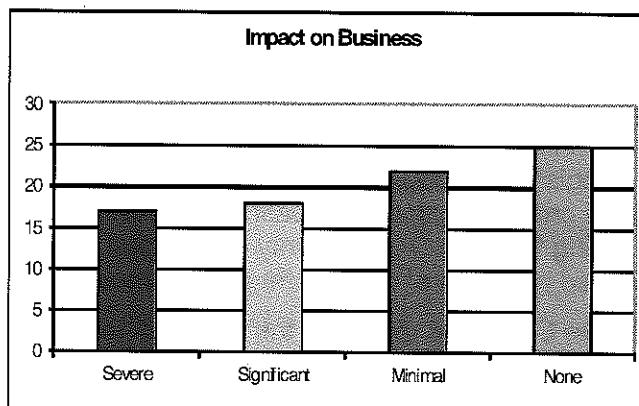
Results of Merchant Survey on a Single-Use Carryout Bag Ban

As part of the Advisory Committee process, we surveyed 250 San Rafael retailers by mail to obtain their feedback about a potential carryout bag ordinance, similar to that adopted by the County, but applied to all retailers. We received 85 returned surveys, a response rate of 34%. The results are shown in the following charts, with the chart on the left showing all categories of responses, and the chart on the right with categories combined.

1. Whether the business would support or oppose such an ordinance:



2. What level of impact such an ordinance would have on the business:



enforcement and to define the desired progressive enforcement protocols and fines. Businesses which do not comply after repeated notifications and fines would be identified to the local city for ultimate enforcement of their ordinance. It is important to note that cities that have enacted plastic bag bans have experienced very little noncompliance from retailers.

The County has also offered to facilitate preparation of both educational outreach materials to retailers and the public and a reusable bag "guidance document" providing durability standards for reusable bags.

Plastic Take-Out Containers

The Committee recommends adoption of an ordinance to eliminate expanded polystyrene (EPS) take-out food containers, the most impactful disposable food packaging on both the environment and municipal clean-up costs.

This ordinance would:

- Ban restaurants and retail food vendors from providing EPS take-out food containers (cups, plates, "clamshells"),
- Ban EPS containers from a city's facilities and sponsored events, and
- Exempt meat packaging trays, which do not typically become litter.

Implementation

The County of Marin has offered to jurisdictions which adopt this model ordinance by the end of 2011 that they will provide at least initial enforcement through regular on-site inspections through the County Environmental Health Service as part of their normal annual inspections of food purveyors. The County would notify the food vendors of the ordinance requirements and verify compliance through a subsequent inspection. Businesses which do not comply after repeated notifications would be identified to the local city for ultimate enforcement of their ordinance. As noted above, an M.O.U. between the County and participating cities would be necessary for such enforcement.

Other Options

Take-Out Food Containers

The Committee extensively discussed means of reducing the amount of waste generated by take-out food containers, and acknowledged that there do not seem to be existing regulatory models at present that we could analyze and recommend. Some of the proposals discussed by the Committee included:

Durable Food Ware for On-Site Consumption

A possible ordinance requiring that restaurants and retail food vendors ask customers if they intend to dine-in or take-out food, and provide all dine-in customers with durable food ware (non-disposable plates, cups, silverware, etc.) was discussed.

Representatives of the California Restaurant Association, the California Grocers Association and Burger King Corporation raised objections, noting that such a regulation would have a severe impact on fast-service establishments, necessitating increases in interior space and capital costs for dishwashing equipment and storage of durable food ware, and in labor costs.

It is possible that such a requirement could be applied to only beverage purveyors, such as coffeehouses or smoothie shops, since some of these purveyors already offer such

Attachments

Exhibit 1: Summary of bag ban ordinances

Exhibit 2: Summary of EPS ban ordinances

Exhibit 3: Merchant comments from San Rafael bag ban survey

Exhibit 4: Agendas and summaries of Single-Use Plastics Advisory Committee meetings

Single-Use Carryout Bag Survey

Written Comments

- What took the cities so long? Just look at all the European countries that don't use plastic bags.
- We sell pool chemicals with vented caps to allow gases to escape so need plastic bags in that situation.
- I'd like to see Marin County be a leader in this bag area.
- Absolutely stupid, understand limiting use of plastic, but paper? How can the city tell you what to charge for?
- I think it is a good idea and should be well supported by customers in this ecologically-supportive area.
- Use few bags but wouldn't feel comfortable charging customer.
- Who gets the money?
- A lot of people can't afford to buy a bag, ex homeless, any solutions for them?
- Big stores like Safeway don't come up with a way to give away and create an unfair playing field.
- Gov't should limit their involvement how I run and operate my business.
- Further antagonize customers already upset at increased food prices. Customers who feel strongly about this bring their own bags to the store.
- We do not carry paper bags! Plastic bags are NOT Bad, they are more recyclable than paper!!!
- Why don't the various city councils spend their time and resources on helping small business not hurting it?
- Plastic bags cost 1/10 or less than a paper bag does and take up less space both in store and landfill which is where both end up anyways.
- Don't you have more important things to worry about? Solving murders, saving 4th street, cutting taxes, this and Target? Good Grief!
- Not applicable to retailers, grocery and drug stores are ones proliferating the plastic bags. Paper should be mandatory.
- We would be in favor of banning plastic bags.
- We sell multiple merchandise transactions which sometimes requires a bag to contain. We use recyclable plastic bags only.
- I wouldn't have an alternative, I could give a box, but that is worse than a bag.
- Too much "Big Brother."
- Floor covering store - Customers do not bring their own cloth bags. Most over the counter items need a plastic bag for safety and the weight of our products are not conducive to paper bags.
- We have enough gov't regulation. We're in process of purchasing paper bags, but have a need for both.
- Too much gov't intervention on trivial things.
- Put your attention on important matters, the energy cost of paper and plastic is the same.
- We supply our customers with custom canvas bags (good advertising for our logo) for their samples. They continue to use them for their shopping - great promotion for our business.
- Our decorative bags & colored tissue are part of our customer's experience. Our customers reuse our sturdy, Kraft paper bags.
- New, higher-end garments must not just be given in a pile to the customer. They need to be protected.
- Banning bags will not solve litter issues. One more costly regulation that will cause us to consider whether to do business here.
- I sell dresses that cannot be folded, or they will wrinkle.
- It is important that other options are considered. Our plastic logo bags are biodegradable.
- People are already concerned and are only requesting bags if needed, this seems unnecessary in our opinion.
- Restrict or limit non-biodegradable plastic bags.
- Focus on business development to attract more people to our town.
- I strongly disagree with this proposal, what a waste of time and money!!
- Paper is recyclable and should not be treated in a punitive manner.
- No plastic- please note-not all bags are the same.
- We use recycled paper bags from our homes/groceries and boxes.
- Businesses are already cutting costs and encouraging customers to bring their own bag.
- Consumers are aware of issue and we have seen a decrease in bag consumption, no need to regulate.
- Change over for a few stores in a chain of thousands means carrying over higher prices of goods to the customer, which we hope to prevent.

Single-Use Plastics Advisory Committee

Agenda

Tuesday, February 22, 2011; 1:00-3:00pm
Community Development Conference Room
1400 Fifth Avenue, San Rafael

Purpose of the Meeting

- Education regarding impacts of single-use carryout bags

I. Introductions

II. Educational Presentations

Topic

1. Local impacts of plastic bags
2. Impacts of paper vs. plastic bags
3. Recycling potential of plastic bags & take-out food containers; "Compostability" of bio-plastics
4. Effects of eliminating plastic bags
5. What other cities/counties are doing
6. Overview of the Marin County Bag Ban Ordinance and process
7. Education and intended ordinance enforcement
8. Legal issues – CEQA and Prop. 26

Speakers

Cory Bytof – San Rafael Volunteer Coordinator
Jessica Jones – Waste Management District Mgr.
Bob Brown – San Rafael Community Dev. Director
Marin Sanitary Services

Bill Daniels – Owner, United Markets
Kim Scheibly-Jones – Marin Sanitary Services
Maureen Parton – Marin County, Aide to Supervisor McGlashan
Stacey Carlsen – Marin County, Director Agriculture/Weights & Measures
David Zaltsman – Marin County Counsel

III. Committee Q&A

IV. Committee Requests for Additional Information

V. Next Steps

Next meeting: Tuesday, March 8, 1-3pm – Discussion of Policy Options and Educational Outreach

Contacts: Bob Brown: (415) 485-3090
Kim Scheibly-Jones:

bob.brown@cityofsanrafael.org
kimscheibly@comcast.net

year by retailers in Marin (about 570 per person, per year).

- Product life-cycle analyses of plastic vs. paper bags conclude that paper bag production and distribution is more energy and resource intensive than plastic bags (3x more greenhouse gas emissions, 4x more water consumption, 3x more solid waste, and double the energy consumption).
- Life-cycle analyses of reusable bags show they are far superior environmentally.
- A ban on plastic bags and charging 10¢ for paper bags is estimated to immediately reduce plastic bags by 95% and double paper bag volume in the short term. Overall the ordinance would reduce the volume of carryout single-use bags 75%.

5. What other cities/counties are doing

Kim Scheibly-Jones, Outreach Coordinator for Marin Sanitary Services, summarized bag bans in place and in process internationally, nationally and within California (see summary PowerPoint).

6. Overview of the Marin County Bag Ban Ordinance and process

Maureen Parton, Aide to Supervisor McGlashan, summarized provisions of the recently adopted Marin County bag ban ordinance and the process used to draft it. Maureen agreed with Bill Daniels that grocers asked for an ordinance that offered choice to customers. They decided on a ban on all free carryout bags, but allow customers to purchase paper bags (made from recycled content) for a 5¢ minimum fee. Product bags (produce, pharmacy) would be exempt. Maureen stated that a 5¢ charge was selected to reimburse the merchant with the cost of the bag, and to send an economic signal to consumers. The ordinance will be effective on Jan. 1, 2012 in the unincorporated area and only affects grocers, pharmacies and convenience stores. The County chose to not apply the ordinance to all retailers since sufficient outreach to retailers had not been accomplished. Supervisor McGlashan plans to pursue a process with retailers to expand the ordinance.

7. Education and intended ordinance enforcement

Maureen stated that their outreach efforts in the development of the ordinance touched 5,300 individuals.

Stacy Carlsen, Division of Agricultural Weights and Measures, indicated that his division will enforce the ordinance as part of their annual inspection process, and offered to do so for cities that adopt the same regulations and enter into an MOU (memorandum of understanding) with the County. He indicated that warnings would initially be issued, with progressive fines for noncompliance. Funding for enforcement efforts might come from the County Hazardous and Solid Waste Management JPA.

8. Legal issues – CEQA and Prop. 26

David Zaltsman, Marin County Counsel, said their assessment of the bag ban ordinance concluded there would be a net improvement in environmental impacts. Their legal conclusion was that an EIR wasn't necessary and that using a CEQA Categorical Exemption was more legally defensible than a Negative Declaration.

As to compliance with Proposition 26, Mr. Zaltsman explained that the fee for paper bags would be retained by the merchants and is equivalent to the cost of the bags.

Next meeting: Tuesday, March 8, 1-3pm – Discussion of Policy Options and Educational Outreach

Single-Use Plastics Advisory Committee

Meeting Notes

Tuesday, March 8, 2011

Purpose of the Meeting: Discussion and recommendations for policies and actions to limit single-use carryout bags

I. Introductions

II. Discussion of Policy Matrix re: Single-Use Carryout Bags

Bob Brown, City of San Rafael, walked the Committee through the policy matrix document, which was intended to identify potential policy options and to stimulate identification of other options for discussion.

III. Committee Recommendations re: Single-Use Carryout Bags

Most of the Committee members agreed that consistency with the County's adopted ordinance has significant advantages. Tim James, representing the Calif. Grocers Association, supported establishing a consistent standard across jurisdictions for common understanding by both merchants and consumers, and Jennifer Goldfinger, representing the City of Novato, noted the County's commitment to provide enforcement of the ordinance in participating jurisdictions if consistent regulations are adopted.

There were three principal areas of discussion concerning the policy options:

1. Tim James suggested that the regulations should apply to all retailers, both to create a more level playing field among merchants and to increase the effectiveness of the bag reduction. Roger Roberts, representing the Marin Conservation League, suggested that the ordinance could initially be applicable to grocers/pharmacies, consistent with the County ordinance, and then subsequently include other retailers.
2. Regarding standards for reusable bags, Maureen Parton, Aide to Supervisor McGlashan, indicated that County Weights and Measures is evaluating possible detailed administrative standards for reusable bags. Tim James and Roger Roberts suggested consideration of the reusable bag standards contained in the AB 1998, the bag ban legislation that did not pass the state legislature in 2010.
3. Concerns were raised by Connie Rogers, Director of the San Anselmo Chamber of Commerce, about the exemption in the County ordinance to provide free paper bags to participants in the California Special Supplemental Food Program. Maureen Parton clarified that privacy of participants is maintained at checkout through use of the program swipe cards. Tim James questioned whether not exempting the food stamp program participants, thereby making them pay for paper bags, might create conflicts with program eligibility criteria. He indicated that providing program participants free bags might be easier for retailers than having to process separate transactions for food items covered by the program and charges for bags which would not be allowed program purchases. Jennifer Goldfinger suggested that free reusable bags might be provided to new participants signed up for the food program. Finally, Tim James suggested that provisions be included to allow retailers to only provide free reusable bags for limited time promotional purposes.

The Committee discussed possible educational opportunities to familiarize the public with an ordinance, including information through schools, public service announcements on the local cable public access channel, provision of text for organization newsletters (including waste haulers) and the use of advocates, such as Teens Turning Green.

Single-Use Plastics Advisory Committee

Agenda

Tuesday, March 22, 2011; 1:30-3:30pm
Community Development Conference Room
1400 Fifth Avenue, San Rafael

Purpose of the Meeting

- Education regarding impacts of plastic take-out food containers

I. Introductions

II. Educational Presentations

Topic

1. Impacts of plastic take-out food containers
2. Recycling potential of take-out food containers; "Compostability" of bio-plastics
3. Mill Valley ordinance and implementation experience
4. Marin County ordinance and implementation experience
5. County Health Department issues related to reusable food containers
6. Effects of reducing plastic take-out food containers
7. Effects of reducing plastic take-out food containers

Speakers

Miriam Gordon – Calif. Director of Clean Water Action
Devi Perry – Marin Sanitary Services
Carol Misseldine – Director of Green Cities California
Leslie Alden – Aide to Supervisor McGlashan
David Smail – Marin County Supervising Environmental Health Specialist
Debra McKnight Higgins – Owner, Whippersnapper Restaurant
Jennifer DeBonis – Production Manager, Woodlands Market

III. Committee Q&A

IV. Committee Requests for Additional Information

V. Next Steps

Next meeting: Tuesday, April 5, 1:30-3:30pm – Discussion of Policy Options and Educational Outreach

Contacts: Bob Brown: (415) 485-3090

bob.brown@cityofsanrafael.org

Exhibit 4

Leslie Alden, Aide to Supervisor McGlashan, agreed that our out-of-sight/out-of-mind approach to plastics recycling is not a good solution, and that extended producer responsibility with full lifecycle analysis to reduce or take-back packaging and design products for repair rather than discard is the ultimate solution. However, until we reach that ultimate goal, she recommends tackling one issue at a time.

The County's ordinance went into effect in 2009, banning polystyrene foam containers and requiring compostable alternatives. Her conclusion is that the ordinance was too aggressive, and that greater consistency among Marin jurisdictions is needed.

5. County Health Dept. issues related to reusable food containers

David Smail, Supervising Environmental Health Specialist, discussed provisions of the California Retail Food Code. The code does not prohibit food purveyors from filling reusable food containers brought in by customers for take-out food. However, there are requirements related to the use and cleaning of utensils used to fill the reusable containers to avoid cross-contamination. He indicated that the department could provide an educational document to restaurants on ways to avoid cross-contamination.

6. Effects of reducing plastic take-out food containers

Debra McKnight Higgins, owner of the Whippersnapper Restaurant in San Rafael, spoke of their efforts to reduce non-recyclable take-out food containers. They have largely shifted to compostable alternatives, which are about 30% more costly. They add \$1 to each take-out order, including taking out an uneaten portion of their meals. They have not experienced customer complaints from this practice. They encourage diners to bring their own containers to take-out unfinished food, but allow the customers to place the food into their own containers to avoid cross contamination in the kitchen. For catering they use durable ware with a deposit for return of the containers. After hearing about the problems with compostable containers in the waste stream, she strongly recommended education for restaurateurs on best recycling practices and would appreciate information on collective purchasing of take-out containers.

Jennifer DeBonis, Production Manager at Woodlands Markets, spoke about their on-going efforts to reduce take-out packaging waste. Their café uses compostable containers. The effects of take-out container types on food quality (reheating potential, shelf life and appearance) is a concern, as is cross-contamination from reusable containers. Storage space would be a problem for offering reusable take-out containers that could be returned for reuse (such as party platters).

Tim James, representing the California Grocers Association, stated that many of his members have been able to shift from polystyrene take-out containers, but he reiterated the concerns expressed by Jennifer DeBonis about the practicality of compostable alternatives (cost, food shelf life and appearance) and potential liability from cross-contamination if forced to refill reusable take-out containers from customers. He indicated that refilling beverage containers would likely be less a concern re: cross-contamination than food items.

Next meeting: Tuesday, April 5, 1:30-3:30pm – Recommendations re: take-out food containers

Single-Use Plastics Advisory Committee

Meeting Notes

Tuesday, April 5, 2011

Purpose of the Meeting: Discussion and recommendations for policies and actions to limit take-out food containers

I. Introductions

II. Update on Issues with Compostable Packaging

Kim Scheibly-Jones reported on her attendance at the Northern California Recyclers Association conference. There is agreement among recyclers and waste haulers that bioplastics (compostable materials) are complicating recycling efforts since they contaminate and decrease the value of recyclable plastics. Because they decompose slowly, bioplastics cannot be included in collection of yard/food waste for composting.

Miriam Gordon, Calif. Director of Clean Water Action reported on her meeting with County officials and the purveyor of compostable bioplastics. Compostable plastics must contain chemical additives to give it the same characteristics (waterproof, flexible or rigid) as plastic containers, but manufacturers typically won't disclose these additives. There is concern about the contamination of compost from these additives as bioplastics break down.

III. Discussion of Policy Matrix re: Take-Out Food Containers

Bob Brown walked the Committee through the Policy Matrix, focusing on two principal questions: 1) Beyond banning expanded foam polystyrene (EPS) due to its high litter potential and poor recycling potential, is there a desire to require a shift to compostable alternatives, and 2) How to encourage the use of durable, rather than disposable, foodware?

Committee Recommendations re: Take-Out Food Containers

Most of the Committee members agreed that EPS should not be allowed for take-out food containers due to its litter potential and minimal recyclability. In response to a question about whether there are good alternate packaging materials for meats, Tim James, representing the Calif. Grocers Association, stated that such a restriction would focus on the problem of litter reduction, and that EPS meat trays do not commonly end up as discarded litter. There was general agreement that an exception should be included for meat containers, which is consistent with most EPS-ban ordinances.

There was discussion about whether EPS foodware (cups, plates, clamshell containers) should be precluded from being sold in Marin. It was agreed that more information was necessary to assess the impacts of banning all sales of EPS foodware.

The remaining discussion centered on possible requirements for food service providers to serve food for on-site dining on durable foodware or, alternatively, requiring food providers to charge a take-out container fee for food taken out.

Tim James noted that grocery stores increasingly have in-store dining but are not set up for washing and storing durable foodware, bussing tables, etc. He also questioned how this might be accommodated by fast food outlets.

Some Committee members suggested that there may be a way to distinguish between restaurants and other outlets that have on-site dining as a minor percentage of total sales or floor area.

Single-Use Plastics Advisory Committee

Agenda

Tuesday, April 26, 2011; **1:30-3:30pm**
Community Development Conference Room
1400 Fifth Avenue, San Rafael

Purpose of the Meeting

- Discussion and recommendations for policies and actions to limit take-out food containers

I. Introductions

II. Further Discussion of Policy Options:

- a. Possible prohibition of retail sales of EPS foodware (cups, plates, clamshells, etc.)
- b. Possible requirement for durable foodware for on-site dining
- c. Possible requirement to fill reusable beverage or all food containers for take-out
- d. Possible fee for take-out food containers

III. Results of Plastic Bag Survey of Merchants

VI. Selection of next meeting date

Contacts: Bob Brown: (415) 485-3090
Kim Scheibly-Jones:

bob.brown@cityofsanrafael.org
kimscheibly@comcast.net

track and could have devastating effects on a businesses' reputation. She indicated that beverage containers aren't as problematic compared with other foods since the liquids are hot and serving utensils aren't involved.

A few restaurateurs indicated they allow customers to transfer take-out food into their reusable containers at the table, which avoids the potential of kitchen contamination, and some allow customers to use reusable cups for refills of coffee or soda beverages.

Miriam estimated that about half of beverage purveyors (such as coffee houses) refill reusable containers, and half do not.

Tim James stated that strict compliance with Cal Code requires that even reusable beverage containers be washed prior to filling.

d. Possible fee for take-out food containers

Debra McKnight-Higgins from Whippersnapper Restaurant stated that their restaurant charges \$1 for take out orders to compensate for more expensive compostable take-out containers. In the very few instances where customers object, they remove the extra charge.

Miriam Gordon suggested a charge be imposed for disposable cups with the funds used to educate customers to encourage reusable containers. Bob Brown indicated that this would likely be problematic under Proposition 26.

Roger Roberts, representing the Marin Conservation League, noted that Pete's Coffee provides a small discount for bringing a reusable mug and not taking a disposable cup.

Kim Scheibly-Jones stated that research indicates that a price signal in roughly the \$2 range is necessary to change consumer behavior. Liz Dunn, representing the City of Novato, agreed that a higher fee than a few cents would be necessary to change behavior and noted the difference with the plastic bag issue where customers have an easy alternative with reusable bags, but reusable food containers are more problematic. Tim James agreed that with bags there are no-cost options for customers.

Roger Roberts said there was nothing wrong with sending a price signal to consumers of disposable items, even if small. This would cover some costs of restaurants using more environmentally preferable take-out containers.

Tim James also suggested that staff from County Health be consulted to determine if food purveyors would be required to pre-wash reusable beverage containers prior to filling.

III. Results of Single-Use Carryout Bag Survey of Merchants

Bob Brown provided an update of data from the survey of retailers regarding possible single-use carryout bags as follows:

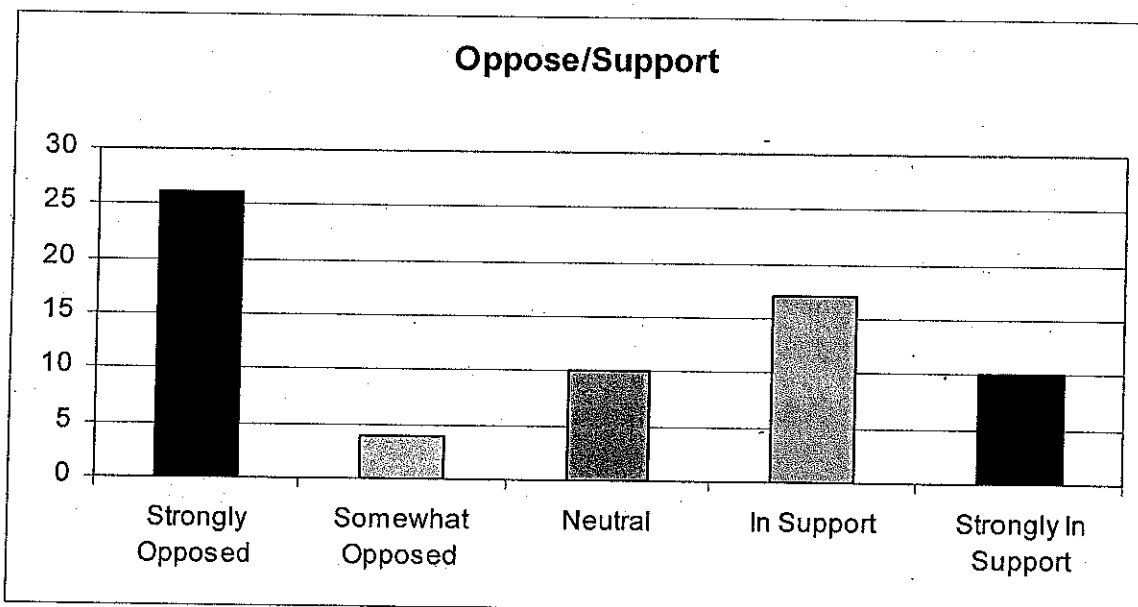


Exhibit C

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Fiscal year 2010 - 2011

Zero Waste Grant Final Report Form

Grantee

Name

Town of Ross

Mailing Address:

P.O. Box 320
Ross, CA 94957

Email Address

pthompson@townofross.org

1. Grant Fund Use:

(Identify the Waste Reduction Program the funds were used for)

Grant funds were designated to be used to develop and adopt a Zero Waste Resolution, a C&D Ordinance, and a Commercial and Multi-Family Recycling Ordinance

2. Project Description

(Provide a brief description of the project as a whole in 3-5 Sentences)

Staff developed a Zero Waste resolution and C&D Ordinance using the model documents provided in the JPA Zero Waste Tool Kit. The Ross Town Council adopted the resolution on March 8, 2012, and the C&D ordinance on April 5, 2012.

3. Please provide a brief explanation of each project. (Identify major partners, contractors, consultants or vendors where applicable. Comment on objectives and if they were or were not achieved. If not, why not. What 'Best Practices' might be shared with other jurisdictions)

The Town utilized the services of a contract planner and the town attorney to develop the resolution, ordinance and related staff reports. The Town did not pursue the Commercial and Multi-Family Ordinance due to the State's enactment of AB 341.

4. Please briefly explain how the grant funds have directly and/or indirectly reduced waste that would have otherwise made its way to the landfill and provide an estimate of waste diverted.

The C&D ordinance will divert waste from all projects valued at least \$10,000. The Town estimates the ordinance will increase the Town's waste diversion rate by 4%, or about 95 tons per year.

5. Please attach any supporting documentation, including approved Toolkit Documents, Resolutions or Ordinances that were generated through the use of Grant fund.

Payment Request

Jurisdictional Allowance

\$ 7,207.00

Requested Grant Reimbursement

\$ 6,903.00

Please provide a simple breakdown by unit, hour, category or service rendered by contractor and the associated incurred cost the grant funding has helped cover.

1) Personnel Costs

Please identify staffing costs associated with planning, management and administration of Waste Reduction Program implementation.

	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Contract Planner	23.5	\$ 65.00	\$ 1,527.50
Contract Planner	46.75	\$ 70.00	\$ 3,272.50
Town Attorney	7.55	\$ 225.00	\$ 1,698.75
Public Works Director	2.5	\$ 95.34	\$ 238.35
Public Works Secretary	4.5	\$ 36.91	\$ 166.09
			\$ 6,903.19

2) Publicity Education Costs

Please identify costs related to development of materials for Waste Reduction Program implementation and provide samples if applicable

None

Certification

I declare, under the penalty of perjury under the laws of the State of California, that all information herein submitted to the Marin County Hazardous and Solid Waste Management Joint Powers Authority for the Zero Waste Grand Fund is true and accurate to the best of my knowledge.

X Pat Thompson

Signature

Pat Thompson

Print Name

4-19-12

Date

Interim Town Manager

Print Title

Exhibit C

TIBURON

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT
JOINT POWERS AUTHORITY

FY 10/11 FINAL
REPORT

Fiscal year 2010 - 2011

Zero Waste Grant Final Report Form

Grantee

Name

Town of Tiburon

Mailing Address:

1505 Tiburon Boulevard

Tiburon, CA 94920

Email Address

lttyler@ci.tiburon.ca.us

1. Grant Fund Use:

(Identify the Waste Reduction Program the funds were used for)

**Primary WRP's: Zero Waste Resolution
Construction and Demolition Ordinance**

2. Project Description

(Provide a brief description of the project as a whole in 3-5 Sentences)

Developed the Zero Waste Resolution and Construction and Demolition Ordinance consistent with the examples provided in the Zero Waste Toolkit. The Commercial and Multi-Family Recycling Ordinance was not developed due to the implementation of AB 341.

3. Please Provide a brief explanation of each project. (Identify major partners, contractors, consultants or vendors where applicable. Comment on objectives and if they were or were not achieved. If not, why not. What 'Best Practices' might be shared with other jurisdictions)

Working with the Community Development Director, Town Attorney and Building Official, successfully adopted the Zero Waste Resolution and Construction and Demolition Ordinance and implemented supporting documents (i.e. forms, handouts, etc.).

4. Please briefly explain how the grant funds have directly and/or indirectly reduced waste that would have otherwise made its way to the landfill and provide an estimate of waste diverted.

Through the adoption of the Construction and Demolition Ordinance, approximately 70% of all C&D debris generated by applicable projects within Tiburon will now be recycled or reused. In addition, Tiburon has committed itself to work toward 94% of landfill diversion by 2025, with the over-arching goal of ultimately achieving Zero Waste.

5. Please attach any supporting documentation, including approved Toolkit Documents, Resolutions or Ordinances that were generated through the use of Grant fund.

A copy of the adopted Zero Waste Resolution and Construction and Demolition Ordinance are attached.

Payment Request

Jurisdictional Allowance

\$ 13,407.21

Requested Grant Reimbursement

\$ 1,839.65

Please provide a simple breakdown by unit, hour, category or service rendered by contractor and the associated incurred cost the grant funding has helped cover.

1) Personnel Costs

Please identify staffing costs associated with planning, management and administration of Waste Reduction Program implementation.

	<u>Hours</u>	<u>Rate</u>	<u>Total</u>
Community Development Director	11	\$104.98	\$1,154.78
Associate Planner	5	\$60.23	\$301.15
Building Official	1.5	\$80.51	\$120.76
Town Attorney	0.5	\$127.47	\$63.73
Town Manager	0.5	\$158.47	\$79.23
Legal Notice/Publication Costs			<u>\$120.00</u>
			\$1,839.65

2) Publicity Education Costs

Please identify costs related to development of materials for Waste Reduction Program implementation and provide samples if applicable.

Not Applicable

Certification

I declare, under the penalty of perjury under the laws of the State of California, that all information herein submitted to the Marin County Hazardous and Solid Waste Management Joint Powers Authority for the Zero Waste Grand Fund is true and accurate to the best of my knowledge.

X 
Signature

Laurie Tyler
Print Name

May 7, 2012
Date

Associate Planner
Print Title

RESOLUTION NO. 02-2012

**A RESOLUTION OF THE TOWN COUNCIL OF THE
TOWN OF TIBURON ADOPTING ZERO WASTE GOALS**

WHEREAS, the County of Marin and each community within the County emit greenhouse gases associated with the decomposition of waste; and

WHEREAS, in 2005, approximately 13.9% of greenhouse gases emitted were attributed from both government and community operations of the town of Tiburon; and

WHEREAS, the California Integrated Waste Management Act of 1989 (AB 939) required that all California jurisdictions achieve a landfill diversion rate of 50% by the year 2000, and reduce, reuse, recycle, and compost all discarded materials to the maximum extent feasible before any land-filling or other destructive disposal method is used; and

WHEREAS, Marin County has established itself as a State leader in waste diversion and sustainability practices by exceeding the requirements of AB 939 to achieve a 77% diversion rate in 2004 and is constantly looking for innovative ways to decrease waste; and

WHEREAS, in 2001 the California Integrated Waste Management Board set a goal of Zero Waste in its strategic plan for the state; and cities, councils, counties, and states worldwide have adopted a goal of achieving zero waste, including the local counties of San Francisco, Santa Cruz, San Luis Obispo, and Del Norte in California and the cities of Palo Alto, Oakland and Berkeley; and

WHEREAS, strategies to reach zero waste can help to promote the over-arching goal of each generation leaving less of an ecological footprint on the earth than its predecessors; and

WHEREAS, on April 20, 2011 the Tiburon Town Council adopted the Tiburon Climate Action Plan, which includes waste reduction objectives in addition to community and government operation mitigation measures focused on waste diversion and reduction.

NOW THEREFORE, BE IT RESOLVED that the Town of Tiburon hereby establishes goals of 80% landfill diversion by the end of 2012, and 94% landfill diversion by the end of 2025; and

BE IT FURTHER RESOLVED that the Town of Tiburon commits itself to the ultimate goal of Zero Waste, whereby no materials are land-filled, but instead are fully recycled, repaired and/or reused; and

BE IT FURTHER RESOLVED that the Town of Tiburon, through the Solid Waste Management JPA, will support the implementation and progressive refinement and strengthening of the Regional Integrated Waste Management Plan and the development of a Strategic Plan that will provide guidance in the planning and decision-making process to achieve the JPA's Zero Waste Goal.

PASSED AND ADOPTED at a regular meeting of the Town Council on January 18, 2012, by the following vote:

AYES: COUNCILMEMBERS: Collins, Doyle, Fraser, Fredericks, O'Donnell

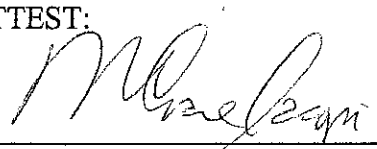
NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



JIM FRASER, MAYOR
TOWN OF TIBURON

ATTEST:



DIANE CRANE-IACOPI, TOWN CLERK

ORDINANCE NO. 539 N. S.

**AN ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF TIBURON ADDING
ARTICLE VI TO TITLE IV, CHAPTER 13 OF THE TIBURON MUNICIPAL
CODE BY ESTABLISHING RECYCLING AND DIVERSION
REQUIREMENTS FOR CONSTRUCTION AND DEMOLITION WASTE**

The Town Council of the Town of Tiburon does ordain as follows:

Section 1. Findings

1. The Town Council adopted a Construction and Demolition (C&D) recycling policy on October 16, 2002 by adoption of Resolution No. 59-2002.
2. With the adoption of said policy, the Town met the then-existing goal of the Marin County Hazardous and Solid Waste Management Joint Powers Authority (JPA) for diversion of materials from landfill and transformation facilities at a 50% diversion rate.
3. The JPA has since increased the goal for diversion of materials from landfill and transformation facilities to 80% by the end of 2012.
4. The JPA estimates that inert and mixed construction and demolition waste constitutes approximately 16% of the materials land-filled in Marin County and a similarly large portion of the waste stream in Tiburon, and these materials have significant potential for reduction and recycling.
5. Construction and demolition waste reduction and recycling have been proven to reduce the amount of such waste in landfills, to increase site and worker safety, and to be cost effective.
6. The Town Council finds that, except in unusual circumstances, it is feasible to divert on average 100% asphalt and concrete, and at least 70% of all remaining C&D debris from most construction, demolition, and renovation projects.
7. The Town Council desires to update and codify its existing policy into the Tiburon Municipal Code in order to match the goal set forth by the JPA and increase the diversion of materials from landfill and transformation facilities to achieve an 80% diversion goal by 2012 and aim for 94% diversion by 2025, with an ultimate goal approximating Zero Waste.
8. The Town's recently-adopted Climate Action Plan calls for adoption of a C& D Waste ordinance by the Town of Tiburon.
9. The Town Council finds that in order to ensure compliance with diversion standards set forth herein, recycling facilities will be evaluated annually through an extensive certification process conducted by the JPA.

10. The Town Council finds that adoption of this ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines (14 Cal. Code §15308) because it is an action taken by a regulatory agency for the protection of the environment and no exceptions to this categorical exemption apply.

Section 2. Amendment of Municipal Code.

Article VI is hereby added to Title IV, Chapter 13 (Building Regulations) of the Tiburon Municipal Code to read as follows:

Article VI. Recycling and Diversion of Construction and Demolition (C&D) Waste.

Sections:

13-17	Definitions
13-18	C&D diversion report required
13-19	C&D diversion report exempted
13-20	Certified recycling facilities
13-21	Diversion requirements
13-22	Use of avoided disposal regulatory fees
13-23	Violation and penalties

13-17 Definitions. For the purposes of this Article, the following words and phrases shall have the following definitions:

“Alternative daily cover (ADC)” means disposal facility cover material, other than organic waste and at least six (6) inches of earthen material, placed on the surface of the active face of the refuse fill area at the end of each operating day to control vectors, fires, odor, blowing litter and scavenging, as defined in Section 20164 of the California Code of Regulations.

“Applicant” means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the town for the applicable permits to undertake any construction, demolition or renovation project within the town.

“Avoided disposal regulatory fee” means three percent (3%) of the valuation of the project, not to exceed ten thousand dollars (\$10,000).

“Certified recycling facility” means a recycling, composting, materials recovery or re-use facility determined to process incoming construction and demolition materials to divert from landfill or transformation for which the JPA has issued a certification.

“C&D diversion report” means a report submitted by an applicant, on a form approved by the building official, which contains an estimate of the amount of C&D waste generated by the project, documentation of the diversion of C&D waste, and such additional information deemed necessary by the building official to document accomplishment of the requirements of this chapter.

“Construction and demolition waste” or “(C&D waste)” means used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, deconstruction or demolition operations on any pavement, house, commercial building or other structure.

“Building official” means the building official of the Town of Tiburon, including his or her designee.

“Deconstruction project” means a process to carefully dismantle or remove useable materials from structures, as an alternative to demolition.

“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:

- (1) Use of new construction methods, as described in regulations promulgated by building official, that reduce the amount of waste generated.
- (2) On-site re-use of the waste.
- (3) Delivery of the waste from the site to a certified recycling facility.
- (4) Other methods as approved in regulations promulgated by the building official.

“Joint Powers Authority” or “JPA” means the Marin County Hazardous and Solid Waste Management Joint Powers Authority.

“Project” means a construction, demolition, alteration or renovation activity for which a building permit is required by chapter 13 of this code, with the exception of building permit work exempted under section 13-19 of this article.

“Recycling” means the process of collecting, sorting, cleansing, treating and reconstituting materials such as newsprint, mixed paper, glass containers, aluminum beverage containers, small scrap and cast aluminum, steel including “tin” cans, empty aerosol cans, bimetal containers, plastic bags, plastic food containers, #1-#7 plastics regardless of form or mold, aluminum foil and pans 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 meet the quality standard necessary to be used in the market place.

“Reuse” means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material.

“Transformation” means incineration, pyrolysis, distillation, or biological conversion other than composting. “Transformation” does not include composting, gasification, or biomass conversion.

13-18 C&D diversion report required.

(a) On or after June 1, 2012, each applicant who applies for a building permit for a project shall submit a completed C&D diversion report (Part 1), acceptable to the building official, prior to issuance of the permit.

(b) On or after June 1, 2102, no building permit for a project shall be issued by the building official unless an acceptable, completed C&D diversion report (Part 1) form has been submitted for the project.

(c) Prior to obtaining any final inspection/permit sign-off and/or certificate of occupancy from the building official, an applicant who has obtained a building permit for a project shall remit a completed C&D diversion report (Part 2) acceptable to the building official.

(d) An avoided disposal regulatory fee shall be imposed if a certified recycling facility is not used, if required recycling/reuse receipts are not submitted, or if the building official determines that the applicant has not satisfied the diversion requirements set forth in section 13-21 of this article. The avoided disposal regulatory fee shall be calculated as three percent (3%) of the valuation of the project, not to exceed a fee of ten thousand dollars (\$10,000).

13-19 C&D diversion report exemptions.

(a) A C&D diversion report shall not be required for the following:

- (1) Deconstruction projects.
- (2) Work for which a building permit is not required under this chapter.
- (3) Alterations to existing residential or non-residential buildings that affect less than five hundred (500) square feet of floor area, as determined by the building official.
- (4) Removal and reinstallation of roof covering materials.
- (5) Work for which only a plumbing permit, electrical or mechanical permit is required.
- (6) Voluntary residential seismic retrofit projects.
- (7) Installation or replacement of shelves.
- (8) Installation of pre-fabricated patio enclosures and covers where no foundation or other structural building modifications are required.
- (9) Installation of swimming pools and spas, provided that the exemption shall apply only to (i) the area to be excavated for the installation of the pool or spa and (ii) 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.
- (10) Installation of pre-fabricated accessories such as signs or antennas where no structural building modifications are required.

(b) No project shall be separated into smaller projects for the purpose of evading the requirements of this article.

13-20 Certified recycling facilities.

(a) The JPA may certify a facility as a certified recycling facility if the owner or operator of the facility submits the following documentation satisfactory to the JPA:

- (1) The facility has obtained all applicable federal, state and local permits, and is in full compliance with all applicable regulations; and
- (2) The percentage of incoming waste from construction, demolition and renovation activities that is diverted from landfill disposal, transformation and use as ADC meets the minimum diversion requirement as set forth in section 13-21.

(b) The Town shall make available to each building permit applicant a current list of certified recycling facilities, as certified by the JPA.

13-21 Diversion requirements. Diversion requirements for a project and for a certified recycling facility shall be a minimum of seventy percent (70%) prior to December 31, 2012, and shall increase to minimums of 80% on December 31, 2012, 85% on December 31, 2015, 90% on December 31, 2018, and 94% on December 31, 2025.

13-22 Use of avoided disposal regulatory fees. Moneys received by the town as avoided disposal regulatory fees shall be used only for:

- (a) Costs of administration of the program established by this article;
- (b) Cost of programs whose purpose is to divert the waste from construction, demolition, and alteration projects from landfill disposal, transformation and use as ADC; and
- (c) Costs of programs whose purpose is to develop or improve the infrastructure needed to divert the waste from construction, demolition and renovation projects from disposal in a landfill, transformation facility or use as ADC.

13-23 Violations and penalties.

(a) Violations of this article shall be punishable as misdemeanors or infractions, at the discretion of the Town's designated code enforcement official following consideration of the severity of the violation. Penalties shall not exceed the amounts set forth in Government Code Sections 36900 and 36901.

(b) Each violation of this article is a separate offense for every day such violation shall continue, and the penalties for violation shall be imposed on each and every separate offense.

(c) Nothing in this section limits the power of the Town to use all other legal or equitable remedies to redress, abate, or punish any violation of the provisions of this article, including, without limitation, those set forth in Title VI, Chapter 31 of this code.

Section 3. Severability.

If any section, subsection, clause, sentence, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of the Ordinance. The Town Council of the Town of Tiburon hereby declares that it would have passed this Ordinance, any section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases may be declared invalid or unconstitutional.

Section 4. Effective Date.

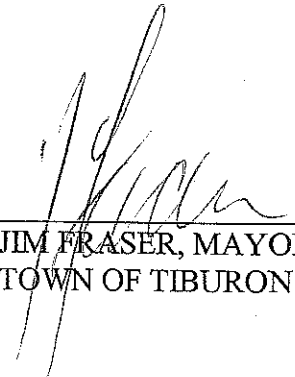
This Ordinance shall take effect and be in force thirty (30) days after the date of passage, and before the expiration of fifteen (15) days after passage by the Town Council, a copy of the ordinance shall be published with the names of the members voting for and against it at least once in a newspaper of general circulation in the Town of Tiburon.

This ordinance was read and introduced at a regular meeting of the Town Council of the Town of Tiburon, held on the 18th day of April, 2012, and was adopted at a regular meeting of the Town Council of the Town of Tiburon, held on the 2nd day of May, 2012, by the following vote:

AYES: COUNCILMEMBERS: Collins, Doyle, Fraser, Fredericks, O'Donnell


NOES: COUNCILMEMBERS: None

ABSENT: COUNCILMEMBERS: None



JIM FRASER, MAYOR
TOWN OF TIBURON

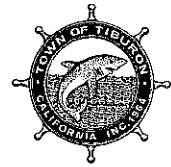
ATTEST:



DIANE CRANE IACOPI, TOWN CLERK

Construction & Demolition (C&D) Diversion Report

(Part 1) Estimated Waste Generation



Instructions:

Complete this Part 1 when applying for a building permit. Prior to requesting a final inspection and issuance of occupancy permit, submit receipts from a Recycling Hauler* or a Certified C&D Recovery Facility (see attached list), along with completed Part 2 (Documentation of Compliance) of this form, to the Tiburon Building Division.

Requirements:

- Applies to all construction, demolition and renovation projects requiring one or more building permits unless exempt (see attached list of exempted projects).
- For all C&D debris, the following diversion rates must be achieved (dates below are based on the date of issuance of the permit):
 - 70% through December 30, 2012
 - 80% after December 30, 2012 through December 30, 2015
 - 85% after December 30, 2015 through December 30, 2018
 - 94% after December 30, 2018
- Receipts for recycling/reuse/disposal must be submitted prior to issuance of occupancy permit.

Project Information:

Permit Number _____ Job Address _____

Type & Size of Project: Demolition _____ sf Remodel _____ sf New/Addition _____ sf

Type of Construction: ☐ Wood frame ☐ Concrete ☐ Steel

☐ Other (specify) _____

Recycling Hauler or Recycling Facility (if known) _____

Estimated Project Valuation \$ _____

Estimated C&D Generation				
Project Type	Project Size		Debris Weight Projection Factor	Estimated Total Project Debris
New construction	_____ sf	X	4 lbs. / sf	= _____ lbs.
Remodeling	_____ sf	X	40 lbs. / sf	= _____ lbs.
Demolition	_____ sf	X	70 lbs. / sf	= _____ lbs.
Demolition, including foundation	_____ sf	X	100 lbs. / sf	= _____ lbs.
PROJECT TOTAL =				_____ lbs.

** If using a Hauler, you will need to demonstrate through written receipts that the Hauler brought all the material to a Certified Facility or that the Hauler was able to source-separate and provide receipts from the recyclers they used.*



Construction & Demolition (C&D) Diversion Report

(Part 2) Documentation of Compliance

Instructions:

Complete Parts 2a OR 2b to show compliance with the Town of Tiburon's C&D waste diversion requirements.

Part 2a: Documentation Showing Use of a Recycling Hauler or a Certified C&D Facility

Submit receipts from a Recycling Hauler or Certified C&D Recovery Facility (see attached list) along with this completed form to the Building Division prior to requesting a final inspection.

Part 2b: C&D Diversion Report

Document the actual waste diversion for your project. You must attach all receipts.

Date of Receipt	Salvage/Deconstruction, Reuse or Recycling Facility Name	Materials Diverted	Quantity/Weight of Materials Diverted

Part 3: Actual Project Value and Avoided Disposal Fee

Please fill out the information below as accurately as possible, and submit this completed form along with WEIGHT receipts from your waste hauler/recycler/reuse facility (note that receipts must be for *weighed materials*, not by material volume) prior to requesting a final inspection.

Valuation of Project \$_____ X 3% (but no more than \$10,000) = \$_____
(Avoided Disposal Fee*)

*Amount due prior to issuance of occupancy permit and/or final sign-off of building permit if diversion requirements are not met.

S:\Building\Forms & Templates\C & D Waste Diversion Report Parts 1 and 2.doc

Certified Construction and Demolition Facility List

Following solicitation, site inspections, and a certification process the list of Certified Construction and Demolition (C&D) Facilities was approved by the Marin County Hazardous and Solid Waste Management Joint Powers Authority's (JPA) Board of Directors at their January 26, 2012 meeting. The list of facilities that meet the criteria of the JPA's Model C&D Ordinance is as follows:

Full Certification Facilities:

Commercial Waste & Recycling, LLC

Joshua Fookes, Owner/Manager
725 Independent Road
Oakland, CA 94621
(510) 636-0852

Davis Street Transfer Station

Rebecca Jewell, Recycle Program Manager
2615 Davis Street
San Leandro, CA 94577
(510) 563-4214

Devlin Road Recycling and Transfer Facility

Steve Kelley
889 Devlin Road
American Canyon, CA 94503
(707) 256-3500 x1222

Marin Resource Recovery Center

Neil Roscoe
1050 Andersen Drive
San Rafael, CA 94901
(415) 458-5556

Redwood Landfill and Recycling Center

Jessica Jones, District Manager
8950 Redwood Highway
Novato, CA 94945
(415) 892-2851

West Contra Costa Sanitary Landfill

Ritchie Granzella
1 Parr Boulevard
Richmond, CA 94801
(510) 970-7246

Windsor Material Recovery Facility

Dustin Abbott
590 Caletti Avenue
Windsor, CA 95492
(707) 838-2597

Administrative Facilities*:

The Away Station

Carrie Bachelder
109 Broadway Boulevard
Fairfax, CA 94930
(415) 453-4221

Building Resources

Sergio Traverso
701 Amador Street
San Francisco, CA 94124
(415) 285-7814

Daniel O. Davis, Inc.

Dustin Davis
1051 Todd Road
Santa Rosa, CA 95407
(707) 585-1903

Heritage Salvage

Karen Helms
1473 Petaluma Boulevard South
Petaluma, CA 94952
(707) 762-6277

Urban Ore

Dan Knapp
900 Murray Street
Berkeley, CA 94710
(510) 914-2701

*Facilities that do not have solid waste permits and handle only source separated non-solid waste materials.

This list will be updated on a regular basis by the JPA. The Town of Tiburon is not responsible for its content. Please contact the Marin County Hazardous and Solid Waste Joint Powers Authority at (415) 473-6647 to ensure you have the most recent version.



PROJECTS EXEMPT FROM C & D DIVERSION REPORT

(Pursuant to Tiburon Ordinance 539 N.S.)

5/4/2012

1. Deconstruction projects.
2. Work for which a building permit is not required pursuant to Chapter 13 of the Municipal Code.
3. Alterations to existing residential or non-residential buildings that affect less than five hundred (500) square feet of floor area, as determined by the Building Official.
4. Removal and reinstallation of roof covering materials.
5. Work for which only a plumbing permit, electrical or mechanical permit is required.
6. Voluntary residential seismic retrofit projects.
7. Installation or replacement of shelves.
8. Installation of pre-fabricated patio enclosures and covers where no foundation or other structural building modifications are required.
9. Installation of swimming pools and spas, provided that the exemption shall apply only to (i) the area to be excavated for the installation of the pool or spa and (ii) 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.
10. Installation of pre-fabricated accessories such as signs or antennas where no structural building modifications are required.

Please be advised that no project shall be separated into smaller projects for the purpose of evading the requirements of the Construction and Demolition Ordinance.



May 7, 2012

RECEIVED

MAY 08 2012

MARIN COUNTY
DEPARTMENT OF PUBLIC WORKS

JPA Grant Program Manager
c/o County of Marin Waste Management Division
PO Box 4186
San Rafael, CA 94913

RECEIVED

MAY 8 - 2012

DPW
Waste Management

RE: Town of Tiburon 2010-2011 Zero Waste Grant - Final Report

Dear Sir or Madam:

Enclosed is the Town of Tiburon's final reporting for the 2010-2011 Zero Waste Grant cycle. Copies of adopted documents are also included. Please let me know if you need any additional information. I can be reached by phone at 435-7397 or by email at lttyler@ci.tiburon.ca.us.

Sincerely,

Laurie Tyler
Associate Planner

Jim Fraser
Mayor

Emmett O'Donnell
Vice Mayor

Richard Collins
Councilmember

Frank Doyle
Councilmember

Alice Fredericks
Councilmember

Margaret A. Curran
Town Manager

Exhibit D

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGE
JOINT POWERS AUTHORITY (JPA)

Fiscal year 2011 -2012

Zero Waste Grant Final Report Form

Grantee

Name: Debra Stutsman

Mailing Address: 525 San Anselmo Ave, San Anselmo, CA
94960

Email Address: dstutsman@town of san anselmo. org

1. Grant Fund Use:

(Identify the Waste Reduction Program the funds were used for)

C&D Ordinance

Recycling/composting assistance at Town events (CCNB)

2. Project Description

(Provide a brief description of the project as a whole in 3-5 Sentences)

Implement a C&D ordinance and ensure that Country Fair Day attendees are educated on composting/recycling as they finish eating. We used the conservation Corps NB for this.

3. Please Provide a brief explanation of each project. (Identify major partners, contractors, consultants or vendors where applicable. Comment on objectives and if they were or were not achieved. If not, why not. What 'Best Practices' might be shared with other jurisdictions)

We did the C&D ordinance inhouse w/our Planning Director and legal counsel. The Conservation Corps NB came to Country Fair Day & set up stations at the pancake breakfast, at the street fair & at the Creek Park bbq.

4. Please briefly explain how the grant funds have directly and/or indirectly reduced waste that would have otherwise made its way to the landfill and provide an estimate of waste diverted.

Our C&D Ordinance will ensure that construction debris is appropriately disposed of. The event presence of CCNB was really well received and we felt people really stopped and asked questions about their waste of the Corps members. We want to continue to use them this year.

5. Attach any supporting documentation, including approved Toolkit Documents, Resolutions or Ordinances that were generated through the use of Grant fund.

C&D ordinance attached.

Payment Request

Jurisdictional Allowance

\$ 16,614.67

Requested Grant Reimbursement

\$ 4,230.50

Please provide a simple breakdown by unit, hour, category or service rendered by contractor and the associated incurred cost the grant funding has helped cover.

1) Personnel Costs

Please identify staffing costs associated with planning, management and administration of Waste Reduction Program implementation.

Diane Henderson, Interim Planning Director,
21.25 hrs. @ \$90/hour = \$1912.50

Town Attorney review 3.2 hrs @ \$195/hr = \$624

2) Material / Contract / Other Costs

Please identify costs related to development of materials / contracts for Waste Reduction Program implementation and provide samples if applicable

Legal advertising, 15 = \$194
Conservation Corps North Bay = \$1500

Certification

I declare, under the penalty of perjury under the laws of the State of California, that all information herein submitted to the Marin County Hazardous and Solid Waste Management Joint Powers Authority for the Zero Waste Grant Fund is true and accurate to the best of my knowledge.

x Debra Stutsman
Signature

Debra Stutsman
Print Name

5-10-12
Date

Town Manager
Print Title

* We had anticipated doing a Commercial/Multi Family Recycling ordinance, but state law was enacted that made this unnecessary. We would like to carryover the rest of this year's money.



October 10, 2011

Town of San Anselmo
525 San Anselmo Ave.
San Anselmo, CA 94960

Attn: Debbie Stutsman

Received

OCT 13 2011

Town of San Anselmo

INVOICE # 09-11-01-CRCN
JOB # 2-01-615
Down Town San Anselmo

Date

Sunday, September 25, 2011

TOTAL INVOICE

\$1,500.00

Fed ID# 94-2831592

PLEASE REMIT

\$1,500.00

THANK YOU

* We will be reimbursed
for this expense thru a
H & BW JPA grant. I will
submit the grant paperwork.
DS

OK to pay
DStutsman
60.00.48137

Tom McInerney
Mayor

Kay Coleman
Vice Mayor

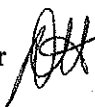


Ford Greene
Councilmember

Jeff Kroot
Councilmember

Lori Lopin
Councilmember

525 San Anselmo Avenue, San Anselmo, CA 94960-2682
www.townofsananselmo.org
(415)258-4600 | Fax (415)459-2477

DATE: April 19, 2012
TO: Debbie Stutsman, Town Manager
FROM: Diane Henderson, Interim Planning Director 
SUBJECT: Reimbursables for Preparation of C & D Ordinance

Here is an accounting to date of the costs associated with preparation of the C & D Ordinance; I am still awaiting the Town Attorney's invoice for most recent services and hours spent by Keith Angerman preparing the forms for use at the Building counter.

Diane Henderson: 21.25 hours (July 2011 through March 2012) $\times \$90/\text{hr} = \1912.50

IJ Legal Ad: \$194

Town Attorney

Emily Longfellow: \$429
Megan Acevedo: \$175
Rob Epstein: \$ 20

\$ 624

Marin Independent Journal • marinij.com

4000 Executive Pkwy, Ste 200, San Ramon, CA 94583-4313

Advertising Invoice and Statement

BILLING DATE	BILLING PERIOD	ACCOUNT NUMBER
02/29/12	2/1/2012 - 2/29/2012	2072661
TOTAL AMOUNT DUE	TERMS OF PAYMENT	STATEMENT NUMBER
194.00	Due Within 15 Days	0000464552

Return Service Requested

To pay the balance on this statement by credit card, please call or email your credit representative shown below.

Send payment to:

7730007204 PRESORT 1548 1 AB 0.374 P1C9



TOWN OF SAN ANSELMO
525 SAN ANSELMO AVE
SAN ANSELMO CA 94960-2682

MARIN INDEPENDENT JOURNAL
PO BOX 513078
LOS ANGELES CA 90051-1078



026 20726618 00004645529 0000194001

PLEASE DETACH AND RETURN THE UPPER PORTION WITH YOUR PAYMENT

Marin Independent Journal

4000 Executive Pkwy, Ste 200, San Ramon, CA 94583-4313

STATEMENT OF ACCOUNT

BILLING DATE	BILLING PERIOD	TERMS OF PAYMENT	STATEMENT NUMBER	PAGE
02/29/12	2/1/2012 - 2/29/2012	Due Within 15 Days	0000464552	1 of 1

ACCOUNT NUMBER	ACCOUNT NAME
2072661	TOWN OF SAN ANSELMO

Send payment to:
PO BOX 513078, LOS ANGELES CA 90051-1078

CREDIT REPRESENTATIVE	SALES REPRESENTATIVE
Geneva Byrd / 925-302-1677 gbyrd@bayareanewsgroup.com	Donna Lazarus / 415-382-7335 dlazarus@marinij.com

AGING OF PAST DUE AMOUNTS

CURRENT NET AMOUNT	30 DAYS	60 DAYS	OVER 90 DAYS	UNAPPLIED AMOUNT	TOTAL AMOUNT DUE
194.00	0.00	0.00	0.00	0.00	194.00

DATE	REFERENCE	DESCRIPTION	SIZE/UNITS	RATE	GROSS AMOUNT	NET AMOUNT
01/31/12		Balance Forward				270.00
02/07/12	P1712922	Payment: Check				-270.00
02/17/12	0004336918	Classified Advertising; DIANE HENDERSON-DISPOSAL OF WASTE GENERA; Marin Independent Journal; Legals CLS	244 Li	0.80	194.00	194.00
Thank you for doing business with us.						
<p><i>OK to pay</i> <i>Dianna Henderson</i> <i>3.12.12</i></p>						

EXHIBIT E

Zero Waste Grant Financial Report Form

Total Reimbursable Expenses \$4230.50

Ms. Debbie Stutsman

		<u>Hours</u>	<u>Amount</u>
	conference call with Ms. Stutsman and ERMA staff regarding same; telephone conference with Ms. Stutsman and Ms. Leger regarding same; review Town Manager's Friday notes.		
09/12/11	Telephone conferences with Ms. Stutsman and RFE conference with Ms. Leger regarding Hartley matter; review and sign DPW agreement with Gary Ghillotti; telephone conference with IJ reporter regarding Nu Creations issue.	1.30	253.50
EL	Review Zero Waste Toolkit to draft Staff Report establishing Zero Waste goals and Ordinance.	1.00	195.00
SNL	Teleconference with Atty Maylin re investigation status; Draft correspondence to Atty Berry-Wilkinson re Hartley's refusal to produce alleged text messages or attend subsequent interviews on advice of counsel; meeting with emails with RFE re same.	0.70	136.50
09/13/11	Conference with Ms. Leger regarding handling of RFE workers comp and disability retirement claims made by Mr. Hartley.	0.10	19.50
RFE	Review agenda and staff reports and attend Council meeting.	3.40	663.00

Ms. Debbie Stutsman

Page 6

		<u>Hours</u>	<u>Amount</u>
09/13/11 EL	Draft Zero Waste Ordinance and accompanying Staff Report.	1.00	195.00
SNL	Review and edit witness notice for Officer Niklewicz; draft correspondence to Cpt. Valeri re same; teleconference and email with Atty Maylin re same.	0.40	78.00
09/14/11 RFE	Telephone conference with Mr. Mayer regarding Jordan/Crooked Road issue.	0.20	39.00
09/15/11 RFE	Telephone conferences with Mr. Bertrand regarding finalizing his work on Hartley matter; telephone conference with Chief Maynard regarding same; telephone conferences with Town Manager regarding same.	1.20	234.00
SNL	Draft response to Ruth Graf-Urasaki re ERMA panel; review correspondence from client and draft response re status.	0.20	39.00
09/16/11 RFE	Review Manager's Friday notes; research question of changing meeting date/time and email to Town Manager regarding same; legal research regarding internet use during Council meetings.	1.00	195.00

Ms. Debbie Stutsman

Page 9

		<u>Hours</u>	<u>Amount</u>
09/27/11	Prepare for and attend closed session with Town Council re PD personnel matter and pending investigations.	2.30	448.50
SNL			
09/28/11	Review issues regarding Zero Waste Resolution and ordinances; confer with Rob Epstein regarding Zero Waste Resolution and ordinances.	0.20	39.00
EL			
09/29/11	Telephone conference with Town Manager regarding ordinance drafting; review new Brusman and draft email regarding same.	0.20	39.00
RFE			
	Review potential issues with Zero Waste Toolkit proposed resolutions and ordinances; draft memo regarding Zero Waste Toolkit proposed resolutions and ordinances.	2.00	NO CHARGE
EL			
09/30/11	Review Town Manager's Friday notes.	0.10	19.50
RFE			
	For professional services rendered	62.00	\$11,700.00
	Previous balance		\$15,015.00

02/19/2012	RFE	Review and revise memorandum concerning vacation of right of way.	0.2	\$39.00
02/20/2012	MA	Review edits to right of way abandonment memo and revise memo accordingly. Email final memo to Debbie Stutsman for review. Review Town Manager Notes and addendum.	0.5	\$97.50
02/21/2012	RFE	Email to Ms. Stutsman regarding Malik foreclosure.	0.1	\$19.50
02/24/2012	RFE	Telephone conference with Ms. Stutsman regarding outside counsel issues and MTA litigation.	0.2	\$39.00
02/26/2012	MA	Review Town Manager notes from previous week.	0.2	\$39.00
02/27/2012	RFE	Review memoranda concerning Seminary negative dec; telephone conference with Town Manager regarding handling of agenda item.	0.6	\$117.00
02/28/2012	RFE	Review agenda and staff reports and attend Town Council meeting.	4.0	\$780.00
Services Subtotal				\$6,415.50

Expenses

Type	Date	Description	Quantity	Rate	Total
Expense	02/10/2012	LOCC City Attorney Conference	1.0	\$620.00	\$620.00
Expenses Subtotal					\$620.00

Time Keeper	Position	Quantity	Rate	Total
Rob Epstein	Attorney	8.7	\$195.00	\$1,696.50
Megan Acevedo	Attorney	24.2	\$195.00	\$4,719.00
Matter Subtotal				\$7,035.50

Planning

Date	Attorney	Description	Quantity	Total
02/03/2012	MA	Finalize review of background documents for SFTS Master Plan amendment and mitigated negative declaration. Email to Diane Henderson re: same.	0.8	\$156.00
02/15/2012	MA	Office conference with Rob Epstein re: deposition preparation for Arnold v. Honda. Message to Chuck Maynard re: same.	0.2	\$39.00
02/16/2012	MA	Review email from Diane Henderson re: Construction and Demolition Ordinance. Review ordinance, research and edit. Send to Rob Epstein for review.	0.9	\$175.50
02/21/2012	MA	Review background information about proposed street and frontage improvement conditions for SFTS. Research same. Calls with Sean Condry re: same. Research CEQA implications of adding mitigation	2.3	\$448.50

*Pls. copy
Diane H.
(all ping.)*

Debbie Stutsman

From: Daria Carrillo
Sent: Wednesday, May 09, 2012 4:51 PM
To: Debbie Stutsman
Subject: RE: zero waste grant

Diane's salary, cash back and car allowance =	89,190
Medicare and Social Security=	6,823
PERS=	12,147
Health and welfare=	9,358
Total salary and benefits=	117,518

At 25 hours per week (1300 hours per ~~week~~ ^{month}) the hourly rate is \$90.40

Daria Carrillo
Finance & Admin Services Director
Town of San Anselmo
525 San Anselmo Ave
San Anselmo, CA 94960

(415) 258-4678

From: Debbie Stutsman
Sent: Wednesday, May 09, 2012 1:30 PM
To: Daria Carrillo
Subject: zero waste grant

I am submitting for reimbursement for our zero waste grant funding. Could you please give me Diane's hourly rate + benefits?

Thanks Debbie

Debra Stutsman, Town Manager
Town of San Anselmo
525 San Anselmo Avenue
San Anselmo, CA 94960
(415) 258-4652 (voice)
(415) 459-2477 (fax)

ORDINANCE NO. 1081

AN ORDINANCE OF THE TOWN OF SAN ANSELMO AMENDING THE MUNICIPAL CODE BY ADDING A NEW CHAPTER 20 TO TITLE 9-BUILDING REGULATIONS, CONCERNING THE COLLECTION, RECYCLING AND DISPOSAL OF WASTE GENERATED FROM CONSTRUCTION, DEMOLITION AND RENOVATION PROJECTS

WHEREAS, the State of California through Assembly Bill 939, the California Integrated Waste Management Act, and Senate Bill 1016, the Solid Waste Per Capita Disposal Measurement Act, requires each local jurisdiction in the state divert 50% of discarded materials from landfill garbage disposal on a per capita basis; and

WHEREAS, every city and county in California, including the Town, could face fines up to \$10,000 a day for not meeting the above mandated goal; and

WHEREAS, the State of California through Assembly Bill 32, the California Global Warming Solutions Act of 2006, requires that commercial generators statewide participate in recycling programs; and

WHEREAS, the Town has conducted a Greenhouse Gas Inventory and determined that approximately 3.1 percent of greenhouse gasses generated by the community of San Anselmo in 2005 was associated with waste disposal; and

WHEREAS, the Town Council on April 26, 2011 approved the San Anselmo Climate Action Plan which includes recommended actions to adopt a policy to achieve zero waste going to landfills and to require diversion of construction and demolition debris from construction, demolition and renovation projects; and

WHEREAS, the Town desires to implement a program to achieve the Marin County Hazardous and Solid Waste Management Joint Powers Authority goal to increase the diversion of materials from landfill and transformation facilities to an eighty percent (80%) diversion level by 2012 and Zero Waste by 2025, ensuring that resources are used to their highest potential and that Marin's ecological footprint is reduced; and

WHEREAS, inert and mixed construction and demolition (C&D) waste constitutes approximately 16% of the materials sent to landfills in Marin County and a similarly large portion of the waste stream in the Town, and these materials have significant potential for reduction and recycling; and

WHEREAS, C&D waste reduction and recycling have been proven to reduce the amount of such waste in landfills, to increase site and worker safety, and to be cost effective; and

WHEREAS, except in unusual circumstances, it is feasible to divert on average one hundred percent (100%) asphalt and concrete, and at least seventy percent (70%) of all remaining C&D debris from most construction, demolition and renovation projects; and

WHEREAS, to ensure compliance with this Ordinance and to ensure that those contractors that comply with the chapter are not placed at a competitive disadvantage, it is necessary to impose a financial incentive as set forth by resolution of the Town Council; and

WHEREAS, to ensure compliance with this Ordinance, facilities will be evaluated annually through an extensive certification process conducted by the Marin County Hazardous and Solid Waste Joint Powers Authority.

NOW, THEREFORE, the Town Council of the Town of San Anselmo does ordain as follows:

SECTION 1:

Title 9

Chapter 20

CONSTRUCTION AND DEMOLITION MATERIALS RECOVERY

Sections:

9-20.01	Definitions
9-20.02	C&D Diversion Report required
9-20.03	C&D Diversion Report exempted
9-20.04	Certified C&D Recovery Facilities
9-20.05	Diversion requirements
9-20.06	Use of Avoided Disposal Regulatory Fees

9-20.01 Definitions. For the purposes of this chapter, the following words have the following definitions:

“Alternative Daily Cover (ADC)” means a Cover Material, other than organic waste and at least six (6) inches of earthen material, placed on the surface of the active face of the refuse fill area at the end of each operating day at a disposal site to control vectors, fires, odor, blowing litter and scavenging, as defined in Title 27 California Code of Regulations section 20164 .

“Applicant” means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the Town for the applicable permits to undertake any construction, demolition or renovation project within the Town.

"Avoided Disposal Regulatory Fee" means three percent (3%) of the value of the Project, not to exceed ten thousand dollars (\$10,000) or such fee as may hereafter be set by Town Council resolution.

"Certified C&D Recovery Facility" means a recycling, composting, materials recovery or re-use facility determined to process incoming construction and demolition materials to divert from landfill or transformation for which the JPA has issued a certification.

"C&D Diversion Report" means a report submitted by an applicant, on a form approved by the Building Official, which contains an estimate of the amount of C&D waste generated by the project, documentation of the diversion of C&D waste, and such additional information deemed necessary by the Building Official to document accomplishment of the requirements of this chapter.

"Construction and demolition waste (C&D waste)" means the used or discarded materials removed from premises during construction or renovation of a structure resulting from construction, remodeling, repair, deconstruction or demolition operations on any pavement, house, commercial building or other structure.

"Building Official" means the Town's Building Official, including his or her designee.

"Deconstruction Project" means a process to carefully dismantle or remove useable materials from structures, as an alternative to demolition.

"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:

- (1) Use of new construction methods, as described in regulations promulgated by Building Official, that reduce the amount of waste generated.
- (2) On-site re-use of the waste.
- (3) Delivery of the waste from the site to a Certified C&D Recycling Facility described in Section 9-20.05.
- (4) Other methods as approved in regulations promulgated by the Building Official.

"Joint Powers Authority" or "JPA" means the Marin County Hazardous and Solid Waste Management Joint Powers Authority.

"Project" means any activity, which requires an application for a building or demolition permit, or any similar permit from the Town.

"Recycling" means the process of collecting, sorting, cleansing, treating and reconstituting materials such as newsprint, mixed paper, glass containers, aluminum beverage containers, small scrap and cast aluminum, steel including "tin" cans, empty aerosol cans, bimetal containers, plastic bags, plastic food containers, #1-7 plastics regardless of form or mold, aluminum foil and pans 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 meet the quality standard necessary to be used in the market place.

"Reuse" means using an object or material again, either for its original purpose or for a similar purpose, without significantly altering the physical form of the object or material.

"Transformation" means incineration, pyrolysis, distillation, or biological conversion other than composting. "Transformation" does not include composting, gasification, or biomass conversion.

9-20.02 C&D Diversion Report required. Upon the effective date of this chapter, each person who obtains a building permit for a Project subject to this chapter shall submit a C&D Diversion Report to the Building Department prior to final inspection of the project and granting of occupancy. Prior to obtaining any final inspection and grant of occupancy from the Building Department, the person who has obtained a building permit shall pay an Avoided Disposal Regulatory Fee if the Building Official determines that the applicant has not satisfied the diversion requirements of this chapter.

9-20.03 C&D Diversion Report exemptions.

- (a) A C&D Diversion Report shall not be required for the following:
- (1) Deconstruction Projects.
 - (2) Work for which a building permit is not required.
 - (3) Renovations of existing buildings of less than \$10,000 in construction value.
 - (4) Roofing projects.
 - (5) Work for which only a plumbing permit, electrical or mechanical permit is required.
 - (6) Seismic tie-down projects.
 - (7) Installation or replacement of shelves.
 - (8) Installation of pre-fabricated patio enclosures and covers where no foundation or other structural building modifications are required.
 - (9) Installation of swimming pools and spas, provided that the exemption shall apply only to (i) the area to be excavated for the installation of the pool or spa and (ii) 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.
 - (10) Installation of pre-fabricated accessories such as signs or antennas where not structural building modifications are required.
- (b) No Project shall be separated into smaller projects for the purpose of evading the requirements of this chapter.

9-20.04 Certified C&D Recovery Facilities.

- (a) The JPA may certify a facility as a Certified C&D Recovery Facility if the owner or operator of the facility submits the following documentation satisfactory to the JPA:
- (1) The facility has obtained all applicable federal, state and local permits, and is in full compliance with all applicable regulations; and
 - (2) The percentage of incoming waste from construction, demolition and renovation activities that is diverted from landfill disposal, transformation and use as ADC meets the minimum diversion requirement as set forth in Section 9-20.05.
- (b) Facilities that fail to achieve the minimum diversion requirements may request and receive temporary certification from the JPA provided they have:

- (1) Complied with all of the certification requirements other than the minimum diversion requirement;
- (2) Demonstrated, to the JPA's satisfaction, a good faith effort to achieve the minimum diversion requirement; and
- (3) Met any and all other requirements that the JPA may establish for issuing any such temporary certification.

- (c) The Town shall make available to each building permit applicant a current list of Certified C&D Recovery Facilities.

9-20.05 Diversion Requirements. Diversion requirements for a Project and for a Certified C&D Recovery Facility shall be a minimum of seventy percent (70%) on or after the effective date of this chapter, and shall increase to 80% by December 31, 2012, to 85% by December 31, 2015, to 90% by December 31, 2018, and to 94% by December 31, 2025.

9-20.06 Use of Avoided Disposal Regulatory Fees. Moneys received by the Town as Avoided Disposal Regulatory Fees shall be used only for:

- (a) Costs of administration of the program established by this chapter;
- (b) Cost of programs whose purpose is to divert the waste from construction, demolition, and alteration projects from landfill disposal, transformation and use as ADC; and
- (c) Costs of programs whose purpose is to develop or improve the infrastructure needed to divert the waste from construction, demolition and renovation projects from disposal in a landfill, transformation facility or use as ADC.

SECTION 2:

The Town Council hereby finds that adoption of this ordinance is categorically exempt from the requirements of the California Environmental Quality Act (CEQA) pursuant to Section 15308 of the CEQA Guidelines (14 Cal. Code §15308) because it is an action taken by a regulatory agency for the protection of the environment and no exceptions to this categorical exemption apply.

SECTION 3:

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance. The Council hereby declares that it would have adopted the Ordinance and each section, subsection, sentence, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

SECTION 4:

A summary of this Ordinance shall be published and a certified copy of the full text of this Ordinance shall be posted in the office of the Town Clerk at least five (5) days prior to the Council meeting at which it is adopted.

This Ordinance shall be in full force and effect thirty (30) days after its final passage, and the summary of this Ordinance shall be published within fifteen (15) days after the adoption, together with the names of those Councilmembers voting for or against same, in the Marin Independent Journal, a newspaper of general circulation published and circulated in the Town of San Anselmo, County of Marin, State of California.

Within fifteen (15) days after adoption, the Town Clerk shall also post in the office of the Town of San Anselmo, a certified copy of the full text of this Ordinance along with the names of those Councilmembers voting for or against the Ordinance.

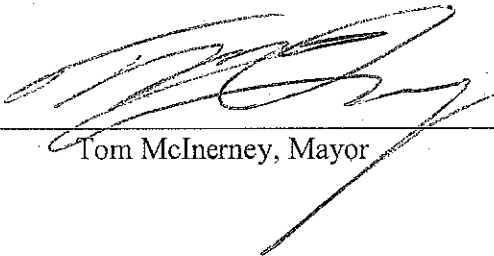
The foregoing Ordinance No. 1081 was read and introduced at a Regular Meeting of the Town Council of the Town of San Anselmo on the 28th day of February, 2012, and thereafter adopted by the Town Council on the 13th of March, 2012 by the following vote:

AYES: Councilmembers Coleman, Greene, Kroot, Lopin, McInerney

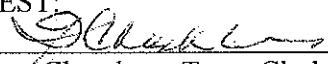
NOES: None

ABSENT: None

ABSTAIN: None



Tom McInerney, Mayor

ATTEST:


Barbara Chambers, Town Clerk