

MARIN COUNTY HAZARDOUS & SOLID WASTE MANAGEMENT
JOINT POWERS AUTHORITY (aka ZERO WASTE MARIN)

Board of Directors Meeting – May 27, 2021
Meeting Online Only Via Zoom – Instructions to Participate on Second Page

2:30 – 3:30 p.m.

Public participation is welcome and encouraged. See instructions for ways to engage in this Public Meeting on the next page.

AGENDA

Call to Order

1. Open Time for Public Comment. (Information Only) 5 Minutes.

Consent Calendar (2 Minutes.)

2. JPA Board Meeting Minutes from April 22, 2021 (Action)

3. Item Removed from Agenda

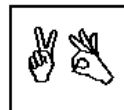
Regular Agenda

4. Fiscal Year 2021-22 Budget and Related Hauler/Facility Assessment in Proposed Resolution No. 2021-01 (Action) 15 Minutes.
5. Fiscal Year 2021-22 Zero Waste Grant Program (Action) 5 Minutes.
6. Fiscal Year 2021-22 Compliance Reimbursement Fund (Action) 10 Minutes.
7. Delegate Signature Authority for Certain Contracts to the Executive Director (Action) 5 Minutes.
8. Elect Southern Marin Cities & Ross Valley Cities Reps. to the Executive Committee (Action) 5 Minutes.
9. Elect Board Chair and Vice Chair (Action) 5 Minutes.
10. Adjournment.

The next JPA Board Meeting time and date is To Be Determined.

- Agendas & staff reports also available at: <http://zerowastemarin.org/Agenda>

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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 (415) 473-6647 for more information

Special Instructions on Public Participation

The Board of Directors welcomes and encourages public participation. Due to the Coronavirus and consistent with State of California Executive Order N-29-20 and the Marin County Public Health Officer's Orders, this Board Meeting will be held via videoconference only. All Board Members will be teleconferencing into the meeting. There will be no in-person physical meeting location. The public can participate in this Marin County Hazardous and Solid Waste Joint Powers Authority (Zero Waste Marin) Board Meeting via a Zoom webinar on May 27, 2021 at 2:30 p.m.

Zoom Meeting:

Click on this link to join the Board Meeting:

<https://marincounty-org-dpw.zoom.us/j/93486808663?pwd=K2FLeTJIQnFSeWVLWnRiTEZBYkRsUT09>

- Password: wmrU7DR

During the Meeting, select the Raise Hand icon during the public comment time and you will be added to the queue and unmuted when it is your turn.

Calling In:

iPhone one-tap :

US: +12133388477,,93486808663#,,1#,05675011# or
+12532158782,,93486808663#,,1#,05675011#

Telephone:

Dial(for higher quality, dial a number based on your current location):

US: +1 213 338 8477 or +1 253 215 8782 or +1 206 337 9723

- Webinar ID: 934 8680 8663
- Password: 05675011

International numbers available:

<https://marincounty-org-dpw.zoom.us/j/adFrQO2bog>

*If you are "Calling In," press *9 during the public comment time and you will be added to the queue and unmuted when it is your turn. (Press *67 before dialing if you want to hide your phone number.)*

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere

Date: May 27, 2021

Corte Madera

To: JPA Board of Directors

County of Marin

From: Steve Devine, Program Manager

Fairfax

Re: Open Time for Public Comment

Larkspur

The public is welcome to address the Board of Directors at this time on matters not on the agenda that are within its jurisdiction. Please be advised that pursuant to Government Code Section 54954.2, the Board is not permitted to discuss or act on any matter not on the agenda unless it determines that an emergency exists, or that there is a need to take immediate action which arose following posting of the agenda.

Mill Valley

Novato

Recommendation

Ross

Receive public comment. Information Only.

San Anselmo

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San Rafael

Sausalito

Tiburon

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere Date: May 27, 2021
Corte Madera To: JPA Board of Directors
County of Marin From: Steve Devine, Program Manager
Fairfax Re: Approval of the April 22, 2021 JPA Board Meeting Minutes
Larkspur Please find attached the Draft Minutes from your last meeting.
Mill Valley **Recommendation**
Novato Adopt a motion to approve the April 22, 2021 Minutes.
Ross
San Anselmo
San Rafael
Sausalito
Tiburon

Board Chair: Please confirm the vote on this item by reading the following items out loud after the vote.

Motion: _____ Second: _____

Ayes: _____

Noes: _____

Abstentions: _____

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

Board of Directors Meeting
Thursday, April 22, 2021
Meeting Online Only via Zoom
1:30 p.m. – 3:00 p.m.

DRAFT MINUTES

MEMBERS PRESENT

Cristine Alilovich, San Rafael
Greg Chanis, Tiburon
Joe Chinn, Ross
Todd Cusimano, Corte Madera
David Donery, San Anselmo
Dan Eilerman, County of Marin (Alt.)
Craig Middleton, Belvedere
Dan Schwarz, Larkspur
Garrett Toy, Fairfax

MEMBERS ABSENT

Adam McGill, Novato
Alan Piombo, Mill Valley
Marcia Raines, Sausalito

STAFF PRESENT

Steve Devine, Program Manager
Liz Lewis, Interim Exec. Director
Melody Mitchell, Admin Assistant I

LTF MEMBERS PRESENT

Heather Abrams, LTF TCSD
Cory Bytof, City of San Rafael
Greg Christie, LTF Alt. BCRS
Belle Cole, Biomass Recovery Project
Patty Garbarino, LTF, MSS
Renee Goddard, LTF Chair Ross Valley
Ruben Hernandez, MSS
James Iavarone, LTF MVRs
Dee Johnson, LTF Vice Chair Nov. San.
John Maher, Maher Accountancy
Vicki Nichols, LTF, Marin Cons League
Jason Rowley, MSS
Garth Schultz, R3 Consulting
Terri Thomas, LTF Environmental Org
Justin Wilcox, MSS

OTHERS PRESENT

Cory Bytof, City of San Rafael
Belle Cole, Biomass Recovery Project
Ruben Hernandez, MSS
James Iavarone, LTF MVRs
Dee Johnson, LTF Vice Chair Nov. San.
John Maher, Maher Accountancy
Jason Rowley, MSS
Garth Schultz, R3 Consulting

1. Open Time for Public Comment

Ms. Kutter, Aide to Supervisor Rodoni, District 4, shared that their office has been working on litter reduction in the County's coastal environment. They are currently in the process of drafting a resolution, working in collaboration with Sonoma County, especially Supervisor Linda Hopkins, and possibly involving Mendocino County, as well. The resolution would call to sponsor an education

campaign to increase stewardship and enforcement to help eliminate trash in the environment in coastal Marin. The resolution could eventually incorporate all of Marin, but she reiterated that they are in the early stages of drafting. As part of the effort, they want to ensure that they will be coordinating with not only local Counties, but also local jurisdictions and non-profits, as many of these organizations already have many efforts and campaigns underway. She expressed Supervisor Rodoni is very passionate about this as he was instrumental in starting the Coastal Cleanup Days decades ago. His office welcomes any questions that you may have.

2. Approval of the JPA Board Meeting Minutes from February 25, 2021

Motion: by Mr. Donery to approve the JPA Board Meeting Minutes from February 25, 2021. Second: by Mr. Eilerman. Vote: Unanimous.

Consent Calendar

3. Receive and File – FY 2019-20 Audit

Mr. Maher of Maher Accountancy delivered a brief presentation and shared that they have completed the audit and the financial statements are presented according to generally accepted accounting standards for governments. There are no exceptions and there is a clean opinion in the report. He shared quick highlights of the report, as well.

Motion: by Mr. Chinn to receive and file the 2019-20 Audit. Second: by Mr. Middleton. Vote: Unanimous.

Regular Agenda

4. Receive report from JPA Board Budget Subcommittee (Chair Toy, Alilovich, Donery and Eilerman) and Staff on Draft FY 21-22 Budget. Provide Direction to Staff for Final Draft

Mr. Devine delivered a presentation on the draft, proposed budget for FY 2021-22. He stated that the JPA Board adopted a budget development schedule and process at its last meeting on February 25, 2021, which included appointing a Budget Subcommittee consisting of Chair Toy, Ms. Alilovich, Mr. Donery, and Mr. Eilerman. Staff worked with the Subcommittee to develop the draft proposed budget that is presented today. Mr. Devine gave a brief overview of : 1) The relation of the Budget to the associated Assessments and who pays them, 2) An overview of how those assessments translate into the rates seen by the residential rate payers in the Cities and Towns, and, 3) A detailed discussion of the JPA Budget, the three funds that comprise Agency operations, with a focus on specific items that are different this year from last. He then opened the floor for questions from the Board and the public.

Chair Toy asked if SB 1383 compliance costs should be considered one-time costs or ongoing? Mr. Devine answered that there will be both one-time and ongoing costs. The newly proposed Compliance Reimbursement Fund will

certainly help support the Members and Special Districts in this first year of preparations and implementation. There will, however, be different costs on an ongoing basis, which are not determined yet and will vary by jurisdiction depending on needs, capabilities of their particular hauler, and ratio of commercial accounts to residential and other factors.

Ms. Abrams, General Manager of Tamalpais Community Services District, expressed her support and appreciation for any support that the Board can offer and for the efficiencies afforded by working cooperatively.

Ms. Johnson, Vice Chair of the Local Task Force and representative of Novato Sanitary District, had a few questions regarding the proposed budget; 1) Would the Compliance Reimbursement Fund be available in May 2022? 2) Is the intention to create MOUs or contracts for the Recyclist Software?

Mr. Devine answered yes to the first question and that the expectation is that the Board will consider submitted reimbursements in May 2022 for Board review and authorization. Procedures have not been established yet for this process but would be presented at the next meeting. In regard to Ms. Johnson's second question, Mr. Devine stated that the MOU process is undetermined at this time. Negotiations with Recyclist software have not yet begun. Additionally, as noted in the Staff Report, some complexities are forecasted in Marin, particular with five haulers and 24 franchising entities. Haulers typically have concerns about proprietary data which will have to be addressed.

Motion: by Mr. Chanis to direct staff to return with the Draft FY 21-22 Budget for approval at the May 27, 2021 JPA Board meeting. Second: by Mr. Cusimano. Vote: Unanimous.

5. Report from R3 Consulting on Draft Zero Waste Plan Update and Solicitation of Feedback and Comments from Local Task Force and General Public

Before Mr. Schultz delivered the presentation, Ms. Lewis had members of the Local Task Force introduce themselves; Ms. Goddard, LTF Chair, Ross Valley Cities, Ms. Johnson, Vice Chair and Novato Sanitary District; Ms. Abrams, Tamalpais Community Services District; Terri Thomas, Conservation Corps North Bay; Greg Christie, Bay Cities Refuse Service; Jim Iavarone, Mill Valley Refuse Service; Patty Garbarino, Marin Sanitary Service, and Vicki Nichols, Marin Conservation League. The LTF members introduced themselves and expressed their gratitude and appreciation to Mr. Schultz for his presentation, and to Board and staff, as well, for their efforts.

Mr. Schultz from R3 Consulting introduced himself and delivered his presentation on the Update to the Zero Waste Plan Feasibility Study. He stated that the Update is the same as the one delivered in the February meeting, and the intention of this presentation is to provide an opportunity for the Board, LTF, and general public to provide comment on the Draft Zero Waste objectives. He also

shared that the “Organizational Assessment” portion of the project will appear before the JPA Board of Directors at a later date.

Belle Cole shared on behalf of the Biomass Recovery Study Project Group and stated that the group has been following this study closely and noted that it would be beneficial to have a goal of reaching zero net carbon emissions, and provide feasible pathways to achieve this goal, such as converting organics into compost renewable electricity and biochar. She echoed President Biden’s announcement today that America will aim to reduce greenhouse gas emissions by 50%, well below 2005 levels, by 2030, and stressed that this goal should be a priority for all groups and agencies.

Ms. Abrams commented that the Plan appears to be a very reasonable one. Tamalpais Community Services District has been working hard to achieve these goals but is stuck at 40% landfilling when they need to be at no more than 25% and have been there for quite some time. She is faced with questions from their elected Board on how they will achieve these goals, and this update can help provide a clear, reasonable plan.

Ms. Nichols asked if there was any estimation on cost recovery in Phase 4, which appears to be the most expensive and comprehensive. Schultz answered that the projects are more intended to decrease landfill disposal and minimize costs through intelligent selection of diversion projects – but are not necessarily cost recovery projects.

However, keeping organics out of the landfill, and potentially extend the life of local landfills, such as the Redwood Landfill would provide significant long term cost savings. There will also be the benefit of greenhouse gas reduction, therefore the achievement comes in the form of climate action plan objectives and mitigation of the greenhouse gas global warming effect being met.

Ms. Garbarino expressed appreciation to the Board for including LTF members in this process. She shared that Marin Sanitary Service is quite dependent on volatile, PG&E biomass markets for woody debris. MSS has been doing a lot of research and vendor investigation and is looking to implement a technology that will allow them to maintain biomass chips onsite and produce local energy. This would also support Measure C fire fuel reduction efforts. She stated that they are happy to answer any questions, and they look forward to addressing Phase 4.

Ms. Johnson stated that she highly encourages LTF members to submit comments and questions on the Zero Waste Plan Update to R3. She also discussed Phase 4 of the report regarding expanded compost facilities and noted that anaerobic digestion will be also be very important. She echoed Mr. Schultz’s comments that although there may not be revenue gained from certain projects that they might also include important energy production benefits.

Mr. Iavarone, from Mill Valley Refuse Service, reported that in a phone conversation with R3 yesterday he endorsed the idea that facilities should remove as many organics out of the regular trash as possible. He asked that if rate payers know that there will be a facility that will separate the trash onsite, would the public then get the impression that they do not have to recycle or compost anymore and become less diligent? Mr. Schultz answered that this is a common question presented and that they certainly do not want to create a perverse incentive that forces more of the material to be processed at a high rate of expense, though it will be recovered, are you going to disincentivize curbside recycling and composting. It may rely on how the hauler publicizes or not publicizes this service. Looking to Palo Alto as an example, it is a known and stated City Council policy goal that they still require, encourage and educate on curbside source separation – with a longer-term vision of being able to discontinue with the garbage processing in the future.

Mr. Christie, from Bay Cities Refuse Service commented that with all of the changes going with the past year that they are completely flexible and prepared in their operations to accommodate any necessary changes in the future due to SB 1383.

Ms. Goddard noted that representatives on the LTF represent haulers, environmental groups, residents from the Cities and Towns, Special Districts and all have a different stake in this – and that this meeting is a great opportunity for the LTF members to come together and meet with the Board in its advisory role. She asked how the LTF can work with the City Managers and R3 as this process moves forward.

Ms. Lewis stated that she was hoping to hear from the Subcommittee on this, and if any of the Directors would like to weigh in on how the LTF could assist more with finalizing the recommendations. Chair Toy spoke on behalf of the Board that they appreciate all that the LTF members do and recognized the need of a more defined role for the LTF.

Ms. Thomas echoed Ms. Garbarino's comments about working with the wood chips recycling and also what Belle Cole mentioned. She and Belle have been working with the new Wildfire Prevention Authority, who is working specifically to figure out how, with all the wood that is being removed, to treat it in an ecological fashion and reduce carbon emissions. She was also hoping this could be implemented into the final plan, and that reaching out to that particular group could be beneficial.

Mr. Eilerman thanked everyone for all the hard work in the presentation and also wanted to thank members of the LTF and the general public for their feedback and input.

Mr. Cusimano echoed Mr. Eilerman's thoughts and stated that the objectives look good. He said that he assumes the JPA Agreement will need to be updated and

acknowledged there would be no organizational changes during the upcoming fiscal year—but hopes for future discussion on this.

Mr. Schultz responded that the R3 Consulting is not recommending any programmatic changes in the upcoming fiscal year, but they do see the need for organizational change. He asked that if it would be beneficial to the group, he could bring up the organizational assessments, which lays out the pathways. They are in a two-part process, which is, “what does Zero Waste Marin want to be when it grows up?” And then make the changes that would help the Board enact. With the completion of that phase of the project, they will have an indication of what kind of future mission and vision of the Agency should be. They will then reflect back to the Board the organizational assessment report what it will take to achieve that and some of critical choices the Board will have to take. He referred to the Organization Assessment portion of the presentation and then the tentative timeline to show the group what that process would look like.

Concluding this presentation and discussion item, Mr. Schultz reshared the presentation slide with the Stakeholder Engagement Next Steps portion of the Draft Zero Waste Plan Update so that the Board, LTF members, and general public could take note. Ms. Lewis also shared that staff will also post this information on the Zero Waste Marin website.

6. Adjourn

The next scheduled JPA Board Meeting will be May 27, 2021 at 2:30 p.m.

Board Chair: Please confirm the vote on this item by reading the following items out loud after the vote.

Motion: _____ Second: _____

Ayes _____

Noes: None _____

Abstentions: None _____

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

Belvedere

Corte Madera

County of Marin

Fairfax

Larkspur

Mill Valley

This item removed from the Agenda.

Novato

Ross

San Anselmo

San Rafael

Sausalito

Tiburon

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MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere

Date: May 27, 2021

Corte Madera

To: JPA Board of Directors

County of Marin

From: Steve Devine, Program Manager

Fairfax

Re: Fiscal Year 2021-22 Budget and Related Hauler/Facility
Assessments in Proposed Resolution No. 2021-01

Larkspur

Following and attached is the proposed Marin County Hazardous and Solid Waste Management Joint Powers Authority FY 21-22 Budget (Attachment 1) and associated hauler/facility fee Assessments. This draft budget reflects a 13% increase in Assessments levied on the landfill, transfer station and the five haulers operating in the County.

Mill Valley

Novato

Based on data reported to the JPA by the five waste haulers – the proposed Assessment increase would translate into ~ a 3¢ to 9¢/month increase for the typical residential account (out of a typical ~ \$45/month “garbage bill”). This equate to an ~ .002% residential increase.

Ross

San Anselmo

This Report is largely the same as the one received by the JPA Board at your April 22, 2021 meeting – as there were no changes requested.

San Rafael

Background

Sausalito

The vast majority of expense residents and businesses have in their “garbage bill” is for the cost of the labor for collection (garbage, compost and recycling). Those costs are regulated by the individual Cities, Towns, County or special districts with Franchise oversight. Other significant costs include vehicles, fuel, landfilling, and recyclables and compost processing. **The price for the services provided by this Agency, in total, equates to ~1% to ~ 2% of the total typical residential bill** – as reported to us by the five haulers operating in Marin County.

Tiburon

The methodology to calculate the assessments generating the JPA's revenue requirement is prescribed in the 1996 JPA Agreement. That methodology utilizes the distribution of the origin of Marin refuse tons as the means to allocate the revenue requirement. The tonnage allocation is reset every two years based on recent actuals.

To better understand the context of JPA rate setting, each year the JPA polls the five local haulers to provide an answer to the question: *What is the Magnitude of the JPA Revenue Requirement as it Translates to Your Typical Residential Customer?*

Following are the responses from each of the County's five haulers for last year:

<i>Hauler</i>	<i>Average Monthly Residential Rate</i>	<i>JPA Portion</i>	<i>% of Total Monthly Bill</i>
Bay Cities Refuse	\$42.06	.51¢	1.3%
Marin Sanitary Service	\$44.73	.57¢	1.2%
Mill Valley Refuse	\$47.29	.35¢	0.7%
Recology	\$36.19	.69¢	1.9%
Tamalpais CSD	\$60.89	.45¢	0.7%

Please recall that the JPA is not funded by County, City or Town general funds or any sort of assessment on the Member Agencies. The JPA is funded by lump-sum assessments on the five waste haulers noted above, and the following solid waste facilities: Redwood Landfill in Novato, Marin Resource Recovery Center, and Marin Sanitary Transfer Station. In turn, all these operators pass along these costs to their customers as they see fit.

The JPA Budget is Organized into Three Funds:

The three Funds used to organize the JPA's finances are the Zero Waste Fund, the State Reporting Fund and the Household Hazardous Waste Fund.

1. Zero Waste Fund

(JPA Section 6.2) Optional Member Participation

Novato does not participate in this program.

2. State Reporting and Requirements Fund

(JPA Section 6.1) All Members Participate

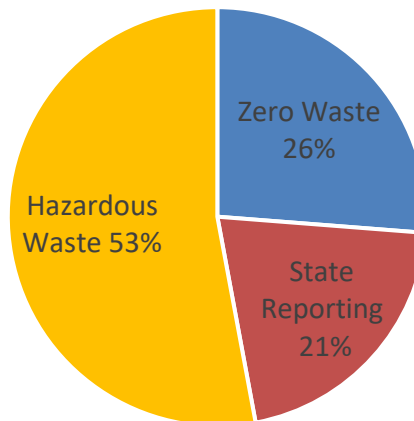
3. Household Hazardous Waste (HHW) Fund

(JPA Section 6.2) Optional Member Participation

Novato does not participate in this program, as it operates its own household hazardous waste collection program.

Fund Center	FY 20-21 Expense Budget	FY 21-22 Proposed Expense Budget
1. Zero Waste	\$1,222,225	\$1,275,337
2. State Reporting	\$467,935	\$1,012,713
3. Hazardous Waste	\$2,489,711	\$2,572,807

FY 21/22 Proposed Expenditures by Fund - % of Total



A summary of activities in each of these three categories is summarized below.

1. **ZERO WASTE FUND ACTIVITIES**

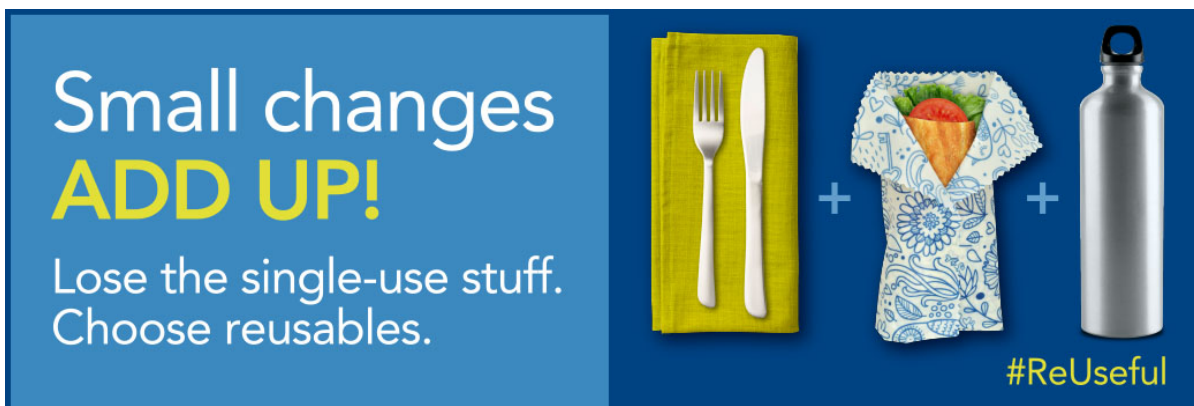
Ongoing and proposed Zero Waste activities account for 26% of proposed JPA expenditures and include:

- The Construction and Demolition Program would continue to help educate and support Member Agencies' building inspectors and the public with implementation of Construction & Demolition Programs as required by Cal Green and to help Marin reach its zero waste goals, and partner with the Marin Builder's Association.
- The Home Composting Program provides training to the community promoting waste reduction, water conservation and the greenhouse gas benefits of home composting.

- Member Agency & Public Support will continue to support increased community requests for zero waste information, presentations, reusable versus single use items, community presentations, and supplying the public with outreach materials, etc.



- The Public Education component of the budget includes a proposed \$50,000 increase, based on a recommendation for additional advertising from your Board's Local Task Force advisory group. This budget category provides for direct outreach to Marin citizens through various media sources including television, Internet, in-person consultations, presentations to businesses, business groups, HOAs and farmers markets. During COVID, the focus has been on online outreach. The JPA's campaigns recently have focused on eliminating waste at the source by providing specific suggestions such as using reusable coffee mugs, rechargeable batteries and single use water alternatives. A current commercial in support of the ReUseful campaign can be seen here: <https://www.youtube.com/watch?v=KyRvCcFvwFI>



This budget category also includes work on maintaining and updating www.zerowastemarin.org and the associated recycling guide database.



Rather than "preaching to the converted" this ad was placed in the plaza of a major local mall.

The Zero Waste Schools Program will maintain the thirty schools in the program and add up to five. There is currently a waiting list of ~ ten schools interested in joining the program. This program is highly regarded by the education community, has top-level buy in from the Marin County Office of Education and is



foundational to providing long-term movement towards zero waste in Marin. A growing and added benefit of this program is the reality that many schools are used not just during “school hours” but also serve as community parks, recreation centers and more. Accordingly, we are seeing increased use of the infrastructure invested at school sites (compost and recycling bins) at weekend sporting events, picnickers, etc.



Proud student showing off a new "waste station" at her school.



MARIN COUNTY
OFFICE OF EDUCATION



School waste audits include the glamorous work of looking at the content of your garbage can.



Reusable water bottles -- have suddenly become cool.



Student made posters support the kick-off of another Zero Waste School.

- The Zero Waste Grant Program will continue to provide \$350,000 in direct support to the member Cities, Towns, County and special districts that franchise solid waste. This grant program recognizes and supports the individualized needs of Marin's many unique communities. Projects undertaken in Marin communities via this program include installation of refillable water bottle stations, technical assistance to businesses to expand edible food donation, composting and recycling, chippers for organic debris, expanded use of reusables at festivals – and more.



The counter showing the number of bottles saved is a crowd favorite.



Indoor waste stations



The joy of new compost collection carts and service.

2. STATE PROGRAMS

Proposed State Program expenditures for FY 21-22 account for 21% of JPA expenditures. A primary activity in this fund center is to conduct disposal tracking and reporting required by a variety of State laws.

The JPA also supports and benefits from its 15-member Local Task Force (LTF) that can advise the JPA Board and Executive Committee on evolving solid waste issues. Meetings have been on hold during COVID, but more of the recent presentations received by your LTF include:



Presenter	Topic
David Smail and Gregory Pirie Marin Co. Environmental Health	Presentation on edible food donation.
Megan Wayne, Development & Volunteer Coordinator	Presentation on bicycle reuse and repair at San Rafael's Trips for Kids Marin.
Steve Devine, ZWM	Zero Waste Marin JPA 101
Baani Behniwal, Californian's Against Waste	CAW and the legislative advocacy process. Status of waste reduction legislation.
Silo Pantry	Introduction to local zero waste business.
Kyle LaRue, Conservation Corp North Bay (CCNB)	Overview of Services and Programs



- **Ongoing Organizational Assessment/Zero Waste Plan Update**

In late 2019, the JPA conducted an RFP to identify and retain a contractor to shepherd this project. The Board Organizational Assessment Subcommittee (Chair Toy, Alilovich, Donnery, and Hymel/Eilerman) selected R3 Consulting Group Inc. (and a team of subcontractors) to work on this project. This project was budgeted in FY 19-20 – and work continues.

Following is a reminder of the context and importance of this project. This agency adopted a Zero Waste Resolution in 2006 – with a goal of 80% landfill diversion by 2012 and a zero-waste goal for 2025. For the most recent 2019 State reporting year – Marin reported a diversion rate of 66% -- down from the more recent average of 74% to 75%. There is no indication to suggest that without significant additional actions Marin will meet either the 80% goal or the 94% zero waste goal for 2025.

Recent waste diversion performance is noted in the following table:

Year	Lbs. Per Person Per Day Landfilled	Marin Originating Tons Landfilled	CalRecycle Equivalent Diversion Rate
2014	3.8	177,022	75%
2015	4	188,115	74%
2016	4.7	223,481	69%*
2016	4.6	220,933	70%
2017	4.7	227,347	69%
2018	5.2	249,162	66%
2019	5.0	241,755	67%

- CalRecycle approved modification due to Republic Services misrepresentation at Richmond composting facility.

This Agency, as currently configured, was well suited to address the requirements of California’s AB 939 – which necessitated the formation of this JPA. That 1989 law required demonstration of 50% waste diversion from landfill and instituted various reporting requirements. While there certainly have been challenges along the way – reaching the initial waste diversion targets included much “low hanging fruit.” Now – this Agency (self-dubbed: Zero Waste Marin) is faced with similar challenges to many zero waste communities in that making progress to get from ~70% diversion to the next levels is going to be significantly more challenging and costly. Also, even to contemplate what those next steps will be – will require this Agency to rededicate itself to moving forward or consider more drastic alternate actions.

The draft proposed budget includes a new, one time, \$50,000 line item for the retention of an organizational consultant to assist this Agency with implementation of organizational restructuring to help better implement recommendations coming out of the Zero Waste Plan Update project.

More immediately, to help address both the local interest in being a high performer in waste reduction, and also complying with newer State of California waste legislation – that is focused on addressing the greenhouse gas impacts related to solid waste is the proposed Compliance Reimbursement Fund.

- **Compliance Reimbursement Fund**

The draft, proposed FY 21-22 budget includes \$317,708 for a new “Compliance Reimbursement Fund” which would provide fiscal support to help each of the 22 Franchising Entities in Marin County with preparations for SB 1383 (California’s Short Lived Climate Pollutant Law). The distribution of these funds is described in Attachment 3 to this report. SB 1383 establishes targets to achieve a 50 percent reduction in the level of the statewide disposal of organic waste from the 2014 level by 2020, and a 75 percent reduction by 2025. The law provides CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not less than 20 percent of edible food that is currently disposed of is recovered for human consumption by 2025.

Mechanically, it is proposed that these funds would be paid upon receipt of an invoice from the subject public agency with a simple demonstration that they conducted compliance work associated with SB 1383, AB 1826, AB 341 and AB 827. This work, for example, could range from a consultant advising on updating waste ordinances, implementing food waste reduction policies, developing procedures for state required route auditing, developing procedures for business auditing training staff on reporting software, etc. JPA staff expects to develop procedures for this new program which would include having the reimbursements come before the JPA Board for review and approval ~ May – allowing for the maximum amount of time for work to be conducted by each public agency franchising entity during the Fiscal Year.



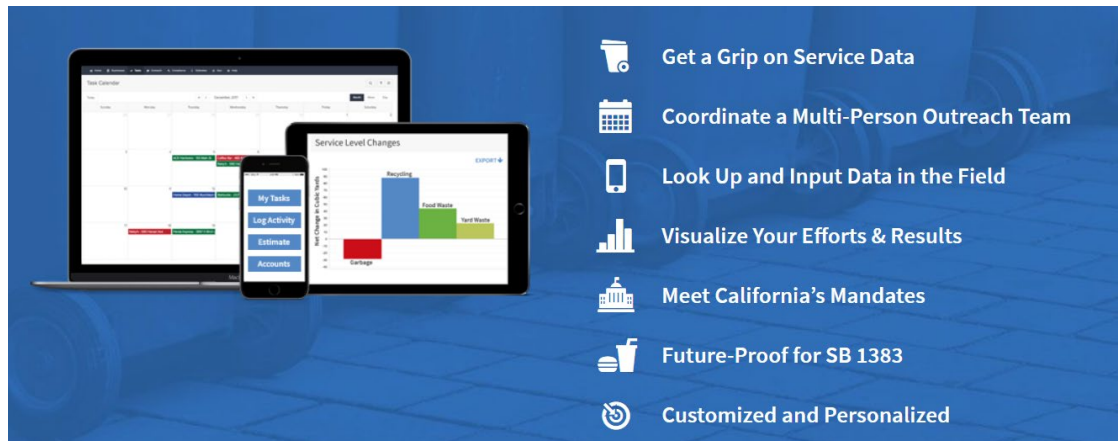
Example of a “pretty good” food waste cart from a local restaurant – less a small amount of plastic contamination. Business level auditing will be required under SB 1383 – with accountability at the

- Additionally, there is a \$50,000 line item for the JPA to retain technical assistance in preparing for the ability to “roll-up” SB 1383 compliance reporting data from the twenty-two separate public agencies utilizing Marin’s five waste haulers (Bay Cities Refuse Service, Marin Sanitary Service, Mill Valley Refuse Service Recology Sonoma Marin, Tamalpais Community Services District).

To facilitate individual jurisdiction reporting to the CalRecycle State Agency on SB 1383 and other reporting – the draft, proposed budget includes funding for license procurement of [“Recyclist” software](#). This software is designed to help ease State of CA compliance reporting. The software is already in use by at least one Marin County hauler – but the JPA itself will also need a license to be able to conduct certain reporting aspects.

At the same time, there are significant issues related to reporting that will need to be worked out over the next year. Because of the multi-jurisdictional nature of Marin County’s solid waste system –it can be expected that there will be extensive negotiations and training required to make a functional reporting system a reality. For an example demonstrating these complexities, Attachment 4B to this report provides a Staff Report from “Recyclemore” (West Contra Costa’s Solid Waste JPA) that details adaptations they have had to make. In their situation, they had to address having two waste haulers with five public franchising entities. In Marin, there are five haulers and twenty two franchising entities. Due to private haulers having reasonable concerns about protecting private account data – we should expect similar to more complex challenges.





3. HOUSEHOLD HAZARDOUS WASTE (HHW) FUND ACTIVITIES

The proposed HHW Program expenditures for FY 21-22 account for 53% of total JPA expenditures. The program collects, and diverts from landfill, over 1.5 million pounds of material each year. The JPA retains HHW services for the community via a contract with

the City of San Rafael Fire Department which in turn contracts with Marin Resource Recovery Association (MRRA). The Fire Department also conducts "Toxic Away Days" for remote areas of West Marin. MRRA operates the HHW facility at 565 Jacoby Street in San Rafael.



Unloading hazmat at Marin HHW Facility.

Novato's hazardous waste services are provided by the Novato Sanitary District. Items of note and continued operation in this Fund include:

- The proposed Marin HHW Facility Budget provided by the City of San Rafael Fire Department (under contract to this JPA to oversee the Facility) has a proposed ~\$100,000 increase for waste handling. It should be noted that as the waste stream continues to evolve, it is generally becoming more hazardous and more toxic. For example, increased use of lithium batteries is a huge hazard that needs to be managed and requires additional attention.
- The popular Bulb and Battery Drop-off program will continue. It provides ten convenient collection locations to the community for highly toxic bulbs and batteries that can contain mercury and other heavy metals. This program has been very successful at coordinating the pickup of used fluorescent bulbs and batteries dropped off at local hardware and convenience stores. The majority of the cost covers waste processing fees.



- The JPA will continue administration of the State of California Oil Payment Program for Marin (less Novato). This project provides for promotion of proper motor oil and filter handling, bilingual outreach, certification of oil recycling centers in the County, and bilge pad absorbent distribution and collection at marinas. The State reduced the FY 21-22 allocation by ~\$17,000 – and this year's budget reflects that new amount.

This program includes a significant Spanish language outreach component and leveraging of grant funds to also help promote general zero waste outreach and hazardous waste education. Storm drain markers are also provided to the Member Agencies.



Storm Drain Markers



New bilge pad dispenser and used receptacle.

- The JPA helps fund the Sharps Collection Program operated by the County's Environmental Health Division. Environmental Health operates ~ 21 sharps (needles and lancets) sites in the County. This program is important for numerous reasons, but in particular it helps protect our partners in solid waste collection and processing.



We continue to monitor the State's implementation of SB 212 – a rare Extended Producer Responsibility bill that, when implemented, will require manufacturers to take on the cost of the proper handling of these needles and sharps. Hopefully, this program will come online so that the JPA can eliminate this local expense.

RECOMMENDATION

Adopt the FY 21-22 Budget provided in Attachment 1 and Resolution No. 2021-01

Attachments:

1. FY 21-22 Budget by Fund
2. City of San Rafael Fire Household Hazardous Waste Budget
3. Compliance Reimbursement Fund Distribution
- 4A. Recyclist (Compliance Filing Software) Quote
- 4B. Recyclemore (West Contra Costa JPA) Staff Report on Recyclist Complexities
5. LTF Recommendation to Increase Advertising Budget
6. Resolution No. 2021-01 – Establishing Assessments for Integrated Waste Management Planning and Implementation of Programs for FY 2021-22

Chair: Please confirm the vote by reading the following items out loud after the vote.

Motion: _____ Second: _____

Ayes: _____

Noes: _____

Abstentions: _____

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5/21/2021 10:34 AM*

Item 4. Attachment 1

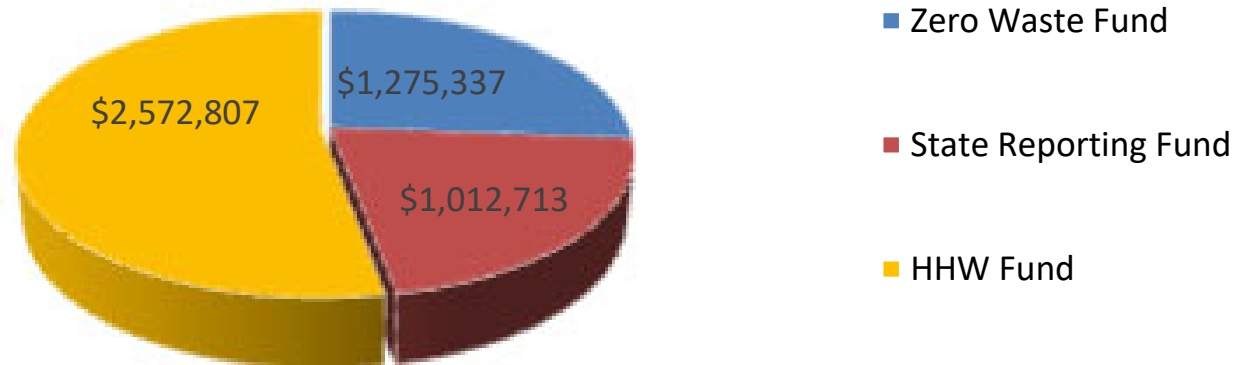
JPA Hauler, Landfill & Transfer Station Assessments
FY 21/22

		A	B	C	D	E	F	G	H	
					FY 21/22					
2019 DISPOSAL (tons)				TOTAL TONS	FY 20/21 Assessments	Zero Waste	State Reporting	HHW	Total	Year over Year Change
MSW Haulers		MSW & Debris	Self-Haul							
Bay Cities Refuse		6,528	N/A	6,528	\$87,036	\$28,472	\$14,282	\$55,602	\$98,355	\$11,319
Marin Sanitary Service (MSS)		46,416	N/A	46,416	\$618,886	\$202,454	\$101,553	\$395,364	\$699,372	\$80,486
Mill Valley Refuse		20,558	N/A	20,558	\$274,112	\$89,670	\$44,979	\$175,112	\$309,760	\$35,648
Recology Novato Disposal		27,033	N/A	27,033	\$35,650	\$0	\$59,145	\$0	\$59,145	\$23,495
Recology Sonoma Marin		6,241	N/A	6,241	\$83,219	\$27,223	\$13,655	\$53,163	\$94,042	\$10,823
Tam. CSD		1,687	N/A	1,687	\$22,494	\$7,358	\$3,691	\$14,370	\$25,419	\$2,925
Total Franchised Haulers		108,463	N/A	108,463	\$1,121,397	\$355,177	\$237,306	\$693,610	\$1,286,093	
Landfills										
Redwood		N/A	113,085	113,085	\$1,507,814	\$493,247	\$247,418	\$963,240	\$1,703,905	\$196,091
Redwood Landfill		N/A	113,085	113,085	\$1,507,814	\$493,247	\$247,418	\$963,240	\$1,703,905	
Transfer Stations										
Marin Resource Recovery Center			102,848	102,848	\$1,371,319	\$448,596	\$225,021	\$876,042	\$1,549,659	\$178,340
Marin Sanitary Service Transfer Station			3,042	3,042	\$40,560	\$13,268	\$6,656	\$25,911	\$45,835	\$5,275
Total Transfer Stations			105,890	105,890	\$1,411,879	\$461,864	\$231,676	\$901,954	\$1,595,494	
TOTALS		108,463	218,975	327,438	\$4,041,090	\$1,310,288	\$716,401	\$2,558,803	\$4,585,492	13%

Item 4. Attachment 1

Proposed FY 21/22 Budget				
	Zero Waste Fund	State Reporting Fund	HHW Fund	All Funds Total
Expenses	\$ 1,275,337	\$ 1,012,713	\$ 2,572,807	\$ 4,860,857
Contingency	\$ 127,534	\$ 101,271	\$ 257,281	\$ 486,086
Revenue Requirement	\$ 1,402,871	\$ 1,113,985	\$ 2,830,087	\$ 5,346,943
Interest	\$ 1,000	\$ 500	\$ 2,000	\$ 3,500
State Oil Payment			\$ 65,000	\$ 65,000
Assessments	\$ 1,310,288	\$ 716,401	\$ 2,558,803	\$ 4,585,492
Carry Over	\$ 91,582	\$ 397,084	\$ 204,284	\$ 692,951
Revenue	\$ 1,402,871	\$ 1,113,985	\$ 2,830,087	\$ 5,346,943

Expenses



	Zero Waste Fund	State Reporting Fund	HHW Fund
Expenditures as Percent of Total Budget by Fund	26%	21%	53%

Item 4. Attachment 1

ZERO WASTE FUND
FY 21/22 (80238601) EXPENSE BUDGET

FY 20/21 APPROVED BUDGET	FY 20/21 TOTAL EST EXPENDITURE	ACCOUNT NAME	OBJECT	FY 21/22 BUDGET REQUEST	VARIANCE	% CHANGE	NARRATIVE
\$ 277,865	\$ 277,865	Salaries and Wages	511110	\$280,977	\$ 3,112	1.1%	Contract staff wages and benefits.
\$ 2,060	\$ 2,060	Legal Expense	522545	\$2,060	\$ -	0.0%	Legal counsel.
\$ 15,000	\$ 15,000	Construction & Demolition Debris	522510	\$15,000	\$ -	0.0%	Contract support for Construction & Demolition outreach at Members.
\$ 40,000	\$ 40,000	Member Agency & Community Support	522510 & 522310	\$40,000	\$ -	0.0%	City & Town support for kitchen compost pails, reusable produce bags, xmas tree recycling promotion, general outreach and education.
\$ 15,000	\$ 15,000	State, Regional and Local "Wasteshed" Partnerships	522210	\$15,000	\$ -	0.0%	California Product Stewardship Council, Californian's Against Waste, Marin Builder's Association, Business Chambers, BayRoc, NCRA, Youth Convergence, CRRA etc. Support for Extended Producer Responsibility and reduced packaging.
\$ 10,000	\$ 10,000	Training, Conferences & Professional Memberships	523210	\$10,000	\$ -	0.0%	Training, conferences & professional memberships.
\$ 298,300	\$ 298,300	Zero Waste School Program	522510 & 522310	\$298,300	\$ -	0.0%	Waste diversion programs & education in partnership with MCOE, many school districts, all five haulers, custodians, parents, unions, and students.
\$ 210,000	\$ 210,000	Information and Outreach	522510	\$260,000	\$ 50,000	23.8%	Increased advertising per LTF recommendation. Recycling Guide updates, ZeroWasteMarin.org improvements, bus shelters, banners, coordination of outreach collateral with haulers, tips to Member Agencies on waste prevention, social media and cable TV ads.
\$ 350,000	\$ 321,431	Zero Waste Grant Program	41PWPZWG10	\$350,000	\$ -	0.0%	Member Agency funds based on population for Zero Waste Programs.
\$ 4,000	\$ 4,000	Truck	561660	\$4,000	\$ -	0.0%	Annual maintenance, insurance, amortization.
\$ 1,222,225	\$ 1,193,656	Zero Waste Fund Expense Totals		\$1,275,337	\$ 53,112	4.3%	

FY 21/22 (80238601) REVENUE BUDGET

FY 20/21 APPROVED BUDGET	FY 20/21 TOTAL EST REVENUE	ACCOUNT NAME	REVENUE SOURCE	FY 21/22 REVENUE REQUEST	NARRATIVE
\$1,000	\$1,000	Interest	441115	\$1,000	Interest
\$985,854	\$985,854	Solid Waste Management	461510	\$1,310,288.42	Hauler, Landfill, Transfer Station Assessments
\$347,275	\$298,384	Carry-Over	N/A	\$91,582	Carry-over from prior fiscal year (contingency + unspent)
\$1,334,129	\$1,285,238	Total Revenue		\$1,402,871	
		<u>GENERAL CONTINGENCIES</u>			
		Contingency Account	900010	\$127,534	
		Contingency Target = 10%		10%	

Item 4. Attachment 1

**STATE REPORTING & REQUIRED
FY 21/22 (80218601) EXPENSE BUDGET**

FY 20/21 APPROVED BUDGET	FY 20/21 TOTAL EST EXPENDITURE	ACCOUNT NAME	OBJECT	FY 21/22 BUDGET REQUEST	VARIANCE	% CHANGE	NARRATIVE
\$393,476	\$393,476	Salaries and Wages	511110	\$394,546	\$1,070	0.3%	Contract staff wages and benefits.
\$15,000	\$9,000	Legal Expense	522545	\$15,000	\$0	0.0%	Legal counsel.
\$19,200	\$18,500	Outside Acctg & Audit Fees	522585	\$19,200	\$0	0.0%	Financial Audit + Submittal of GCC & FTR to State on behalf of the JPA.
\$20,000	\$19,182	Insurance	521610	\$20,000	\$0	0.0%	Insurance.
\$16,941	\$16,941	Rent	522925	\$16,941	\$0	0.0%	Office space.
\$1,500	\$1,500	Training/Professional Development	523210	\$1,500	\$0	0.0%	Training & professional development.
\$618	\$618	Mileage & Routine Travel	523445	\$618	\$0	0.0%	Routine travel.
\$1,200	\$1,200	Supplies & Reproduction	522410	\$1,200	\$0	0.0%	Reflective of annual usage.
		Compliance Reimbursement Fund	522510	\$317,708	\$317,708	↑	Per February Board Meeting
\$0	\$0	SB 1383 Consulting Per ZW Planning Recommendations	522510	\$50,000	\$50,000	↑	Technical assistance on "reporting roll up," regional level requirements - edible food donation, capacity planning and reporting, etc.
\$0	\$0	Organizational Consultant to Advise on Implementing Recommendations	522510	\$50,000	\$50,000	↑	Develop actionable staffing modifications at County in support of JPA
\$0	\$0	Recyclist SB 1383 Regional Reporting Software	522510	\$126,000	\$126,000	↑	Facilitating expected necessary reporting to CalRecycle into Electronic Annual Report portal.
\$467,935	\$460,417	State Reporting Fund Ops Total		\$1,012,713	\$544,778	53.8%	

FY 21/22 (80218601) REVENUE BUDGET

FY 20/21 APPROVED BUDGET	FY 20/21 TOTAL EST REVENUE	ACCOUNT NAME	REVENUE SOURCE	FY 21/22 REVENUE REQUEST	NARRATIVE
\$500	\$500	Interest	441115	\$500	Interest
\$624,816	\$624,816	Solid Waste Management	461510	\$716,400.61	Hauler, Landfill, Transfer Station Assessments
\$58,783	\$232,185	Carry-Over	N/A	\$397,084	
\$684,099	\$857,501	Total Revenue		\$1,113,985	
		<u>GENERAL CONTINGENCIES</u>			
		Contingency Account	900010	\$101,271	
		Contingency Target = 10%		10%	

Item 4. Attachment 1

HOUSEHOLD HAZARDOUS WASTE FUND

FY 21/22 (80228601) EXPENSE BUDGET

FY 20/21 APPROVED BUDGET	FY 20/21 TOTAL EST EXPENDITURE	ACCOUNT NAME	OBJECT	FY 21/22 BUDGET REQUEST	VARIANCE	% CHANGE	NARRATIVE
\$187,402	\$187,402	Salaries and Wages	511110	\$182,740	\$ (4,662)	-2.5%	Contract staff wages and benefits.
\$178,470	\$178,470	HHW Facility Oversight	522555	\$182,039	\$ 3,569	2.0%	San Rafael FD HHW facility oversight.
\$1,748,166	\$1,748,166	HHW Facility Operations	522510	\$1,847,747	\$ 99,581	5.7%	HHW facility operation + West Marin HHW events.
\$40,208	\$40,208	Novato HHW Pass Through	522310	\$41,816	\$ 1,608	4.0%	Novato HHW fee reimbursement.
\$2,732	\$2,732	Legal Services	522545	\$2,732	\$ -	0.0%	Legal counsel on Haz Waste contracts and grant agreements, including Bulb and Battery and Marina programs.
\$164,800	\$164,800	Bulb and Battery Program	522510	\$164,800	\$ -	0.0%	Fluorescent bulbs and batteries hazwaste collection.
\$85,933	\$85,933	Sharps & Needles Program	522310	\$85,933	\$ -	0.0%	Support for the Sharps and Needles Program via Environmental Health Services.
\$2,407,711	\$2,407,711	Operational Budget Subtotal		\$2,507,807	\$ 100,096		
		Oil Payment Program					
\$82,000	\$82,000	Oil Payment Program - Cycle 11	41PWPOPP11	\$65,000	\$ (17,000)	-20.7%	Countywide used oil motor promotion, marina bilge pad collections, storm drain medallions, CCC site certifications, bilingual outreach.
\$82,000	\$82,000	Oil Payment Program Subtotal		\$65,000			
\$2,489,711	\$2,489,711	HHW Fund Total Expenses	Total	\$2,572,807	\$ 83,096	3.3%	

FY 21/22 (80228601) REVENUE BUDGET

FY 20/21 APPROVED BUDGET	FY 20/21 TOTAL EST REVENUE	ACCOUNT NAME	REVENUE SOURCE	FY 21/22 REVENUE REQUEST	NARRATIVE
\$2,000	\$6,500	Interest	441115	\$2,000	Interest
\$65,000	\$82,000	Other Aid: State	451970	\$65,000	CalRecycle Funds for Used Oil Payment Program
\$2,010,099	\$2,010,099	Solid Waste Management	461510	\$2,558,803	Hauler, Landfill, Transfer Station Assessments
\$333,455	\$595,396	Carry-Over	N/A	\$204,284	Carry-over from prior fiscal year (contingency + unspent)
\$2,410,554	\$2,693,995	Total Revenue		\$2,830,087	

GENERAL CONTINGENCIES

Contingency Account	900010	\$257,281
Contingency Target = 10%		10%



SAN RAFAEL FIRE DEPARTMENT

FIRE CHIEF DARIN WHITE
PHONE: (415) 485-3084
FAX: (415) 453-1627

February 26, 2021

Marin County Hazardous and Solid Waste Management Joint Powers Authority
c/o Marin County Department of Public Works
1600 Los Gatos Drive, Ste. 210
San Rafael, CA 94903

RE: Fiscal Year 2021/22 Budget Proposal

Dear Steve,

Please accept this letter as the Fiscal Year 2021/22 budget proposal for the Marin Household Hazardous Waste (HHW) Program. The allocation amounts for the City of San Rafael (City) management oversight and for Marin Recycling and Resource Recovery Association (MRRRA) contractual services are provided herein.

The HHW Program budget for FY 2020/21 was \$1,926,636, which was a 2.5% CPI-U increase from the previous year for both MRRRA and the City.

HHW Program budget proposal summary:

For FY 2021/22, we are proposing a total HHW Program budget of \$2,029,786, which is a 5.4% increase from the previous year's budget.

The budget proposal for the City of San Rafael management oversight is \$182,039. This consist of a 2.0% CPI-U increase from the previous year's budget.

We are proposing a total MRRRA contractual services budget of \$1,847,747. This is a 5.7% increase from the previous year's budget, but it is only a 3.0% increase from projected actual expenditures in FY 20/21. After years of maintaining high quality while also staying under budget, the HHW Facility projects that actual expenditures are on pace to exceed budget expenditures by approximately \$45,000 in FY 20/21. The City of San Rafael has the one-time capacity to absorb the difference.

The increase in expenditures is based primarily on the following:

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SAN RAFAEL FIRE DEPARTMENT

- Increasing waste quantities:
 - In FY 17/18, the HHW Facility processed more than 1.65 million pounds of household hazardous waste. In FY 18/19, this declined by nearly 10% to just over 1.5 million pounds, and in FY 19/20 the total stayed about the same as the previous year. However, quantities have picked up this fiscal year to around the same levels as in FY 17/18.
 - Although we do not know with certainty what the next year will bring, we are projecting that waste quantities will either stay the same or increase in the upcoming fiscal year.
- Rising waste disposal costs:
 - Our primary waste hauler increased disposal fees by 7% last year and increased supply fees by 3% this year. For much of last year, the disposal fee increase was offset by declining waste volumes, but with quantities picking up to FY 17/18 levels, the increase is being felt.
 - Our electronic waste partner increased pickup fees by 50% at the beginning of the fiscal year.
- Increasing building maintenance costs:
 - Building maintenance costs have risen considerably this fiscal year, as MRRRA is now including all costs associated with the HHW Facility in its invoicing.
 - Costs associated with providing a safe workplace during the COVID-19 pandemic also are contributing to higher building maintenance costs. We anticipate that COVID-19 protocols will continue to be necessary at the HHW Facility into the new fiscal year.

The City of San Rafael and HHW Facility are working together to keep costs under control and increase offsetting revenue by doing the following:

- Seeking out lower-cost waste haulers
- Seeking out lower-cost PPE and other supplies
- Reviewing the SQL Price List, which was last updated on October 1, 2011

Please see the budget tables on the next page.

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SAN RAFAEL FIRE DEPARTMENT

Proposed Marin HHW Program Operating Budget FY 2021/22

MRRRA

Personnel	\$ 826,597
Non-personnel	\$ 1,021,150
Total HHW Facility Operating Contractual Services:	\$ 1,847,747

CITY

Personnel	\$ 132,492
Non-personnel	\$ 49,548
Total City Management Oversight:	\$ 182,039

Total Marin HHW Program FY 2020/21 Budget: \$ 2,029,786

Marin HHW Program Operating Budget FY 2020/21

MRRRA

Personnel	\$ 752,165
Non-personnel	\$ 996,001
Total HHW Facility Operating Contractual Services:	\$ 1,748,166

CITY

Personnel	\$ 129,894
Non-personnel	\$ 48,576
Total City Management Oversight:	\$ 178,470

Total Marin HHW Program FY 2019/20 Budget: \$ 1,926,636

Should you need further information, please call me at the number below.

Respectfully,

David Catalinotto
Environmental Management Coordinator
San Rafael Fire Department
1375 Fifth Avenue
San Rafael, CA 94901
(415) 485-3309

"Our Mission...is to help"

Compliance Reimbursement Fund

Almonte SD	Mill Valley Refuse Service	\$ 9,628
Alto SD	Mill Valley Refuse Service	\$ 9,628
Belvedere	Mill Valley Refuse Service	\$ 19,255
Bolinas CPUD	Recology Sonoma Marin	\$ 9,628
Corte Madera	Mill Valley Refuse Service	\$ 19,255
County of Marin	Bay Cities Refuse	\$ 4,814
	Marin Sanitary Service	\$ 4,814
	Mill Valley Refuse Service	\$ 4,814
	Recology Sonoma Marin	\$ 4,814
Fairfax	Marin Sanitary Service	\$ 19,255
Homestead SD	Mill Valley Refuse Service	\$ 9,628
Larkspur	Marin Sanitary Service	\$ 19,255
Las Gallinas Valley SD	Marin Sanitary Service	\$ 9,628
Marin City CSD	Bay Cities Refuse	\$ 9,628
Mill Valley	Mill Valley Refuse Service	\$ 19,255
Novato	Recology Sonoma Marin	N/A
Novato SD	Recology Sonoma Marin	\$ 19,255
Ross	Marin Sanitary Service	\$ 19,255
San Anselmo	Marin Sanitary Service	\$ 19,255
San Rafael	Marin Sanitary Service	\$ 19,255
Sausalito	Bay Cities Refuse	\$ 19,255
Stinson Beach WD	Recology Sonoma Marin	\$ 9,628
Strawberry SD	Mill Valley Refuse Service	\$ 9,628
Tamalpais CSD	Municipal	\$ 9,628
Tiburon	Mill Valley Refuse Service	\$ 19,255

Total \$ 317,708

MVRS Agencies	\$ 120,344
MSS Agencies	\$ 110,716
Recology SM Agencies	\$ 43,324
Bay Cities Agencies	\$ 33,696
Tamalpais CSD	\$ 9,628
Total	\$ 317,708

Task		Per Agency
1	Project Kick-off and Coordination	\$465
2	Education and Outreach	\$950
	Inspection and Enforcement	\$2,925
	Edible Food Recovery Programs	\$1,350
	Purchasing Policy Changes	\$1,575
	Collection Service Adjustments	\$975
	Initial Cost Estimates	\$800
	Ongoing Coordination	\$1,075
3	Municipal Code Update	\$6,690
4	Training, Reporting, and Presentations	\$2,450
Subtotal Tasks 1-4		\$19,255

Task funding amounts match to R3's proposals to MSS and MVRS Agencies and do not include negotiations with franchisee nor contingency.

Such items to be funded separately by agencies if desired.

Task funding amounts are streamlined to take advantage of interagency efficiencies.

County of Marin and San Anselmo have existing franchise fee funding and may wish not to accept funds so as not to double dip.



QUOTE

CUSTOMER: Zero Waste Marin

DATE: March 30, 2021

PRODUCT: Program Tracker - JPA Edition

EXPIRATION DATE: June 30, 2021

	Rate	Qty	Amount
Base Subscription	\$24,900	1	\$24,900
JPA Shared Access	\$2,000/jurisdiction	11	\$22,000
Data Imports	\$1,000/data set	20	\$20,000
<i>Add-On:</i> JPA Jurisdiction-Level Access	\$2,000/jurisdiction	11	\$22,000
<i>Add-On:</i> Custom Data Template Surcharge	\$1,000/data set		
<i>Add-On:</i> Estimate Creator Tool	\$5,000	1	\$5,000
<i>Add-On:</i> Generator Self-Reporting Tool	\$5,000	1	\$5,000
<i>Add-On:</i> Waiver Issuance Tool	\$5,000	1	\$5,000
<i>Add-On:</i> Route Review Fieldwork Tool	\$5,000	1	\$5,000
<i>Add-On:</i> Waste Evaluation Fieldwork Tool	\$5,000	1	\$5,000

Total Annual Cost: 1-Year-Term \$113,900

10% Discount for 3-Year-Term (\$11,390)

Total Annual Cost: 3-Year-Term \$102,510

One-Time Set-Up Fee	\$5,000	1	\$5,000
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Total One-Time Cost \$5,000

Definitions

- **Data Imports**

A data set is defined as a single-tab Excel worksheet or CSV file. Types of data sets include hauler service-level data (most common), past outreach activities, edible food generator lists.

- **Custom Data Template Surcharge**

Surcharge to import data housed in the customer's or hauler's own template (instead of the standard Recyclist Service Record Template).

- **Add-On Tools**

Add-on tools are not essential for SB 1383 recordkeeping and reporting. They are additional offerings providing increased functionality for fieldwork and/or data gathering. Without these tools, all information required to maintain your central SB 1383 Implementation Record can still be logged in the Program Tracker.

- **JPA Shared Access**

- All users have access to all data in the Program Tracker, regardless of jurisdiction. This is not recommended for agencies with multiple haulers, sensitive data and/or separate franchise agreements amongst jurisdictions because all data is shared as if the JPA were a single jurisdiction.
- Does not house multiple SB 1383 Implementation Records. Data specific to a jurisdiction can be exported to be stored in a separate location.

- **JPA Jurisdiction-Level Access Add-On**

- Includes additional permissions and security levels. Jurisdiction users are restricted to viewing, creating, editing, deleting and exporting data only for their own jurisdiction. The JPA or contract owner has full access to all data.
- Houses multiple SB 1383 Implementation Records, one for each jurisdiction.
- Haulers may access all data (if they are the exclusive service provider to all jurisdictions) or data for a single jurisdiction. Haulers cannot access data for multiple (but not all) jurisdictions.
- Some visual charts and reports may have modified functionality and/or be inaccessible to jurisdiction users.
- JPA Jurisdiction-Level Access Add-On must be implemented during initial configuration of the Program Tracker, not available after launch.



Agenda Report

Date: March 11, 2021
To: West Contra Costa Integrated Waste Management Authority Board
From: Peter Holtzclaw, Executive Director
Subject: Approve Contracts with Recyclist for cloud-based compliance software services

ACTION REQUESTED

Approve two contracts with Recyclist for cloud-based compliance-tracking software: one between Recyclist and Republic Services for cities in the Republic service area, the second between Recyclist and RecycleMore for the City of El Cerrito.

BACKGROUND

RecycleMore is responsible for compliance with current state laws AB 341 (Mandatory Commercial Recycling), AB 1826 (Mandatory Commercial Organics Recycling), and the upcoming SB 1383 (Short-Lived Climate Pollutants: Methane Landfills). In June, 2020, RecycleMore's Board approved the Authority entering into a multi-party agreement with Republic Services, the City of El Cerrito, and Recyclist to purchase and utilize Recyclist's cloud-based data tracking software.

ANALYSIS

After the Board approved a contract with Recyclist in concept, RecycleMore began negotiating a contractual structure between Recyclist, the Authority, Republic Services, El Cerrito and East bay Sanitary.

Originally it was envisioned that Republic and RecycleMore would co-own one overarching contract for the entire jurisdiction. That structure could not work, as Recyclist's platform only allows a single entity to hold a license for its software. Having Republic as sole owner was not possible because El Cerrito and East Bay Sanitary required its proprietary customer data to be blocked from Republic's view. Similarly having RecycleMore as the sole owner also became infeasible because Republic did not trust various security measures suggested by RecycleMore and Recyclist to keep its proprietary data safe.

The structure that allows all entities to have total security about their proprietary data is to have two separate contracts. RecycleMore believes that it can perform all of its compliance duties within these two contracts. One contract will be between Recyclist and Republic Services for the service areas of Richmond, San Pablo, Pinole and Hercules. The second between Recyclist and RecycleMore will be for the service area of El Cerrito.

This structure ensures that the parameters for exporting are fully transparent between contractors, RecycleMore and CalRecycle. RecycleMore can engage in data-inputting alongside contractor staff, and

can access it when needed. Only RecycleMore staff will have access to the contractor's account data. The proprietary data of each entity will be secure within the software and only summary data will export to CalRecycle and member cities in the Authority. Staff from these member cities will not have access to any of this account data – if they do require access, that will be handled separately through front-end franchise hauling agreements between the contractor and their host cities.

PROCUREMENT PROCESS

Recyclist quoted RecycleMore a 3-year contract for \$81,800 back in June 2020, or \$27,267 per year. This was for one contract for the entire jurisdiction and multiple haulers. In the dual-contract arrangement, the cost for two 3-year contracts becomes \$109,300, or \$36,434 per year. The increase of \$9,167 per year is very small, and staff feels this slight increase is worth the cost for everyone to have complete security over their data.

FISCAL IMPACT

The Board has a Restricted Fund for SB 1383 compliance activities, which has \$475,000 set aside for these projects, which would include program tracking software.

Respectfully Submitted,

Peter Holtzclaw

Peter Holtzclaw
Executive Director

Attachment 1: Recyclist Quote*

**At the time of agenda printing, staff had not received a formal quote from Recyclist to be included as an attachment to this report. Once RecycleMore receives this quote, an addendum to the report will be sent out with the attachment.*

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere Date: January 30, 2020

Corte Madera To: JPA Board Members

County of Marin From: Steve Devine, Program Manager

Fairfax Re: Recommendation from your Local Task Force to Increase the
Advertising Budget in FY 20-21

Larkspur Please recall that your Board has an advisory AB 939 Local Task Force

Mill Valley (LTF). The LTF is comprised of numerous stakeholders – including
resource haulers, landfill, special districts franchising solid waste,
environmental organizations and citizen representatives from the Ross
Valley Cities, Southern Marin Cities, San Rafael, Novato and the County.

Novato At your LTF's January 14, 2020 meeting, the group voted unanimously
Ross to recommend that the JPA Board increase funding in the Zero Waste
Fund for increased advertising focused on source reduction as an
essential means to help reduce waste going to landfill in the upcoming
FY 2020-21 budget.

San Anselmo In light of Marin's recently decreasing diversion rate, increased public
San Rafael awareness of solid waste based pollution, the nexus between
greenhouse gas emissions and solid waste, new State laws, and the role
Sausalito Zero Waste Marin could play in "overarching" waste reduction messages
– beyond the "what goes where instructions" provided by our local,
Tiburon excellent, waste haulers – Staff also supports this recommendation. To
that end, Staff will provide the Budget Subcommittee, Executive
Committee and Full Board several options with information on what
could be expected from 2-3 scenarios for increased resources devoted
to waste reduction advertising – in the upcoming budget setting process.

Recommendations

Receive oral report from Staff. Information Only.

*f:\waste\jpa\jpa agenda items\jpa 200130\item 8 - recommendation from your local task force to
increase the advertising-outreach budget in fy 20-21.doc
1/24/2020 9:26 AM*

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT
JOINT POWERS AUTHORITY

RESOLUTION NO. 2021-01

ESTABLISHING ASSESSMENTS FOR INTERGRATED WASTE MANAGEMENT
PLANNING AND IMPLEMENTATION OF PROGRAMS FOR FY 2021-22

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

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

WHEREAS, the Authority established the assessments at its regular meeting on May 27, 2021; and

WHEREAS, these assessments are set and imposed for FY 2021-22 only; and

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

NOW, THEREFORE, BE IT RESOLVED that the following assessments are imposed for FY 21-22 and shall be collected from the organization specified herein;

FY 21/22 Assessments

Redwood Landfill	\$1,703,904.56
Marin Resource Recovery Center	\$1,549,658.90
Marin Sanitary Transfer Station	\$45,835.24
Bay Cities Refuse	\$98,355.30
Marin Sanitary Service	\$699,371.57
Mill Valley Refuse	\$309,760.46
Novato Disposal	\$59,145.37
Recology Sonoma Marin	\$94,041.64
Tamalpais Community Service District	\$25,418.82
TOTAL	\$4,585,491.86

Item 4. Attachment 6

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

1. Assessments are based upon the tons of material collected and disposed during 2019, with data provided by the haulers, landfills, and recovery center.
2. Assessments shall be paid in two installments – half of the amount shall be due and payable on December 1, 2021; the remaining half shall be due and payable on May 1, 2022.
3. Assessments shall be due and payable to the “Marin County Treasurer – Tax Collector”, Administration Bldg., Civic Center, P.O. Box 4220, San Rafael, CA 94913-4220.

PASSED AND ADOPTED at a regular meeting of the Marin County Hazardous and Solid Waste Management Joint Powers Authority held May 27, 2021 by the following vote:

AYES:

NOES:

ABSENT:

Chair

ATTEST: _____

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere

Date: May 27, 2021

Corte Madera

To: JPA Board of Directors

County of Marin

From: Casey Poldino, Senior Planner

Re: FY 2021/22 Zero Waste Grant Program

Fairfax

Larkspur

The Zero Waste Grant Program – “Program” facilitates individualized projects in Marin’s many unique communities to help move towards zero waste. The Program grants a total of up to \$350,000 to the cities, towns and special districts that franchise solid waste collection according to population (with a minimum of \$5,000 for each jurisdiction).

Mill Valley

Novato

The JPA will offer \$350,000 in its 11th year of the Zero Waste Grant Program. This is the same amount that has been budgeted to the Zero Waste Grant Program for the last five years. The allocation is based on population using the 2020 E -1 State of California Department of Finance report. See Table Two for the funding allocation.

Ross

San Anselmo

San Rafael

Table One below documents which cities, towns and special districts apply for the grant year to year, dating back to FY 14/15. Some of the special districts that franchise solid waste collection in unincorporated County areas do not apply for funds because they don’t have adequate staff to administer the grant or to carry out the projects. As a reminder, the Board agreed in May 2019 that if a special district declines to submit an application, that the county add these unspent funds to its workplan in order to carry out programs for the good of all who reside in unincorporated county. This funding nuance has no impact on the allocation to any other city or town as the source of the funding for the special districts comes out of the county allocation.

Sausalito

Tiburon

Table 1 – Past Grant Acceptance by Member Agency

Grant Year	FY 20/21 CY 10	FY 19/20 CY 9	FY 18/19 CY 8	FY 17/18 CY 7	FY 16/17 CY 6	FY 15/16 CY 5	FY 14/15 CY 4
Member Agency			Funds Requested?				
Belvedere	N	N	N	Y	Y	Y	Y
Corte Madera	Y	Y	Y	Y	Y	Y	Y
County of Marin	Y	Y	Y	Y	Y	Y	Y
Fairfax	Y	Y	Y	Y	Y	Y	Y
Larkspur	N	N	N	Y	Y	N	Y
Mill Valley	Y	Y	Y	Y	Y	Y	Y
Ross	Y	Y	Y	Y	Y	Y	Y
San Anselmo	Y	Y	Y	Y	Y	Y	Y
San Rafael	Y	Y	Y	Y	Y	Y	Y
Sausalito	Y	Y	Y	Y	Y	Y	Y
Tiburon	Y	Y	Y	Y	Y	Y	Y
Almonte Sanitary District	N	N	N	N	N	N	Y
Alto Sanitary District	Y	N	N	Y	N	N	N
Bolinas Community Public Utility District	Y	Y	N	Y	Y	Y	Y
Homestead Valley Sanitary District	N	N	N	Y	N	N	Y
Las Gallinas Sanitary District	Y	Y	N	N	N	N	N
Marin City Community Services District	Y	Y	N	Y	Y	N	N
Stinson Beach County Water District	N	N	N	N	Y	N	N
Strawberry Recreational District	Y	N	Y	Y	Y	N	N
Tamalpais Community Services District	Y	Y	Y	Y	Y	Y	Y

Table 2 - FY 21/22 Funds Available

Member Agencies & Special Districts	<u>Allocated</u>
Belvedere	\$8,487
Corte Madera	\$16,602
County of Marin	\$67,703*
Fairfax	\$12,145
Larkspur	\$20,113
Mill Valley	\$24,087
Ross	\$9,186
San Anselmo	\$20,940
San Rafael	\$98,173
Sausalito	\$11,904
Tiburon	\$15,660
Almonte Sanitary District	\$5,000
Alto Sanitary District	\$5,000
Bolinas Community PUD	\$5,000
Homestead Valley Sanitary District	\$5,000
Las Gallinas Valley Sanitary District	\$5,000
Marin City CSD	\$5,000
Stinson Beach Water District	\$5,000
Strawberry Recreation District	\$5,000
Tamalpais CSD	\$5,000
Total	\$350,000

**subject to increase if any Special District does not request funding.*

Recommendation

Adopt a Motion approving the FY 21/22 Zero Waste Marin Grant Program and authorizing the Executive Director to administer these programs including making discretionary modifications to grants during the grant term and allowing the County to utilize funds not claimed by Special Districts for the good of unincorporated county.

Attachments

- A. Zero Waste Grant Guidelines
- B. Application and Work Plan
- C. Final Report Form

Board Chair: Please confirm the vote on this item by reading the following items out loud after the vote.

Motion: _____ Second: _____

Ayes: _____

Noes: _____

Abstentions: _____

ZERØWASTEMARIN

Attachment A

FY 21/22

Zero Waste Grant Guidelines

Introduction

The Marin County Hazardous & Solid Waste Management Joint Powers Authority (JPA) administers the Zero Waste Grant Program. The following procedures and requirements describe project and reporting requirements, report due dates, report contents, grant payment conditions, eligible and ineligible project costs, project completion and closeout procedures, records and audit requirements.

Grant Program

The JPA is offering grants to Member Agencies including cities, towns and special districts whose application identifies a program that works towards the Zero Waste Goal. Member Agencies are not limited to the Zero Waste Projects listed below.

Primary Zero Waste Projects: Are encouraged to be developed first and include:

- Compliance with Mandatory State Commercial Recycling and Composting laws
- Support of Food Donation
- Zero Waste Resolution
- Recycle Right Education and Outreach
- Multifamily Outreach and Support
- Support of Food Waste prevention education
- Town or city-wide garage sale/materials swap

Secondary Zero Waste Projects: Can include, but are not limited to:

- Contract assistance for Event Greening (Recycling and Composting at Local Events)
- Purchase Easily-Portable Event Recycling and Compost Containers and Accessories for the public for Local Events
- Adding Public Recycling Receptacles
- Waste Audits
- Local Composting Classes
- Differential Costs of an Environmental Purchasing Policy
- Zero Waste Case Studies
- Mini-Grants program to environmental, educational or community groups Zero Waste activities

Eligibility and Funding

Grant funding is available only for JPA Member Agencies identified as ‘Applicants’.

It is recognized that each applicant will incur various costs while implementing Zero Waste Projects. Therefore, it is intended the grant program funding will help cover a portion of those costs.

It is important that you apply for funding each year to ensure your agency gets its share of grant funds.

FY 21/22 Funds Available

Member Agency	<u>Allocated</u>
Belvedere	\$8,487
Corte Madera	\$16,602
County of Marin	\$67,703*
Fairfax	\$12,145
Larkspur	\$20,113
Mill Valley	\$24,087
Ross	\$9,186
San Anselmo	\$20,940
San Rafael	\$98,173
Sausalito	\$11,904
Tiburon	\$15,660
Almonte Sanitary District	\$5,000
Alto Sanitary District	\$5,000
Bolinas Community PUD	\$5,000
Homestead Valley Sanitary District	\$5,000
Las Gallinas Valley Sanitary District	\$5,000
Marin City CSD	\$5,000
Stinson Beach Water District	\$5,000
Strawberry Recreation District	\$5,000
Tamalpais CSD	\$5,000
Total	\$350,000

** subject to increase if any Special District does not request funding.*

Application Procedures

The application is limited to two pages, including the provided application forms. The Grant Application can be found on the JPA website: <https://zerowastemarin.org/who-we-are/zero-waste-grant-program-for-member-agencies/>

- Determine grant fund eligibility, as described above.
- Decide on the Zero Waste Projects your Jurisdiction intends to implement.
- Complete the Zero Waste Grant Application and Work Plan and submit it by July 16, 2021.

Once the Grant Applications and Work Plans are received, they will be reviewed by the JPA which will determine if applications meet the Grant requirements. Jurisdictions will be authorized to commence

Zero Waste Grant Guidelines - FY 21/22

their proposed programs upon receipt of ‘Notice to Proceed’ from the JPA. A Final Report (Exhibit C) must be submitted to the JPA by May 20, 2022. These reports will describe the progress made at the time of the report submittal, outcome of the program implemented, an account of funds spent, and, if feasible, an estimated tonnage of waste that was diverted through each program. A sample Final Report can be found on the JPA website: <https://zerowastemarin.org/who-we-are/zero-waste-grant-program-for-member-agencies/>

Milestones

- June 15, 2021 - Application Materials Released
- July 16, 2021 - Application Deadline
- August 2, 2021 - Cycle Awarded / Grant Term Begins
- May 2, 2022 - Grant Term Ends
- May 20, 2022 - Final Reports Due

Communication

All communication regarding this grant shall be directed to the JPA Grant Manager. Submit Applications/Work Plans and Final Reports electronically to cpoldino@marincounty.org or send written correspondence to:

JPA Grant Manager
c/o Zero Waste Marin
1600 Los Gatos Drive, Suite 210
San Rafael, CA 94903

Eligible Costs

As identified in the Grant Guidelines, all expenditures must be only for activities, products, and costs included in the approved Application and Work Plan. Services provided and costs must be incurred after receiving a Notice to Proceed and must be spent or encumbered for a Zero Waste purpose before the end of the Grant Term. Costs, including materials, supplies, equipment, facilities, must be directly related to the approved grant project, be reasonable, and focused on local needs as described in the application. Any proposed revision(s) to the Work Plan and/or Budget must be approved by the JPA Executive Director or its designee.

Ineligible Costs

Any costs not included in the Application and Work Plan and not directly related to the approved grant project are ineligible for funding use. Questions regarding ineligible costs can be directed to the JPA Grant Manager.

Compliance

Grantees shall comply fully with all terms of the Zero Waste Grant Program. JPA Executive Director, as the administrator of the program, has final say in all matters grant related and has all oversight and administrative authority.

Recycled Content Requirements

All products that are purchased with grant funds must contain post-consumer recycled-content material. All documents submitted to the JPA must be printed on double-sided 100% recycled content paper. Specific pages containing full-color photographs or other ink intensive graphics may be printed on photographic paper.

Audit / Records Access

The Grantee agrees that the JPA or their designated representative shall have the right to review and to copy any records or supporting documentation pertaining to the performance of this Agreement. Grantee agrees to maintain such records for possible audit for a minimum of 3 years from the date the Grant Term ends.

Copyright Information

Any copyrightable materials produced with Grant Funds become the property of the JPA and the Grantee. Questions regarding copyright materials can be directed towards the JPA Grant Manager. Examples of copyrightable material included, but are not limited to:

- * visual materials
- * social media posts
- * brochures, pamphlets, and reproductions of advertisements designed for distribution

The following language must appear on any copyrightable material produced with JPA Grant Program Funds:

© {Year of Creation} ZeroWasteMarin. All rights reserved. This publication, or parts thereof, may not be reproduced without the permission of the JPA.

Use of the initials “JPA” in conjunction with “Zero Waste Marin” is sufficient when space is limited.

Grant Payment

Grant funds will be available to Grantees after they are given the Notice to Proceed. All applicants who submit a sufficient Application and Work Plan will be sent payment of the full grant amount as soon as possible once the Notice to Proceed is authorized by the JPA Executive Director or its designee.

Final Reporting

A Final Report is required to be submitted by the Grantee to the JPA at the end of the Grant Term. The report will identify activity during the term of the grant and summarize all activity conducted in the performance and fund use of the grant. Copies of adopted documents (Ordinances, Resolutions, etc.) will be included in the report. Copies of reports, product purchases and other evidence of grant expenditures including photos that document programs or activities or items purchased using grant funds shall be included with the Final Report. The grantee shall estimate and report a diversion tonnage, when feasible, to identify program effectiveness.

If all program criteria have not been met by the end of the grant term, the Grantee may report on the progress toward each grant task and demonstrate they have made all reasonable and feasible efforts to implement those programs. Grantees that have unspent funds at the end of the grant term should provide documentation that any unspent funds have been encumbered for a Zero Waste purpose. The Final Report form can be found on the JPA website.

A failure to submit the Final Report by close of the grant term will be reported to the JPA Board of Directors or Executive Committee and may affect the availability of future grant funds.

ZERØWASTEMARIN

Attachment B

FY 21/22

Zero Waste Grant Application and Work Plan

A. Name of Recipient (city, town, or special district):

B. Recipient's representative and contact information: (Please print all information)

Name: _____

Title: _____

Address: _____

City, Zip: _____

Phone: _____

E-mail: _____

C. Requested Grant Amount

(See Grant Guidelines - Exhibit A to find your Jurisdiction's Maximum Available Funds)

\$ _____

D. Recipient's Zero Waste Grant Work Plan

(See Grant Guidelines – Exhibit A to find a list of suggested Projects)

Name of Proposed Work or Project:	Brief Description of Project:	Dollar amount of Grant Funds Allocated to each Project:

Good Faith Effort

The undersigned applicant, given appropriate jurisdictional authority to apply and conduct the proposed application, does give a full faith pledge to work toward the adoption of Zero Waste Programs as described in the Grant Term therein.

The undersigned also affirms; that any funds received under the Zero Waste Grant Program will be used solely for the purpose of implementing and providing residential and commercial waste reduction or diversion programs under the guidelines described in the Grant Application.

In the case that the Grantee fails to implement the programs indicated on their application, the determination of whether the Grantee has or has not made a good faith effort will be made by the JPA Executive Committee, Board of Directors or its designee.

X
Signature of Grant Recipient Representative

Date

Print Name

Print Title

ZERØWASTEMARIN

Attachment C

FY 21/22

Zero Waste Grant Final Report

A. Name of Recipient (city, town, or special district):

B. Recipient's representative and contact information: (Please print all information)

Name: _____

Title: _____

Address: _____

City, Zip: _____

Phone: _____

E-mail: _____

C. Grant Amount

\$ _____

D. Recipient's Zero Waste Grant Expenditures

Please provide a description of the Zero Waste Projects completed and how funds were spent. Also, if feasible, please estimate the tonnage of materials diverted or not consumed as a result of the project. Please refer to the Grant Guidelines for other required components of the Final Report.

If all grant funds have been used, the Grant Amount should match the Total in the table on the next page. Grantee shall maintain records of all expenditures. Any grant funds not expended in the current grant cycle must be preserved in a protected account and dedicated for zero waste projects the next year.

D. Recipient's Zero Waste Grant Expenditures

Name of Work or Project:	Work Completed:	Funds Used:	Estimated Tons Diverted/Avoided:

Totals: \$ _____ Tons

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 & Solid Waste Management Joint Powers Authority for the Zero Waste Grand Fund is true and accurate to the best of my knowledge.

X

Signature of Grant Recipient Representative

Date

Print Name

Print Title

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere

Date: May 27, 2021

Corte Madera

To: JPA Board of Directors

County of Marin

From: Steve Devine, Program Manager

Fairfax

Re: Fiscal Year 2021-22 Compliance Reimbursement Fund
Procedures

Larkspur

This new Compliance Reimbursement Fund is designed to help support Marin's many solid waste franchising entities develop, implement, and demonstrate compliance with SB 1383 (California's Short Lived Climate Pollutant) law and other recent, related legislation (AB 341, AB 827, AB 1826). Summaries of some of the requirements in these four laws is contained in Attachments 3, 4, 5, and 6.

Mill Valley

Novato

Ross

Despite the relatively small size of Marin County, there are 21 public agencies holding solid waste collection franchises. These entities are served by four private haulers (Bay Cities Refuse Service, Marin Sanitary Service, Mill Valley Refuse Service, Recology Sonoma Marin) and one public (Tamalpais Community Services District).

San Anselmo

San Rafael

Sausalito

Tiburon

The newly proposed Compliance Reimbursement Fund Zero Waste Grant Program – "Program" can help fund the individualized work necessary to help the Franchising Entities implement the new programs necessary to demonstrate compliance with the significant requirements of these new laws. The Fund will provide up to \$317,708 to the Member Agencies (cities, towns, and County) plus the additional ten other special districts that franchise solid waste collection. The list of eligible entities, the dollar amount available to each is provided in the Notice of Funds Available in Attachment 1.

Procedures for submitting a Reimbursement Request and the timing of that are outlined in the Draft Reimbursement Request Submittal Form (Attachment 2).

Recommendation

Adopt a Motion approving the FY 2021-22 Compliance Reimbursement Fund Program and authorizing the Executive Director to administer these programs consistent with intent and procedures outlined here and in the attached.

Attachments

1. Draft Notice of Funds Available.
2. Draft Reimbursement Request Form.
3. CalRecycle Organics Legislation Summary
4. CalRecycle AB 341 & AB 827 Summary
5. CalRecycle AB 1826 Summary
6. CalRecycle SB 1383 Summary

Board Chair: Please confirm the vote on this item by reading the following items out loud after the vote.

Motion: _____ Second: _____

Ayes: _____

Noes: _____

Abstentions: _____

Notice of Funds Available

Compliance Reimbursement Fund

The Marin County Hazardous and Solid Waste Management Authority is making funds available to the JPA Member Agencies and other Franchisors in Marin County that are responsible to the State of California for certain waste reduction compliance activities. This Compliance Reimbursement Fund is intended to particularly support all the Franchisor's ability to implement and demonstrate activities complying with more recent solid waste laws, particularly those focused on the greenhouse gas impacts of solid waste – including: AB 341, AB 1826, SB 1383, and AB 827.

Funds for eligible projects will be made available, on a reimbursement basis, in May of 2022 – for activities conducted between July 1, 2021 and April 29, 2022. The maximum available funding to your Agency is listed in Table 1. To apply for Reimbursement of Eligible Activities – simply fill out the attached Reimbursement Request Form along with the specified supporting documentation and submit it to the JPA no later than May 2, 2022. The JPA Board will review and authorize payments at its expected May 26, 2022 Board Meeting and checks will be issued by June 30, 2022.

Eligible Activities:

Eligible activities are those that support the development, implementation and demonstration of work performed by you as a Franchisor, by a contractor or consultant you hire, or by a partner agency you work with and pay. Receipts and/or invoices are necessary for reimbursement. Information and links to the descriptions of compliance work being asked of Franchisors, by CalRecycle for AB 341, AB 827 AB 1826, and SB 1383 is attached. An example of a likely project in this first year of the Compliance Reimbursement Fund is submitting a Reimbursement Request Form with receipts and invoices for paying a Consultant to help your Public Agency adopt ordinances, develop compliance reporting procedures, identify food generating businesses, and developing schedules and documentation for required education and follow up.

Ineligible Activities:

- Costs associated with franchise negotiation not related to diversion activities such as street sweeping, normal rate setting and rate application evaluation expenses, and normal franchise administration costs.
- Litigation.
- In-kind services.
- Any expense not reasonably related to State of California compliance.

Table 1 – Compliance Reimbursement Fund

Franchising Entity Eligible for Funds	Hauler (FYI)	Compliance Reimbursement Allocation
Almonte SD	Mill Valley Refuse Service	\$ 9,628
Alto SD	Mill Valley Refuse Service	\$ 9,628
Belvedere	Mill Valley Refuse Service	\$ 19,255
Bolinas CPUD	Recology Sonoma Marin	\$ 9,628
Corte Madera	Mill Valley Refuse Service	\$ 19,255
County of Marin	Bay Cities Refuse	\$ 4,814
	Marin Sanitary Service	\$ 4,814
	Mill Valley Refuse Service	\$ 4,814
	Recology Sonoma Marin	\$ 4,814
Fairfax	Marin Sanitary Service	\$ 19,255
Homestead SD	Mill Valley Refuse Service	\$ 9,628
Larkspur	Marin Sanitary Service	\$ 19,255
Las Gallinas Valley SD	Marin Sanitary Service	\$ 9,628
Marin City CSD	Bay Cities Refuse	\$ 9,628
Mill Valley	Mill Valley Refuse Service	\$ 19,255
Novato	Recology Sonoma Marin	N/A
Novato SD	Recology Sonoma Marin	\$ 19,255
Ross	Marin Sanitary Service	\$ 19,255
San Anselmo	Marin Sanitary Service	\$ 19,255
San Rafael	Marin Sanitary Service	\$ 19,255
Sausalito	Bay Cities Refuse	\$ 19,255
Stinson Beach WD	Recology Sonoma Marin	\$ 9,628
Strawberry SD	Mill Valley Refuse Service	\$ 9,628
Tamalpais CSD	Municipal	\$ 9,628
Tiburon	Mill Valley Refuse Service	\$ 19,255
Total:		\$317,708

FY 2021-22 Reimbursement Request Form - Compliance Reimbursement Fund

To obtain reimbursement, submit this form with information below no later than 5/2/22.

1. Agency Name: _____
2. Reimbursement request amount: _____

- ### 3. Description of activities:

This image shows a blank sheet of white paper with horizontal ruling lines. The lines are evenly spaced and extend across the width of the page. There are no margins, text, or other markings on the paper.

4. Attach support documentation (copies of any reports produced to share with other Marin agencies, pictures, paid invoices and receipts).
5. Email a PDF of this form and all support documentation to:
compliance@zerowastemarin.org
6. This form and all submitted documentation will be presented to the JPA Board for review and approval of payment in May 2022 with checks issued no later than June 30, 2022.



Edgar
& Associates

AB 341

(Chesbro, 2011)

COLLECTION

45% Recycling
Rate

Starting in 2012, commercial generators with 4 cubic yards/week of MSW must have mandatory recycling program with a focus on fiber and dry recyclables



GOAL

75%
statewide
recycling rate



AB 1826

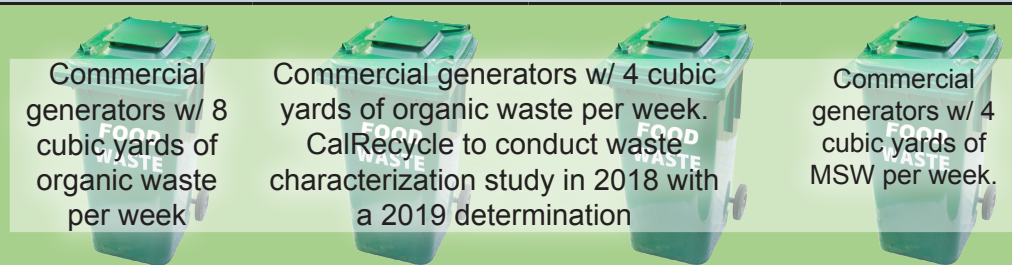
(Chesbro, 2014)

COLLECTION

Commercial generators w/ 8 cubic yards of organic waste per week

Commercial generators w/ 4 cubic yards of organic waste per week. CalRecycle to conduct waste characterization study in 2018 with a 2019 determination

Commercial generators w/ 4 cubic yards of MSW per week.



MANDATE

50%
of all organics
diverted

Commercial generators w/ 2 cubic yards of MSW per week, if 50% of all organics are not diverted by 2020



AB 1594

(Williams, 2015)

ALTERNATIVE
DAILY COVER

Jurisdictions submit green waste ADC plans



No diversion credit for green waste ADC



AB 876

(McCarthy, 2015)

CAPACITY
ANNUAL
REPORTING

County/JPA identifies 15 years of organics processing capacity each year

Annual report update on capacity and AB 1826

Annual report update on capacity and SB 1383



MANDATE

Identify 15
years of
capacity to
2032

SB 498 (Lara)

AB 901 (Gordon)

AB 1103 (Dodd)

REPORTING

SB 498: Wood chips to bioenergy are reported

AB 901: CalRecycle to adopt regulations on diversion reporting system

SB 498: Wood chips to bioenergy are reported

SB 498: Wood chips to bioenergy are reported.
AB 901: Compost and commodities are reported each year.
AB 1103: Self-haul food waste tons are reported



AB 1045

(Irwin, 2015)

INFRA-
STRUCTURE

CAL-EPA to promote compost use, assess progress, and coordinate regulations

CAL-EPA to post recommended actions

Quarterly state meetings, annual public meeting, and annual CAL-EPA update of recommendations



SB 1383

(Lara, 2016)

METHANE
MITIGATION



CalRecycle to develop regulations in 2017

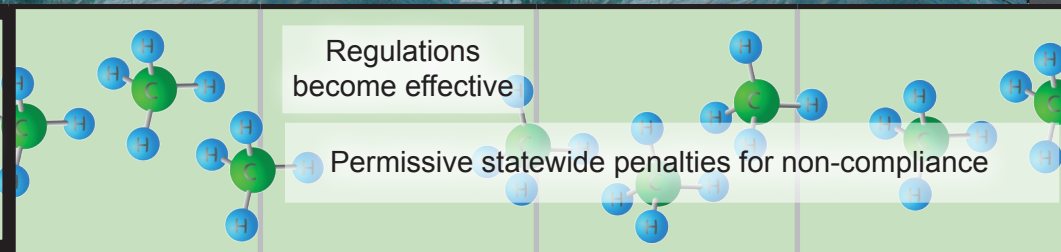
CalRecycle to adopt regulations in 2018
Assessment of the compost infrastructure

MANDATE

50%
reduction of all
organics
disposal

Regulations
become effective

Permissive statewide penalties for non-compliance



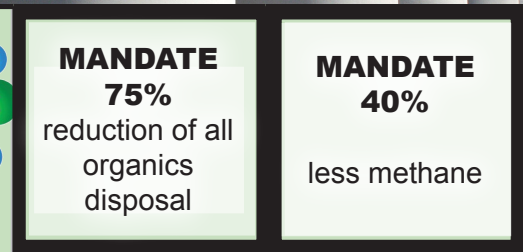
MANDATE

75%
reduction of all
organics
disposal

MANDATE

40%

less methane



AB 341 and AB 827 Summary

<https://www.calrecycle.ca.gov/recycle/commercial>

AB 341 (Chesbro, Chapter 476, Statutes of 2011) sets forth the requirements of the statewide mandatory commercial recycling program. Below are basic descriptions:

Purpose

To reduce GHG emissions by diverting commercial solid waste to recycling efforts and to expand the opportunity for additional recycling services and recycling manufacturing facilities in California.

Key Roles

- **Business Commercial Recycling Requirements.** A business (includes public entities) that generates four cubic yards or more of commercial solid waste per week or is a multifamily residential dwelling of five units or more shall arrange for recycling services. Businesses can take one or any combination of the following in order to reuse, recycle, compost or otherwise divert solid waste from disposal:
 - Self-haul.
 - Subscribe to a hauler(s).
 - Arrange for the pickup of recyclable materials.
 - Subscribe to a recycling service that may include mixed waste processing that yields diversion results comparable to source separation.

A property owner of a commercial business or multifamily residential dwelling may require tenants to source separate their recyclable materials to aid in compliance with this section.

CalRecycle advises businesses to contact their "[Annual Report Contacts](#)" or "[Jurisdiction Contacts](#)" to find out how to recycle in their community and if there are any specific requirements in their community. Communities may have mandatory commercial recycling ordinances with different thresholds or more specific business recycling requirements than the state law. The local recycling coordinator also may have related business opportunities and/or resources to share.

Recycling benefits identified by CalRecycle include:

- Opportunities for businesses or multifamily complexes to save money.
 - Creating jobs in California by providing materials for recycling manufacturing facilities.
 - Reducing greenhouse gas emissions.
 - Keeping valuable materials out of landfills.
 - Creating a healthy environment for the community and future generations by recovering natural resources.
- **Local Government Requirements.** Each jurisdiction shall implement a commercial solid waste recycling program that consists of education, outreach and monitoring of businesses, that is appropriate for that jurisdiction and is

designed to divert commercial solid waste from businesses, whether or not the jurisdiction has met the requirements of PRC Section 41780.

Each jurisdiction shall report the progress achieved in implementing its commercial recycling program, including education, outreach and monitoring, and if applicable, enforcement efforts and exemptions, by providing updates in its electronic annual report.

- **CalRecycle Review.** CalRecycle will review each jurisdiction's commercial recycling program that consists of education, outreach and monitoring. The following is an overview of the review process:
 - An evaluation as part of its formal AB 939 review, conducted every two or four years pursuant to PRC 41825, of each jurisdiction's programs, which includes an annual jurisdiction site visit, review of the Electronic Annual Report, and other information a jurisdiction may deem relevant.
 - If the jurisdiction is found to not have made a good-faith effort in implementing its programs, possibly including its mandatory commercial recycling program, CalRecycle can place the jurisdiction on a compliance order as part of the AB 939 review, and if it fails to adequately meet the conditions of the compliance order, then CalRecycle could consider a penalty hearing.

Implementation Dates: Mandatory Commercial Recycling Program

- **July 1, 2012, Local Jurisdiction Commercial Recycling Program**
Implementation: On or after July, 1, 2012, each jurisdiction shall implement an education, outreach and monitoring program. Efforts may be phased in over time.
- **July 1, 2012, Commercial Recycling Requirements:** On and after July 1, 2012, a business that generates four cubic yards or more of commercial solid waste per week or a multifamily residential dwelling of five units or more shall recycle.
- **August, 2013, Jurisdiction Annual Reports:** Each jurisdiction shall report the progress achieved in implementing its commercial recycling program, including education, outreach and monitoring, and if applicable, enforcement efforts and exemptions, by providing updates in its electronic annual report required by Section 41821.
- **August, 2014, CalRecycle Review:** First review of jurisdictions' that are in a biennial review cycle on their implementation of the regulation, with reviews conducted every biennial or quadrennial review cycle thereafter depending on each jurisdiction's review status.
- **July 1, 2020, Commercial Recycling Requirements (New):** On or before July 1, 2020, AB341 and AB1826 covered businesses must provide organics and recycling containers at front-of-house to collect waste generated from products purchased and consumed on the premises (AB827, McCarty). These containers must be placed adjacent to trash and be visible, easily accessible, and clearly marked.

[Home](#) » [Recycle](#) » [Commercial](#) » [Organics](#) » [FAQ](#)

Frequently Asked Questions

Background

Assembly Bill (AB) 1826 ([Chapter 727, Statutes of 2014 \[Chesbro, AB 1826\]](#)) requires businesses that generate a specified amount of organic waste per week to arrange for recycling services for that waste, and for jurisdictions to implement a recycling program to divert organic waste from businesses subject to the law, as well as report to CalRecycle on their progress in implementing an organic waste recycling program.

This FAQ guide provides CalRecycle's responses to frequently asked questions from stakeholders about the requirements of commercial organic recycling under AB 1826.

CalRecycle recognizes that businesses and jurisdictions may have additional questions that may not be addressed in the responses below. Please contact the assigned Local Assistance and Market Development (LAMD) representative to discuss a scenario specific to a jurisdiction. In addition, it may be helpful to refer to the [Mandatory Commercial Organics Recycling webpage](#) for additional resources.

Please note that the terms “regulated,” “covered,” and “subject to the law” used in the FAQ guide refer to businesses that meet the threshold requirement in effect during a given year.

The questions are broken down into the following categories:

- A. [General](#)
- B. [Business](#)
- C. [Jurisdiction](#)
- D. [Reporting](#)
- E. [Compliance](#)
- F. [Enforcement](#)

A. General

1. What is the schedule for complying with the law?

The law uses a tiered implementation schedule, which phases in requirements on businesses over time based on the amount and type of organics or waste the business produces on a weekly basis. The jurisdiction's implementation of its program may also include phasing, and jurisdictions may phase in program implementation depending on various circumstances. Jurisdictions should communicate to their [LAMD representative](#) if there are aspects of their program that need to be phased in so they can confirm their approach will be acceptable. The implementation schedule outlined in statute is as follows:

- **January 1, 2016:** On and after this date, local jurisdictions shall implement an organic waste recycling program in place. Jurisdictions shall identify regulated businesses and conduct outreach and education to inform those businesses how to recycle organic waste in the jurisdiction, and monitor to identify those not recycling and inform them of the law and how to recycle organic waste.

- **April 1, 2016:** Businesses that generate 8 cubic yards of organic waste per week shall arrange for organic waste recycling services.
- **January 1, 2017:** Businesses that generate 4 cubic yards of organic waste per week shall arrange for organic waste recycling services.
- **August 1, 2017 and ongoing:** Jurisdictions shall provide information about their organic waste recycling program implementation in the annual report submitted to CalRecycle.
- **Fall 2018:** After receipt of the 2017 annual reports submitted on August 1, 2018, CalRecycle shall conduct its formal review of those jurisdictions that are on a two-year review cycle.
- **January 1, 2019:** Businesses that generate 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services.
- **2020:** AB 1826 requires CalRecycle to determine whether the statewide disposal of organic waste was reduced by 50 percent of the level of disposal during 2014. Additionally, this law allows certain rural areas to be exempt, for a specified amount of time, and those exemptions could also expire if the waste reduction targets are not met.
 - At CalRecycle's Sept. 15, 2020, public meeting, Ken DaRosa, Acting Director, signed the Request for Approval immediately initiating the two cubic yard threshold into effect. Therefore, businesses that generate 2 cubic yards or more of commercial solid waste (total trash, recyclables, and organics) per week shall arrange for organic waste recycling services. Additionally, the exemption under 42649.82 (e)(3)(E) related to businesses that generate one cubic yard or less of organic waste is no longer in effect (see question #51 under B. Business to review the exemptions that remain in effect). Furthermore, CalRecycle determined the relative impact by rural jurisdictions on statewide disposal is approximately one percent of the statewide organic waste disposal, which is not significant. Therefore, CalRecycle has extended the current AB 1826 rural exemption until December 31, 2026
- **Fall 2020:** After receipt of the 2019 annual reports, CalRecycle shall conduct its formal review of all jurisdictions.

2. Will there be regulations, and will there be a chance for stakeholder feedback if regulations are developed?

No, regulations will not be developed in relation to AB 1826. The law has been chaptered as part of Chapter 12.9 (commencing with Section 42649.8) to Part 3 of Division 30 of the Public Resources Code. However, CalRecycle encourages stakeholder feedback to these FAQs and the submittal of additional questions.

3. Will businesses located on tribal lands in the state of California be required to comply with AB 1826, or are tribal lands exempt?

CalRecycle has no jurisdiction over businesses on tribal land.

4. What is organic waste?

Organic waste as defined in the law includes the following material: food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste (see Question 10 under General for definition of food-soiled paper). These categories represent the largest subsets of organic waste that is currently disposed in California.

There are other forms of organic waste such as textiles and manure that can be recycled at organic recycling facilities, but those materials are not specifically covered in the legislation.

Examples of food-soiled paper that are typically mixed in with food waste include uncoated products such as napkins, paper towels, tissues, formed paper packaging such as egg cartons, and some paper plates and cups. Coated paper products – such as food-service wrappers, to-go containers, pizza boxes, cardboard boxes, and similar materials can contain liners made of polyethylene or other synthetic grease/water resistant components. It is difficult to visibly discern whether those additional materials are compostable. This does not apply to food packaging or service-ware certified and labeled “compostable.”

Examples of “food waste” includes solid, semisolid, and liquid food, such as, fruit, vegetables, cheese, meat, bones, poultry, seafood, bread, rice, pasta, and oils; coffee grounds and filters and tea bags; cut flowers and herbs; and any putrescible matter produced from human or animal food production, preparation, and consumption activities. Food waste includes food-soiled paper.

5. Regarding the definition of the material types that must be recycled, can you please clarify the differences between green waste vs. landscape and pruning waste?

For reference, here is the definition in the law: Organic waste means food waste, green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper waste that is mixed in with food waste ([see Question 10 under General for definition of food-soiled paper](#)). There is no significant difference between these terms (green waste and landscape and pruning waste) and they are not further defined in statute or regulations. Practically speaking, green waste and pruning waste both typically include, but are not limited to, grass clippings, leaves, branches, flower trimmings, hedge trimmings, weeds, etc. For purposes of deciding which organic material to include in a commercial organics recycling program, we suggest working with your organics service provider and compost facility operator to determine what materials are acceptable in your area.

6. What is commercial solid waste?

The definition of commercial solid waste was further clarified through [AB 1398](#) and includes all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units that falls under the definition of a covered business above (PRC Section 42649.1). According to 2014 [statewide waste characterization data](#), the commercial sector generates nearly two-thirds of the solid waste in California. Most of the material disposed from this sector is recyclable.

7. Does food waste include Fats, Oils and Grease "FOG"?

Yes, fats oils and grease are a form of food waste. Specifically, FOG is included in the definition of solid waste in PRC 40191: “all putrescible and non-putrescible solid, semisolid, and liquid wastes, including ...industrial wastes...vegetable or animal solid and semi-solid wastes ...” While AB 1826 imposes requirements for recycling organic waste, it does not change other existing regulatory authority. The quantities of FOG that can be discharged into a sewer system are already controlled and limited through local and regional water board rules. Also, many businesses, such as restaurants and large food venues (such as cafeterias), already divert their excess FOG to rendering facilities,

which CalRecycle considers as a form of recycling. Any arrangement to divert FOG must be done in accordance with local ordinances and regulations, regional water board requirements, and California Department of Food and Agriculture (CDFA) rules and requirements. For more information, see CDFA resources for [Inedible Kitchen Grease \(IKG\) Program](#).

8. Does food waste include meat?

Yes, meat is a form of food waste. Some facilities and end users may have requirements regarding the inclusion of meat with other types of food waste for processing. The jurisdiction and/or waste hauler can provide more information about the recycling of meat products. For more information about these requirements, please see the [related guidance document](#).

9. Please provide an example of what is meant by a “limited term exemption for extraordinary and unforeseen events.”

An extraordinary or unforeseen event is typically an external event beyond the control of the parties involved, such as a war, strike, riot, crime, or an event described by the legal term Act of God (such as hurricane, flooding, earthquake, volcanic eruption, etc.). Examples of limited term exemptions could include a food recall, spoilage due to declared emergencies, or spoilage due to power outage. It would be an event that prevents one or both parties from fulfilling their obligations under a contract, but typically only for the duration of the event.

10. What is food-soiled paper that is mixed in with food waste?

Food-soiled paper is paper that is soiled with liquid or solid food waste. Some types of food-soiled paper--particularly items that are uncoated--are compostable and may be managed in the same way as food waste and other organic waste, providing there are facilities nearby which will accept them. Examples of food-soiled paper that are typically mixed in with food waste include products such as napkins and tissues, paper plates and cups, to-go containers, food-service wrappers, pizza boxes, and cardboard produce boxes. These items, when comingled with food waste, are subject to the organic recycling requirements of AB 1826.

Coatings on food-soiled paper complicate the situation. It is difficult to tell whether a coating is compostable or not. At many composting facilities, all of these materials are treated as contaminants. Produce boxes coated with wax are compostable. However, boxes or food-service products such as wrappers or bags that are lined with polyethylene or with other synthetic grease-resistant compounds are not compostable and should not be mandated in food waste collection programs. In some cases, biodegradable plastics that meet ASTM Standard D-6868-03 ("[Biodegradable Plastics Used as Coatings on Paper and Other Compostable Substrates](#)") are used as a coating on paper products that are certified and labeled as compostable. Depending on their operational needs, some composting facilities may accept some or all of these types of materials, while others may not.

As a result, businesses should consult with their organic recycling service providers to learn which types of food-soiled paper are acceptable at the facility where the materials are being sent. Waste haulers should provide guidance to their business customers on how to prevent unacceptable materials from being included in food waste collection programs. Jurisdictions similarly should

address this and other contamination issues in their education and outreach information.

Beyond these specific considerations, some stakeholders are concerned more broadly about contamination of land, fresh water, and especially marine environments by plastic debris. Very tiny pieces of plastic can wind up in compost. CalRecycle works with many entities, including composters and other regulatory agencies, to ensure that compost does not contain unwanted residuals that could have detrimental environmental and/or public health impacts. CalRecycle regulations taking effect in January, 2018 limit the amount of inert contaminants, including film plastic, that may be present in finished compost. Composters selling to organic agriculture and other sensitive markets typically adhere to even higher standards.

11. Does the 2014 waste characterization study capture data on food soiled paper?

The 2014 waste characterization study did not sort paper based on whether it was food-soiled. The two lower-grade paper types were sorted based on whether materials that fall into those types are compostable or not. Here are the sorting definitions:

Other Miscellaneous Paper--Compostable means items made mostly of paper that could be composted, that do not fit into any of the other paper types. Paper may be combined with minor amounts of other materials such as wax or glues. Examples include pulp paper egg cartons, and unused pulp paper plant pots.

Other Miscellaneous Paper--Other means items made mostly of paper that do not fit into any of the other paper types, but that are generally recyclable or not generally composted. Paper may be combined with minor amounts of other materials such as wax or glues. This type includes items made of chipboard, ground wood paper, and deep-toned or fluorescent dyed paper. Examples include cereal and cracker boxes, paperboard boxes for software, unused paper plates and cups, goldenrod colored paper, school construction paper, butcher paper, ice cream cartons and other frozen food boxes, and hard cover and soft cover books.

Remainder/Composite Paper--Compostable means items made mostly of paper, that don't fit into any other material types, that are combined or contaminated with large amounts of other materials such as wax, food, and moisture, that are compostable. Examples include waxed corrugated cardboard, waxed paper, napkins, tissue, paper towels, fast food wrappers, food-soiled paper and moisture-soiled paper.

Remainder/Composite Paper--Other means items made mostly of paper but combined with large amounts of other materials. These are items that do not fit into any other categories, are not generally compostable or recyclable, and are not food and beverage cartons. Examples include blueprints, sepia, onion skin, carbon paper, and photographs.

The “other material types” are the regular recyclable ones, such as uncoated corrugated cardboard, paper bags, newspaper, white ledger paper, other office paper, magazines and catalogs, phone books and directories.

See Question 10 under General for definition of food-soiled paper.

12. Is street sweeping waste included in the definition of organics?

Street sweeping waste is not specifically listed in the statute. A local government that collects street sweepings can divert the organic fraction.

13. Is material collected from storm drains, debris basin clean outs, etc. included in the definition of organics?

Since material collected through these outlets typically contains a high portion of organic material, the jurisdiction may look to divert the organic portion at its discretion. ; CalRecycle understands that due to contamination, particularly hazardous components, and/or the quality of collected material, diversion of this material may not be possible.

14. Are multifamily dwellings of five units or more that meet the threshold for organic material (see question 1 under General for thresholds) required to recycle their food waste?

No, multifamily dwellings of five units or more that generate the required threshold of organics or solid waste are not required to arrange for organic recycling services for food waste, including food-soiled paper. However, a local jurisdiction's requirements may be more stringent. If the local jurisdiction requires multifamily dwellings to arrange for organic recycling services that include green waste and food waste, then the multifamily dwelling would need to comply.

Refer to the local jurisdiction's guidance on what is acceptable for green waste as it can vary depending on local programs. For example, some local jurisdictions may allow for green waste, landscape and pruning waste, nonhazardous wood waste, and food-soiled paper. Some jurisdictions may exclude food-soiled paper from being placed in the green waste bin. See Question 10 under General for definition of food-soiled paper.

Recycling Service Concerns

Use this form to report if there is no recycling or composting service at your workplace or business.

15. Does the multifamily food waste exemption apply to food-soiled paper that is mixed in with food waste?

Yes, food-soiled paper will be treated the same as food waste for multifamily dwellings. See Question 10 under General for definition of food-soiled paper.

16. During the years 2016-2019, the requirement that businesses arrange for organic waste recycling depends on the amount of organic waste the business generates per week. Is the food waste generated at a multifamily dwelling counted toward the dwelling's weekly organic waste threshold, even though multifamily dwellings are not required to recycle food waste?

No, food waste, including food-soiled paper, does not count toward a multifamily dwelling's weekly generation from April 1, 2016, to December 31, 2018. However, in 2019 multifamily dwellings will need to arrange for organic recycling services to divert their green waste, landscape and pruning waste, and nonhazardous wood waste if they generate more than 4 cubic yards of any type of solid waste per week. A sample scenario:

The Jurisdiction has identified a multifamily dwelling of 80 units, generating 12 cubic yards of solid waste per week. Eight cubic yards of the multifamily dwelling's weekly waste are organic, and the other 4 cubic yards are mixed solid waste. Of the 8 cubic yards of organic waste, 6 cubic yards are food waste, including food-soiled paper, and 2 cubic yards are a mix of green waste and wood waste. Under AB 1826 the complex would not need to arrange for any organic waste recycling service until January 1, 2019. The implementation and compliance schedule for this multifamily dwelling would be:

April 1, 2016: Multifamily dwellings generating 8 cubic yards of non-food organic waste shall arrange for organic waste recycling. This multifamily dwelling only generates 2 cubic yards of non-food organic waste and is therefore exempt from the requirement to arrange for organic recycling services.

January 1, 2017: Multifamily dwellings generating 4 cubic yards of non-food organic waste shall arrange for organic waste recycling. This multifamily dwelling only generates 2 cubic yards of non-food organic waste and is therefore exempt from the requirement to arrange for organic recycling services.

January 1, 2019: Multifamily dwellings generating 4 cubic yards of solid waste per week shall arrange for organic waste recycling services to divert their green waste, landscape and pruning waste, nonhazardous wood waste. This multifamily dwelling generates 6 cubic yards of solid waste (4 cubic yards of solid waste and 2 cubic yards of green and wood waste) per week and therefore shall arrange for organic waste recycling services. Another multifamily dwelling has been identified by the jurisdiction that generates 5 cubic yards total of solid waste (3 cubic yards of solid waste and 2 cubic yards of green and wood waste) per week. Through its annual monitoring efforts, the jurisdiction determined that while the green and wood waste portion of the this multifamily dwelling's weekly waste stream is being collected separately by a landscaping company, the material collected by that company is currently being disposed. As the dwelling generates more than 4 cubic yards of solid waste per week total, the dwelling would need to arrange for organic waste recycling services for its green and wood waste as of January 1, 2019. See question number 46 under Business for more information about requiring landscapers to manage organic waste collected in compliance with the law. Through follow up with the dwelling, it was determined that the green waste and wood waste from this location is now being sent to a composting facility. The jurisdiction would still consider the dwelling subject to the law, and include it as part of its annual monitoring and reporting. The organic waste recycling services that these multifamily dwellings subscribe to do not need to include food waste collection.

At CalRecycle's Sept. 15, 2020, public meeting, Ken DaRosa, Acting Director, signed the Request for Approval immediately initiating the two cubic yard threshold into effect. Therefore, businesses that generate 2 cubic yards or more of commercial solid waste (total trash, recyclables, and organics) per week shall arrange for organic waste recycling services. Additionally, the exemption under 42649.82 (e)(3)(E) related to businesses that generate one cubic yard or less of organic waste is no longer in effect (see question #51 under B. Business to review the exemptions that remain in effect). Furthermore, CalRecycle determined the

relative impact by rural jurisdictions on statewide disposal is approximately one percent of the statewide organic waste disposal, which is not significant. Therefore, CalRecycle has extended the current AB 1826 rural exemption until December 31, 2026.

- 17. A multifamily complex generates 5 cubic yards of solid waste (3 cubic yards of refuse service, and 2 cubic yards of green waste and wood waste) per week, and the property's landscaping service has been hauling the 2 cubic yards of green and wood waste to a recycling facility since 2014. As of 2019, is this complex subject to AB 1826 requirements, and should it be monitored as part of the jurisdiction's mandatory commercial organics recycling program?**

Yes, since this complex generates a total of 5 cubic yards of commercial solid waste then the complex will be subject to AB 1826 requirements as of January 2019, when multifamily complexes that generate 4 or more cubic yards of solid waste would be subject to the law. A complex meeting this threshold would need to arrange to have its green waste, tree trimmings, and nonhazardous wood waste recycled. Although the complex in this example may currently be compliant in terms of using a recycling option for the green waste and wood waste portion of its waste, the complex would need to continue to be monitored annually to ensure the covered materials continued to be diverted.

- 18. How do we determine the number of businesses/multi-family subject to the law according to the 2019 threshold? Is it the same group as our Mandatory Commercial Recycling (MCR) subject businesses/multi-family complexes?**

For 2019, the law specifies that businesses generating 4 cubic yards or more of commercial solid waste per week shall arrange for organic waste recycling services. The definition of commercial solid waste was further clarified through AB 1398 to include all types of solid waste generated by a store, office, or other commercial or public entity source, including a business or a multifamily dwelling of five or more units that falls under the definition of a covered business (PRC Section 42649.1). Additionally, PRC Section 40191 further defines solid waste to include all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes, except hazardous, radioactive or medical waste. . Thus, for the 2019 threshold commercial solid waste includes the total amount of trash, recycling, and organics. (Note: There is an exception for including foodwaste/food soiled paper in the threshold amount for multifamily [see question number 16 under A. General.](#))

Regarding the question of whether the MORE regulated businesses are in the same group as the regulated businesses, the answer is that it depends on whether the particular business meets the threshold requirements of both statutes. Because there is no answer that is correct for all possible scenarios, it is more helpful for the jurisdiction to review the total subscription service level for each commercial generator (i.e. trash, recycling, organics) to identify any businesses that may not have been identified as part of the jurisdiction's MCR program, but may be subject to MORE. For example, there may have been a business that did not meet the threshold for MCR (4 cubic yards/week or more of trash), yet already had separate organics recycling collection in place with the hauler. In this example, this business would need to be included as a "covered" business under MORE, and identified as being in compliance with MORE. Keep in mind that a jurisdiction should continue to

target all businesses that has previously identified as being subject to MORE using the 2016 and 2017 thresholds. Also, a jurisdiction should continue to consider all businesses identified as subject to MCR as covered businesses subject to the law, even if those businesses start recycling and their refuse service decreases below 4 cubic yards.

At [CalRecycle's Sept. 15, 2020, public meeting](#), Ken DaRosa, Acting Director, signed the Request for Approval immediately initiating the two cubic yard threshold into effect. Therefore, businesses that generate 2 cubic yards or more of commercial solid waste (total trash, recyclables, and organics) per week shall arrange for organic waste recycling services. Additionally, the exemption under 42649.82 (e)(3)(E) related to businesses that generate one cubic yard or less of organic waste is no longer in effect (see [question #51 under B. Business to review the exemptions that remain in effect](#)). Furthermore, CalRecycle determined the relative impact by rural jurisdictions on statewide disposal is approximately one percent of the statewide organic waste disposal, which is not significant. Therefore, CalRecycle has extended the current AB 1826 rural exemption until December 31, 2026.

Finally, each jurisdiction should be prepared to provide an explanation in the Electronic Annual Report as to how the businesses and multi-family complexes targeted as part of its MORE program were identified each year. If jurisdictions have questions, they should consult their [LAMD representative](#) for assistance.

19. Who (hauler, city, etc.) is going to be responsible for determining how much organic waste is produced at all of the businesses in the City?

The jurisdiction shall implement an organic waste recycling program, including identifying regulated generators. The jurisdiction staff may do this or the jurisdiction may have its hauler conduct these activities or utilize other resources.

CalRecycle developed the [Generator ID tool](#) to assist in identifying businesses that meet the minimum waste generation threshold. CalRecycle used data from the [2014 waste characterization study](#) and other data sources to help a jurisdiction determine the types of businesses that would typically generate an amount of organic waste that requires them to subscribe to organic recycling services under the law. This tool will provide the number of employees in each business group that would potentially generate a given threshold amount. With this information, jurisdictions need to cross check the information with the existing business data for their community to determine which specific businesses are covered under the requirement.

The jurisdiction (or its haulers) will be notifying covered businesses of the requirements starting January 1, 2016, as part of its requirements under the law. However, the [Generator ID tool](#) is accessible to everybody, thus allowing businesses to self-determine if they meet any of the thresholds and thus implement their organic recycling program by the specified time ([see question 1 under General for thresholds](#)). As the requirement to recycle organic material is the responsibility of the business, the business can begin its organic recycling program before receiving notification from the jurisdiction.

For the 2019 threshold of 4 cubic yards/week of solid waste (and onward), the waste hauler should

be able to provide the volume of waste service the business receives on a weekly basis, if not known by the business. The waste hauler and/or host jurisdiction may have additional tools and resources that can be used to determine if a business is subject to the law.

Jurisdictions could also do the outreach/education/monitoring to all businesses and multifamily complexes or those that meet the Mandatory Commercial Recycling requirements regardless of the actual organic generation. It may be more cost-effective in the long-run to do outreach and education to a broader group rather than those that fall in the 2016 and 2017 threshold, and jurisdictions may want to consider the economies of scale of providing services to more than the year 1 and 2 (2016 and 2017, respectively) regulated entities. The law allows for a more stringent approach.

20. Will implementation of the mandatory organic recycling law increase costs for jurisdictions?

Regarding education, outreach and monitoring, the law is designed to allow jurisdictions flexibility to utilize their existing tools and solid waste management infrastructure to inform businesses of the state requirement and to follow up with businesses that are not recycling their organic waste. Most jurisdictions have some type of education, outreach, and monitoring programs for Mandatory Commercial Recycling to build upon. For example, jurisdictions can modify existing print material to include information for businesses about the requirement to recycle organic waste, and how the businesses can recycle organics in their jurisdiction. Also, jurisdictions can use their own websites or request updates to franchised or permitted haulers' websites that provide this information.

Providing additional commercial organics recycling services would increase costs, depending upon whether new or expanded commercial organics recycling services are necessary to meet the needs of businesses.

There will be increased costs due to identifying generators that meet the organics thresholds (see question 1 under General for thresholds) as the information about how much organics is generated by an individual business is not readily available. CalRecycle has developed the Generator ID tool for stakeholders to use in identifying businesses that generate the specified amounts of organic materials. For the 2019 threshold of 4 cubic yards/week of solid waste and, with the implementation of the 2 cubic yards or more of solid waste (total trash, recyclables, and organics) per week threshold as of September 15, 2020, jurisdictions should be able to use the same data sources utilized to identify covered parties under Mandatory Commercial Recycling (MCR) requirements, for example hauler reports..

21. Will the fees levied be subject to Prop 26 and/or Prop 218?

Proposition 218 would only be potentially applicable if the fee is charged as “an incident of property ownership” (i.e., if it is charged on a property tax bill). Even so, the voting requirement does not apply to refuse collection services. The Proposition 26 requirement for a 2/3 vote would only apply if the fee were not reasonably related to a “privilege granted,” a “benefit conferred,” a “government service provided to the fee payer,” or “reasonable regulatory costs.” You should check with your City Attorney or County Counsel for specific advice.

22. What if we adopt a fee to pay for our organics program that is overturned in court due to prop 218?

According to the California Legislative Analyst's Office, in general, the intent of Proposition 218 is to ensure that all taxes and most charges on property owners are subject to voter approval. In addition, Proposition 218 seeks to curb some perceived abuses in the use of assessments and property-related fees, specifically the use of these revenue-raising tools to pay for general governmental services rather than property-related services.

Fees for refuse collection and other services related to solid waste and recycling, may or may not be covered under Proposition 218's procedural requirements, and is unsettled amongst attorneys as there is no definitive legal guidance or court decision. Should you experience Proposition 218 challenges to funding your commercial organics programs, please be sure to communicate this to your LAMD representative so they are apprised of the issue.

To learn more about this subject and see what other jurisdictions have done when presented with these challenges, please see the Institute for Local Government (ILG) and CalRecycle's siting and funding webinar "Financing Recycling Programs: Applying Existing California Law" which features a case story of how the City of Chula Vista implemented Proposition 218's Protest Process, or the Financing Recycling Programs and Facilities: Understanding Options and Resources document produced by ILG under contract with CalRecycle. The League of California Cities has published an extensive Proposition 218 Implementation Guide that provides general information only and is not offered or intended as legal advice. Always seek the advice of your local counsel on these issue before taking any action.

23. With the anticipated cost that will be associated with implementation of an organic waste recycling program in my jurisdiction, will there be grants available to support diversion? Will there be support for community development, for example the creation of jobs related to diverting food waste for the underemployed?

CalRecycle currently does not have grant funds available to directly subsidize program implementation costs; however, infrastructure grants funded by the Greenhouse Gas (GHG) Reduction Fund are available. In November 2014 CalRecycle announced the awarding of \$15 million in grants to businesses developing new or expanded organic recycling facilities. In awarding grants, the most important scoring criteria were: greenhouse gas reductions, tons of organic material diverted, benefits to disadvantaged communities, and project readiness. CalRecycle will award another \$5 million in loans for the same purpose in fiscal year 2014-15, and will issue another round of grant awards and loans in fiscal year 2015-16 pending approval of GHG monies for this purpose. The Greenhouse Gas Reduction Grant and Loan program, and future grant programs aimed at reducing greenhouse gases through organics recycling will seek to dedicate a portion of funding to disadvantaged communities.

24. Under section 42649.8.(g) the law states "If separate organic waste collection and recycling services are not offered through a local ordinance or local jurisdiction's franchise agreement, a business generating organic waste may arrange for separate organic waste collection and recycling services, until the local ordinance or local jurisdiction's franchise agreement includes

organic waste recycling services.” However, the AB 1826 website has a notation that states a franchise granted or extended by a city, county, city and county, or other local governmental agency shall not be modified, limited, or abrogated in any manner by this law. This appears to contradict the above language under 42649.8.(g). Can you explain?

The reference on the AB 1826 website stems from section 42649.84 (b) of the law, which states, “This chapter does not modify, limit, or abrogate in any manner any of the following: (1) A franchise granted or extended by a city, county, city and county, or other local governmental agency.”

The law itself does not alter franchise agreements as written. However, a jurisdiction may choose to amend an agreement and/or consider an ordinance within its authority specified through the law. This provision simply allows for this possibility and alerts the business that until that occurs, the business would need to recycle its organics.>

25. Is there a requirement in the Health and Safety Code or Public Resources Code that all trash be collected once a week? Is it reasonable to have a recycling bin and an organics bin and then not require weekly trash collection?

There is no state requirement requiring jurisdictions to provide for trash collection at any specified interval. Public Resources Code (PRC) section 40059(a)(1) provides that the frequency, means, and other aspects of solid waste handling are matters of local concern to be decided by the jurisdiction.

Title 14 California Code of Regulations (CCR) section 17331 requires owners and tenants of residential and business properties to remove all trash every seven days except under certain prescribed conditions. This regulation does not apply to jurisdictions, although many jurisdictions provide weekly trash collection which allows owners and tenants to comply with this requirement.

Therefore, whether it is reasonable for jurisdictions to change their frequency of trash collection or have a recycling bin and organics bin is a local decision dependent upon local conditions such as whether the suggested frequency would cause health and safety problems or violate other local regulatory requirements. CalRecycle recommends that any decision in this regard include a discussion with the jurisdiction’s Local Enforcement Authority (LEA) and any solid waste facilities that might be impacted if not prepared to handle solid waste collected at longer service intervals.

Many jurisdictions considering a move to biweekly collection of waste have incorporated pilot programs to assist in making that decision. Although CalRecycle is not involved in the approval of such pilots, the Department strongly suggests that project proponents work closely with the LEA to monitor and collect data on problems that may arise from the project, and be prepared to modify the project, or if necessary, stop the project to address such issues.

An example of such a pilot conducted by the King County Department of Public Health can be found on the website.

26. Does the law prescribe where compostable organics have to be taken?

The statute does not prescribe where compostable organics have to be taken. Food waste is

compostable, even if it is taken for uses such as anaerobic digestion or used for animal feed.

27. Are there examples of innovative local options for food waste diversion?

CalRecycle's [Food Scraps Management site](#) includes multiple examples of programs that businesses and jurisdictions across the state are implementing. Please also see the recently added case studies on the [SB 1383 Education and Outreach Resources page](#). LAMD staff are available to peer match and work with jurisdictions on innovative programs.

28. Is there any ability to do a statewide PSA? We have a community that is staunchly opposed to siting new facilities, public education could help with that.

CalRecycle has developed customizable PSAs, a promotional kit, and a brochure that local jurisdictions can utilize. Additional sample resources have been provided by jurisdictions such as Alameda County, San Francisco, Sacramento, and Los Angeles County--some of which can be directly customized and used directly from the website. See our [Education/Outreach Toolkit](#).

29. How can CalRecycle and jurisdictions be contacted?

Contact individual [CalRecycle Local Assistance and Market Development \(LAMD\) staff](#) assigned a particular jurisdiction that work with waste related matters. Staff can be reached either via phone or email.

30. Is there a listserv to subscribe to for updates to ensure businesses are up to date with new and local information?

Yes, there is an [AB 1826 listserv](#).

31. What is an “organic waste recycling facility?”

An “organic waste recycling facility” shall include compostable materials handling operations, as defined in [paragraph \(12\) of subdivision \(a\) of Section 17852 of Title 14 of the California Code of Regulations](#), and may include other facilities that recycle organic waste.

32. Does a business that is required to recycle organic waste also have to recycle cannabis waste?

Yes. The cannabis regulations define cannabis waste as “organic waste” if it is not combined with any hazardous or toxic material. Cannabis licensees must manage waste in accordance with all applicable laws. The law considers organic waste a type of solid waste, and a solid waste facility may handle and manage it in accordance with Title 14 and Title 27. [More information regarding cannabis waste](#).

33. What is AB 827 and why was it passed?

California's Legislature, through AB 827 (McCarty, 2019), amended two existing laws - the Mandatory Commercial Recycling law, PRC Section 42649-42649.7, commonly referred to as MCR, and the Mandatory Commercial Recycling Organics Recycling law, PRC Section 42649.8-42649.87, commonly referred to as MORE.

AB 827 is intended to educate and involve consumers in achieving the state's recycling goals by requiring businesses subject to MCR and/or MORE to make recycling and/or organic recycling bins

available to customers.

34. When will the two cubic yard threshold be in effect?

At CalRecycle's Sept. 15, 2020, public meeting, Ken DaRosa, Acting Director, signed the Request for Approval immediately placed the two cubic yard threshold into effect. After the meeting, a notification will be sent to all of the jurisdictions. Additionally, LAMD staff will contact each jurisdiction to determine if they need additional time beyond Dec. 31, 2020, for implementation of the lower threshold, and if so, will work with jurisdictions to modify existing informal or formal plans developed to address MORE program gaps, or create a new plan if there is not one.

35. When does the two cubic yard threshold need to be implemented by?

Local Assistance and Market Development (LAMD) staff will work with each affected jurisdiction to determine a plan for implementing the lowered threshold by December 31, 2020. LAMD staff will also be available to support jurisdictions in preparing for the implementation of the SB 1383 regulatory requirements, which will include providing mandatory collection services for all organic waste generators. This preparation would be useful in easing the jurisdiction's transition to this more stringent threshold requirement as well as the other organic waste requirements of the SB 1383.

While the due date for implementation is still the end of 2020, if jurisdictions require additional time to inform the regulated businesses and provide collection service, then CalRecycle will utilize the "At Any Time" process. This process has been in place since 2018 and is utilized when jurisdictions need additional time to fulfill their statutory requirements.

- If a Jurisdiction already has an informal or formal plan in place, they should coordinate with their Local Assistance and Market Development liaison to update the dates and tasks in the plan.
- If a jurisdiction does not have a plan, they should coordinate with their Local Assistance and Market Development liaison to get an informal plan in place.

36. How was it determined that the 2020 threshold needed to be reduced to two cubic yards?

Several data sources were evaluated to make this determination. First, it should be noted that 2014 is the baseline used to evaluate changes in organic disposal. In 2014, the total organic waste disposal tonnage was 10,404,250 tons. To meet the goal of AB 1826, the State would have needed to decrease this amount by 50% by the year 2020. In other words, statewide disposal of organic waste needed to be reduced by 5,202,125 tons. The organic waste disposal tonnage in 2019 was approximately 12,175,869 tons. Based upon this data, it was determined that the statewide disposal of organic waste has not been reduced by 50% of the 2014 level of disposal, and in fact increased since 2014, which resulted in the recommendation to reduce the threshold to two cubic yards.

37. Are the exemptions provided in the law still in effect once the threshold is reduced to 2 cubic yards?

The exemption under PRC Section 42649.82 (e)(3)(E), providing for an exemption for businesses that generate one cubic yard or less of organic waste, will no longer be allowed once the Department makes the determination at the Sept. 15, 2020, monthly meeting regarding the two cubic yard

threshold. Other exemptions outlined under question #51 under B. Business would still be allowed.

38. How do the exemptions under AB 1826 relate to those proposed under the draft regulations for SB 1383?

The exemptions under AB 1826 are in effect until Jan. 1, 2022, with one exception. The exemption under 42649.82 (e)(3)(E) related to businesses that generate one cubic yard or less of organic waste will no longer be allowed when the Department makes the determination at the Sept. 15, 2020, monthly meeting regarding the two cubic yard threshold. After Jan. 1, 2022, the de minimis threshold and physical space waivers in Section 18984.11 under the SB 1383 regulations would be in place and the exemptions under AB 1826 would no longer apply, unless the regulated business is located in a jurisdiction that has a low population, elevation or rural waiver (see Section 18984.12 of the SB 1383 draft regulations for more information about low population, elevation and rural waivers). Note -- If the regulated business is located in a low population or rural area that has a waiver, then the existing exemptions under AB 1826 can still be applied with the exception of PRC Section 42649.82 (e)(3)(E) that will end as noted above.

39. Does the rural exemption also end with the determination to move the threshold down to two cubic yards?

No. Staff has determined the relative impact by rural jurisdictions on statewide disposal is approximately one percent of the statewide organic waste disposal, which is not significant. Therefore, CalRecycle will extend the current AB 1826 rural exemption until December 31, 2026. This extension also aligns with the provisions regarding rural exemptions contained in Section 18984.12(c) of the proposed SB 1383 regulations.

40. We will have a lot of additional businesses to address with the implementation of the new two cubic yard threshold, and we cannot get to all of them by the end of 2020. What do we need to do?

Local Assistance and Market Development (LAMD) staff will work with each affected jurisdiction to determine a plan for implementing the lowered threshold by December 31, 2020. LAMD staff will also be available at this time to support jurisdictions in preparing for the implementation of the SB 1383 regulatory requirements which mandates jurisdictions to provide collection services for all organic waste generators by January 1, 2022. This preparation would be useful in easing the jurisdiction's transition to this more stringent threshold requirement as well as the other organic waste requirements of the SB 1383 regulations.

While the due date for implementation is still the end of 2020, if jurisdictions require additional time to inform the regulated businesses and provide collection service, then CalRecycle will utilize the "At Any Time" process. This process has been in place since 2018 and is utilized when jurisdictions need additional time to fulfill their statutory requirements. Jurisdictions would submit a plan to CalRecycle providing the jurisdiction's plans/timeline to implement the lower threshold. · If a Jurisdiction already has an informal or formal plan in place, they should coordinate with their Local Assistance and Market Development liaison to update the dates and tasks in the plan. · If a jurisdiction does not have a plan, they should coordinate with their liaison to get an informal plan in place.

For both situations, CalRecycle will review the plan and determine if it is reasonable. Please contact your LAMD representative.

41. When jurisdictions are completing their 2020 Electronic Annual Reports (EARs) in 2021, will they report monitoring information based on the 2 cubic yard threshold or the 4 cubic yard threshold? Or will either be acceptable?

It will depend on when the jurisdiction is implementing the 2 cubic yard threshold.

- Jurisdictions have until the end of 2020 to make the change to address businesses generating 2 cubic yards or more of waste, so in that case if they have the data they could report on the 2 cubic yard threshold.
- If jurisdictions need additional time to implement the lower threshold, they are to communicate with their LAMD representative how much time they need in 2021 to implement the 2 cubic yard threshold. In that case, jurisdictions would report on the their implementation of the 4 cubic yard threshold for 2020, as they will not have implemented the new threshold in 2020.
- The key is that the jurisdiction reports in the 2020 EAR the threshold that they are providing data for, so please make sure to use the explanation box next to those fields to state what exactly is being reported for the year.

B. Business

1. What is the definition of a business, and which businesses are required to comply with the new law?

The law defines a business as a commercial or public entity, including but not limited to a firm, partnership, proprietorship, joint stock company, corporation, or association that is organized as a for-profit or nonprofit entity, strip mall (e.g., property complex containing two or more commercial entities), industrial facility, school, school district, California State University, community college, University of California, special district or a federal, state, local, regional agency or facility, or a multifamily residential dwelling. A multifamily dwelling that consists of fewer than five units is not considered a business and is exempt from all provisions of the law. Please see question 14 under General for guidance on multifamily dwellings. A business is required to comply with the new law if it generates a certain amount of waste after a specified date (See question 1 under General for thresholds and compliance schedule).

2. Are industrial facilities/sites and waste generated at industrial facilities/sites subject to the law?

Yes, if an industrial facility or site generates an amount of organic waste or commercial solid waste (for example paper, plastic, metals, cardboard, etc.) that meets or exceeds the minimum threshold allowed for on that date (See question 1 under General for thresholds and compliance schedule), then the facility is required to arrange for organic waste recycling services. However, industrial waste as defined in section 17225.35 of Title 14 of the California Code of Regulations is not subject to the waste generation threshold. An industrial facility does not need to count its industrial waste toward its weekly generation of commercial solid waste. Please note that some businesses may serve the

[Home](#) » [Organics](#) » [SLCP](#) » [Jurisdictions](#)

Resources for Jurisdictions



Overview of Requirements

Jurisdictions are responsible for implementing SB 1383 regulations in their communities and must coordinate city and county planners, waste haulers, waste processing facilities, recyclers, commercial businesses, residents, and edible food recovery organizations. “Jurisdiction” means a city, county, a city and county, or a special district that provides solid waste collection services.

Jurisdiction responsibilities include:

- Evaluating the jurisdiction’s readiness and capacity to implement SB 1383, including organics collection, recycling and edible food recovery capacity
- Providing organic waste collection to all residents and businesses, which means providing service automatically and not relying on the generator to subscribe
- Establishing an edible food recovery program that recovers edible food from the waste stream
- Conducting outreach and education to all affected parties, including generators, haulers, facilities, edible food recovery organizations, and city/county departments
- Procuring recycled organic waste products like compost, mulch, renewable natural gas (RNG), and electricity. Procuring does not necessarily mean purchasing.
- Inspecting and enforce compliance with SB 1383. Edible food generator inspections can be combined with existing health inspections
- Maintaining accurate and timely records of SB 1383 compliance



Collection

SB 1383 regulations allow jurisdictions to customize collection services for businesses and residents, including single-container and multiple-container systems

- [Model Hauler Contracts \(HF&H Tool\)](#).

[Learn More](#)



Education and Outreach

Jurisdictions are required to educate their constituents about new organics recycling requirements.

- [Model Signage](#)

[Learn More](#)



Edible Food Recovery

Jurisdictions are required to develop a robust edible food recovery infrastructure that links commercial edible food generators with food recovery organizations, like food banks and pantries, soup kitchens, and other local non-profits that distribute food to the needy.

- [Capacity Planning Guidelines](#)
- [Safe Surplus Food Donation Guide](#)
- [Food Waste Prevention and Rescue Grants](#)
- [Information for Food Service Businesses](#)
- [Information for Food Recovery Organizations](#)

[Learn More](#)



Capacity Planning

SB 1383 requires counties to take the lead collaborating with the jurisdictions located within the county in planning for the necessary organic waste recycling and food recovery capacity needed to divert organic waste from landfills into recycling activities and food recovery organizations.

[Learn More](#)



Procurement Requirements: Using Recycled Organics Products

Beginning January 1, 2022, cities and counties must annually procure a quantity of recovered organic waste products. Jurisdictions can fulfill their target by procuring any combination of eligible products such as compost, mulch, and renewable energy.

CalRecycle's [Procurement Calculator Tool](#) can be used to help a jurisdiction plan for its procurement and track its progress towards meeting its procurement goals.

[Learn More](#)

Last updated: April 9, 2021

Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions:

<https://www.calrecycle.ca.gov/Organics/SLCP/>

Contacts: Organic Waste Methane Emissions Reductions SLCP.organics@calrecycle.ca.gov

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MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere

Date: May 27, 2021

Corte Madera

To: JPA Board of Directors

County of Marin

From: Steve Devine, Program Manager

Fairfax

Re: Delegate Signature Authority for Certain Contracts to the
Executive Director

Larkspur

Mill Valley

Novato

The Fiscal Year 2021-22 budget includes funds for certain ongoing projects that require outsourced services. Typically, these are core services provided via professional service contracts which require Board approval – as they are over the \$50,000 authority of the Executive Director. Contracts for the four following services are necessary to carry out critical services and efficiently leverage the capabilities of this small agency:

Ross

1. Used Oil Payment Program implementation: up to \$60,000
2. Zero waste schools program assistance: up to \$200,000
3. Hazardous waste bulb and battery collection: up to \$160,000
4. Zero waste outreach services: up to \$260,000
5. Recyclist, or other, software to facilitate SB 1383 and other State of CA compliance reporting from the Member Agencies and potentially special districts up to \$126,000

San Anselmo

San Rafael

Sausalito

1. Proposed Contract with Soluna Outreach for Grant Funded Used Motor Oil Recycling Services

Tiburon

This contract will enable the Agency to carry out its annual “Used Oil Payment Program” grant from the State of California.

The used oil recycling program is designed to encourage residents to properly dispose/recycle their used oil, oil filters and absorbent pads. The program is funded by Oil Payment Program grants from CalRecycle, and the contract fulfills activities and reporting required by the State.

Soluna Outreach Solutions has been our contractor for used oil recycling outreach for three years. Prior to that its Principal, Hugo Mata, worked with “C2 Alternative Services” which had been our contractor for several years. Vetting of Soluna Outreach Solutions and C2 included references, pricing, and insurance. Soluna provides similar services in Sonoma and Napa Counties.

The County has twelve Certified Oil Collection Centers that Soluna recruits/manages/re-certifies every year. Soluna also provides educational outreach to high school shop classes, Farmers Markets, the DMV, car shows and most recently with the pandemic, live webinars. Additionally, in 2019 they began a “dock walking” campaign to educate boaters on proper disposal of used oil and absorbents.

Soluna Outreach Solutions has been a consistently reliable, responsive, flexible and creative partner in our used oil recycling outreach. Because an important audience for this outreach is new immigrants who have been shown by CalRecycle research to be at particularly high risk of disposing of used oil and filters incorrectly, this contractor’s bilingual skills are invaluable. The company’s expertise and familiarity with our program and with CalRecycle’s requirements provides exceptional service to Marin County.

2. Proposed Contract with the Local Non-Profit Strategic Energy Innovations(SEI) for Zero Waste Schools Program Implementation

This contract provides for the overall implementation of the ZWSP at selected schools in Marin County in coordination with the contract manager. It includes maintenance of currently enrolled schools and onboarding additional schools. Please recall that the ZWSP is extremely well received in the community and is successful due to the investments made in developing strong partnerships with over 15,000 students, the Marin County Office of Education, over twelve school districts, twenty-nine public and eight private schools, five waste haulers, PTAs, student groups, community organizations, multiple public and private school lunch provides are more.

SEI will coordinate with school administrators, principals, teachers, parents, and students to implement the ZWSP, track data, and report findings and pathways for improvement. This current contract includes accommodations for COVID-19 – to be adaptable to changing conditions. Although most schools may not have in-classroom learning in the fall, there is still critical work needed to maintain the investment in the waste reduction progress made in the Marin schools over the past five years. Typical work will be modified to assist districts in clever means to reduce waste with “picked up” school lunch programs and food pantries affiliated with schools.

3. Proposed Contract with Revolt Recycling for Hazardous Materials Collection

This contract will allow for the Agency to continue the important “Bulb and Battery Collection Program” that provides collection and processing services for a wide variety of household batteries (that can contain certain toxics and/or can be highly flammable) and various types of bulbs (that can contain toxic mercury) at local hardware stores, grocery stores and other locations – geographically dispersed throughout Marin.

This contract provides for the collection, hauling services and responsible recycling of batteries and fluorescent tubes and bulbs at specific collection sites (hardware stores,

grocery stores, and other locations) throughout Marin. The Bulb and Battery take-back program is designed to encourage residents to properly recycle their used household batteries and lamps at convenient retail locations. Because of its simplicity and convenience, the program is a huge success within the public.

The vendor for this contract was selected a few years ago when there were service issues with the previous vendor which required a change. When selecting Revolt Recycling the review of the company included: downstream audits, reference checks, pricing analysis and review of operating permits and insurance. Revolt Recycling provides similar multiple site logistics service of bulbs and batteries for the City of Fremont, Sonoma County and others.

Staff regularly visits the participating drop off sites to discuss Revolt's services, and our partner businesses report high satisfaction with Revolt. While the Bulb and Battery program was initiated over ten years ago to help keep toxics out of the environment, now, a growing benefit is the risk reduction the program provides by capturing spent lithium batteries. When punctured (typically by a forklift, or loader in a recycling plant, these batteries catch fire and have started many fires in recycling and solid waste facilities. Batteries are currently the single biggest cause of fires at solid waste transfer stations, materials recovery facilities (recycling plants), and collection vehicles.

4. Proposed Contract with Gigantic Idea Studios for Marketing and Advertising

This contract provides for general outreach, advertising and communications of the agency. Work includes providing sample zero waste and recycling newsletter content to the Member Agencies, conduct of outreach campaigns (waste free holidays, Shop Smart Waste Less, Zero Waste Essentials During Shelter-at-Home, etc.) The contract also provides for website development and maintenance of zerowastemarin.org, coordination with community groups and the public on specific outreach projects, production of outreach materials, handouts, banners, social media development and publishing.

Work also includes coordination and development of outreach materials and signage working closely with the five waste haulers in Marin. Because of the fragmented solid waste system in Marin (five waste haulers and twenty three franchise contracts) it is complex to design more regional outreach that accurately reflect hyperlocal "do's and don'ts" but also does not come across as so complex that the public loses interest.

5. Proposed Contract with Recyclist

Recyclist has developed software specifically for waste data compliance tracking which includes modules for facilitating State of California compliance reporting on recent law including SB 1383. Recyclist staff has experience working with hauler account data to help configure our specific interface accordingly. Existing follow-up records are able to be input into the tracker and Recyclist helps ensure that the transition is completed

successfully as part of the initial setup. Waste hauler account data would need to be uploaded into the system quarterly and current status reports are available on demand. There are a range of permissions to allow various users to access parts of the tracker, for Member Agency (City and Town), Special District, hauler, and Zero Waste Marin access. Utilizing a cloud data platform with access for different users will save many hours of work spent coordinating and communicating amongst the agencies and generator follow-up activities.

Recommendation

Adopt a motion authorizing and directing the Executive Director to enter into the five subject contracts outlined above with Scopes of Services and Payment Caps as outlined above.

Attachment

1. Standard Form of JPA Contract

Board Chair: Please confirm the vote on this item by reading the following items out loud after the vote.

Motion: _____ Second: _____

Ayes: _____

Noes: _____

Abstentions: _____

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

PROFESSIONAL SERVICES CONTRACT 2012 - Edition 1

THIS CONTRACT is made and entered into this _____ day of _____, 20____, by and between the MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY, hereinafter referred to as "JPA" and INSERT VENDOR NAME, hereinafter referred to as "Contractor."

RECITALS:

WHEREAS, JPA desires to retain a person or firm to provide the following service: INSERT TITLE OF CONTRACT-DESCRIPTION OF SERVICES ; and

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

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

1. SCOPE OF SERVICES:

Contractor agrees to provide all of the services described in **Exhibit A** attached hereto and by this reference made a part hereof.

2. FURNISHED SERVICES:

The JPA agrees to:

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

3. FEES AND PAYMENT SCHEDULE:

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

4. MAXIMUM COST TO JPA:

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

5. TIME OF CONTRACT:

This Contract shall commence on the date the contract is entered into, and shall terminate on INSERT TERMINATION DATE. Certificate(s) of Insurance must be current on day Contract commences and if scheduled to lapse prior to termination date, must be automatically updated before final payment may be made to Contractor. The final invoice must be submitted within 30 days of completion of the stated scope of services.

6. INSURANCE:

Commercial General Liability:

The Contractor shall maintain a commercial general liability insurance policy in the amount of \$1,000,000 (\$2,000,000 aggregate). The JPA shall be named as an additional insured on the commercial general liability policy.

Commercial Automobile Liability:

Where the services to be provided under this Contract involve or require the use of any type of vehicle by Contractor, Contractor shall provide comprehensive business or commercial automobile liability coverage, including non-owned and hired automobile liability, in the amount of \$1,000,000.00.

Workers' Compensation:

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

Errors and Omissions, Professional Liability or Malpractice Insurance.

Contractor may be required to carry errors and omissions, professional liability or malpractice insurance.

All policies shall remain in force through the life of this Contract and shall be payable on a "per occurrence" basis unless JPA specifically consents to a "claims made" basis. The insurer shall supply JPA adequate proof of insurance and/or a certificate of insurance evidencing coverages and limits prior to commencement of work. Should any of the required insurance policies in this Contract be cancelled or non-renewed, it is the Contractor's duty to notify the JPA immediately upon receipt of the notice of cancellation or non-renewal.

If Contractor does not carry a required insurance coverage and/or does not meet the required limits, the coverage limits and deductibles shall be set forth on a waiver, **Exhibit C**, attached hereto.

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

7. ANTI DISCRIMINATION AND ANTI HARASSMENT:

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

8. SUBCONTRACTING:

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

9. ASSIGNMENT:

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

10. LICENSING AND PERMITS:

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

11. BOOKS OF RECORD AND AUDIT PROVISION:

Contractor shall maintain on a current basis complete books and records relating to this Contract. Such records shall include, but not be limited to, documents supporting all bids, all income and all expenditures. The books and records shall be original entry books with a general ledger itemizing all debits and credits for the work on this Contract. In addition, Contractor shall maintain detailed payroll records including all subsistence, travel and field expenses, and canceled checks, receipts and invoices for all items. These documents and records shall be retained for at least five years from the completion of this Contract. Contractor will permit JPA to audit all books, accounts or records relating to this Contract or all

books, accounts or records of any business entities controlled by Contractor who participated in this Contract in any way. Any audit may be conducted on Contractor's premises or, at JPA's option, Contractor shall provide all books and records within a maximum of fifteen (15) days upon receipt of written notice from JPA. Contractor shall refund any monies erroneously charged.

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

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

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

13. TERMINATION:

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

14. APPROPRIATIONS:

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

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

15. RELATIONSHIP BETWEEN THE PARTIES:

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

16. AMENDMENT:

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

17. ASSIGNMENT OF PERSONNEL:

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

18. JURISDICTION AND VENUE:

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

19. INDEMNIFICATION:

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

20. COMPLIANCE WITH APPLICABLE LAWS:

The Contractor shall comply with any and all Federal, State and local laws and resolutions: including, but not limited to the County of Marin Nuclear Free Zone, Living Wage Ordinance, and Board of Supervisors Resolution #2005-97 prohibiting the off-shoring of professional services involving employee/retiree medical and financial data affecting services covered by this Contract. Copies of any of the above-referenced local laws and resolutions may be secured from the Contract Manager referenced in section 21. In addition, the following NOTICES may apply:

- 1. Pursuant to California Franchise Tax Board regulations, JPA will automatically withhold 7% from all payments made to vendors who are non-residents of California.**
- 2. Contractor agrees to meet all applicable program access and physical accessibility requirements under State and Federal laws as may apply to services, programs or activities for the benefit of the public.**
- 3. For Contracts involving any State or Federal grant funds, Exhibit D must be attached. Exhibit D shall consist of the printout results obtained by search of the System for Award Management at www.sam.gov.**

Exhibit D - Debarment Certification

By signing and submitting this Contract, the Contractor is agreeing to abide by the debarment requirements as set out below.

- The certification in this clause is a material representation of fact relied upon by JPA.
- The Contractor shall provide immediate written notice to JPA if at any time the Contractor learns that its certification was erroneous or has become erroneous by reason of changed circumstances.
- Contractor certifies that none of its principals, affiliates, agents, representatives or contractors are excluded, disqualified or ineligible for the award of contracts by any Federal agency and Contractor further certifies to the best of its knowledge and belief, that it and its principals:
 - Are not presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded by any Federal Department or Agency;
 - Have not been convicted within the preceding three-years of any of the offenses listed in 2 CFR 180.800(a) or had a civil judgment rendered against it for one of those offenses within that time period;
 - Are not presently indicted for or otherwise criminally or civilly charged by a governmental entity (Federal, State, or Local) with commission of any of the offenses listed in 2 CFR 180.800(a);
 - Have not had one or more public transactions (Federal, State, or Local) terminated within the preceding three-years for cause or default.
- The Contractor agrees by signing this Contract that it will not knowingly enter into any subcontract or covered transaction with a person who is proposed for debarment, debarred, suspended, declared ineligible, or voluntarily excluded from participation in this covered transaction.
- Any subcontractor will provide a debarment certification that includes the debarment clause as noted in preceding bullets above, without modification.

21. NOTICES:

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

Contract Manager: Name of Contract Manager
Zero Waste Marin
Dept./Location: 1600 Los Gatos, Suite 210
San Rafael, CA 94903
Telephone No.: 415 473-2711

Notices shall be given to Contractor at the following address:

Contractor: CONTRACTOR NAME
INSERT ADDRESS
Address: INSERT ADDRESS
Telephone No.: INSERT PHONE NUMBER

22. ACKNOWLEDGEMENT OF EXHIBITS

	<input checked="" type="checkbox"/> <u>Check applicable Exhibits</u>	<u>CONTRACTOR'S INITIALS</u>
<u>EXHIBIT A.</u>	<input checked="" type="checkbox"/> Scope of Services	
<u>EXHIBIT B.</u>	<input checked="" type="checkbox"/> Fees and Payment	
<u>EXHIBIT C.</u>	<input type="checkbox"/> Insurance Reduction/Waiver	
<u>EXHIBIT D.</u>	<input checked="" type="checkbox"/> Contractor's Debarment Certification	
<u>EXHIBIT E.</u>	<input checked="" type="checkbox"/> Subcontractor's Debarment Certification	

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

CONTRACTOR:

By: _____

Name: _____

Title: _____

APPROVED BY JPA:

By: _____

Executive Officer

=====

JPA COUNSEL REVIEW AND APPROVAL (required if template content has been modified)

JPA Counsel: _____ Date: _____

EXHIBIT “A” – SCOPE OF SERVICES

INSERT DETAILED DESCRIPTION OF SERVICES

EXHIBIT “B” – Fee and Payment

INSERT DESCRIPTION OF PAYMENT STRUCTURE

EXHIBIT "C"

INSURANCE REDUCTION/WAIVER (if applicable)

CONTRACTOR: INSERT CONTRACTOR NAME.

CONTRACT TITLE: INSERT DESCRIPTIVE TITLE OF CONTRACT MATCHING CONTRACT DOCUMENT

This statement shall accompany all requests for a reduction/waiver of insurance requirements. Please check the box if a waiver is requested or fill in the reduced coverage(s) where indicated below:

	<i>Check Where Applicable</i>	<i>Requested Limit Amount</i>	<i>CAO Use Only</i>
General Liability Insurance	<input type="checkbox"/>	\$	
Automobile Liability Insurance	<input type="checkbox"/>	\$	
Workers' Compensation Insurance	<input type="checkbox"/>		
Professional Liability Deductible	<input type="checkbox"/>	\$	

Please set forth the reasons for the requested reductions or waiver.

None requested

Contract Manager Signature: _____

Date: _____

Extension: INSERT CONTRACT MANAGER TELEPHONE NUMBER

EXHIBIT D

**DEBARMENT CERTIFICATION FOR CONTRACTORS
(Attach SAM Printout)**

EXHIBIT E

**DEBARMENT CERTIFICATION FOR SUBCONTRACTORS
(Attach SAM Printout)**

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere

Date: May 27, 2021

Corte Madera

To: JPA Board of Directors

County of Marin

From: Liz Lewis, Interim Executive Director

Fairfax

Re: Elect Southern Marin Cities and Ross Valley Cities
Representatives to the Executive Committee

Larkspur

Section 7.4 of the Joint Powers Agreement (attached) specifies that the five Executive Committee Members shall serve two-year terms (Section 7.3(d)) and may be reappointed. Three of the Member are prescribed to be the representatives from the “large” Members: San Rafael, Novato and the County. The remaining two members are from:

Mill Valley

Novato

1. The Southern Marin Cities (Sausalito, Tiburon, Belvedere, and Mill Valley). This seat is currently held by Greg Chanis from Tiburon. Other eligible Board Directors are Marcia Raines from Sausalito, Craig Middleton from Belvedere, and Alan Piombo from Mill Valley.

Ross

San Anselmo

2. The Ross Valley Cities (Ross, San Anselmo, Fairfax, Larkspur, and Corte Madera). This seat is currently held by Garrett Toy from Fairfax. Other eligible Board Directors are Joe Chinn from Ross, Dave Donery from San Anselmo, Dan Schwarz from Larkspur, and Todd Cusimano from Corte Madera.

San Rafael

Sausalito

Recommendation

Tiburon

1. Adopt a Motion appointing or reappointing a Southern Marin City Board Member to the Executive Committee, and:
2. Adopt a Motion appointing or reappointing a Ross Valley City Board Member to the Executive Committee.

Attachment

1. Article 7 of the Marin County Hazardous and Solid Waste Management Joint Powers Authority Agreement.

Board Chair: Please confirm the vote on this item by reading the following items out loud after the vote.

Motion: _____ Second: _____

Ayes: _____

Noes: _____

Abstentions: _____

ARTICLE 7: ORGANIZATION OF AUTHORITY

7.1 Members

- a. The County, Cities and Towns may enter into this Agreement by July 1, 1996.
- b. The County, and any City or Town may be considered for membership in the Authority after July 1, 1996, by presenting an adopted resolution to the Board which includes a request to become a member of the Authority and Board and upon a majority affirmative vote of a quorum of the Board accepting the County, City or Town and upon payment of any charges and upon satisfaction of any conditions established by the Board as a prerequisite for membership.

7.2 Board

- a. The Authority shall be governed by the "Board" which shall exercise all powers and authority on behalf of the Authority.
- b. The Board shall consist of one member of the governing body or the chief administrative officer of the County and each of the Cities and Towns which are party to this Agreement. Upon execution of this Agreement, the governing body of the County and each of the Cities and Towns shall appoint its member of the Board and another member to serve as an alternate to the Board, to serve in the absence of the regular member. Each member and alternate shall serve at the pleasure of the governing body of the appointing agency. Any change in appointment of a member or alternate shall be by action of the governing body of the appointing agency.
- c. A majority of the members of the Board shall constitute a quorum for the transaction of business. The Authority shall act upon majority vote of those in attendance, each member having one vote, of the members of the Board.
- d. The Board shall elect by majority vote, from its members, a Chair and Vice Chair. The Chair shall represent the Authority and execute any contracts and other documents when required by the Rules of Procedure and/or By-Laws. The Vice-Chair shall serve in the absence of the Chair.

7.3 Executive Committee

- a. The Executive Committee shall be responsible to the Board for the administration and management of Authority affairs, for the provision of assistance and advice to the Board.
- b. The Executive Committee shall be composed of the Chair and Vice-Chair plus three other members of the Governing Board elected by the Board. Three of the

committee members must be from the County, San Rafael, and Novato. One representative shall be selected by the Southern Marin cities of Sausalito, Tiburon, Belvedere and Mill Valley. One representative shall be selected by the Ross Valley cities of Ross, San Anselmo, Fairfax, Larkspur and Corte Madera.

- c. Three members of the Executive Committee shall constitute a quorum for the transaction of business. No action shall be taken by the Executive Committee except upon a majority affirmative vote of the quorum (each member having one vote) of the members of the Executive Committee.
- d. Members shall serve two-year terms and may be reappointed.

7.4 Additional Committees

- a. The member agencies shall establish an AB 939 Local Task Force whose composition, duties and authority are described in Public Resource Code Section 40950. The Task Force so established shall be advisory to the Governing Board established under this Agreement.
- b. The AB 939 Local Task Force shall include at least two representatives of waste haulers, one representative of an environmental organization, two representatives of special districts involved in the regulation and disposal of waste, and five public representatives appointed by the member agencies serving on the Executive Committee established under this Agreement.
- c. In addition to the Executive Committee and an AB 939 Local Task Force, the Board may from time to time establish additional committees to carry out Authority purposes, and appoint committee members from the Board, the legislative bodies or administration of member agencies, Authority staff, and/or staff of the member agencies. The Board may also establish and appoint members to citizen's advisory committees as deemed appropriate.
- d. To the extent practical, the Board shall appoint members to committees in such a manner as to encourage the broadest possible participation of the member agencies.

ARTICLE 8: MEETINGS AND REPORTS

8.1 Board Meetings

- a. The Board shall hold at least one (1) regular meeting each year as determined by the by-laws.
- b. Special meetings of the Board may be called in accordance with the provision of Section 54956 of the California

MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Belvedere Date: May 27, 2021

Corte Madera To: JPA Board of Directors

County of Marin From: Liz Lewis, Interim Executive Director

Fairfax Re: Elect Board Chair and Vice Chair

Larkspur Section 7.2(d) of the JPA Agreement specifies that the Board shall elect its Chair and Vice Chair by Majority Vote and Section 7.3 (b) of the JPA Agreement specifies that the Executive Committee shall be comprised of the Chair, Vice Chair, plus three other members of the Board.

Mill Valley The current composition of the Executive Committee is:

Novato County of Marin: Hymel/Eilerman
City of San Rafael: Schutz/Alilovich
City of Novato: McGill

Ross Ross Valley Rep: Toy
Southern Marin Rep: Chanis

San Anselmo Note – this composition could have changed via the Board’s action on Item No. 8 immediately before this Item. Both the Chair and Vice-Chair can be any member of the Executive Committee. The term of the Chair and Vice-Chair shall commence at the conclusion of this meeting.

San Rafael

Sausalito The current Chair is Garrett Toy and the Current Vice-Chair is Greg Chanis.

Tiburon

Recommendation

1. Adopt a Motion appointing a Vice-Chair.
2. Adopt a Motion appointing a Chair.

Attachment

1. Article 7 of the JPA Agreement (Organization of the Authority).

Board Chair: Please confirm the vote on this item by reading the following items out loud after the vote.

Motion: _____ Second: _____

Ayes: _____

Noes: _____

Abstentions: _____

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