

# MARIN COUNTY HAZARDOUS AND SOLID WASTE MANAGEMENT JOINT POWERS AUTHORITY

Board of Directors Meeting  
Thursday, April 20, 2023  
9:00 A.M.

In-Person: 922 Machin Avenue, Womack Conference Room, 2nd Floor, Novato

**MEMBERS PRESENT**

Adam Wolff, Corte Madera  
Christa Johnson, Ross  
Christine Alilovich, San Rafael (Alt.)  
Dan Eilerman, County of Marin (Alt.)  
David Donery, San Anselmo  
Heather Abrams, Fairfax  
Todd Cusimano, Mill Valley

**MEMBERS ABSENT**

Adam McGill, Novato  
Chris Zapata, Sausalito  
Dan Schwarz, Larkspur  
Greg Chanis, Tiburon  
Jim Schutz, San Rafael  
Matthew Hymel, County of Marin

**STAFF PRESENT**

Amy Kolnes  
Andrew Shelton  
Berenice Davidson  
Casey Fritz  
Casey Poldino  
Kimberly Scheibly

**OTHERS PRESENT**

Cory Bytof, City of San Rafael  
Dale McDonald, LGVSD  
Dan Noble, Assoc. of Compost  
Producers  
Garth Schultz, R3 Consulting, Inc  
Greg Christie, Mill Valley Refuse  
Gretchen Schubeck, City of Novato  
Meilin Tsao, Recology

1. Open Time for Public Comment

No public comments were tendered.

**Consent Calendar**

2. JPA Board Meeting Minutes from March 20, 2023

Motion to approve the JPA Board Meeting Minutes from March 20, 2023.  
Motion: David Donery. Second: Todd Cusimano. Abstention: Dan Eilerman Vote:  
Unanimous.

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## Regular Agenda

### 3. Zero Waste Marin (ZWM) Executive Director Updates

Kimberly Scheibly provided an update regarding the Zero Waste Marin (ZWM) Strategy Meeting and Planning Session that took place March 28th. This included reviewing existing projects and programs to ensure alignment with goals and budget.

ZWM currently runs over a dozen programs including outreach, education and marketing. This year's marketing campaign theme is Source Reduction and includes a variety of media outlets.

The Local Task Force (LTF) reconvened for the first time in three years to review the CIWMP. ZWM Staff is currently in the process of reviewing other LTF structures to see what will work best for our needs in Marin. From this work, the LTF will update the procedures and work to have a qualified technical task force to serve as an advisory group to the JPA Board and provide feedback on progress towards our goals, new program needs, recycling markets, legislation, and funding as set forth in AB 939.

Staff took part in a tour of Redwood landfill to learn more about the WM EarthCare and C&D processing operations and to discuss ways we can partner to keep waste out of the landfill. Staff is exploring having a composting workshop in the fall.

At the February 16 meeting the Board voted on a timeline for the budget development process. Several factors beyond Staff control have delayed this timeline.

Scheibly met with the JPA budget subcommittee and presented the draft of proposed expenditures and the anticipated hauler assessment increases that reflect the SB 1383 work and the HHW Program oversight. The subcommittee will meet again prior to the May meeting to finalize recommendations and bring them back to the next meeting in June for approval.

### 4. Update on Engagement with PlaceWorks

Poldino shared that ZWM staff will meet with the County's internal IST Department, who will be hosting a meeting regarding the ARCGIS data mapping tool within the MarinMap website. ZWM is requesting that each jurisdiction provide

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a point of contact so they can gather information to smooth out the fine details of the landscaped areas where they can possibly apply compost. They are also working with the Marin Resource Conservation District and the Marin Carbon Project to make the compost placement a Countywide project, rather than have each jurisdiction responsible for their own compost piles. Both of these organizations are extremely interested in working with ZWM to accomplish this endeavor. A virtual training session will be provided for the chosen points of contacts this summer on how to update the website with their compost locations information. Poldino will be the contact for this training session and will be sending out login information to the jurisdictions' contacts once they are established.

Christa Johnson asked if they would be doing the mapping public land? Poldino answered that they will be mapping public and private lands, working with agencies and organizations such as MMWD, OneTam and the ag industries.

Johnson wanted to clarify that staff would be able to identify the areas where composting could be possible, such as the Marin Art and Garden Center, for example. Poldino said yes and ZWM staff would help them confirm their mapped areas.

Motion to approve staff to follow up with members for points of contact. Motion: Todd Cusimano. Second: Dave Donery. Vote: Unanimous.

### 5. Household Hazardous Waste (HHW) Update

Scheibly reported that the JPA has funded the HHW Program which includes the HHW Collection Facility for Marin (except for Novato) via a contract with the City of San Rafael Fire Department, which in turn contracted with the Marin Recycling & Resource Recovery Association (MRRRA) for the operation of the San Rafael HHW facility. As stated in prior meetings, the SRFD will no longer oversee the HHW program. Effective July 1, 2023, the JPA will assume the role of financing and program oversight of the HHW Program.

JPA staff have been working with the MRRRA staff and County Counsel to review industry best practices, in order to create a new agreement that clearly delineates roles and responsibilities of the JPA and MRRRA and reflects the

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current regulatory requirements and ensures that the facility can continue to operate in a safe, efficient, and cost-effective manner.

Staff has made some minor changes to the agreement between the SRFD and the MRRRA for the operation of the facility which are reflected in the draft agreement in the packet. These changes include changing any reference to “the City” to the JPA. A few definitions were updated, the term was changed to one year and the public education “Exhibit C” was replaced. Since education is for the entire county except Novato, it makes more sense for public education to be managed by the JPA instead of the facility. In the time allowed, we are looking to negotiate a one-year transition agreement, so we have the needed time to fully review and anticipate the contractual requirements in the long term.

Staff recommends delegate authority to the JPA Board Chair to sign a one-year transition agreement between the JPA and the MRRRA so we can continue to work together during the next fiscal year on a modernized agreement and plan for HHW materials management.

Adam Wolff stated that though he is not aware of what the Fire Department provided, he is confident that it will be a reasonable transition, yet he was concerned about staff capacity. He praised the San of Rafael for all their hard work in managing the facility for such an extended period of time.

Davidson added that at the last budget meeting, the JPA Board approved the County to hire an additional staff member to handle the HHW program. They have not hired that person for the reason that Scheibly stated, which that there has been so many changes and new laws. They would like to have the duties of the position well-defined and match that with the expertise required before hiring the new staff member. After doing that research, this is one of the items that Scheibly will be bringing back to the Board.

Johnson inquired about the cost and ease of hiring for this position. Scheibly responded that that the proposed budget has shifted the money paid to the SRFD for oversight into the salaries/wages line item to hire a Sr. Program Coordinator to oversee the HHW program and the agreement with MRRRA to operate the facility. She clarified that the cost would be about the same.

Dan Eilerman added that based on the preliminary review of the budget on a subcommittee level, they would want to make sure they have what they need on

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an ongoing basis, using one-time monies carrying forward from San Rafael for this year, for example, but the following year could be different.

Scheibly added that this will be a transition year, and staff will diligently go over each line item and determine what is necessary and not necessary. She is confident that it will be manageable and performed in a cost-effective manner. Fire Department and County staff could provide support to ease this transition.

Motion to delegate authority to the JPA Board Chair to sign a one-year transition agreement between the JPA and the MRRRA. Motion by Cusimano, Second by Eilerman. Vote: Unanimous.

### 6. Approval of Final SB 1383 Letter of Agreement (LOA)

Scheibly reminded board that in September 2022, ZWM issued an RFP for an SB 1383 Regional Coordination and Implementation Plan. R3 was selected in October 2022 to take on this project. Their work focused on the requirements of SB 1383 that could be best provided on a regional scale instead of by each individual agency. Four categories of activities to be undertaken by ZWM were identified and have been presented at past meetings.

There were two main areas of interest expressed by members. The first had to do with the issuance of enforcement penalties and handling of appeals. For ZWM Staff to successfully take this on, the penalty and appeals process would need to be uniform in each city, town and the County meaning revisions to municipal codes.

Scheibly recommended working with the haulers to identify non-compliant generators and issue notices of violation.

The second area of interest was regarding the procurement of recovered organic waste product AKA compost, in which Poldino had mentioned PlaceWorks earlier. The original LOA states that ZWM will provide partial support, it now states that ZWM will assume full support for the annual procurement requirement. Scheibly strongly feels that this can be taken on as a regional agency. R3 Consulting has drafted a low-cost solution, and it will be phased up in cost over the next few years.

Other minor revisions to the LOA include 1. Having ZWM provide a standardized complaint form for use by the member agencies. 2. Clarifying that ZWM outreach and education would be provided in English and Spanish. 3. Providing clarifications to how ZWM's monitoring of organic waste generators would occur.

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It was requested that the ZWM Board direct the ED to execute the final LOAs with the member agencies. Once this is completed, the budget and workplan can be finalized and we will once again be on target to meet our deadline.

Cory Bytoff praised staff for their hard work on compiling the LOA and asked how the different municipalities with their unique ordinances could work to make their ordinances uniform with SB 1383 laws.

Garth Schultz from R3 Consulting responded stating that they looked at Alameda County's primary model for a JPA regionalized unified approach to enforcement for penalties and follow up appeals processes, and they developed a standardized set of ordinances. R3 and staff are looking to use this model as an example to help draft the set of ordinances for Marin. He reiterated that Marin's jurisdictions will have a year to work these out.

Cory Bytoff asked what staff expects the timeline to be to draft the set of ordinances, because SB 1383 goes into effect January 1, and Schultz replied that most likely be done before then and municipalities will be able to submit to CalRecycle. He is confident that it will only be a few simple updates to accomplish.

Christa Johnson wanted to confirm the funding source for this project goes through the rate process and not part of the general funds.

Gretchen Schubeck inquired about Sonoma County's compost giveaways and wondered if it was something that Marin County could look into in regards to the procurement efforts, as there is funding in the local systems grant

Schultz responded that with the giveaway approach, most of the agency members currently have that ability to have giveaways from the haulers. Sonoma County currently has a rebate process, in which they will subsidize the purchase of appropriately recycled organic composted waste through local vendors. This is most likely not a great fit for Marin County, as we do not have the same access to local vendors as Sonoma does. For Marin, it would be scalable enough to reach the SB 1383 target.

Johnson asked if the vision is that cities will not have to complete any of the reporting for SB 1383.

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Scheibly and Schultz responded that there will always be a section of SB 1383 that the cities will have to be responsible for, at least in terms of data gathering and providing information.

Gretchen Schubeck asked if there was movement afoot at the State legislature level to push back these deadlines and Scheibly replied that there are some items being put forward and staff is following the regulatory environment very closely. These items are being put forward to help ease things, and they are not regulatory changes that are significantly going to change anything that a city or jurisdiction is required to do. Schultz added that there are some actions that have already been approved to help relax the compost and procurement requirements.

Motion to approve the final SB 1383 Letter of Agreement. Motion: David Donery, Second: Christa Johnson. Vote: Unanimous.

### 7. JPA Agreement Amendment Update

Scheibly reminded the Board that the County of Marin, cities, and towns entered into an agreement in 1993 to create a Hazardous and Solid Waste Joint Powers Authority to work together on the mandates set forth in AB 939. This was amended in 1995 and restated in 1996. Since then, it has been the foundational guide for the JPA.

The proposed new agreement consists of the following changes: removing that the City of San Rafael will continue to administer its own CUPA programs and clarified that the County will administer the HHW programs for the county, cities, and towns; adding the words with technical expertise in solid waste, recycling, and organics management to the five public representatives to ensure that the Task Force has members who can best serve in an advisory capacity to the JPA Board, and; updating Article 18 Designated Entity by adding that the JPA must follow county restrictions when exercising power.

Scheibly also reminded the Board members that the amendment will need to be signed by their city or town counsels, and the deadline for them to be returned to ZWM Staff is July 1, 2023.

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8. Schedule and Verify May and June Meeting Dates

Poldino reminded the Board that there was a scheduled ZWM JPA meeting for May 18, 2023, and that it was brought to staff's attention that there may be a conflict with this date. Poldino therefore requested the Board either choose another date in May or postpone the meeting until June 15, 2023.

Motion to approve postponement of May meeting until June 15, 2023. Motion: Heather Abrams. Second: Todd Cusimano. Vote: Unanimous.

9. Adjournment



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

Motion: \_\_\_\_\_ Second: \_\_\_\_\_

Ayes: \_\_\_\_\_  
\_\_\_\_\_

Noes: \_\_\_\_\_  
\_\_\_\_\_

Abstentions: \_\_\_\_\_