



DEPARTMENT OF PUBLIC WORKS  
Solid Waste Management Division

**MINUTES  
ZERO WASTE COMMISSION  
Monday, July 28, 2008  
North Berkeley Senior Center, 1901 Hearst Street  
Workshop Room B, 1<sup>st</sup> floor**

Chairwoman Nashua Kalil called the meeting to order with a quorum at 7: 15 p.m.

1. **Roll Call:**

**Commissioners present:** Blachman, (7:30), Dodsworth, Jensen, Kalil, Nava, Sadigh, Schultze-Allen, Tam

Commissioners absent: None

**Staff:** Peter Holtzclaw, Tania Levy

**Members of the Public:** Resident Heather Abrams (noted as former intern of Zero Waste Division); Garth Schultz of City of El Cerrito; Sara MacKusick and Jeff Belchamber of Community Conservation Centers; Mary Lou Van Deventer and Dan Knapp of Urban Ore; Martin Bourque and Daniel Maher of the Ecology Center.

2. **Approve Agenda:** Tam requested moving Item 10. Legislative Report to Item 6. as new legislation could affect discussions to follow on Extended Producer Responsibility (EPR). **M/S Schultze-Allen/Jensen to approve the modified agenda, 7/0/0**

3. **Comments from the Public:** Knapp reported concerns about Extended Producer Responsibility resolution on agenda for discussion. Kalil pointed out process of subcommittee's first report to the commission as venue for deliberation and that it was not necessarily intent of commission to adopt a resolution at this first meeting without debate.

4. **Announcements and Commissioner Comments:** Tam announced that SPRAWLDEF, a non profit group, filed a complaint against Republic Services Inc for exceeding by over 700,000 tons per year Solano County's Measure E landfill import limits of 95,000 tons per year at its Potrero Hills Landfill. Nava announced her new position this fall as Coordinator for UC coops recycling and reuse program, working with Kelly Kirkpatrick who is coordinating recycling efforts with UC's Greek system through Gordon Wozniak's office. Sadigh reported attending City of Berkeley Green Job Fair and Mayor's comments on achieving Zero Waste and the work of the Commission. Schultze-Allen reported also attending a Green Jobs event and hearing what other cities and counties are doing to move towards zero waste. Dodsworth mentioned need for green bins at city parks and requested information about dealing with dog excrement in particular; staff replied that our vendor did not want dog debris in green bins, but would look into problem and potential solutions.

5. **Approve Meeting Minutes of 6/23/08:** No notable corrections.  
**M/S Jensen/Tam to approve 6/23/08 meeting minutes as corrected: 7/0/1** (Schultze Allen abstains due to absence at meeting.)
6. **Legislative Report:** Tam provided a handout of State Assembly bills and their status, originally prepared for Northern California Recyclers Assn. Several bills are moving forward or are still in committees that are favorable to zero waste. Three bills associated with EPR include mercury, sharps, and fluorescent bulb disposal. Levy described how StopWaste, as a JPA, is interacting with California Air Resources Board to attribute appropriate greenhouse gas reduction credits to composting, and not only to landfill gas recovery. Dodsworth requested an explanation of how bills move through Assembly process.
7. **Extended Producer Responsibility Subcommittee Report:** Jensen and Sadigh worked with Sara McKusick (member of the Environment Commission) as a subcommittee of the ZWC to review EPR issues, model ordinance language, and suggested reforms. The subcommittee drafted a proposed resolution that included several items of concern, including City funding a \$1,000.00 membership in the California Product Stewardship Council. (CPSC). Main points of EPR resolution include:
- Build on the existing rechargeable battery and thermostat voluntary manufacturer programs by making sure that businesses in Berkeley which sell such items know they can (and do) get free bins and prepaid shipping. This could be added to checklists used by recycling staff, sustainable business staff, or green business certification when working with local businesses on greening their operations or other relevant city inspections.
  - Partner with businesses that sell fluorescent bulbs to develop business-based collection sites. The businesses would give the labor and floor space and promotion to collect the items.
  - Communicate to businesses (perhaps through Chamber of Commerce) that they are selling products with mercury whenever they sell products with batteries (like shoes that light up or other kids' toys).

The main issues of concern were the definition of product lifetime with attendant responsibilities, and the mis-use of retail or manufacturer take back for disposal of materials that are being handled efficiently by government-sponsored and private collectors. Dan Knapp & Mary Lou VanDeventer are concerned that endorsing CPSC is tantamount to endorsing the Product Packaging Institute, which promotes take-back for all waste with government only responsible for organics. Take-back should be used only where it is the most practical for specific materials. The Commission directed the subcommittee to meet again, work with parties such as Toxics, City Purchasing Office and Urban Ore to examine concerns, and draft new resolution language for review at the September ZWC meeting.

The City's Toxics Division has a grant agreement with CCC for a pilot program to work with retailers to accept household batteries and compact fluorescent light bulbs from the public, and to collect the resulting materials. . State Law requires sellers of items with rechargeable batteries to take them back in-store, and there is an industry-funded collection program for them. At a previous ZWC meeting, Heidi Sanborn of CPSC mentioned that there is no State enforcement of take-back requirements or of landfill bans: therefore, this is an unfunded mandate for municipalities to enforce. However, the

City can help publicize EPR methods to vendors and public.

8. **City Comments on Scoping Plan for California Air Resources Board Climate Initiative:** Levy has been working with Tim Burroughs, City Sustainability Coordinator, to prepare unified City of Berkeley comments. The current Plan focuses on methane reduction at landfills, and does not include language addressing recycling and reuse. Greenhouse gas reduction data for waste disposal and recycling is incomplete and misleading because of problems with the life cycle analyses. Staff is also working with Stopwaste to estimate impacts of solid waste activities so benefits of city programs can be quantified.
9. **Division Update:**
  - a. **Vehicles, Routes and personnel changes:** Staff explained that the purchase and installation of the new software program is moving forward. New routing has been slowly underway to increase efficiency. The new Ecology Center trucks require two drivers, but fewer trucks are needed to cover the same distance.
  - b. **Program results and FY 2008 tons:** Staff provided a handout and explanation of tonnages for residential and commercial food scrap collection, construction debris diversion, and successes with the zero waste event program including recycling tons. Schultze-Allen requested historical background discussion of franchise fee program and why the City first allowed private commer
  - c. **Budget and contract update:** Holtzclaw provided a refined version of budget projection spreadsheets up to FY2012 that he has been working to produce with the City's senior budget analyst. Part of the learning curve has been to provide more finely tuned projections for new programs in the absence of data. Also challenging is the current rate study, leaving many questions about projected fees. The City signed contracts for construction debris diversion with Allied and East Stockton. Waste Management (WM) and attendant Teamsters issues have not yet been resolved. One issue is WM wanting a 90-day period for service suspension instead of the 30 days agreed to by the other vendors. Negotiation is continuing, and staff will report on the status of contracts at the next ZWC meeting. Holtzclaw also reported that the Public Works Director was facilitating purchase of over-due trucks and other equipment. He estimates delivery within three months.
  - d. **Facility Rebuild:** Holtzclaw has been working with the City Manager's office to create the Facility Rebuild "Feasibility Analysis" Request for Proposal (RFP). Kalil worked with him on rough draft language to include zero waste policies, reference to principle of highest and best use informing facility design, and other policy issues to be referenced in the RFP. The RFP should move forward in October. Discussions related to single- and double-stream recycling operations will be part of the consultant's task framework as well as funding options. Kalil requested clarification of how increased transfer station business will be assessed by the consultants given the early nature of the budget projection spreadsheets. Holtzclaw replied he was confident the refinements would be in place for use by end of year along with the completion of the rate study to inform the financials.

10. **Plastic Bag Ordinance**: Levy reported her review work with the Acting City Attorney, Zach Cowan. Malibu (adopted to be in effect end of 2008), and Santa Monica (under current study). Seattle will implement a 20-cent fee on all single use bags in January 2009. The City Attorney will review the draft Berkeley Plastic Bag Reduction ordinance and provide an analysis.
11. **Upcoming Workshops and Training Opportunities**: A recycling certification class by CRRA will be held in August (see CCRA website for details. Senator Hancock is sponsoring a CARB workshop July 29 at the Federal Building in Oakland, 10 a.m.
12. **Future Dates and Agenda Items**: The commission will not meet in August and will reconvene in September at its regular meeting time. The revised EPR resolution will be on the agenda. Future agenda items with presentations by knowledgeable persons/organizations should include multi-family recycling and single vs. dual-stream MRF functionality.
13. **Adjourn**: The meeting adjourned at 9:30 pm.