

Zero Waste Commission

**Zero Waste Commission**  
Regular Meeting  
Monday, November 28, 2016, 7:00 p.m.  
North Berkeley Senior Center  
1901 Hearst Avenue, Berkeley, CA

1. Roll Call
2. Approve Agenda
3. Comments from the Public
4. Announcements from Commissioners  
*Commissioners may make general announcements; no action will be taken*
5. Approval of Minutes from the October 24, 2016 Regular Meeting
6. Zero Waste Division staff priorities for next year, including upcoming Commercial Recycling Expansion – Heidi Obermeit/Greg Apa
7. Update regarding construction and demolition (C&D) building code ordinance changes and impact of biomass plant closures on wood recovery rates in California – Heidi Obermeit
8. Discussion on Extended Producer Responsibility (EPR) - existing City of Berkeley resolution and potential impacts of CalRecycle statewide policy changes  
– John Hitchen
9. Discussion on Multifamily and Commercial Zero Waste Signage Ordinance  
- Alfred Twu
10. Discussion on public participation in determining spending priorities and allocation for revenue from the Measure T1 \$100 million infrastructure and facilities bond

11. Action item: Set meeting schedule for 2017: North Berkeley Senior Center, 4th Monday of every month except August and December. (Memorial Day is the 5th Monday in 2017 so the May meeting won't be affected)
12. Identification of agenda items for the next regular meeting to be held on Monday, January 23, 2017.
13. Adjournment

*Please refrain from wearing scented products to this meeting. This meeting is being held in a wheelchair accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at 510-981-6342 (V) or 510-981-6345 (TDD) at least three business days before the meeting date.*

*Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. **Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record.** If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication.*

*Please contact the secretary to the relevant board, commission or committee for further information. Zero Waste Commission Secretary: Heidi Obermeit, 1201 2<sup>nd</sup> St. Berkeley, CA 94710, 510-981-6357, [hobermeit@cityofberkeley.info](mailto:hobermeit@cityofberkeley.info)*

## MINUTES

The meeting was convened at 7:03 p.m. with Alfred Twu, Chairperson, presiding.

### ROLL CALL

Present: Alfred Twu, Janice Wenning, Allegra Saggese, John Hitchen, Alexander Salah

Absent: Tara Noonan

LOA: Elisabeth Watson

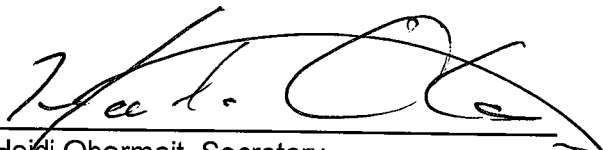
### ACTIONS TAKEN

1. M/S/C (Hitchen/Saggese) to approve the agenda for the October 24, 2016 regular meeting. Ayes: Unanimous; Absent: Noonan.
2. M/S/C (Saggese/Hitchen) to approve the minutes from the September 26, 2016 regular Meeting. Ayes: Unanimous; Absent: Noonan.
3. M/S/C (Saggese/Salah) approved a matrix to assist the Zero Waste Commission in prioritizing referrals to City Council. Ayes: Unanimous; Absent: Noonan.

The next meeting of the Zero Waste Commission will be held on January 23, 2017 at 7:00 p.m. at the North Berkeley Senior Center.

The meeting was adjourned at 9:01 p.m.

Respectfully Submitted:



Heidi Obermeit, Secretary

## **Overview of 2017 Green Building Code Changes: Updated Construction and Demolition (C&D) Diversion Requirements**

### **California Building Codes**

- California building codes, including the Green Building Standards (CALGreen), are updated every three years.
- Updated building codes will be effective January 1, 2017.
- CALGreen construction and demolition (C&D) diversion requirements will increase from 50% to 65%.

### **Berkeley Building Codes**

- Current City of Berkeley Green Building Code requires 50% C&D diversion.
- City Council has received a recommendation from the Berkeley Planning and Development Department to adopt an Ordinance repealing and reenacting the Berkeley Building Codes effective January 1, 2017.
  - The goal is to ensure Berkeley codes are updated to meet or exceed the new state requirements.
- The new Ordinance would:
  - Increase C&D recycling requirement from 50% to 65% to meet updated CALGreen requirements.
  - Keep the current local amendments that are more stringent than the CALGreen requirements, including:
    - Requirement to divert 100% of all concrete, asphalt, and excavated soil and land clearing debris from disposal by recycling, reuse, or salvage.
    - Residential: Requirements apply to any residential building alterations with a permit valuation over \$100,000 and any interior or exterior demolitions valued over \$3,000.
      - CALGreen requirements only apply to alterations or additions that increase the building's conditioned area, volume or size.
    - Non-residential: Requirements apply to additions, alterations, and demolition whenever a permit is required for work.
      - CALGreen does not include demolition.
- City Council adopted the first reading of the ordinance on November 15, 2016.
  - Staff report/resolution/Ordinance located here:  
<http://cityofberkeley.info/recordsonline/export/17050546.pdf>
- The second reading (and public hearing) is scheduled for November 29, 2016.

**Findings**

- Alameda County has a signage and education requirement for businesses and buildings with 5 or more units. It was part of the mandatory recycling and composting ordinance and has been in effect since 2014. However, compliance is low and enforcement is almost nonexistent.

**To be discussed**

- What's the best way to actually have landlords do this? I have contacted the Rent Board to see if there's a process or form it can be part of and am awaiting feedback.
- Do we want to expand this to rental buildings smaller than 5 units, such as mini-dorms?
- What other information should signs have, for example, how to dispose of Hazardous Waste and bulky items such as furniture?
- Potential for used goods resellers to sponsor, distribute, and post signage.

**Reference: Alameda County ordinance**

**SECTION 5 (Restrictions on Property Owners and their Agents in Covered Jurisdictions)**

Each Property Owner of a Business or Multi-Family Building shall be responsible for the following:

(a) Provide container(s) for Source Separated Covered Materials and other Source Separated Recyclable materials at the same location as the Property Owner provides container(s) for Solid Waste collection, unless all Solid Waste from the property is taken to and processed through a High Diversion Mixed Waste Processing Facility. The container(s) shall:

- (1) Be of sufficient number and size to hold the Recyclable and Refuse quantities reasonably anticipated to be generated at the location;
- (2) Bear prominent signage on or near the containers clearly describing the proper segregation and storage of Recyclable and Refuse materials.

(b) Provide for Solid Waste removal service that ensures that Source Separated Covered Materials generated at its property are collected and transported to facilities that Recycle the Covered Materials or that all Solid Wastes are taken to and processed through High Diversion Mixed Waste Processing Facilities.

6 (c) Provide information at least annually for tenants, employees and contractors of Waste Generator obligations under this Ordinance (if any) to keep Covered Materials separate from Refuse (when applicable) and the location of containers and the rules governing their use at each property. This same information shall also be provided to new tenants no later than 14 days after such tenants move in and no less than 14 days before tenants move out, unless a tenant does not provide 14 or more days notice to the Property Owner before leaving.

RESOLUTION NO. 66,207—N.S.

PRODUCT STEWARDSHIP AND EXTENDED PRODUCER RESPONSIBILITY

WHEREAS, the product stewardship movement in the United States seeks to ensure that those who design, manufacture, sell, and use consumer products take responsibility for reducing or eliminating negative impacts to the economy, environment, public health, and worker safety; and

WHEREAS, these impacts can occur throughout the lifecycle of a product and its packaging, and are associated with energy and materials consumption; waste generation; toxic substances; greenhouse gases; and other air and water emissions; and

WHEREAS, manufacturers who design products and specify packaging have the ability and responsibility to reduce these impacts by incorporating the full lifecycle costs into the cost of doing business; and

WHEREAS, the terms “product stewardship” and “Extended Producer Responsibility” (EPR) describe different approaches to a product’s lifecycle management: “product stewardship” refers to the large concept that everyone involved in a product’s lifecycle, including manufacturers, distributors, retailers, consumers, and recyclers have responsibilities for a product’s environmental impacts and end-of-life resource management; “Extended Producer Responsibility” is a legislative approach that places both financial and operational responsibility only on producers for the product’s end-of-life management; and both approaches ensure governmental oversight and enforcement of these responsibilities; and

WHEREAS, the Zero Waste Commission reviewed the April 11, 2012 document “Product Stewardship and Extended Producer Responsibility: Definitions and Principles” that seeks to harmonize terminology in the State of California and ultimately the U.S.A., and to help guide development of policies, legislation, and other initiatives by governments, companies, and organizations; and

WHEREAS, in “product stewardship” the City of Berkeley includes the acts of minimizing health, safety, environmental and social impacts, and maximizing economic benefits of a product and its packaging throughout all lifecycle stages; and

WHEREAS, while the producers of products have unique abilities to minimize adverse impacts, suppliers, retailers, consumers, materials recovery enterprises, resource recovery park operators, and recycling depots also can play vital roles by collecting and processing discards so that they become refined resources that can be sold into commerce for using as-is or for making new products, thereby reducing demand for destructive mining, timbering, and unsustainable agricultural practices; and

WHEREAS, by “Extended Producer Responsibility (EPR)” the City of Berkeley means that product stewardship includes, at a minimum, the requirement that the producer’s responsibility for their product extends to financing post-consumer management of that product and its packaging; and

WHEREAS, the City of Berkeley has since the birth of the modern recycling movement in 1970 incubated some of the most efficient and effective methods of diverting resources from wasting, using source separation and universally recognized collection methods like drop-off, curbside pickup, and buyback, and has developed a group of specialized materials recovery enterprises that have exceeded state and county goals of 75% diversion, and now seeks to add EPR as one more tool in an already successful Zero Waste toolbox; and

WHEREAS, under EPR, producers are required to design, manage, and finance programs for end-of-life management of their products as a condition of sale; and

WHEREAS, any new EPR programs should use existing collection and processing infrastructures whenever possible, but they may also create new materials handling systems when no practical alternative is available; and

WHEREAS, EPR programs for brand types should cover all currently manufactured products in a given category; and

WHEREAS, "orphan" products coming from companies no longer in business or from companies that cannot be identified and are not covered by a producer-run system may require fees or other forms of payment as required; and

WHEREAS, all producers within a particular product category have the same requirements; and

WHEREAS, whether they choose to meet these requirements individually or jointly with other producers, payments from producers that are derived from advanced disposal fees collected at point of sale from consumers should be passed on to collectors and processors of a given commodity type that meet highest and best management standards; and

WHEREAS, to ensure both transparency and accountability, the City of Berkeley believes it is the responsibility of governmental organizations rather than privately chartered corporations to have full authority for fund oversight and management and to ensure collectors and processors be paid for their work; and

WHEREAS, producers have flexibility to design the product management system both to meet the performance goals established by governments, and to ensure compliance with highest standards of the day; and

WHEREAS, new EPR systems must follow the same resource conservation hierarchy of reduce, reuse, recycle, and compost as existing and traditional reuse and recycling systems; and

WHEREAS, products must be managed in a manner that is protective of human health and the environment, and burning and burial of products are not sufficiently protective to be used as disposal options; and

WHEREAS, governments should work with producers and have oversight in the design, implementation, and funding of public education programs to ensure achievement of performance goals and standards; and

WHEREAS, consumers should continue to reduce waste, reuse products, use take-back and other collection programs, and make appropriate purchasing decisions based on available information about product impacts; and

WHEREAS, producers and governments should work together to provide all consumers with convenient access to collection services, such as but not limited to; conveniently located resource recovery parks, recycling centers, materials recovery enterprises, and take-back programs established by retailers; and

WHEREAS, governments are responsible for ensuring that EPR programs are fair, transparent, and accountable to the public; and

WHEREAS, EPR programs, including their development and the fate of products managed, should be designed and implemented with input by all stakeholders; and

WHEREAS, in January 2008 the California Department of Resources Recycling and Recovery (then called the Integrated Waste Management Board), endorsed an EPR System for the State of California; and

WHEREAS, in July 2008 the National Association of Counties adopted a resolution in support EPR, in November 2009 the National League of Cities adopted an EPR policy, and in June 2010 the U.S. Conference of Mayors adopted a resolution in support of EPR.

NOW THEREFORE, BE IT RESOLVED that the City of Berkeley supports State authority to oversee and manage EPR programs in a manner that is broadly representative of manufacturers, affected government, reuse and recycling industries, and EPR entities.

BE IT FURTHER RESOLVED that the City of Berkeley supports other governments to enforce a level playing field for all parties in the product value chain by maintaining a fair and competitive marketplace with open access to all, by ensuring that payments for disposal services are fairly distributed to all program operators, and by setting and enforcing performance goals and standards.

BE IT FURTHER RESOLVED that the City Manager is directed to write to the California Department of Resources Recycling and Recovery (CalRecycle) to urge timely actions to implement new product stewardship initiatives that follow the principles laid out in this resolution.

BE IT FURTHER RESOLVED that the City Manager is directed to write to the California legislative representatives for Berkeley urging them to support the concept of EPR and the continued evolution of EPR as defined herein.



BE IT FURTHER RESOLVED that the City of Berkeley will contribute to or show support for vetted organizations that advocate for new product stewardship initiatives and actions that are compatible with the principles laid out in this resolution.

BE IT FURTHER RESOLVED that the City of Berkeley will contribute \$1,000 from the Import Mitigation Grant in the Alameda County Recycling Board Fund to the California Product Stewardship Council, an organization of California local governments working to speak with one voice in promoting transparent and fair EPR systems in California.


BE IT FURTHER RESOLVED that the City of Berkeley encourages all manufacturers to minimize excess packaging, reduce or omit use of toxic materials in their products, design products for durability, reusability, and recyclability, use recycled materials in the manufacture of new products, and provide financial support for collection, processing, recycling, or landfilling of all discarded resources.

The foregoing Resolution was adopted by the Berkeley City Council on June 11, 2013 by the following vote:

Ayes: Anderson, Arreguin, Capitelli, Maio, Moore, Wengraf, Worthington, Wozniak and Bates.

Noes: None.

Absent: None.

  
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Tom Bates, Mayor

Attest:   
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Mark Numainville, CMC, City Clerk