



**MINUTES**

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY  
 SPECIAL MEETING OF THE TECHNICAL ADVISORY COMMITTEE  
 May 13, 2021 – 2:00PM.  
 Via Zoom Tele/Video Conference

**Call to Order: 2:03PM**

**1. Roll Call**

Agency	Present	Absent	Agency	Present	Absent
Belmont	X		Redwood City	X	
Burlingame	X		San Carlos	X	
East Palo Alto		X	San Mateo	X	
Foster City	X		County of San Mateo	X	
Hillsborough	X		West Bay Sanitary District		X
Menlo Park	X				

**2. Public Comment**

Persons wishing to address the Board on matters NOT on the posted agenda may do so.

Each speaker is limited to two minutes. If there are more than five individuals wishing to speak during public comment, the Chairman will draw five speaker cards from those submitted to speak during this time. The balance of the Public Comment speakers will be called upon at the end of the Board Meeting.

If the item you are speaking on is not listed on the agenda, please be advised that the Board may briefly respond to statements made or questions posed as allowed under The Brown Act (Government Code Section 54954.2). The Board's general policy is to refer items to staff for attention, or have a matter placed on a future Board agenda for a more comprehensive action or report and formal public discussion and input at that time.

None

**3. Executive Director's Update**

Executive Director La Mariana welcomed all the meeting and gave the following announcements:

- Franchise agreement amendment one, and the 3<sup>rd</sup> Amended and Restated JPA decisions are beginning heard at the Member Agency council meetings starting this week, once a majority of Member Agencies adopt these (8) Amendment One will go into effect January 1, 2022, and the JPA Agreement will need to come back to the SBWMA Board for policy and procedure change decisions likely in September 2021.
- Franchise Agreements will need a second amendment in the fall of 2021 for SB1383 compliance related items.
- The Organics-to-Energy pilot is up and running after a year of COVID related delays, and two loads of material generated from the pilot are going to Silicon Valley Clean Water each day which is all they have capacity for. And additional loads are going to Central Marin Sanitary District.

- Staff is currently planning for Phase II of the MRF upgrades which will include a recommendation for robotics.
- Conceptual agreement for the first Phase of EV vehicle replacement in the Recology fleet has been reached, 15-16 support vehicles are candidates for replacement likely in 2024. The collection vehicles will not be replaced because the technology isn't ready yet, and they are still operationally and cost prohibitive options.
- TAC Member Carol Augustine has announced her retirement, so there will be an opening on the TAC and Finance Committees.

**4. Approval of Consent Calendar**

Consent Calendar item(s) are considered to be routine and will be enacted by one motion. There will be no separate discussion on these items unless members of the Board, staff or public request specific items be removed for separate action. *Items removed from the Consent Calendar will be moved to the end of the agenda for separate discussion.*

- A. Approval of the Minutes from the September 20, 2020, TAC Meeting
- B. Approval of the Minutes from the October 15, 2020 Board of Directors and TAC Study Session

Motion/Second: Tong/A. Lee  
Roll Call Vote 9-0-0-2

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Belmont	X				Redwood City	X			
Burlingame	X				San Carlos	X			
East Palo Alto				X	San Mateo	X			
Foster City	X				County of San Mateo	X			
Hillsborough	X				West Bay Sanitary Dist.				X
Menlo Park	X								

**5. Discussion on SB 1383 Implementation Planning**

- A. Discussion of SB 1383 Implementation Responsibilities for SBWMA, Member Agencies, the County of San Mateo and Recology

Staff Carter gave a PowerPoint presentation on SB1383 Implementation planning, the presentation included the following information.

In 2022, the SB1383 regulations take effect, and jurisdictions are ultimately responsible for compliance. He went over the key compliance items required in 2022 and noted that in 2024 jurisdictions are required to take action against non-compliant entities.

The SBWMA is proposing that the Agency take the lead for the majority of the SB1383 requirements, while the County of San Mateo takes the lead on the edible food recovery program, and Member Agencies take the lead for enforcement, procurement and C&D and WELO ordinance compliance.

The SBWMA has written an MOU for SB1383 compliance that will be reviewed by the TAC today, which will then go to the Board, followed by Member Agency Council approval.

The SBWMA will provide a draft model enforcement ordinance to the member agencies that will be reviewed and approved by both the TAC and Board.

The model ordinance will need additional customizations by each Member Agency's attorney.

The committee discussed the ordinance:

Vice Chair Lorenz. Asked when cities will be able to take the ordinance to their Councils. Staff Carter answered that the Board will review at their June meeting, and then cities can agendize this for the end of June or July.

Chair Murray reminded TAC members that since this is an ordinance, it requires two readings and then 30 days

before it can be enacted.

Member Oskoui noted that there probably needs to be an informational meeting for elected officials ahead of the ordinance readings at councils to educate them on the law and its implications for their agencies.

Staff Au noted that staff recently assisted Foster City with a Council study session on SB 1383 and the implementation effects. SBWMA staff would be happy to arrange this for all the Member Agencies. Many members expressed interest in having this presentation at their Councils.

Staff Carter went on with his presentation inviting County Staff Member Jack Johnson to speak on the Countywide Edible Food Recovery program that is being implemented by the County of San Mateo's Office of Sustainability.

Executive Director La Mariana credited the County of their work on the edible food recovery program.

The committee then discussed the fact that SB1383 will require Member Agencies to change procurement policies and ordinances. Vice Chair Lorenz asked if Member Agencies will be able to modify existing ordinances or a new adoption would be required. Staff answered both may be needed.

Executive Director La Mariana noted that the issues with the procurement requirements is the volume required by SB1383. The amount of compost required is too vast to have space for.

Chair Murray noted there would be a large transportation cost involved in getting all of the compost to the Member Agencies for use as well.

Member Oskoui suggested a more centralized approach to distributing the compost mulch if there is no way to consume all of the volume required.

Member Brown suggested getting in touch with Bay Conservation Development Commission to see if compost could be used for sea level rise.

Member Clark shared concerns that this might trigger CEQA.

Executive Director La Mariana noted that staff would work with the Agency attorneys if any of the programs would need to be flagged for triggering CEQA.

Jack Johnson noted that County staff would be giving a presentation at the end of May on SB1383 procurement and Edible Food Recovery, and invited TAC members to attend, or reach out if they aren't already on the email list regarding SB1383 implementation in the County.

- B. Recommend approval of the Implementation of SB 1383 Memorandum Of Understanding to the SBWMA Board of Directors

Staff Carter gave an overview of the staff report and the proposed MOU agreement between the SBWMA and Member Agencies to clarify roles.

Member Tong wondered if there would be adequate time for the review process for the Member Agencies staff and legal counsels. He also noted that the MOU needed clarification regarding record keeping because the County is in a unique circumstance where there are other areas of the jurisdiction that are not part of the SBWMA

that they need to maintain records for.

Vice Chair Lorenz expressed concerns over several definitions and processes and requested more specific language be added in the MOU. The committee agreed that her change requests were reasonable and should be implemented before this moved forward to the Board.

Chair Murray asked if the Organics-to-Energy pilot would divert enough organic material to meet SB 1383 goals. Executive Director La Mariana answered that the pilot was likely not going to meet the diversion goals as defined in the SB 1383 regulations, but that it was still a valuable project.

Belmont now absent 3:04PM

The Committee then discussed whether there was a termination clause for the MOU. Could a Member Agency be a Member and not be part of the MOU, and if not should this be a JPA amendment and not an MOU.

Member Tong made a motion to approve recommending the MOU to the SBWMA Board with the modifications brought up during the discussion today/ A. Lee seconded the motion.

**6. Contractor Updates (*Verbal report only*)**

A. Recology

Mike Kelly quickly noted that Recology is currently focused on the rate application for 2022.

B. South Bay Recycling

Dan Domonoske noted that so far SBR is still able to move material, and that it is still a struggle to keep things moving, but they have not had to resort to transporting material to Los Angeles yet.

**7. TAC Member Comments**

**8. Adjourn 3:55PM**