



SBWMA SPECIAL TECHNICAL ADVISORY COMMITTEE (TAC) MEETING
THURSDAY, May 13, 2021 at 2:00 p.m.

VIA ZOOM VIDEO OR TELECONFERENCE MEETING ONLY

Link to Join

<https://us02web.zoom.us/j/87917415693?pwd=WkFwZ1Fhalp6azVtcFZ5cFd3bHJMZz09>

Phone number for voice access: 1 (669) 900 9128

Meeting ID: 879 1741 5693

Passcode: 251566

PURSUANT TO GOVERNOR NEWSOM'S EXECUTIVE ORDER N-29-20, THE MEETING WILL BE HELD BY TELECONFERENCE AND/OR VIDEO CONFERENCE ONLY. THE PUBLIC MAY PARTICIPATE BY JOINING THE ZOOM MEETING <https://us02web.zoom.us/j/87917415693?pwd=WkFwZ1Fhalp6azVtcFZ5cFd3bHJMZz09> AND SUBMITTING THEIR PUBLIC COMMENTS IN A LIVE MEETING FORMAT. ANY EMAILS SENT TO rethinker@rethinkwaste.org WILL BE PROVIDED TO THE TAC MEMBERS PRIOR TO THE MEETING.

Live verbal public comments may be made by members of the public joining the meeting via Zoom. Zoom access information is provided above. Use the "raise hand" feature (for those joining by phone, press *9 to "raise hand") during the public comment period for the agenda item you wish to address. The TAC CHAIR will call on people to speak by name provided or last 4 digits of phone number for dial-in attendees. Please clearly state your full name for the record at the start of your public comment

Written public comments for the record may be submitted in advance by 12:00 p.m. on the meeting date by email to: rethinker@rethinkwaste.org and will be made part of the written record but will not be read verbally at the meeting. Written public comments submitted by email should adhere to the following: 1) Clearly indicate the Agenda Item No. or specify "Public" in the Subject Line for items not on the agenda and 2) Include the submitter's full name

TELECONFERENCE PARTICIPANTS

ALL TAC MEMBERS WILL PARTICIPATE BY TELECONFERENCE AND/OR VIDEO CONFERENCE PURSUANT TO GOVERNOR NEWSOM'S EXECUTIVE ORDER N-25-20

PURSUANT TO RALPH M. BROWN ACT, GOVERNMENT CODE SECTION 54953, ALL VOTES SHALL BE BY ROLL CALL DUE TO ALL TAC MEMBERS PARTICIPATING BY TELECONFERENCE AND/OR VIDEO CONFERENCE

ANY REQUEST FOR REASONABLE ACCOMMODATION SHOULD BE ADDRESSED TO CYNDI URMAN AT CURMAN@RETHINKWASTE.ORG.

AGENDA

1. Call to Order/Roll Call

2. Public Comment

Persons wishing to address the TAC on matters NOT on the posted agenda may do so. Each speaker is limited to three 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 TAC Meeting. If the item you are speaking on is not listed on the agenda, please be advised that the TAC may briefly respond to statements made or questions posed as allowed under The Brown Act (Government Code Section 54954.2). The TAC's general policy is to refer items to staff for attention, or have a matter placed on a future TAC agenda for a more comprehensive action or report and formal public discussion and input at that time. *Speakers may also submit comments via email prior to the meeting by sending those comments to rethinker@rethinkwaste.org*

MEMBER AGENCIES

BELMONT * BURLINGAME * EAST PALO ALTO * FOSTER CITY * HILLSBOROUGH * MENLO PARK * REDWOOD CITY
* SAN CARLOS * SAN MATEO * COUNTY OF SAN MATEO * WEST BAY SANITARY DISTRICT

3. Executive Director's Report *(Verbal report only)*

p.3

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 TAC, 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 **ACTION p. 7**

B. Approval of the Minutes from the October 15, 2020 Board of Directors and TAC Study Session **ACTION p. 13**

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 **p. 23**

B. Recommend approval of the Implementation of SB 1383 Memorandum Of Understanding to the SBWMA Board of Directors **ACTION p. 25**

6. Contractor Updates *(Verbal report only)*

ACTION p. 43

A. Recology

B. South Bay Recycling

7. TAC Member Comments

8. Adjourn

MEMBER AGENCIES

**BELMONT * BURLINGAME * EAST PALO ALTO * FOSTER CITY * HILLSBOROUGH * MENLO PARK * REDWOOD CITY
* SAN CARLOS * SAN MATEO * COUNTY OF SAN MATEO * WEST BAY SANITARY DISTRICT**



A Public Agency

EXECUTIVE DIRECTOR'S REPORT

Agenda Item 3 is a verbal report only at the
05/13/2021 SBWMA TAC Meeting



A Public Agency

CONSENT CALENDAR



DRAFT MINUTES

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY
 SPECIAL MEETING OF THE TECHNICAL ADVISORY COMMITTEE
 September 10, 2020 – 2:00PM.
 Via Zoom Tele/Video Conference

Call to Order: 2:04PM

1. Roll Call

Agency	Present	Absent	Agency	Present	Absent
Atherton	X		Menlo Park	X	
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

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 everyone and thanked the Committee members for attending. He then gave the following updates:

There are two Board meetings remaining in 2020. The October 15, joint Board/TAC study session, and the November 19, final Board meeting.

The October 15th meeting will be a refresher on the proposed SB1383 Compliance plan, and then it will be recommended for approval at the November 19th meeting.

Also at the November 19 meeting, the board will approve the first calendar year budget which will true up the Agency's fiscal year with the rate year.

At the August special meeting the Board established an exit fee for the Town of Atherton to exit the JPA, that fee includes all costs through December 31, 2020. Any on going costs will be discussed separately. Following the August Special Board meeting, Recology has identified some on going operating and overhead costs meaning January 2021 and forward that will continue to be costs going forward but would have been included in Atherton's obligations. He noted that staff is reviewing Recology's calculations and contractual obligations and will have a recommendation at the next meeting.

The Town of Atherton will have a final action step at their Council meeting on September 16th, when they will vote on the decision to exit the JPA. If they do vote to exit the JPA each member agency will need to vote on whether or not to approve Atherton's exit of the JPA, and this will need to be placed on the Council agendas in the next few weeks.

Shoreway operations continue to be uninterrupted through this 6-month of COVID operations. He noted that a similar facility in Marin 40 workers were infected with COVID and it affected their operations.

Vice Chair Murray asked how Atherton's withdrawal would affect the rate setting process. Executive director La Mariana answered that there may be a modified comp app.

The committee then discussed the Recology costs associated with the Atherton exit. Executive director La Mariana noted that the number Recology has identified is \$367,000, and that further discussions would occur to verify the calculations and determine contractual obligations. Mike Kelly of Recology added that these are overhead, manager and IT costs that don't go away even if Atherton does, and depending on the Member Agency's size the change in costs would be 0.25% to 0.65%.

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 Minutes from the November 7, 2019 Joint Board/TAC Meeting
- B. Approval of 2021 TAC Meeting Calendar

Motion/Second: Cooke/A. Lee
 Roll Call Vote 7-0-1-4

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton	X				Menlo Park	X			
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

5. Election of New TAC Chair and Vice Chair

Vice Chair Murray called for nominations for TAC Chair

Member Lucky nominated Vice Chair Murray as Chair. Vice Chair Murray accepted the nomination. Member Shapero seconded the nominations.

Roll Call Vote: 8-0-0-4

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton	X				Menlo Park	X			
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

Chair Murray called for nominations for Vice Chair

Member Lucky nominated Member Lorenz for Vice Chair. Member Lorenz accepted the nomination. Member Shapero seconded the nomination.

Roll Call Vote: 8-0-0-4

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton	X				Menlo Park	X			
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

6. TAC Review of 2021 Recology Compensation Adjustment Application3

Staff Mangini gave a PowerPoint presentation outlining the Recology 2021 compensation application, noting that 2021 marks the first year of the amended and restated franchise agreements. He also gave an overview of all of the workstreams that lead to the final compensation recommendation by staff. He went over Table 8 and highlighted revenue surplus and shortfall.

Executive Director La Mariana noted that over the last several years he's been vocal about recommending Member Agencies build up their reserves to soften the increase this year and compliments the TAC Members are doing that for the most part. He noted that after this jump off point the process will become formulaic and CPI based except for the service level adjustment.

Staff Mangini continued the presentation going over direct costs and indirect costs as well as the service level adjustment matrix which is new in the amended and restated franchise agreements.

The committee then discussed service level adjustments. Executive Director La Mariana noted that there was a lot of discussion at this committee to carve this out in the amended and restated agreements, and at your direction if there is growth in your agency the additional costs will be tied directly to your agency and you'll be responsible for collecting the revenue to cover that growth cost.

Member Lorenz asked what the expectation for the service level adjustment going forward. Staff Mangini noted that he thought the bulk of the adjustment would still be CPI going forward, but there would also be a service level adjustment based on growth or shrinkage in any particular agency.

Member Clark asked if COVID has had affected revenue and if any service level adjustments have been made due to the economic downturn. Staff Mangini noted that the disposal and revenue projections have been affected by COVID. Even through tip fees are going up, volumes are down, so costs on the member agency side are also down, but revenues on the Agency side are down because volume is down. Executive Director La Mariana noted that the Board would be making tip fee adjustment decisions as part

of the calendar year budget process for any increases to go into effect January 1, 2020. The tip fees will be affected by the COVID downturn in volume.

Member Clark asked for an explanation of table 8 for the new TAC members. Staff Mangini and Executive Director La Mariana explained table 8. A1 is the estimated revenue if no adjustment is made. A2- A6 is the cost associated with the collection service, and estimated disposal and processing costs, which are variable based on tonnage received. Then there is a sum of costs compared to collection revenue in A1, which ties to a surplus/shortfall for that period which is A9. A10 is the adjustment percentage recommendation for the year. F3 is the total rate adjustment percentage.

7. TAC Review of 2021 South Bay Recycling Compensation Adjustment Application

Staff Gans gave an overview of the SBR to staff report and SBR compensations application. He noted that table 1 in the staff report outlines how the SBR compensation amount is determined. He noted Recology's compensation is outside of the SBWMA budget, but SBR's compensation is part of the SBWMA budget. SBR's has submitted their compensation to the SBWMA for an estimated \$18,565,479, which is 6.2% lower than 2020. The decrease is a result of 1) the closure of the buy back center and 2) a decrease in fuel costs by 16%. He noted that other costs have gone up but have gone up predictably and based on indices. He did note that there was one big increase in power, PG&E's costs went up 6.16% this year.

Executive Director La Mariana gave an update on the Agency's power purchase agreement for solar power because of the increase in power costs. Staff will be looking at the power purchase agreement, and there might be a proposal to buy out the remaining part of the agreement and get new solar panels.

Executive Director La Mariana noted that last spring South Bay Recycling submitted a request for compensation adjustment in a very significant amount. There will be a discussion with possible action at the November 19 Board Meeting, this discussion could result in adjustment of the compensation numbers presented to you today.

Member D. Lee wondered if staff would look at partnership with Peninsula Clean Energy as solar power is reevaluated.

Staff Ligon answered yes, staff is relying on PCE's expertise in this area and he has been working with their staff to understand the solar data, and how the Shoreway facility's panels are performing. Which is the decision that is trying to be made, is it worth continuing with what is installed now with better maintenance, or would it be better to get a newer generation of panels going forward. Executive Director La Mariana noted that he see's a future with a lot more solar panels, it will be part of future discussions at the TAC.

Chair Murray asked how long the extension on SBR's agreement would be. Staff Gans answered that it's a 3-year extension through December 31, 2023.

Chair Murray asked if the buyback center was closed permanently. Executive Director La Mariana answered yes, unless there is a structural change at the state level, because structurally the system is broken, it will remain closed permanently.

8. Contractor Updates

A. Recology

Mike Kelly of Recology have some updates on Recology's quick pivot due to COVID, a lot of customers have reduced services and then restarted services, so they have had to adjust to those changes quickly. They now have a 4-month supply of PPE, are cleaning and disinfecting trucks every day, drivers a checking in at their trucks rather than going to dispatch, they are adding plexiglass to the customer service area, and are hardening the facility. And, Recology has been recognized twice as essential heroes through a social media campaign put on by the Chamber. Lastly, the Waste Zero Specialist was invited by the Redwood City youth services was invited to be readers for virtual story time readers at the Redwood City Library.

B. South Bay Recycling

No Report

9. TAC Member Comments

Chair Murray thanked Recology and SBR for providing essential services when conditions are not great. She noted that service has not been interrupted and she is grateful for their work.

Chair Murray thanked Executive Director La Mariana for his participation in the City of San Mateo's Infrastructure and Sustainability Commission.

Executive Director La Mariana noted that the Environmental Education Center has just started virtual tours for schools and business, as well as public tours for up to 30-40 participants.

Member D. Lee noted that the County in partnership with the Cities and many organizations is working on the COVID Recovery Initiative, they are putting together their final work plan and there are areas that might overlap with the SBWMA, so they hope to roll out information and support. So if TAC members are going to be working with local businesses and would like those resources please reach out to the County, and she would share the final executive summary of the plan with the TAC once it's final.

10. Adjourn 3:44PM

DRAFT MINUTES

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY
SPECIAL MEETING OF THE BOARD OF DIRECTORS & BOARD/TAC STUDY SESSION
OCTOBER 15, 2020– 2:00 p.m.
Via Zoom Tele or Video Conference Only

Call to Order: 2:00PM

1. Call to Order/Roll Call

Agency	Present	Absent	Agency	Present	Absent
Atherton	X		Menlo Park		X
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	

All Members and public participated by Zoom Video or Conference Call

2. Public Comment

Persons wishing to address the Board on matters NOT on the posted agenda may do so. Each speaker is limited to three 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. **Speakers may also submit comments via email prior to the meeting by sending those comments to rethinker@rethinkwaste.org**

Member Bonilla commented that at the last meeting there was a discussion about the reduction of work force at SBR. He noted that the letter Executive Director La Mariana received from SBR had stated the layoff date was going to be Sunday, September 27. The Board meeting was on Thursday September 24, and the next day on September 25 the layoffs occurred. At the meeting Mr. Herring agreed that he would talk to his board about the layoffs but given the timing Member Bonilla didn't know if that had happened. Executive Director La Mariana responded that the SBR Board had met on Thursday night after the SBWMA Board meeting and gave Mr. Herring direction and the results of that direction happened on Friday morning.

3. Executive Director's Report

Executive Director La Mariana welcomed all to the meeting and gave the following updates.

- Last Tuesday, each of the 10 cities with support from staff and our outside technical consultant submitted their Cal Recycle Electronic Annual Reports (EARs).
- Virtual tours of Shoreway have begun which are partially live and partially pre-recorded, and the same virtual learning is also happening for the in-schools program. He congratulated staff Hashizume and her team on getting these virtual programs up and running.

- The SBWMA's 2020 Rethink Recycling Days will be taking place virtually on November 7 and November 14, as well as the poster contest, and he invited member agencies to help get the word out about these virtual events.
- The Town of Atherton's JPA exit request has now been approved by the West Bay Sanitary District, so they need 8 more member agencies to vote yes on their exit.
- He reminded Board members that in November the Board meeting will be on November 19 (the third Thursday), and that it will be the final Board Meeting of the year. He added that it will be a packed agenda and asked board members to allot two and half hours to get through the agenda (2-4:30pm).

4. Consent Calendar

No Items

5. Collection and Recycling Program Support and Compliance

- A. Resolution Approving SBWMA Amended Final Report Reviewing the 2021 Recology San Mateo County Compensation Application (Continued from September 24, 2020 Meeting)

Executive Director La Mariana noted that were 3 items called out at the September Board meeting that staff was directed to get resolution on before this item was brought back to the board for consideration of approval. Those items are:

- 1) The County of San Mateo identified two accounts that were mis-applied to their ledger but should have been assigned to the cities in which the parks are. These are the Cities of Menlo Park and San Mateo. After meetings with all three member agencies and Recology, we've gained consensus and addressed this issue. Board Member Groom noted that County staff is satisfied with the resolution. TAC Chair Murray from San Mateo noted that they are also satisfied. Executive Director La Mariana also confirmed he received additional approval from TAC member Lucky that this outcome was satisfactory to the City of Menlo Park.
- 2) Board Member Hurt expressed concerns about the way the City of Belmont's revenue requirement was displayed in table 8. He noted that Belmont does calculate their rates differently per article 11 of their franchise agreement than the rest of the member agencies, which was leading to the concern. He added that staff John Mangini had worked hard with Belmont staff to get satisfaction on their part, while honoring the integrity of the financial reporting system. Member Hurt thanked staff and noted the Belmont is satisfied with the results and she feels able to tell her rate payers exactly what the number is, with accountability and integrity. TAC Member Brown requested that the maker of the motion change the last two numbers in Belmont's column in table 8 from 89 to 98, then the table would be correct.
- 3) The third item is the \$386K/year of indirect costs that Recology identified as costs that they would incur after January 1, 2021 and beyond related to the Town of Atherton's exit. Mike Kelly, General Manager of Recology San Mateo County, noted on behalf of the employee owners of Recology San Mateo County, that they appreciate the opportunity to continue the partnership and providing service to the customers of the SBWMA service area, and they look forward to servicing those customers for the next 15 years and beyond. Executive Director La Mariana added that it is staff's recommendation to deny this request, based on the provision that there is no contractual language in the franchise agreement to allow these costs to be allocated back out amongst the remaining 11 member agencies.

Chair Benton clarified that the compensation application's total that the Board is being asked to approve today is the same as last month, except for several small changes amongst the member agencies on the reassigned accounts. These minor adjustments do not include any additional compensation to Recology. Executive Director La Mariana confirmed that the total dollar amount is the same, but a total of about \$8,000 has been moved between the County of San Mateo, Menlo Park, and the City of San Mateo due to the reassignment of two accounts.

Member Bonilla commented that he is in favor of approving the 2021 compensation application but has some concerns about the operating costs and asked staff to bring the operating costs back for discussion at the Board level.

Member Rak agreed and asked staff to bring an operating expense discussion back to the Board.

Member Brownrigg made a motion to approve the staff recommendation and the rates as called out and amended to reflect the \$9 difference in the Belmont number. He added that it is always healthy to look at the underlying operation expenses and asked staff to help the Board dig into that in the next budget cycle.

Member Hurt seconded the motion

Roll Call Vote:10-0-0-2

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Atherton	X				Menlo Park				X
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			

Chair Benton commented that he appreciated the position Recology took today on the matter.

6. Adjourn Special Board Meeting 2:25PM

7. Roll Call – Board/TAC Study Session

CTO: 2:25PM

Roll Call Board:

Agency	Present	Absent	Agency	Present	Absent
Atherton	X	4:11PM	Menlo Park		X
Belmont	X		Redwood City	X	
Burlingame	X		San Carlos	X	3:46PM
East Palo Alto		X	San Mateo	X	
Foster City	X		County of San Mateo	X	
Hillsborough	X		West Bay Sanitary District	X	

Roll Call TAC:

Agency	Present	Absent	Agency	Present	Absent
Atherton	X		Menlo Park	X	3:30PM
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	
--------------	---	--	----------------------------	---	--

8. SB 1383 Compliance Planning Update

Presentations by CalRecycle and HF&H Consulting

Executive Director La Mariana introduced the item and gave background and overview for the discussion. He noted that it permeates every aspect of the solid waste industry and is meant to target reducing organic material going into landfills. He then introduced Cara Morgan, Branch Chief and Senior Marketing Officer for the State’s Solid Waste Program compliance/enforcement agency, Cal Recycle. Tracy Swanborn of HF&H Consultants will follow with a presentation about the SBWMA specifics to comply with the law, and then a question and answer period.

Cara Morgan gave a PowerPoint presentation overviewing SB1383 and noted that last Friday the final regulations were submitted to the office of administrative law and that approval was expected within 30 days.

Tracy Swanborn of HFH Consultants gave a presentation overviewing the SBWMA preliminary compliance plan including the timeline for SBWMA compliance, SBWMA compliance approach plan and the Agency and member agencies’ next steps.

Executive Director La Mariana noted that HF&H’s assignment was to prepare a gap analysis of the Agency’s current capabilities versus what the law requires and identify the gaps in the form of a high-level action plan. He also noted that it currently doesn’t make sense to run the Organics-to-Energy (O2E) pilot project because the tons needed as feedstock for the pilot have dried up due to the COVID shut down. Staff still strongly believes in the project and is working on some technical alternatives (the Organics-to-Energy (O2E) pilot project) that will hopefully be able to take place in late fall and act as proof of concept. He also added that the SBWMA is working in a very collaborative effort with the County on edible food recovery to be in compliance with the law.

Cara Morgan commented it’s currently hard to know what the costs are going to be without any implementation history, but it’s no question that this law is a big lift for all jurisdictions. She appreciates all the work that the SBWMA is putting into the planning and preparing.

TAC Member Murray asked if option 2 and the O2E are working why would enforcement be necessary.

Tracy Swanborn answered that member agencies will still need to enforce single family customers to make sure they are properly participating and separating their materials, ensure that multi-family complexes all have the two containers and are properly separating, and enforce the edible food generators and food recovery organizations. So, option 2 and the O2E will make it easier, but there is still going to need to be an enforcement component to the program.

TAC Member Tong wondered if since Peninsula Clean Energy (PCE) is in San Mateo County, and is procuring electricity from renewable sources of biogas, if that could be an energy mix that could help with SB1383 compliance.

Tracy Swanborn answered that HFH didn’t explore those as part of the compliance plan, but it could be something that is viable. She noted that the regulations require some very specific criteria about the source of the renewable gas it has to come from the digestion of organic west, so the source is key to having it qualify.

Staff Southworth commented that our Agency would like to link the electricity consumed by the zero emission vehicles in the fleet with the organics being processed on site, but thought that staff would need to create their own way of accountability for the energy produced by the organic waste.

Member Bonilla asked staff and Cal Recycle to look into this possibility further with PCE, noting he was a Board Member for PCE as well and thought that energy created by the O2E project could be directly consumed by the Recology Fleet.

Cara Morgan answered that the SBWMA should strategize with the Cal Recycle procurement team and dig in deeper on SBWMA specifics. She added that they are getting close to completing their calculator tool and offered that the SBWMA could be one of their first testers that would allow the SBWMA to look at the numbers and work out more specifically costs, and which compliance direction to go in.

TAC Member Rodericks asked how food generators would be defined, wondering if food trucks and cafeterias at schools would be included.

Tracy Swanborn answered that the regulations define large generators in 2 categories. Tier 1 generators that have to comply starting January 1, 2022 includes supermarkets, grocery stores and wholesale food distributors, and tier 2 generators which have to comply starting January 1, 2024 includes restaurants with 250 seats or 5,000 square feet, hotels and health facilities that have their own food service, and event venues.

Cara Morgan answered that public schools are considered a local education agency and therefore the local agency only has to provide education and outreach, the education agency has to establish the edible food recovery program. She did note that private schools would be regulated by the local agency, but size wise would likely not be subject to the edible food recovery requirements.

Chair Benton asked if Cal Recycle would be working with the large chain grocery stores at the corporate office on compliance.

Cara Morgan answered yes, they have been a part of the regulatory process and their associations are helping get outreach to their membership.

Member Hurt asked if there was any talk regarding editing the timeline or offering fiscal support given the pandemic and public agencies are very strapped.

Cara Morgan answered that Cal Recycle understands what jurisdictions, residents and business are going through at this time, but unless there is a statutory change the overall timelines will not change. However, Cal Recycle has flexibility in enforcement action, and does not have to take enforcement on a jurisdiction that is not fully compliant. So, in August Cal Recycle released compliance guidelines noting that they would look at the totality of a jurisdiction's situation. She added that the law allows for additional time if there is an initial corrective action plan that could allow for an additional two and a half years before implementation. Additionally, if there are jurisdictions having issues with their infrastructure like the O2E project not having material to run, that could allow an additional 12 months. So, there is potentially a three- and half-year window before corrective action would occur. She added that Cal Recycle is about compliance assistance first, and corrective action in egregious situations. She also added that as far as funding resources, there is no new funding being proposed beyond the infrastructure funding that they already have.

Member Hurt added the Belmont is going to struggle with enforcement which will be expensive and time consuming and Belmont is already struggling with a \$9M shortfall with COVID.

Chair Benton added that he hears that Cal Recycle wants to be reasonable, sensitive and assist, but that those are very subjective, and asked if there was anyone on the legislative side that was looking at ways to give the jurisdictions relief.

Cara Morgan noted that she wasn't aware of anything currently.

Vice Chair Aguirre asked if liability issues regarding edible food recovery have been addressed in that portion of SB1383.

Cara Morgan answered yes it has been addressed and best management practices will be provided, and measures that add additional protections for those involved in the safe re-distribution of edible food. Additionally, there are state laws that protect the businesses.

Vice Chair Aguirre asked how far along are the negotiations with Silicon Valley Clean Water (SVCW).

Staff Gans noted that limited start up and training is scheduled now for November on the O2E pilot and noted that there was a staff reporting updating the Board on the O2E progress in the September Board packet. He answered the SVCW is doing an internal economic analysis, that he didn't think was going very well, but was waiting for those results. And there are 4 other Waste Water Treatment Plant (WWTP) agencies interested in partnering with us, so he hoped to put it all together with multiple agencies.

Executive Director La Mariana concluded that staff would work with Environmental and Energy Consulting (EEC) on Chair Benton's direction.

Reed Addis, Principal of EEC noted that it is the end of a session and a new session wouldn't start until January, so he wasn't aware of any legislator who were ready to take this on, but there are a lot of questions going to the governor's office about modifying the implementation schedule and addressing some of concerns raised today.

9. Review of the Draft CY 2021 Operating Budget and Capital Expenditures

Staff Mangini gave a PowerPoint presentation overview of the draft calendar year 2021 budget. Staff Gans joined in to give an overview of the capital improvement projects plan, noting that 2021 is primarily planning for projects in 2022 where roughly \$10M is planned for projects.

Member Groom asked if there would be a separate line item for SB1383 expenditures with each budget report out during the year so the Board could keep tabs on that.

Staff Mangini replied that we will definitely track those costs and report out to the Board. Executive Director La Mariana added that line 65 on the expenses spreadsheet is where staff has called out SB1383 expenses and where they will be tracked.

TAC Member Tong asked for clarification on where the actuals from the last fiscal year could be found in the attachments.

Staff Mangini answered that in attachment A there is a detail of the FY2020 actuals year ending June 30, 2020 which are unaudited at the moment, so they are preliminary.

Chair Benton encouraged Board and TAC Members to review this preliminary budget between now and November and get questions to staff ahead of time. He reminded the Board that November is going to be a very heavy agenda, and he hoped to get through this item quickly given it would be the second review of the budget.

10. Discussion on PG&E EV Fleet Subsidy Grant Program Request

Executive Director La Mariana noted that based on comments made by Chair Benton at the September Board meeting, staff is looking very aggressively at identifying subsidy opportunities for converting a portion of the Recology fleet to electric zero emission vehicles (ZEV). These subsidy programs could help defray costs in the transition of the fleet. Staff has worked with Recology in a sub work group and has identified at least 6 vehicles that can be converted to ZEVs by 2024, and potentially up to 24 vehicles. He added that the PG&E subsidy caps out at 24 vehicles, and there is an aspirational goal of replacing 54 trucks in the Recology fleet. He also added the Mike Kelly would want to note that right now the technology is lagging and replacing a current collection vehicle with a ZEV collection vehicle is not a one-for-one replacement because the technology is such that the battery takes up too much space and one electric truck does not do the same amount of work as one of the current diesel-powered trucks. He added that technology must improve, and productivity must improve. In mid-spring there will be an approval item up for Board consideration with an official letter of intent to PG&E to participate in their subsidy program.

Chair Benton asked if cutting this discussion short would hamper the ability to apply for grant and subsidy money.

Executive Director La Mariana answered when this item was put on this agenda it was with the understanding that the letter of intent would need to be approved at the November Board meeting, but what staff has learned from PG&E is that we can get in the queue now, and have the formality of the letter done in 5-6 months, thus the estimated spring approval date.

11. Board Member/TAC Member Comments

12. Adjourn 4:11PM



A Public Agency

Discussion on SB 1383 Implementation Planning

STAFF REPORT

To: SBWMA TAC Members
From: Tj Carter, Program Manager II, Recycling and Compliance
Date: May 13, 2021 Technical Advisory Committee Meeting
Subject: Discussion of SB 1383 Implementation Responsibilities for SBWMA, Member Agencies, the County of San Mateo and Recology

Analysis

As detailed in the SBWMA SB 1383 Compliance Plan approved by the SBWMA Board of Directors on November 19, 2020, the SBWMA administrative program /staff has taken on a significant portion of the SB 1383 program responsibilities.

Staff will provide updates on the following five (5) items and, when appropriate, TAC member input will be sought during this meeting:

1. Organics enforcement ordinance adoption by Member Agencies

SBWMA has hired Debra Kaufman Consulting to customize the CalRecycle Model Ordinance for SBWMA Member Agencies to specify SB 1383 requirements for generators, food recovery organizations/services, self-haulers, and other regulated entities and to establish SB 1383 requirements for organic waste product procurement, C&D recycling, and water efficient landscaping. There is funding available in this contract to support some additional technical assistance with Member Agencies to further customize the Model Ordinance to their jurisdiction. The Model Ordinance will be previewed during the May 13th TAC Meeting.

2. Edible Food Recovery Program with the County of San Mateo

The County of San Mateo Office of Sustainability is anticipated to lead the edible food recovery portion of SB 1383 on behalf of all jurisdictions in San Mateo County. This role will be delegated to the County by a MOU with all participating jurisdictions. Details of the MOU will be provided by County staff during the May 13th TAC Meeting. A draft of the MOU will be distributed to SBWMA TAC members.

3. Organic waste product procurement policy and on-going procurement

The SBWMA and County of San Mateo Office of Sustainability will estimate existing Organics processing and Edible Food recovery capacities available. If it is found that either are lacking, the SBWMA will assist the Member Agencies in creating an implementation plan to expand capacity. Member Agencies will develop a final plan for compliance with the SB 1383 organic waste product procurement requirements that relies in whole or in part of use of compost and mulch or energy, Member Agencies may be involved in the procurement of the compost and mulch and will need to establish their own policies and programs for use of the compost and mulch. Member Agencies must also comply with SB 1383 recycled-paper procurement requirements for “paper products” and “printing and writing paper”.

4. MOU with SBWMA and Member Agencies

SB 1383 allows a jurisdiction to designate a public or private entity to fulfill its SB 1383 responsibilities through a Memorandum of Understanding (MOU). The final version of the Implementation of SB 1383 MOU will be reviewed in item 5B. It is anticipated there will be one MOU between SBWMA and all 11 Member Agencies.

5. Contamination Monitoring by Recology

SBWMA is meeting with Recology on May 11th, 2021 to discuss Recology's role in contamination monitoring and record keeping, potential increases to organics collection services and other activities for SB 1383. The meeting details will be discussed at the May 13th TAC Meeting. Updates were not yet available at the time of this report.

Additional updates on roles and responsibilities related to the County of San Mateo and Recology will be discussed during the May 13th TAC Meeting.

Background

In September 2016, SB 1383 (Lara, Chapter 395, Statutes of 2016) established statewide methane emissions reduction targets in an effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. It includes statewide goals to reduce the disposal of organic waste and recover edible food for human consumption. To accomplish these statewide goals, SB 1383 regulations were developed, which were approved on November 3rd 2020, and include prescriptive requirements for jurisdictions related to recycling and organics collection, inspection, and enforcement policies and programs and edible food recovery. The SBWMA and its Member Agencies need to comply with nearly all SB 1383 requirements by January 1, 2022 with the significant exception that enforcement actions do not need to commence until January 1, 2024. More information regarding SB 1383 can be found online at www.calrecycle.ca.gov/organics/slcp/.

The SB 1383 Compliance Plan approved by the SBWMA Board of Directors can be found [here](#).

Fiscal Impact

None.

Attachments:

None.

STAFF REPORT

To: SBWMA TAC Members
From: Tj Carter, Program Manager II, Recycling and Compliance
Date: May 13, 2021 Technical Advisory Committee Meeting
Subject: Recommend approval of the Implementation of SB 1383 Memorandum Of Understanding to the SBWMA Board of Directors

Recommendation

It is recommended that the SBWMA Technical Advisory Committee recommend Resolution No 2021-XX attached hereto recommending the approval of Implementation of SB 1383 Memorandum Of Understanding (MOU) by the SBWMA Board of Directors.

Summary

The SBWMA Board of Directors approved the SBWMA SB 1383 Compliance Plan on November 19, 2020 which outlined anticipated responsibilities between the SBWMA and its Member Agencies. The SBWMA has drafted an Implementation of SB 1383 MOU detailing the roles and responsibilities of the SBWMA and its Member Agencies. The MOU is being provided to the SBWMA Technical Advisory Committee for review and recommendation to the SBWMA Board of Directors. If approved, the MOU will be brought to the SBWMA Board of Directors for recommendation to the Member Agencies for adoption.

Analysis

SB 1383 allows a jurisdiction to designate a public or private entity to fulfill its SB 1383 responsibilities. As detailed in the SBWMA SB 1383 Compliance Plan, the SBWMA will take on a significant portion of the SB 1383 program responsibilities. These responsibilities have been detailed in Attachment A in the form of a MOU between SBWMA and all 11 Member Agencies. It is anticipated there will be one MOU between the SBWMA and all 11 Member Agencies.

Note that while SB 1383 allows for delegation of responsibilities to others, it states that “a jurisdiction shall remain ultimately responsible for compliance with the requirements of this chapter.” It also states that a jurisdiction may not delegate its authority to impose civil penalties, or to maintain an action to impose civil penalties, to a private entity.

The following list summarizes the SB 1383-related responsibilities the SBWMA is slated to perform in the MOU:

- 1) **Education and outreach.** The SBWMA shall provide educational materials and community outreach to organic waste generators in English, Spanish, and Chinese that explain and provide information on the requirements of the SB 1383 regulations.
- 2) **Procurement.** The SBWMA shall annually notify each Member Agency of its Organic Waste product procurement target, as required and determined by CalRecycle. Before CalRecycle releases the

official procurement targets for each Jurisdiction on January 1, 2022 and every five years thereafter, the SBWMA shall assist the Jurisdictions in calculating estimates of the procurement targets.

- 3) **Reporting and recordkeeping.** The SBWMA will be the primary recordkeeper for all the information and documents required in the Implementation Record. Each Member Agency will be given access to their own set of records through a cloud-based software.
- 4) **Organics waste processing capacity and diversion planning.** The SBWMA will work with the County of San Mateo to estimate existing Organics processing and Edible Food recovery capacities available.
- 5) **Model Tools.** The SBWMA will revise the Model Tools, which were created by CalRecycle and HF&H, to better fit the Member Agencies' needs. The SBWMA will assist the Member Agencies in tailoring the language further if necessary, although it will ultimately be the Member Agencies' responsibility to use or adopt them.
- 6) **Complaints and waivers.** The SBWMA will support the Member Agencies in complaint and violation investigations and waiver applications.

Member Agencies will be responsible for:

- 1) All other parts of the SB 1383 regulations not detailed in the MOU.
- 2) **Sharing of information.** Sharing information with the SBWMA as information is available including all data, documents, contact information and other necessary information for the SBWMA to carry out responsibilities in the MOU.
- 3) **Staff and funding.** The SBWMA has hired one full-time Program Manager II to manage the SB 1383. Additional staffing may be needed in the future. Costs will be proportionally shared by Member Agencies through the garbage tipping fee rate. In the event that a Member Agency withdraws from the MOU, the Member Agency's share of the costs will be required to be paid to SBWMA on a proportionate basis.

Background

In September 2016, SB 1383 (Lara, Chapter 395, Statutes of 2016) established statewide methane emissions reduction targets in an effort to reduce emissions of short-lived climate pollutants in various sectors of California's economy. It includes statewide goals to reduce the disposal of organic waste and recover edible food for human consumption. To accomplish these statewide goals, SB 1383 regulations, which were approved on November 3rd 2020, include prescriptive requirements for jurisdictions related to recycling and organics collection, inspection, and enforcement policies and programs and edible food recovery. The SBWMA and its Member Agencies need to comply with nearly all SB 1383 requirements by January 1, 2022 with the significant exception that enforcement actions do not need to commence until January 1, 2024.

More information regarding SB 1383 can be found online at www.calrecycle.ca.gov/organics/slcp/.

Fiscal Impact

For CY 2021, a budget of \$927,000 has been allocated for SB 1383's Year One compliance, including the fully loaded salary and benefits cost for the new Program Manager II position.

In the event that a Member Agency withdraws from the MOU, the Member Agency's share of the costs will be required to be paid to SBWMA on a proportionate basis.

Attachments:

Resolution 2021-XX

Attachment A – Draft SB 1383 Memorandum of Understanding. with the SBWMA - Implementation of SB 1383 Regulations



RESOLUTION NO. 2021-XX

RESOLUTION OF THE SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY BOARD OF DIRECTORS

WHEREAS, the State of California passed SB 1383 (Chapter 395, Statutes of 1383), which required the California Department of Resources Recycling and Recovery (CalRecycle) to adopt regulations to reduce organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025; and

WHEREAS, CalRecycle has finalized regulations and revised Chapter 12 (Short-lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations (“SB 1383 Regulations”); and

WHEREAS, the SB 1383 Regulations require local agencies or jurisdictions, among other things, to implement programs requiring organic waste generators and waste haulers to meet minimum standards for organic waste collection services, inspect waste containers for prohibited contamination of materials, provide education and outreach information to organic waste generators, report to CalRecycle on compliance with SB 1383 Regulations, and maintain records of compliance with SB 1383 Regulations; and

WHEREAS, Jurisdictions may utilize a Joint Powers Authority to comply with the requirements of Chapter 12: Short-lived Climate Pollutants, except that the Jurisdictions shall remain ultimately responsible for compliance; and

WHEREAS, The South Bayside Waste Management Agency (SBWMA) Board of Directors adopted the SB 1383 Compliance Plan in November 2020 outlining the roles and responsibilities between SBWMA and its Member Agencies; and

WHEREAS, The SBWMA developed an Implementation of SB 1383 Memorandum of Understanding (MOU) detailing the roles and responsibilities between SBWMA and its Member Agencies; and

WHEREAS, The SBWMA Technical Advisory Committee reviewed and recommended the approval of the Implementation of SB 1383 MOU to the SBWMA Board of Directors; and

NOW, THEREFORE BE IT RESOLVED that the South Bayside Waste Management Authority hereby approves the recommendation of the Implementation of SB 1383 Memorandum of Understanding to the SBWMA Member Agencies for adoption.

PASSED AND ADOPTED by the Board of Directors of the South Bayside Waste Management Authority, County of San Mateo, State of California on the 20th day of May, 2021, by the following vote:

Agency	Yes	No	Abstain	Absent	Agency	Yes	No	Abstain	Absent
Belmont					Redwood City				
Burlingame					San Carlos				

East Palo Alto					San Mateo				
Foster City					County of San Mateo				
Hillsborough					West Bay Sanitary Dist				
Menlo Park									

I HEREBY CERTIFY that the foregoing Resolution No. 2021-XX was duly and regularly adopted at a regular meeting of the South Bayside Waste Management Authority on May 20, 2021.

ATTEST:

Alicia Aguirre, Chairperson of SBWMA

Cyndi Urman, Clerk of the Board

DRAFT

**Memorandum of Understanding
Between the Jurisdictions of Belmont, Burlingame, East Palo Alto, Foster City,
Hillsborough, Menlo Park, Redwood City, San Carlos, San Mateo, West Bay
Sanitary District, and the County of San Mateo and
The South Bayside Waste Management Authority
Regarding Implementation of SB 1383 Regulations**

This Memorandum of Understanding (“MOU”) is made this ____ day of _____, 2021 (“Effective Date”) by and between the **COUNTY OF SAN MATEO**, a political subdivision of the State of California, the **CITIES OF BELMONT, BURLINGAME, EAST PALO ALTO, FOSTER CITY, HILLSBOROUGH, MENLO PARK, REDWOOD CITY, SAN CARLOS, SAN MATEO**, each a municipal corporation of the State of California, the **WEST BAY SANITARY DISTRICT**, a California independent district, (the County and Cities and West Bay Sanitary District are referred to individually herein as a “Jurisdiction”) and the **SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY**, a California joint powers authority (“Agency”) (collectively the “Parties”).

RECITALS

WHEREAS, the Agency is a joint powers authority established pursuant to the California Joint Exercise of Powers Act (Gov. Code section 6500 *et seq.*); and

WHEREAS, each of the Jurisdictions is a member of the Agency, and the Agency operates certain core programs on behalf of and for the benefit of the Jurisdictions, including but not limited to providing education regarding recycling, composting, and other methods of waste diversion to the Jurisdictions and the public, and conducting, preparing, and submitting all monitoring and reporting as a regional agency pursuant to the Integrated Waste Management Act (California Public Resources Code §§40000 *et seq.*); and

WHEREAS, the State of California passed SB 1383 (Chapter 395, Statutes of 1383), which required the California Department of Resources Recycling and Recovery (CalRecycle) to adopt regulations to reduce organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025; and

WHEREAS, CalRecycle has finalized regulations and revised Chapter 12 (Short-lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations (“SB 1383 Regulations”); and

WHEREAS, the SB 1383 Regulations require local agencies or jurisdiction to implement Edible Food Recovery programs; to promote consistency within jurisdictions throughout San Mateo County and leverage economies of scale, the County has offered to lead the creation of a County-wide Edible Food Recovery Program on behalf of the unincorporated areas of the county and all the jurisdictions in the county and has developed a separate MOU in conjunction with that program;

WHEREAS, in addition, the SB 1383 Regulations require local agencies or jurisdictions, among other things, to implement programs requiring organic waste generators and waste haulers to meet minimum standards for organic waste collection services, inspect waste containers for prohibited contamination of materials, provide education and outreach information to organic waste generators, report to CalRecycle on compliance with SB 1383 Regulations, and maintain records of compliance with SB 1383 Regulations; and

WHEREAS, Jurisdictions may utilize a Joint Powers Authority to comply with the requirements of Chapter 12: Short-lived Climate Pollutants, except that the Jurisdictions shall remain ultimately responsible for compliance; and

WHEREAS, the Parties are entering into this MOU to establish certain roles and responsibilities that the Agency shall assume on behalf of the Jurisdictions to implement the SB 1383 Regulations (excluding the Edible Food Recovery Program requirements undertaken by the County in the separate MOU) that will take effect on January 1, 2022 under the terms and conditions as set forth herein.

NOW, THEREFORE, in consideration of the foregoing, the Parties hereby agree as follows:

AGREEMENT

1. **Term.** This MOU shall commence on the Effective Date and remain in full force and effect until terminated as set forth in Section 6 of this MOU.

2. **Definitions.**

- (a) “Agency” means the South Bayside Waste Management Authority.
- (b) “CalRecycle” or “Department” means the California State Department of Resources Recycling and Recovery.
- (c) “City” means one of the cities or towns that is a member of the Agency.
- (d) “County” means the County of San Mateo.
- (e) “Edible Food” means food intended for human consumption.
- (f) “Generator” means a person or entity that is responsible for the initial creation of organic waste.
- (g) “Hauler” means a person or entity who collects material from a Generator and delivers it to a reporting entity, end user, or a destination outside of the

state. “Hauler” includes public contract haulers, private contract haulers, food waste self-haulers, and self-haulers. A person who transports material from a reporting entity to another person is a transporter, not a hauler.

(h) “Implementation Record” means all records, physical or electronic, that must be stored in one central location and are required by Chapter 12: Short-lived Climate Pollutants.

(i) “Jurisdiction” means a City, or West Bay Sanitary District, or the County, each of which provides solid waste collection services within their jurisdictional boundaries.

(j) “Local Enforcement Agency” or “LEA” means the San Mateo County Department of Health Services, Solid Waste Local Enforcement Agency.

(k) “Organics,” “Organic Materials” or “Organic Waste” are materials that originate from living organisms and their metabolic waste products, including food, green material, landscape and pruning waste, vegetables, grain, meat, bones, paper towels, leaves, and wood.

(l) “Route review” means a visual inspection of containers along a hauler route for the purpose of determining container contamination, and may include mechanical inspection methods such as the use of cameras.

(m) “SB 1383 Regulations,” “Regulations,” or “Chapter” means Chapter 12 (Short-lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations. Regulatory references to specific sections listed in the MOU shall be to the SB 1383 Regulations, unless specifically noted otherwise.

(n) “Waste evaluation” means collecting samples from garbage, recycling, and organics from different areas in the jurisdiction so that the samples are representative of the jurisdiction’s waste stream.

3. **Responsibilities of the Agency.**

(a) **Education and outreach.** The Agency shall provide educational materials and community outreach to organic waste generators in English, Spanish, and Chinese that explain and provide information on the requirements of the SB 1383 Regulations, as more specifically described below.

(i) Prior to February 1, 2022, the Agency will make available to Generators, through print and/or electronic media, information regarding §§ 18984.9, 18984.10, 18985.1, 18985.2, 18988.3, 18991.3, 18991.4, and 18991.5 of the Regulations. This information shall be maintained and updated at least annually.

(ii) The Agency shall send annual letters to non-compliant residential and commercial Generators, providing information and resources to comply with the Regulations related to the collection and recovery of Organic Materials. The

Agency shall work with each individual Jurisdiction and the franchise Hauler to tailor the letter to the Jurisdiction’s needs.

(b) **Procurement.** The Agency shall annually notify each Jurisdiction of its Organic Waste product procurement target, as required and determined by CalRecycle. Before CalRecycle releases the official procurement targets for each Jurisdiction on January 1, 2022 and every five years thereafter, the Agency shall assist the Jurisdictions in calculating estimates of the procurement targets. (§18993.1)

(c) **Reporting and recordkeeping.**

(i) The Agency shall submit reports for Organics processing capacity and Edible Food recovery planning requirements according to the schedule established in § 18992.3.

(ii) The Agency will be the primary recordkeeper for all the information and documents required in the Implementation Record. (§ 18995.2) Each jurisdiction will be given access to their own set of records through a cloud-based software. Agency staff will upload documents within the 60-day timeframe as required in the Chapter, provided that the information is made available to the Agency by the necessary parties in a timeframe that allows for such uploading.

(iii) Upon request by a CalRecycle representative or the public through a Public Records Act request, either the Agency or the Jurisdiction will provide access to the Implementation Record within 10 business days. Agency and Jurisdiction shall notify the other of the request and coordinate a response.

(iv) The Agency shall submit the Initial Jurisdiction Compliance Report and Jurisdiction Annual Reports to CalRecycle as detailed in §§ 18994.1, 18994.2.

(d) **Organic waste processing capacity and diversion planning.**

The Agency shall work with the County of San Mateo to estimate existing Organics processing and Edible Food recovery capacities available in the service area (§§ 18992.1, 18992.2). If it is found that either are lacking, the Agency shall assist the Jurisdictions in creating an implementation plan to expand capacity.

(e) **Model Tools.** The Agency shall revise the Model Tools, which were created by CalRecycle and HF&H, to better fit the Jurisdictions’ needs. The Agency shall assist the Jurisdictions in tailoring the language further if necessary, although it will ultimately be the Jurisdictions’ responsibility to use or adopt them. The Model Tools are:

(i) Model Franchise Agreement Amendment and Exhibits or Scope of Services Modifications

(ii) Model Mandatory Organic Waste Disposal Reduction Ordinance, otherwise known as the Enforcement Ordinance

(iii) **Model Procurement Policy**

(f) **Complaints and violations.** Agency shall forward to the Jurisdictions all complaints alleging non-compliance with the Regulations for investigation. The Agency shall also provide to the Jurisdictions the names and associated contact information of Generators who repeatedly refuse to comply with the Regulations. The Agency shall notify the Jurisdictions of these complaints and violations at the time of receipt of such complaints by the Agency.

(g) **Waivers.**

(i) Since the authority to issue waivers cannot be delegated to a private entity, the Agency shall approve or deny each waiver request except as otherwise provided herein. (§ 18984.11)

(1) The Agency will create a standardized waiver request form for Jurisdictions and Haulers to distribute. This form will be a printable document maintained on the Agency's website.

(2) Since weekly pickup of solid waste is required by the LEA, Collection Frequency Waivers will not be granted to Generators in San Mateo County.

(h) **Emergency Circumstances – Waivers for Jurisdiction**

(i) The Agency will notify CalRecycle and apply for a waiver to landfill organics if any of the Jurisdictions or a region of the county experiences a natural disaster, has a temporary operational failure at the organics facility, or unforeseen operational restrictions have been imposed upon it by a regulatory agency. (§18984.13)

4. **Responsibilities of the Jurisdictions.**

(a) The Jurisdictions shall assume responsibility for all other parts of the Regulations not expressly stated to be covered by the Agency in this MOU.

(b) **Sharing of information.** Within thirty (30) days of request by the Agency, or as soon as such information is available to the Jurisdiction, the Jurisdictions shall share with the Agency all data, documents, contact information for generators within the Jurisdiction, or any other information necessary for the Agency to carry out the responsibilities listed in this MOU.

(c) **Staff and funding.** In order for the Agency to carry out its responsibilities in connection with the administration and implementation of the SB 1383 Regulations as specified in this MOU, the Agency anticipates that at least 1 staff person is required at the cost of _____ per year. Costs shall be jointly shared by participating Jurisdictions through the garbage tipping fee rate. In the event that a

Jurisdiction withdraws from this MOU pursuant to Section 6, the Jurisdiction’s share of the costs are required to be paid to Agency under this MOU on a proportionate basis.

5. **Indemnification/Hold Harmless.** Agency shall indemnify, defend, and hold harmless the Jurisdictions, their legislative bodies, officials, consultants, agents, and employees from and against any and all loss, damages, liability, claims, suits, costs and expenses, including reasonable attorney’s fees, arising from Agency’s performance of this MOU, with the exception of matters that are based upon the negligent or intentional acts or omissions of the Jurisdictions, their legislative bodies, officials, consultants, agents and employees.

6. **Withdrawal of Jurisdictions; Termination by Agency.** Any Jurisdiction may withdraw as a party to this MOU upon giving one hundred and eighty (180) calendar days’ prior written notice to the other Parties. Further, the Agency may terminate this MOU upon giving three hundred and sixty-five (365) days’ prior written notice to the Jurisdictions. Upon termination of this MOU, the Agency shall have no further obligations to carry out the Agency Responsibilities as described in this MOU.

7. **Notice.** During the term of this MOU, all notices shall be made in writing and either served personally, sent by first class mail, or sent by email provided confirmation of delivery is obtained at the time of email transmission, addressed as follows:

To: Agency

South Bayside Waste Management Authority
Attention: Executive Director
610 Elm Street, Suite 202
San Carlos, CA 94070
Telephone Number:
Email:

To City of Belmont:

City of Belmont
Attention: City Manager

Belmont, CA _____
Telephone Number:
Email:

To City of Burlingame:

City of Burlingame
Attention: City Manager

Burlingame, CA _____
Telephone Number:
Email:

To City of East Palo Alto: City of East Palo Alto
Attention: City Manager

East Palo Alto, CA _____
Telephone Number:
Email:

To City of Foster City: City of Foster City
Attention: City Manager

Foster City, CA _____
Telephone Number:
Email:

To Town of Hillsborough: Town of Hillsborough
Attention: City Manager

Hillsborough, CA _____
Telephone Number:
Email:

To City of Menlo Park: City of Menlo Park
Attention: City Manager

Menlo Park, CA _____
Telephone Number:
Email:

To City of Redwood City: City of Redwood City
Attention: City Manager

Redwood City, CA _____
Telephone Number:
Email:

To City of San Carlos: City of San Carlos
Attention: City Manager

San Carlos, CA _____
Telephone Number:
Email:

To City of San Mateo: City of San Mateo
Attention: City Manager

San Mateo, CA _____
Telephone Number:
Email:

To County of San Mateo: County of San Mateo
Attention: County Manager

Redwood City, CA _____
Telephone Number:
Email:

To West Bay San. District: West Bay Sanitary District
Attention: District Manager

Menlo Park, CA _____
Telephone Number:
Email:

Any Party may change the address to which notice is to be given by providing the other Parties with written notice of such change at least fifteen (15) calendar days prior to the effective date of the change.

Service of notices shall be deemed complete on the date of receipt if personally served or if served using email provided confirmation of delivery is obtained at the time of email transmission. Service of notices sent by first class mail shall be deemed complete on the fifth (5th) day following deposit in the United States mail.

8. **Governing Law and Venue.** This MOU shall be deemed to be executed within the State of California and construed in accordance with and governed by laws of the State of California. Venue in any proceeding or action among the participating Jurisdictions arising out of this MOU shall be in San Mateo County, California.

9. **Amendment.** This MOU and the exhibits hereto may only be amended in writing signed by all Parties, and any purported amendment shall be of no force or effect. This MOU may be amended to both extend the term and conditions, as well as

to add tasks. Agency shall not begin new tasks without express written permission of the Cities.

10. **Entire Agreement.** This MOU and its exhibits constitute the entire agreement between the Jurisdictions and the Agency and supersedes all prior negotiations, representations, or agreements, whether written or oral.

[Signatures on following page]

**SIGNATURE PAGE FOR MEMORANDUM OF UNDERSTANDING
Between the Jurisdictions of Belmont, Burlingame, East Palo Alto, Foster City,
Hillsborough, Menlo Park, Redwood City, San Carlos, San Mateo, West Bay
Sanitary District, and the County of San Mateo and
The South Bayside Waste Management Authority
Regarding Implementation of SB 1383**

IN WITNESS WHEREOF, the Parties hereto have executed this agreement in duplicate on the day and year first above written.

CITY OF BELMONT, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF BURLINGAME, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF EAST PALO ALTO, A
Municipal Corporation of the State of
California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF FOSTER CITY, A Municipal
Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

TOWN OF HILLSBOROUGH, A
Municipal Corporation of the State of
California

By: _____

Town Manager

APPROVED AS TO FORM:

Town Attorney

CITY OF MENLO PARK, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF REDWOOD CITY, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF SAN CARLOS, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

CITY OF SAN MATEO, A Municipal Corporation of the State of California

By: _____

City Manager

APPROVED AS TO FORM:

City Attorney

COUNTY OF SAN MATEO, A Municipal Corporation of the State of California

By: _____

County Administrator

APPROVED AS TO FORM:

County Counsel

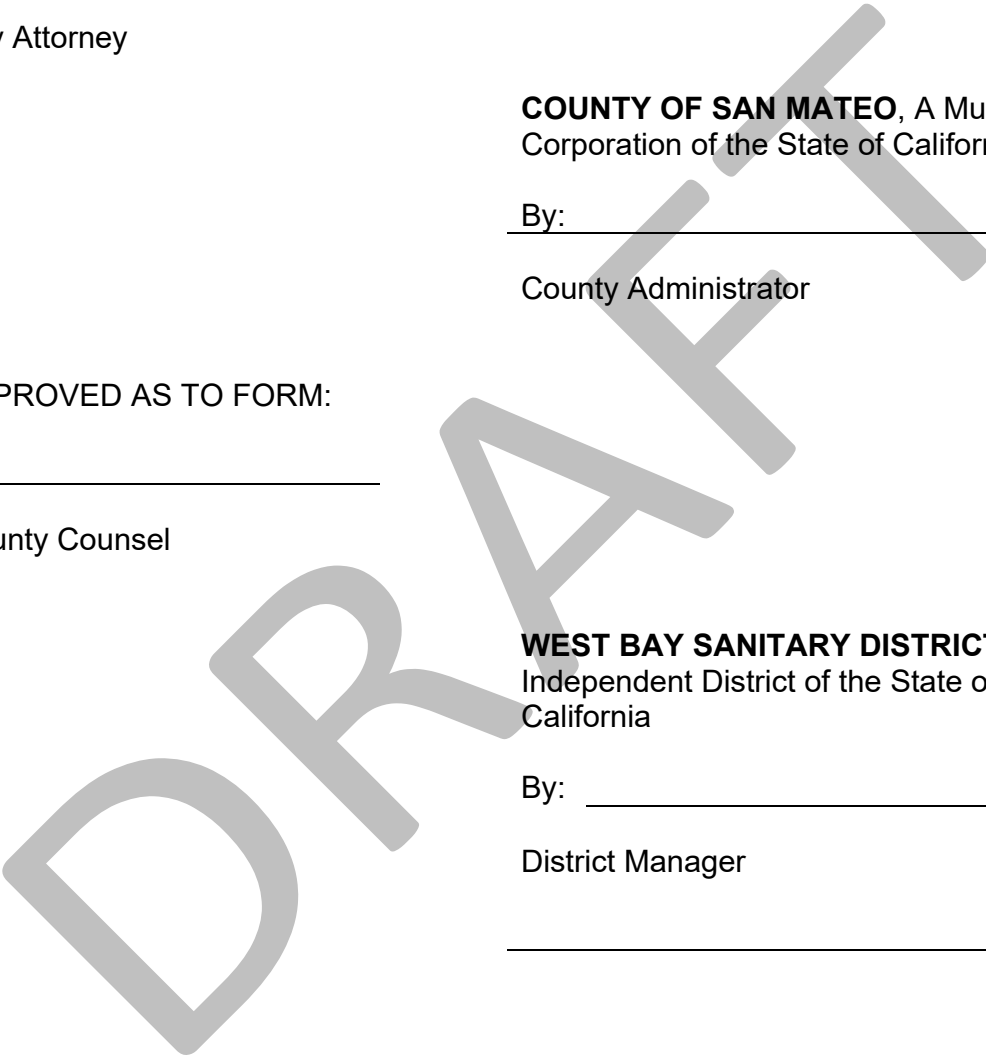
WEST BAY SANITARY DISTRICT, An Independent District of the State of California

By: _____

District Manager

APPROVED AS TO FORM:

District Counsel



**SOUTH BAYSIDE WASTE
MANAGEMENT AUTHORITY, A California
Joint Powers Authority**

By: _____

Executive Director

APPROVED AS TO FORM:

Agency Counsel

DRAFT



A Public Agency

CONTRACTOR UPDATES

(Verbal Updates only to be given at the
05/13/2021 TAC Meeting)