



MINUTES

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY MEETING OF THE LEGISLATIVE COMMITTEE April 4, 2022 2:00PM Via Zoom Tele or Video Conference

Call To Order: 2:03PM

1. Roll Call

Member	Present	Absent
Michael Brownrigg	X	
Adam Rak		X
Carole Groom	X	
Fran Dehn	X	

SBWMA Staff Members Present: Joe La Mariana, Julia Au, Cyndi Urman

Others Present: Kayla Robinson, Environmental and Energy Consulting; Reed Addis, Environmental and Energy Consulting, Gordon Tong, Drew

2. Public Comment

Pursuant to Government Code Section 54954.3(a), members of the public wishing to address the Committee may do so, and the comments shall be limited to the Special Meeting notice topic(s). Speakers may join the Zoom meeting via the meeting link and using the "raise hand" feature and the Clerk of the Board will call on people.

Gordon Tong asked about AB1276 and AB 1200 that the County has been tracking around foodware, that will require restaurants not to serve foodware that contains PFAS. He asked if the Agency was helping Member Agencies that aren't part of the County Foodware Ordinance comply.

Kayla Reed noted that these two bills were passed last year, but this is inline with a lot of what your local jurisdictions already had. Gordon Tong noted that the ordinance has been updated in the Cities that have already adopted the County's ordinance, but there are two cities in the JPA that aren't part of the County's ordinance. Staff Au noted that she would follow up with Gordon Tong and County staff to help those two cities comply.

3. Executive Director's Welcome

Executive Director La Mariana welcomed everyone to the meeting and gave some updates

He was quoted in a Washington Post article that ran today on batteries, and noted that it's this kind of publicity that will give traction to the two battery bills in the state legislature. He noted that in the article there are several facilities that have been affected by this battery issue.

Two of the Agency’s current top priorities are the Operations Agreement RFQ selection process, and the Site Optimization study RFP process.

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 Committee, 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 February 7, 2022 Legislative Committee Meeting
- B. Approval of the Minutes from the March 7, 2022 Legislative Committee Meeting

Motion/Second: Brownrigg/Dehn (4A)Groom(4B)

Roll Call Vote: 3-0-0-1

Member	Yes	No	Abstain	Absent
Michael Brownrigg	X			
Adam Rak				X
Carole Groom	X			
Fran Dehn	X(4A)		X(4B)	

5. Legislative Updates from Environmental and Energy Consulting (EEC) and Committee Discussion

Kayla Robinson of EEC gave an update on the Agency’s sponsored legislation.

AB 2440 & SB 1215 Battery Bills - She noted that the SBWMA’s battery legislation deadline to get the bills out of their first house committees is April 29. After that they will head to the appropriations committee, and suspense file. AB2440 will be in its first committee hearings tomorrow 4/5/22 in the Assembly Environmental Safety and Toxic Materials Committee (ESTM). And SB1215 will be in heard in the Senate Environmental Quality (EQ) Committee on 4/20. After ESTM, AB2440 will be heard in the Natural Resources Committee.

She was excited to announce that the Rechargeable Battery Association came out in a neutral position on this bill, which has changed the game on this bill, it’s the first time in 4 years they haven’t strongly opposed. EEC is feeling optimistic about the hearing tomorrow and democratic support.

Member Brownrigg commented on an email conversation he had with EEC regarding his surprise on the Rechargeable Battery Association coming on in a neutral position, and asked EEC to reiterate what changes were made.

Kayla Robinson noted that the bill hasn’t changed too substantially from last year, but the changes we made that she things brought the neutrality include:

- Separating the bill into two different programs – one for "loose" batteries and one for batteries embedded in products. This is major - the battery manufacturers had major concerns that they would foot the bill for recycling the products, so by separating they had more peace of mind.
- For loose rechargeable batteries, a weight limit of under 11lbs and less than 300 watt-hours was set.
- Included limited program development oversight to CalRecycle and the Department of Toxic Substances Control, rather than allowing any agency to review.

Member Brownrigg commented that he thought these changes were reasonable.

Reed Addis noted that he agrees this bill is in a good spot, but he has had bi-partisan bills get all the way through the process and then die, so he asked the committee members to work their contacts with the talking points they were given, keep energy up, and also find out where any opposition may be coming from.

AB 1985 SB1383 Procurement – Kayla Robinson noted that the bill passed through the Assembly Natural Resources Committee on consent. EEC has a meeting with CalRecycle on Wednesday to begin discussions around what a long-term solution to the procurement requirement could look like. They are working on get Cal Recycle to agree to a phased in approach and expanding what procurement options looks like that are used to comply. The goal being to come to a compromise

The committee then discussed other bills of interest.

AB 1944 public meetings being held virtually. – Executive Director La Mariana asked EEC to discuss this bill.

Kayla Robinson noted that RethinkWaste hasn't taken an official position on the bill, so they have been tracking through the process. It hasn't been set for a committee hearing yet, but when it does it will go to the local government committee.

The committee discussed taking a position of support on this bill. Counsel Savaree noted that one of the benefits of this bill is that board members could participate in the meetings virtually without having to disclose their location. Member Groom noted that she was in support of letting the SBWMA Board make the decision, as long as the public was being accommodated. Member Dehn agreed that virtual meetings have allowed for a higher participation rate from the public, but asked if they are speaking for the Cities, or as a Board Member for the SBWMA. Member Brownrigg noted that making sure there is a robust hybrid option for the public to participate. However, if we collectively chose to go the hybrid option, he thought there should be at least one meeting per year for Board Members to meet in-person.

Executive Director La Mariana noted that staff has identified the 3 potential annual meetings for compulsory in-person attendance: annual retreat in February, the budget study session in October, and the final board meeting on the year in November, when we typically host a thank-you holiday feast before the meeting.

Reed Addis suggested based on comments that the agency take a position of support on the bill, and noted that it didn't hurt to both support early, and support an Assemblymember in the Bay Area which he referred to as the sphere of influence.

Bottle Bill – Executive Director La Mariana commented that Bottle Bill is making major news. There is \$600M being collected by the bottle bill, but there is a failing in how the funds are being distributed back to the public. Every year there is a revamping of how to try and fix existing law in the legislature.

Reed Addis noted that there are 4 pieces of legislation swirling on this topic. One is proposing to throw away the bottle bill and start over, one is a balloon bill to tweak the existing bottle bill, and another two bills trying to change what bottles are in the program which will lead to modifications of the bottle bill. Additionally, CalRecycle is in conversation with the budget committee on what to do with the surplus, which will be a separate discussion around this issue. Currently the two houses are not in alignment on where to go with this, so there are a lot of issues swirling around on this.

SB 1046 Solid Waste Pre-checkout bags – Member Dehn asked if the plastic bag ban had been rescinded during covid, and for more information on this bill. Staff Au answered that yes it was relaxed, but has since gone back to stores only being able give paper bags or thick plastic bags that need to be charged for. She noted that

San Mateo County Environmental Health is responsible for making sure stores are charging for the bags. Member Dehn asked if those thicker plastic bags are recyclable. Julia answered that the key is that the bags be reusable, but that the thick plastic bags are being recycled into furniture in some cases. Reed Addis added that the reason those thicker plastic bags are in the bill language is not because they are more recyclable than flimsy plastic, but because there is a California based company that manufactures those bags. Staff Au noted that SB 1046 is actually about produce bags so that it will follow along with the bag ban.

Kayla concluded that the suspense file date is May 20, so next month will be a very critical time for the battery bill.

Staff will send the Washington Post article link to the committee, full board and TAC.

6. Legislative Committee Member Comments

7. Adjourn 2:49PM