



MINUTES

SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY MEETING OF THE LEGISLATIVE COMMITTEE December 5, 2022 2:00PM Via Zoom Tele or Video Conference

Call To Order: 2:02PM

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, Jean Savaree

Others Present: Kayla Robinson, Environmental and Energy Consulting; Reed Addis, Environmental and Energy Consulting, 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.

None

3. Executive Director's Welcome

Executive Director La Mariana welcomed everyone to the meeting. He noted that this was a year of great legislative accomplishments with the two battery bills and AB 1985 that helps extend implementation deadlines for SB1383. And SB 54 that was passed. He noted that we just received a nice note from Assemblymember Robert Rivas thanking the agency for co-sponsoring and support on AB 1985. He thanked both the staff, and EEC teams as well as the legislative committee and the board for support for getting this work done.

He thanked Member Groom not only for her commitment to the Agency over the years, but also for her commitment to public service. He noted that there would be a vacancy on this committee in 2023 that will need to be filled.

Today we will talk about our priorities for the 2023-2024 Legislative session.

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 August 29, 2022, Legislative Committee Meeting
- B. Approval of the RethinkWaste Legislative Committee 2023 Meeting Calendar

Agenda item 4B was amended as the calendar stated the meeting would be on November 7, but the date should be Monday, November 6, 2023

Motion/Second: Dehn/Groom

Roll Call Vote: 3-0-0-1

| Member | Yes | No | Abstain | Absent |
|-------------------|-----|----|---------|--------|
| Michael Brownrigg | X | | | |
| Adam Rak | | | | X |
| Carole Groom | X | | | |
| Fran Dehn | X | | | |

5. Legislative Committee Review and Recommended Approval of a Resolution Approving the 2023-2024 RethinkWaste Legislative and Regulatory Platform

Staff Au gave background and overview of the Agency’s legislative platform, then introduced Kayla Robinson.

Kayla Robinson of EEC gave a presentation on the content of the draft 2023 legislative and regulatory platform. Kayla went over the 2023 legislative and regulatory priorities and the slight changes from 2022. The main difference in 2023 is focusing on implementation after the passing of the battery bills, and there is some language in the platform regarding ZEV car batteries.

Executive Director La Mariana noted on the toxic reduction priority, not only is this important for keeping toxic waste out of the landfill and recycling bins and facilities, but also worker safety. He also noted that this many priorities speak to the complexity of the work the Agency is doing.

Member Brownrigg suggested that the list be color coded for areas where the agency is active versus reactive. So that the agency can support bills introduced on these topics but not necessarily be pushing. He also wondered if batteries still needed to be included on the priorities list since the bills have passed.

Kayla Robinson commented that they would renumber the list so that it corresponds with the priority for each item, so they would prioritize the platform. She also noted regarding batteries that she thought it should remain on the list because implementation of the regulation for the two bills passed would be something RethinkWaste will want to be a part of, so maybe it’s not number 2, but she thought it should remain on the list.

Member Groom asked for further information about getting possible funding from Cap-and-Trade.

Kala Robinson answered that Cap-and-Trade goes through the same budget process but can be on a slightly different timeline. There is funding that varies every year depending on how the Cap-and-Trade process goes, but it will be one of the remaining sources of funding in 2023, so it will be everyone fighting for a little bit of money.

Reed Addis added that the Cap-and-Trade budget is technically in the billions of dollars, but about 60% of it is not continuously appropriated, and for the most part those dollars don't go into programs that would benefit RethinkWaste. The other 40% goes through the budget and can get allocated into CalRecycle programs, and sometimes doesn't get allocated into beneficial programs to the Agency. He noted in a bad economy year where the legislature has to make cuts it can be harder to get that 40% allocated because there isn't any more general fund money.

Executive Director La Mariana supports making this document color coded in a way to differentiate areas where the agency is supporting versus pushing. He also noted that there are other categories of batteries, like ZEV batteries, that we still want to look at.

Member Brownrigg asked if this was a public document.

Staff Au answered yes it will be once it's approved by the board.

Member Brownrigg stated that he would like to make it a public document with a couple of tweaks to make it more user friendly. He suggested a line under each bullet that represented a mission statement for what that priority is trying to accomplish. He also wanted to see the word plastic included in the priorities because that really resonates with the public.

Member Dehn added that color coding the list, prioritizing the list or alphabetizing the list would make it more easy to defend the list and relate it to how Agency resources are being utilized. She also thought that including Member Brownrigg's comments about a mission statement for each priority and it be tied to any supported legislation like SB1383 that has been passed in recent years.

Kayla Robinson then highlighted bills passed in 2022 that will have an impact on RethinkWaste.

SB 54 requires producers to reduce plastic covered material and ensure that covered material is recyclable or compostable by 2032. She highlighted that producer organization will be required to pay \$500M annually starting in 2027 through 2037 so this will potentially be a new pot of funding that will be available to agencies like RethinkWaste. She went over the timeline of SB 54 it will be fully implemented by 2032 with some interim targets before full implementation.

AB 2440 – The Battery collection bill for loose batteries not embedded in products is an extended producer responsibility bill whose organization will be brought together in 2028. It requires all retailers with 5 or more locations to be collection sites. And sets recycling targets at 60% for rechargeable batteries and 70% for primary batteries by 2027.

SB 1215 focuses on batteries embedded in products. It expands upon the state's existing Electronic Waste Recycling to include products with embedded batteries. This bill is on a faster timeline because it's modifying an existing program. In 2025, SB 1215 will be fully up and running.

Member Brownrigg made a motion to move the 2023 legislative and regulatory platform forward to the fully board with the modifications and reformatting discussed earlier.

Member Dehn seconded the motion.

Roll Call Vote: 3-0-0-1

| Member | Yes | No | Abstain | Absent |
|--------|-----|----|---------|--------|
|--------|-----|----|---------|--------|

| | | | | |
|-------------------|---|--|--|---|
| Michael Brownrigg | X | | | |
| Adam Rak | | | | X |
| Carole Groom | X | | | |
| Fran Dehn | X | | | |

6. Discussion of RethinkWaste 2023 Legislative Priorities

Kayla Robinson then shifted her presentation from the 2023-2024 platform to specific priorities for 2023, she noted these 3 priorities for 2023:

- Push the state to think holistically about SB 1383
Looking to get all of the California agencies working on items that have a nexus to SB1383 like CARB, CalRecycle and CPUC, to think through how they are planning for this implementation into the future so local governments can be supported and thinking forward as well, So, that when 2025 comes the procurement requirements can be fully implemented.
- Growing RethinkWaste’s profile in Sacramento
Having run three bills directly in 2022, it might be time to take a pause on leading direct legislation and figure out how to support allies and build partnerships with different entities running legislation where RethinkWaste can get involved.
- Track BAAQMD and Regional Water Control Board.
Continue to monitor how local agency regulations could have an impact on RethinkWaste’s work, including BAAQMD regulations that were put on hold during COVID, but may be coming back.

Executive Director La Mariana noted that both the Air Board and the Water Board have been very active, and both have initiatives that RethinkWaste needs to be better synced up with. So, staff has asked EEC to advocate with these agencies on our behalf. To that end, they now have a staff member sitting in on these agencies board meetings to advocate and help RethinkWaste advance plan initiatives that will affect RethinkWaste.

Member Brownrigg reflected that there seems to be the view that the private sector can shoulder any cost, which may or may not be true, but RethinkWaste is not the private sector, because any cost of agency operations or work goes right through to the rate payers, so when there are unfunded mandates that are not feasible and are really expensive it raises equity issues that get overlooked. He thought that pushing Zero EV garbage trucks before the technology was ready was not the right timing and not fair to rate payers.

Member Brownrigg commented that he would like the agency to stop using both terms to describe the agency. Use either SBWMA or RethinkWaste. If the Agency is not consistent it won’t be able to build a brand. He noted that RethinkWaste is two verbs and doesn’t describe the Agency. Once a brand is built there is recognition in the paper for work done in Sacramento and residents feel that the Agency is fighting on their behalf.

Member Groom agreed on the name and thought it was worth some brainstorming sessions to think about.

The committee referred this item to the Public Education and Outreach Committee for further discussion.

Executive Director La Mariana noted that this might also be a good topic for the Board/TAC retreat in February.

7. Legislative Committee Member Comments

Member Brownrigg thanked and appreciated Carole Groom for gracious leadership both at RethinkWaste and in the community, it has been a pleasure to work with Carole.

Member Groom said thank you and said that she feels so privileged to serve.

Member Dehn echoed those comments.

Kayla Robinson noted that this has been the first full year of this committee and it has been very helpful for EEC to hear from all of the committee members, your expertise and commitment to the communities you serve brings a different lens to the work the EEC does.

8. Adjourn 3:01PM