



A Public Agency

SBWMA TECHNICAL ADVISORY COMMITTEE MEETING

THURSDAY March 14, 2024 at 2:00p.m.

San Carlos Library Community Room A/B
610 Elm Street
2nd Floor
San Carlos, CA 94070

The public may observe/participate in Committee meetings using remote public comment options or attending in person. Committee members shall attend in person unless remote participation is permitted by law.

TO ADDRESS THE COMMITTEE IN PERSON

Masking is not required but according to the California Department of Public Health guidelines, people at higher risk for severe illness should consider masking. To help maintain public health and safety, we respectively request that people NOT attend in-person if they are experiencing symptoms associated with COVID-19 or are otherwise ill and likely contagious (e.g., respiratory illnesses).

To address the Committee on any item – whether on the posted agenda or not – please fill out a Request to Speak Form and submit it to the Board Clerk. Speakers are not required to submit their name or address.

REMOTE PARTICIPATION

Members of the public may participate in public Agency meetings by logging into the Zoom:

<https://us02web.zoom.us/j/89353675426?pwd=ZmtDeW45cnVWRmhNOWlvZ29RbE51dz09>

Meeting ID: 893 5367 5426 Passcode: 597953

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. You may also use the raise hand feature on Zoom to enter a verbal public comment.

*Pursuant to Ralph M. Brown Act, government code section 54953, all votes shall be by roll call if any members of the board of directors are participating by teleconference and/or video conference.

AGENDA

1. Call to Order/Roll 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.*

3. Executive Director’s Report (*Verbal Update*)

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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

March 7, 2024

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 14, 2023, TAC Meeting

ACTION p. 7

5. Creation of an Ad-Hoc TAC Committee to review the Organics Processing Request for Proposal submissions and recommend award to the Board of Directors

ACTION p. 15

6. Senate Bill (SB) 1383 Program Update

p. 19

- Outreach and Technical Assistance update Presentation by Mia Rossi, Community Outreach Manager Recology San Mateo County
- Procurement Discussion on Possible Collaboration with Peninsula Clean Energy, Gordon Tong TAC Member San Mateo County
- Discussion on Enforcement

7. Contractor Updates

p. 21

- Recology
- SBI

8. Committee Member Comments

9. Adjourn

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March 7, 2024



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EXECUTIVE DIRECTOR'S UPDATE

Agenda Item 3 is a verbal report only at the
03/14/2024 SBWMA TAC Committee Meeting



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CONSENT CALENDAR

DRAFT MINUTES

**SOUTH BAYSIDE WASTE MANAGEMENT AUTHORITY
MEETING OF THE TECHNICAL ADVISORY COMMITTEE
September 14, 2023 at 2:00PM.**

San Mateo County Transit District, 1520 San Carlos Ave. 4th Floor Dining Room, San Carlos CA 94070

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 Report

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

He gave a reminder of the remaining calendared meetings in 2023 and the highlighted agenda items for each meeting.

- He announced that Joanne Nghiem has been promoted to an Associate Engineer position on the facility team, and staff is working internally to fill the Management Analyst position.
- He congratulated the public team for winning an award at the CRRA conference.
- Lastly, he noted that if any member agencies are seeking RethinkWaste staff support at their rate setting council meetings, he and Sr. Finance Manager John Mangini are available.

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 August 10, 2023, TAC Meeting
- B. Approval of the 2024 TAC Meeting Calendar

Motion/Second: Tong/Lee

Voice Vote: All in favor 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. Review of the SBWMA Draft Report Reviewing the 2024 Recology San Mateo County Compensation Application

Staff Mangini gave a presentation on Recology’s 2024 compensation application. He noted that the compensation indices are higher than have been over the past few years, but reflective of higher inflationary period that the economy is in. He noted that the compensation application doesn’t include an additional \$744K request for Covid compensation.

Executive Director La Mariana noted that there is a dispute in contract language interpretation between the Agency and Recology but, based on legal advice, staff is not recommending moving forward with the Covid reimbursement request. Recology will be making their case to the Board at the September meeting, at which point the Board may decide to grant reimbursement and those numbers would be in addition to the compensation application presented to you today.

Staff Mangini noted that there has been one minor change since the committee looked at preliminary numbers last month, one member agency made some changes to their compensation that have been incorporated into the report.

Member Johnson asked for a follow up on the use of the rate stabilization fund to soften the blow of the large increase in rates this year.

Staff Mangini noted that he hasn’t yet done the analysis, but using the fund would be a one-year fix and the revenue would still be there at the end of the year, so it would just kick the can down the road.

Member Johnson agreed but noted that he would like the Board to be educated about how much is in the reserve, how it could be used and the downside of using it and let them make the decision.

Executive Director La Mariana said that the current reserve is \$5M, and it would be the Board’s decision how to use it. He noted that if the Board decides to use it any amount it would be across all member agencies and applied through the same allocation process as the compensation.

There was a general consensus among the TAC members that this is the year for using the rate stabilization fund.

Staff will confirm the current rate stabilization fund amount and distribute the reserve policy to the TAC and confirm the methodology for allocation.

Member Clark asked staff to look at costs that are outside of these contracts to reduce costs within the administrative staff or the full disposal system.

6. Review of the SBWMA Draft Report Reviewing the 2024 South Bayside Industries Compensation Application

Staff Mangini gave an overview of the staff report and noted that there was a handout with the detail for the operations and maintenance line item in the report. He noted that this will be the base costs jumping off point going forward with the SBI contract and that the numbers presented here are what were agreed to in the contract negotiations.

Member Cooke noted that there are a couple of items in the report that costs haven't been confirmed, so they are not included in the report, one is for CBA and another for the organics-to-energy operations, so she wanted to know how big these costs might be in the future.

Staff Mangini noted on the organics-to energy program, analysis needs to be done on the financial feasibility long term of the full program before we can know what that number is going to be.

Executive Director La Mariana added that the pilot program was a break even, but we're not sure that it is going to be the case going forward, right now SBI has submitted a proposal to run the program, and Silicon Valley Clean Water has submitted a proposal to receive the material, and currently those costs are higher than expected. Staff is hoping to resolve these issues prior to 2024 so the program can be up and running again in 2024. He also noted regarding the labor negotiations, those could have big cost ramifications for the Agency, and that labor negotiations discussions have begun, so that one will play out quickly.

7. Senate Bill (SB) 1383 Program Implementation Update

- Presentation by Lauren Beauban, Sustainable Materials Management Specialist, SCS Engineers on RethinkWaste Technical Assistance

Staff Carter introduced the SCS team, and Lauren Beauban who presented on the services SCS has been providing on SB 1383, outreach and education, waivers and route reviews. He noted that SCS' contract is ending and there will be a handoff to Recology, so he wanted to give SCS an opportunity to present to the TAC on the work SCS has been doing for the last two years in helping us build out the methodology for meeting these regulations going forward.

Lauren Beauban the project manager for this project gave a presentation on the work SCS has been doing to support SB 1383 mandated implementation.

The committee asked to see the information presented by jurisdiction.

Member Brown noted that Belmont can only approve waiver requests in Belmont, so if any Belmont accounts are applying for waivers they need to go to the City of Belmont.

Member Clark noted that she would like to see workshops for MFD residents, so that they understand the law and why they need to comply, because we don't want to see them fined because they can't afford it.

Staff Carter noted that he would be open to trying to get more engagement, but that is what the letters and phone calls are intended to do. Recology has also been making calls to make engagement connections, but was open to a town hall format.

- SB 1383 Local Assistance Grants

The group then discussed the SB 1383 local assistance grants.

Staff Carter gave the background and noted that this year CalRecycle is allowing JPAs apply on behalf of the member agencies and have the grant funds applied to the service area, rather than each member agency applying. He suggested enforcement assistance and procurement as areas where grant money could be applied agency wide if RethinkWaste applied for the grants. He noted that the Resource Conservation District MOUs are ending in the Spring of 2024, so the grant monies could be used towards RethinkWaste having the MOU with the Resource Conservation District. He also noted a minimum of two member agencies would need to participate in the process in order for the RethinkWaste to apply on their behalf, and that a new resolution from each of the member agencies would be required in order to receive the funds, and the RethinkWaste Board would need to approve a resolution in order to receive the funds from CalRecycle.

The group discussed the need for more details on what was being proposed to use the grant money for service area wide before knowing if they were interested in participating. And, noted that with enforcement starting January 1, the grant funds may not line up, and the County will likely continue to work with the Resource Conservation District. The TAC agreed that they were interested in RethinkWaste managing the grant but needed some kind of options.

TAC members will send ideas to Staff Carter on program ideas, and staff will work with a subcommittee of the chair and vice chair to refine ideas for a group grant project.

The TAC members asked staff to put together an assessment of how the Agencies are doing with compliance to know where to focus the grant money in the coming year.

8. Contractor Updates

- Recology

John Zirelli General Manager of Recology noted that customer service has had a Covid outbreak, so they are unexpectedly working from home, but they are planning to be back in the office on Wednesday.

- SBR

The SBR Operations Manager resigned, and the MRF Supervisor Phil Mathison has been promoted to Operations Manager. SBR continues to work with SBI on the transition. SBR has also had a Covid

outbreak, with 6 currently out sick.

9. Committee Member Comments

Member Tong announced that they have hired Lizzie Carrade to work on food recovery programs, so Member Agencies will be working with her.

Member Ramirez announced that West Bay Sanitary District has been given direction by their Board to reassign our 2,000 franchise customers to the County, collections is not West Bay Sanitary District's core competency, and the Board is pushing to make this change.

Executive Director La Mariana noted that this is not an exit from the JPA, it is reassigning the management of the accounts. He also invited TAC members to the Rethink Recycling Day at the Shoreway Facility on October 21.

10. Adjourn 3:45PM



Creation of an Ad-Hoc TAC Committee to Review the Organics Processing RFP Proposals



STAFF REPORT

To: RethinkWaste TAC Members
From: Cyndi Urman, Sr. Management Analyst
Date: March 14, 2024 Technical Advisory Committee Meeting
Subject: Creation of an Ad-Hoc TAC Subcommittee to review the Organics Processing Request for Proposal submissions and recommend award to the Board of Directors

Recommendation

It is recommended that the TAC Committee create an Ad-Hoc TAC Subcommittee consisting of three to five members to review the Organics Processing Request for Proposal submissions and recommend award to the Board of Directors.

Summary

RethinkWaste’s Agreement with Browning Ferris Industries (BFI) Newby Island Facility for organics processing services expires December 31, 2024. Therefore, RethinkWaste has issued (on March 11, 2024) a new Request for Proposals (RFP) for those services from the period January 1, 2025 to December 31, 2029 (with the potential for mutually-agreed-upon two 1-year extensions). The proposed Compost Services RFP (Attachment A) timeline and logistics description can be found on the RethinkWaste website at <https://rethinkwaste.org/about/rfps-rfqs/> . The timeline specifies receipt of proposals on April 18, 2024, after which the TAC Ad-Hoc Subcommittee will evaluate and recommend a proposal in time for Board consideration/approval during the June 27, 2024, Meeting. Staff expects this time commitment to be one or two meetings depending on the number of proposers.

The Ad-Hoc Subcommittee will assess the proposals focusing on price, qualifications, technical performance, future capacity and numerous regulatory considerations. RethinkWaste attorney, Jean Savaree, will also review the proposers past performance record based on proposer-submitted 5-year history of litigation, regulatory actions, fines, penalties, settlements, and damages.

Background

In preparation for the December 31, 2024 expiration of the SBWMA’s Agreement with Browning Ferris Industries (BFI) Newby Island Facility for organics processing services, RethinkWaste has initiated a competitive RFP process with the below elements and timeline. This proposed timeline has been adjusted based on feedback received at the February 22, 2024 Board meeting that required the dates to be pushed back before release of the RFP document.

Organics Processing RFP Process Schedule (Revised since 2/22/2024 Board Meeting)	
Activity	Date
SBWMA releases RFP online	March 11, 2024

Organics Processing RFP Process Schedule (Revised since 2/22/2024 Board Meeting)	
Activity	Date
Deadline to submit written questions and comments by 3:00 pm PDT	March 22, 2024
Pre-proposal meeting at 11:00 a.m.(if needed)	March 29, 2024
SBWMA will issue response to written questions and RFP addendum (if necessary)	April 10, 2024
Proposals Due by 4:00 pm PDT	April 18, 2024
SBWMA requests clarification of proposals	April 29, 2024
Interviews with proposers and Ad-Hoc TAC Committee review of short-listed Proposers	May- June, 2024
SBWMA Board approval of agreement or discussion on next steps	June 27, 2024
Composter(s) commences providing services	January 1, 2025*
<i>* Compost services may be initiated earlier if an alternative start date is agreed upon.</i>	

Attachments:

Attachment A - [SBWMA Organics Processing Services RFP available online only at www.rethinkwaste.org beginning March 11, 2024](http://www.rethinkwaste.org)

Attachment B [Proposed SBWMA Organics Processing Agreement - Available Online only at www.rethinkwaste.org beginning March 11, 2024](http://www.rethinkwaste.org)



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SENATE BILL (SB) 1383 PROGRAM UPDATES



STAFF REPORT

To: RethinkWaste TAC Members
From: Julia Au, Senior Outreach, Education and Compliance Manager
Date: March 14, 2024 Technical Advisory Committee Meeting
Subject: Senate Bill (SB) 1383 Program Implementation Update

Summary

As detailed in the RethinkWaste SB 1383 Memorandum of Understanding, RethinkWaste staff has been delegated a significant portion of the SB 1383 program responsibilities.

From 2022-2023, SCS Engineers, working alongside Recology to onboard new commercial organics accounts, review waiver requests and conduct route reviews. Starting January 1, 2024, Recology took on these responsibilities.

Recology Technical Assistance

At the end of 2023 into early 2024, Recology onboarded two more Waste Zero Specialists and one new Waste Zero Reporting Analyst requested to help fulfill the need to on-board new accounts with composting, conduct outreach/education and technical assistance, waiver reviews, route reviews and recordkeeping and reporting. Mia Rossi, Community Outreach Manager with Recology will give a brief presentation update on how their team is doing.

For background, staff met with Recology in January to finalize a workflow plan for the handling of incoming waiver requests that will be reviewed by Recology’s Waste Zero team and subsequent letters of approval or denial sent by RethinkWaste staff. Since the beginning of the year and as of the writing of this report, Recology Waste Zero Specialists have reviewed over 70 waiver requests. RethinkWaste staff will send out monthly waiver approval and denial letters that started in February. Thus far we have sent out 37 approval letters and 12 denial letters with more to come.

Enforcement

Enforcement for SB 1383 started on January 1, 2024, meaning jurisdictions must issue a Notice of Violation requiring compliance within 60 days. If after 60 days, the entity is still not in compliance, the jurisdiction shall impose penalties.

Conducting SB 1383 enforcement has not been a responsibility delegated to RethinkWaste by Member Agencies, though RethinkWaste staff still plans to support Member Agencies as needed as SB 1383 implementation moves from outreach and education to enforcement.

Due to lack of staffing at the RethinkWaste Program Manager level and Recology’s cyber security incident on November 2, 2023, the most up to date information about compliance was not available immediately at the

beginning of the year. RethinkWaste staff would like to collaborate with TAC members on specific enforcement assistance needs that RethinkWaste can provide to Member Agencies.

Procurement Discussion on Possible Collaboration with Peninsula Clean Energy

TAC Member Gordon Tong (San Mateo County) will lead this discussion item.

Background

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. RethinkWaste 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

This is an information only report.



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CONTRACTOR UPDATES

Agenda Item 7 is a Verbal Update only
to be given at the 03/14/2023
TAC Meeting