

**SANTA CRUZ COUNTY**  
**INTEGRATED WASTE MANAGEMENT LOCAL TASK FORCE**  
**March 2, 2023, 3:00 – 5:00 pm**  
**County Board Chambers**  
**701 Ocean Street, 5<sup>th</sup> Floor**  
**Santa Cruz CA 95060**



**Revised AGENDA**

- 1) Welcome and Introductions (each member and alternate provide a brief introduction)
- 2) Election of Officers
- 3) Task Force Introductory Presentation (Summary of Task Force background and mandate)
- 4) Oral communications from the public
- 5) Oral communications from Task Force members/alternates
- 6) Approval of minutes from meeting of December 1, 2022 (Attachment A)
- 7) In Person Meetings – End of Covid State of Emergency, Summary of Brown Act Meeting Requirements (Attachment B)
- 8) Meeting Protocols - Discussion and Location Selection. (Previous meeting locations have included: Watsonville Council Chambers, Capitola Council Chambers, Santa Cruz Civic Auditorium Meeting Room, Santa Cruz County Board Chambers.)
- 9) 5-Year Plan Update – Next submission due March 2024
- 10) Compliance Discussion and Update:
  - MCR – Mandatory Commercial Recycling (AB 341)
  - MORE - Mandatory Commercial Organics Recycling (AB 1826)
    - AB 827 – Commercial three bin collection (waste, recycling, organics)
  - Short-lived Climate Pollutants: Methane Emissions: Organic Waste: Landfills (SB 1383)
    - Organics Diversion
    - Edible Food Recovery
    - Organics Capacity Planning
    - Procurement
    - Education
    - Reporting
- 11) Zolly v. City of Oakland case summary and risk management discussion (County Counsel's Office evaluated the request for information and determined it does not have the authority to provide legal advice to member jurisdictions. Members should seek advice from their attorneys based on the law and their franchise agreements.)
- 12) Legislative Update – (Attachment C)
- 13) Call for June 1<sup>st</sup> Agenda Items
- 14) Adjourn

## Attachment A

### SANTA CRUZ COUNTY INTEGRATED WASTE MANAGEMENT LOCAL TASK FORCE December 1, 2022, 3:00 – 5:00 pm (Via Zoom-Online)



### Meeting Minutes

**Present:** Jack Dilles (SV), Jacques Bertrand (Cap), Bob Nelson (SC), Leslie O'Malley (SC alt), Lowell Hurst (Wat), Chris Lamm (SV alt.), Will Smith (Wat),

**Absent:** Ryan Coonerty (County), Jacob Guth (Coonerty alt.), Greg Caput (County) Tony Gregorio (Caput alt), Scott Hamby (Citizen rep.), Steve Palmisano (Wat alt.) Gabe Gordo (Wat alt.)

**Task Force Staff:** Kasey Kolassa (County), Beau Hawksford (County), Darcy Pruitt (County)

**Agency Staff:** Christine Horvat (County), Jessica Kahn (Cap), Mary Ann LoBalbo (County), Caylie Soon (SC), Tami Stolzenhaler (Wat)

**Guests:** Miles Klieman (Second Harvest Food Bank), Sally-Christine Rodgers (Trash Talkers)

#### 1) Oral communications from the public

- None

#### 2) Oral communications from Task Force members

- None

#### 3) Changes to the agenda

- Introduction of Sally-Christine Rodgers as a representative of Trash Talkers.
  - Ms. Rodgers outlined the mission of Trash Talkers, a local volunteer organization formed to help clean up trash from the environment, whether found on public or private land. Trash Talkers has developed a logo and is organizing a website to increase their outreach to local, regional, and statewide communities to reduce illegal dumping, to clean up dump sites, and to improve the environment. Ms. Rodgers acknowledged the support of local government, local organizations and private individuals in coordinating multiple cleanups throughout the County in 2022.
  - Ms. Rodgers shared information about recent clean ups and outlined her goals for the future of Trash Talkers.

#### 4) Approval of minutes from meeting of September 1, 2022

- Lowell Hurst of Watsonville moved approval on the minutes and Bob Nelson of Santa Cruz City seconded the motion.
- Minutes were approved unanimously.

#### 5) Resuming In-Person Meetings

- Task force discussed resuming in person meetings. Questions arose as to whether a mix of in person and remote meetings would be allowed under State law. Membership directed staff to follow up with County Counsel and outline Counsel advice at next meeting on March 2, 2023.

#### 6) 5-Year Plan

- Staff directed to determine status of 5-year plan update and report back at next meeting on March 2, 2023.

#### 7) SB1383 Procurement

- Will Smith (City of Watsonville) in process of contractual agreement with Keith Day Co. to subsidize existing compost sales and will purchase 300 tons of compost to distribute to the Watsonville community.
- Kasey Kolassa (County) is also working on an agreement with Keith Day Co. to subsidize existing compost sales to make compost more affordable.
- Bob Nelson (City of Santa Cruz) uses a direct service provider (local farmer) that composts

and uses all of the City's recovered landscape organics. The City is also working on introducing food waste into the digester at the Neary Lagoon Wastewater Treatment Plant.

8) SB 1383 Organics Diversion Update

- Leslie O'Malley (City of Santa Cruz) provided an update on the city's residential food waste collection program, including issues and resolution of roll out challenges.
- Christina Horvat (County) discussed County's MORE plan compliance outreach efforts to complete multi-family and commercial organics training and final rollout of organics bins by December 31, 2022.
- Tami Stolzenhaler (City of Watsonville) provided an update on the city's rollout completion. Also discussed challenges with ongoing participation rates among residential customers. Provided information to other jurisdictions about cart washing services.

9) Legislation Update

- Darcy Pruitt (County) provided a summary of State legislation that passed and failed to pass concerning battery take back programs, expansion of container recycling laws, and legislation banning PFAS from consumer goods.

10) Set Meeting Schedule for 2023

- Task Force proposed continuing with a quarterly meeting schedule in 2023 on the following dates: March 2; June 1, September 7, and December 7
- Bob Nelson of Santa Cruz City moved approval of the proposed schedule and Chris Lamm of Scotts Valley seconded.
- The 2023 meeting schedule unanimously approved.

11) Call for Agenda Items

- Future agenda items proposed include:
  - Receive and deliberate advice from County Counsel on the possibility of holding mix of in-person and on-line meetings.
  - Update from staff on 5-year Plan
  - SB 1383 Procurement Update
  - SB 1383 Organics Diversion Update
  - SB 1383 Food Recovery Update
  - Legislative Update
  - Zolly v. City of Oakland case summary and risk management discussion

12) Adjournment

- Meeting adjourned at 4:55

## **Attachment B**

### **End of Covid-19 State of Emergency and Brown Act Change Summary**

Effective February 28, 2023 the Covid-19 State of Emergency ends. On March 1, 2023, Brown Act Boards and Commissions will attend meetings in person, subject to limited exceptions when remote attendance is allowed.

#### **Virtual Meetings Must End**

AB 361 allowed Brown Act bodies to meet using modified meeting rules during the Covid-19 State of Emergency if the local jurisdiction also made an ongoing state of emergency declaration. With the end of the Covid-19 State of Emergency, virtual meetings no longer comply with the Brown Act.

#### **It Is Still Possible for Members to Attend Meetings Virtually**

AB 2449 allows individual members to appear virtually when a physical or medical emergency prevents attendance or when a “just cause” arises. Just cause includes: caregiving responsibilities, a contagious illness, a physical or mental disability, or travel while on official government business.

The member must make the request to participate remotely “as soon as possible” and give the general reason for the request. The member is not required to disclose any personal medical information and the legislative body must take action to approve the request.

Formal restrictions and requirements must be followed to comply with AB 2449. Early notice by the member and advice from agency legal counsel is recommended prior to the meeting for which remote participation is requested.

## Attachment C 2023 Legislative Update

### Electronic Waste

SB 568 - Newman. Electronic Waste: Export.

Existing law, the Electronic Waste Recycling Act of 2003, enacts a comprehensive system for the reuse, recycling, and proper and legal disposal of covered electronic devices. The act requires a person who exports covered electronic waste, or covered electronic devices, except as specified, intended for recycling or disposal, to a foreign country, or to another state for ultimate export to a foreign country, to notify the department of certain matters concerning the waste or device to be exported. Existing law requires the exporter to include with those notifications specified demonstrations, including a demonstration that exportation of the waste or device will be managed within the country of destination only at facilities whose operations meet or exceed specified recommendations and guidelines of the Organization for Economic Cooperation and Development. The act becomes inoperative if certain conditions are met. A violation of the act is a crime. *This bill would add to the requirements for export of covered electronic waste or a covered electronic device a demonstration that capacity does not exist in California to otherwise safely and responsibly recycle the waste or device.* The bill would impose a state-mandated local program by creating a new crime.

### Extended Producer Liability

SB 560 – Laird, Solid Waste: Extended Producer Responsibility. *This bill would express the intent of the Legislature to enact subsequent legislation to authorize the department to establish a framework for the application of extended producer responsibility to the end-of-life management of covered gas cylinders, which include propane gas cylinders under 20 pounds, helium cylinders, isobutane cylinders, and butane cylinders.*

SB 707 - Newman. Responsible Textile Recovery Act of 2023. The California Integrated Waste Management Act of 1989, administered by the Department of Resources Recycling and Recovery, generally regulates the disposal, management, and recycling of solid waste. The act establishes stewardship programs for various products, including, among others, carpet, mattresses, and pharmaceutical and sharps waste. *This bill would enact the Responsible Textile Recovery Act of 2023, which would require producers, as defined, either individually or through the creation of one or more stewardship organizations, to establish a stewardship program for the collection and recycling of a covered product. This bill would define a “covered product” to include any apparel, textile, or textile article that is unsuitable for reuse by a consumer in its current state or condition.* The bill would require a program operator, as defined, to submit a complete stewardship plan to the department for review and approval, disapproval, or conditional approval. The bill would require the program operator to review the plan at least every 5 years after approval. The bill would also require a program operator to submit an annual report to the department. The bill would require all reports and records provided to the department to be provided under penalty of perjury. By expanding the scope of the crime of perjury, the bill would impose a state-mandated local program. The bill would restrict public access to certain information collected for the purpose of administering a stewardship program. *This bill would require the department to post on its internet website a list of producers that are in compliance with the requirements of the program.* The bill would require the department to adopt regulations governing the program, and would authorize, beginning January 1, 2032, the department to adopt regulations establishing minimum recycling efficiency. The bill would require program operators to pay fees to the department, not to exceed the department’s actual and reasonable regulatory costs to implement and enforce the provisions of the act. The bill would establish the Textile Stewardship Recovery Fund in the State Treasury for the deposit of all moneys received from program operators and would make the moneys in the fund available to the department, upon appropriation by the Legislature, for purposes of the program. *The bill would also authorize the department to impose administrative civil penalties for a violation of the program’s requirements, not to exceed \$10,000 per day, or not to exceed \$50,000 per day for an intentional, knowing, or reckless violation, as specified.* The bill would create the Textile Stewardship Recovery

Penalty Account in the fund for the deposit of penalties, which would be available for expenditure upon appropriation by the Legislature. *The bill would also exempt textiles made from synthetic fibers, and carpet made from synthetic fibers, from the carpet stewardship program.*

### **Hazardous Waste**

AB 347 – Ting, Pollution Prevention and Hazardous Waste Source Reduction and Management Review Act: Enforcement. The Pollution Prevention and Hazardous Waste Source Reduction and Management Review Act requires a generator of hazardous waste every 4 years to complete and conduct a source evaluation review and plan that specifies source reduction measures that the generator will implement and to prepare a hazardous waste management performance report concerning the hazardous waste management approaches implemented by the generator. A generator is required to provide its review and plan or report to the Department of Toxic Substances Control or the unified program agency within 30 days of a request. The act requires the department or the unified program agency to provide the generator with a notice of noncompliance if it determines that the review and plan or report is incomplete. The act requires the generator to correct the deficiencies within 60 days from its receipt of that notice, except that, in response to a written request from the generator for an extension of that 60-day deadline for cause, the act authorizes the department or unified program agency to grant an extension of no more than an additional 60 days. The act authorizes civil penalties against a generator that fails to comply with these requirements. *This bill would instead limit that extension authorization to no more than an additional 30 days.*

### **Health Protection Zones**

AB 1705 – McKinnor, Solid Waste Facilities. Health Protection Zones - Existing law prohibits a person from establishing or expanding a solid waste facility in a county after a countywide or regional agency integrated waste management plan has been approved unless the solid waste facility is, among other things, a disposal facility, a transformation facility, or an EMSW conversion facility that meets specific criteria. Existing law defines an “EMSW conversion facility” as a facility where municipal solid waste conversion that meets specific requirements takes place and defines “transformation” as incineration, pyrolysis, distillation, or biological conversion, excluding composting, gasification, EMSW conversion, or biomass conversion. Existing law authorizes the department, by regulation, to specify classifications of solid waste facilities that are exempt from these and other facility regulations if the department makes specific findings, including that the nature of the solid wastes poses no significant threat to the public health, the public safety, or the environment. Existing law defines a “health protection zone” as the area within 3,200 feet of a residence, an education resource, a community resource center, a health care facility, live-in housing, or any business building open to the public. *This bill would prohibit a person from establishing or expanding a transformation facility or an EMSW conversion facility within an above-defined health protection zone.*

### **Solar Panels**

AB 2 – Ward, Recycling: Solar Photovoltaic Modules. *This bill would state the intent of the Legislature to enact future legislation that would create a convenient, safe, and environmentally sound system for the end-of-life management of photovoltaic modules, minimization of hazardous waste, and recovery of commercially valuable materials.*

AB 1238 – Ward, Hazardous Waste: Solar Panels. *This bill would require the Department of Toxic Substances Control to develop alternate management standards for recycling photovoltaic modules that would, to the extent possible, reduce the regulatory burden on managing certain resources used for recycling the modules while not compromising worker safety or environmental protection.* Because a violation of regulations adopted by the department under these provisions would be a crime, this bill would impose a state-mandated local program.

## Reuse and Repair

AB 625 – Aguiar-Curry, Forest Biomass Waste Utilization Program. Existing law establishes the State Board of Forestry and Fire Protection in CAL-FIRE to represent the state’s interest in the acquisition and management of state forests and requires the board to maintain an adequate forest policy. The former Governor, Edmund G. Brown Jr., issued Executive Order No. B-52-18 that, among other things, established a Forest Management Task Force, now known as the Wildfire and Forest Resilience Task Force, involving specified state agencies to create the action plan for wildfire and forest resilience. The executive order also established a Joint Institute for Wood Products Innovation, to be located within the state board. This bill would establish the Forest Waste Biomass Utilization Program to be administered by the state board’s Joint Institute for Wood Products Innovation to develop an implementation plan to meet the goals and recommendations of, and the comprehensive framework to align with the state’s wood utilization policies and priorities and focused market strategy of, specified statewide forest management plans, and to develop a workforce training program to complement the workforce needs associated with the implementation plan. The bill would require the state board, in coordination with the Wildfire and Forest Resilience Task Force, to submit an annual report to the Legislature, beginning January 1, 2025, on the progress made on implementing the implementation plan. *This bill would require the Natural Resources Agency, in furtherance of the program, to facilitate the integration of recommendations for forest biomass waste utilization in relevant, state climate adaptation plans.*

SB 244 - Eggman. Right to Repair Act. Existing law, the Song-Beverly Consumer Warranty Act, provides a comprehensive set of procedures for the enforcement of express and implied warranties on consumer goods, as defined. Under existing law, every manufacturer making an express warranty with respect to an electronic or appliance product with a wholesale price to the retailer of not less than \$50 nor more than \$99.99 is required to make available to service and repair facilities sufficient service literature and functional parts to effect the repair of the product for at least 3 years after the date a product model or type was manufactured. Existing law also requires electronic or appliance product, as described above, with a wholesale price to the retailer of \$100 or more, to make available sufficient service literature and functional parts to effect the repair of the product for at least 7 years after the date a product model or type was manufactured. *This bill would enact the Right to Repair Act. The bill would require, regardless of whether any express warranty is made, the manufacturer of an above-described electronic or appliance product, in the above-described circumstances, and in those same circumstances but sold to others outside of direct retail sales, to make available, on fair and reasonable terms, to product owners, service and repair facilities, and service dealers, the means, as described, to effect the diagnosis, maintenance, or repair of the product, as provided. The bill would also require a service and repair facility or service dealer that is not an authorized facility or dealer of a manufacturer to provide a written notice containing specified information related to warranties to any customer seeking repair of an electronic or appliance product before the repair facility or service dealer repairs the product. The bill would also authorize a city, a county, a city and county, or the state to bring an action in superior court to impose civil penalties on a person or entity for violating the Right to Repair Act, as provided.*

SB 777 - Allen. Solid Waste: Reusable Grocery Bags and Recycled Paper Bags. Existing law prohibits certain stores from providing a single-use carryout bag to a customer and prohibits those stores from selling or distributing a reusable grocery bag or a recycled paper bag unless the store makes that bag available for purchase for not less than \$0.10. Existing law requires stores to use the money collected only for costs associated with providing recycled paper bags or reusable grocery bags, and costs associated with encouraging the use of reusable grocery bags and authorizes imposition of civil penalties for known violation of those requirements. *This bill would require a store to retain the collected moneys to also be used for costs associated with providing consumers with an opportunity for returning reusable grocery bags to the store for recycling, and any other costs associated with ensuring that collected bags are recycled, complying with reporting requirements. This bill also authorizes CalRecycle to conduct related store audits.*