

# WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

## **Executive Director**

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## **Member Agencies**

City of Campbell  
Town of Los Gatos  
City of Monte Sereno  
City of Saratoga

## **REGULAR MEETING AGENDA**

**September 7, 2017**

Monte Sereno City Hall  
18041 Saratoga-Los Gatos Road  
Monte Sereno, CA 95030  
**5:00 p.m.**

### **CALL TO ORDER**

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

### **ORAL COMMUNICATIONS FROM THE PUBLIC**

### **WRITTEN COMMUNICATIONS**

None

### **OLD BUSINESS**

None

### **NEW BUSINESS**

1. Receive and file a report on the Member Agencies' 2016 CalRecycle Annual Reports.
2. Receive a report from WVC&R on its commercial organics plan and customer outreach efforts since start of program on July 1, 2017.
3. Receive a report on recent regulatory changes and program updates.
4. Schedule annual Authority Executive Director and Attorney performance review.

**PUBLIC HEARINGS**

None

**CONSENT CALENDAR**

5. Approve Minutes of May 4, 2017 Board Meeting
6. Year ended June 30, 2017 Financial Report

**EXECUTIVE DIRECTOR REPORT**

**FUTURE AGENDA ITEMS**

**BOARD MEMBER REPORTS**

**ADJOURNMENT**

Next Regular Meeting: November 2, 2017, 5:00 p.m.

**ADDRESSING THE BOARD**

Any person shall have the right to address the Board during consideration of any item on the Board's agenda or during the time for oral communication if not on the agenda but pertaining to subject matter within the jurisdiction of the Board. Any person wishing to address the Board should stand or raise the hand and wait to be recognized by the Chairperson. Please stand at the podium, if able, state your name and address for the record, and proceed to address the Board. All remarks and questions should be addressed to the Board through the Chairperson and not to any member thereof or to the public. No question should be asked a Board member or a member of Authority staff without first obtaining permission of the Chairperson.

AGENDA ITEM NO. 1

MEETING DATE: SEPTEMBER 7, 2017

WEST VALLEY  
SOLID WASTE MANAGEMENT  
AUTHORITY

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**AGENDA REPORT**

Date: September 7, 2017

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: **2016 CalRecycle Annual Reports**

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**RECOMMENDED ACTION**

Receive and file a report on the Member Agencies' 2016 CalRecycle Annual Reports.

**DISCUSSION**

**Background**

Title 14, California Code of Regulations Section 18794 requires that each jurisdiction submit a report by August 1 of each year that discusses the jurisdiction's progress in implementing the programs described in its waste planning documents, which include the Source Reduction and Recycling Element (SRRE) and the Household Hazardous Waste Element (HHWE). The State passed and implemented AB 341 in 2012.

AB 341 requires all commercial businesses that generate four or more cubic yards of trash or more and all multi-family dwellings with five or more units to subscribe to recycling service. It also requires all cities and counties to divert a minimum of 75% of the waste generated by 2020.

AB1826 requires various levels of organics generators to subscribe to organics collection. See the table below:

**Table 1:  
 AB 1826 Timeline**

Deadline	Requirements for Businesses and Multi-Family Premises	Requirements for Jurisdictions
January 1, 2016		Implement organics recycling program for businesses and multi-family premises
April 1, 2016	Businesses with 8 CY / week or more of organic material must arrange recycling services for organics*	
January 1, 2017	Businesses with 4 CY / week or more of organic material must arrange recycling services for organics*	
August 1, 2017		Report progress to CalRecycle
January 1, 2019	Businesses with 4 CY / week or more of solid waste must arrange recycling services for organics*	
January 1, 2020	Businesses with 2 CY / week or more of solid waste** must arrange recycling services for organics*	

\*Business includes multi-family premises with 5 or more units; however, multi-family premises are not required to recycle food waste.

\*\* Applicable only if CalRecycle determines by January 1, 2020 that the statewide disposal of organics has not been reduced to 50% of the 2014 disposal level.

SB 1383 established targets to achieve a 50 percent reduction in the level of statewide disposal of organic waste from the 2014 level by 202 and a 75% reduction by 2025. Additionally, the law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that not

less than 20 percent of current disposed edible food is recovered for human consumption by 2025. The law focuses on both residential and commercial generators.

**Table 2:  
 SB 1383**

Implementation Dates	Thresholds
2017-2019	CalRecycle is holding informal workshops; initiate formal rulemaking and adopt regulations in late 2018 or early 2019
January 1, 2022	Regulations take effect and are enforceable by CalRecycle.
January 1, 2024	Regulations may require jurisdictions to impose penalties on non-compliant generators

**Discussion**

Table 3 summarizes the reported diversion rates for each agency for the five-year period 2002-2006.

**Table 3:  
 CIWMB 2002-2006 Annual Reports**

Member Agency	Diversion %				
	2002	2003	2004	2005	2006
Campbell	41%	42%	49%*	46%*	51%*
Los Gatos	52%	53%	56%	58%	65%
Monte Sereno	75%	81%	78%	74%	76%
Saratoga	62%	62%	67%	66%	68%

\*Campbell’s rate is based on a new base year study prepared for 2004.

Effective with the 2007 Annual Report, CalRecycle changed the methodology used to calculate compliance with the 50% diversion requirement. Under the new methodology, a per capita waste disposal target amount is calculated and compared to the actual per capita waste disposed. As long as the actual per capita amount is less than the targeted per capita disposal amount, the agency is in compliance.

Table 4 shows the target and actual disposed amounts for each Member Agency under the new methodology for 2007-2016, demonstrating that each Agency met the diversion

requirement for all years. All four Member Agency's actual per-capita disposal amounts continue to exceed the target diversion goals. In 2016, Los Gatos' and Monte Sereno's disposal per-capita decreased from 2015 while Campbell increased and Saratoga remained the same. The City of Campbell increase resulted primarily from an increase in self-haul tons to Guadalupe and Monterey Peninsula Landfills. A lower per capita figure corresponds to a higher diversion rate.

**Table 4:**  
**CIWMB 2007-2016 Disposal Per Capita (lbs./person/day)**

Member Agency	Disposal Per-Capita Target	Actual									
		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016
Campbell	5.2	4.7	4.4	3.8	3.9	3.8	4.0	4.1	4.1	4.2	4.5
Los Gatos	6.0	4.1	3.9	3.3	3.6	3.7	3.7	4.0	3.9	4.5	3.8
Monte Sereno	3.9	1.4	1.4	1.2	1.1	1.5	1.5	2.1	1.7	2.0	1.7
Saratoga	4.2	2.7	2.9	2.5	2.8	2.8	2.9	2.9	2.9	3.1	3.1

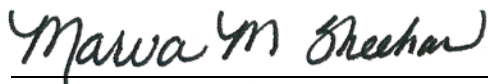
This year a CalRecycle representative visited all four of the West Valley Member Agencies to view residential and multi-family container set outs and observed the contents of the containers. HF&H staff joined the CalRecycle representative, and no concerns were identified.

**DOCUMENTS ATTACHED**

None

**FISCAL IMPACT**

None

  
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Marva M. Sheehan  
Executive Director

WEST VALLEY  
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**AGENDA REPORT**

Date: September 7, 2017

To: West Valley Solid Waste Management Authority Board

From: Executive Director

Subject: **Receive a report from WVC&R on its commercial organics plan.**

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**RECOMMENDED ACTION**

Receive a report from WVC&R on its commercial organics plan and customer outreach efforts since start of program on July 1, 2017.

**DISCUSSION**

At its May 5, 2017 meeting, the Board approved a commercial rate increase to expand WVC&R's commercial organics collection program to comply with AB 1826. WVC&R provided the attached report.

**Ongoing**

Continued phase-in of AB 1826, with generators of organic materials (4 cubic yards or greater of weekly volumes) required to subscribe to organic material collection effective January 1, 2017. West Valley Collection and Recycling expanded commercial organics routes and outreach to all commercial customers effective July 1, 2017.

Future Milestones for AB 1826 include:

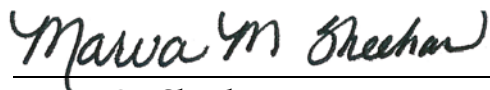
- January 1, 2019 - Businesses and Multi-Family (5+ units) with 4 cubic yards or more of weekly solid waste are required to participate in organics collection services.
- January 1, 2020 - Businesses with 2 cubic yards or more of weekly solid waste are required to participate in organics collection services if CalRecycle determines on that date that organics waste has not been reduced to 50% of 2014 levels.

### FISCAL IMPACT

None

### DOCUMENTS ATTACHED

WVC&R's commercial organics program update and report.



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Marva M. Sheehan  
Executive Director



# WVC&R AB 1826 Organics Update

## August 30, 2017

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### **AB 1826 Mandatory Organics Recycling**

#### **Businesses Required to Participate in Organics Recycling**

4/1/2016 businesses producing 8 CY of Organic Waste

1/1/2017 businesses producing 4 CY of Organic Waste

1/1/2019 businesses producing 4 CY of Solid Waste

Summer/Fall 2021 businesses producing 2 CY of Solid Waste (if in 2020 Organic Waste has not been reduced by 50% of the 2014 level)

#### **Organics Program Activity**

Beginning July 2017, WVC&R targeted 82 businesses we identified as likely producing 4 cubic yards or more of organic waste. We have visited all 82 businesses to conduct site checks and waste audits. Out of our targeted list, we have found that 13 businesses produce less than 4 cubic yards of organics and do not want to begin organics service at this time. Seven businesses have begun organics service and 8 businesses have approved the new service and are scheduled to receive organics carts/bins. Currently, we are working with the Campbell Unified School District to implement organics services at 14 of their schools. From the site checks we have found that 40 businesses have space constraints and are unable to fit an additional bin; we are working with each one individually to offer tailored solutions and service levels.

We have seen an increase in average organics tonnage in 2017 in comparison to 2016. In 2017 we collected an average of 25.64 tons of organics per week, compared to 2016 where we collected 21.67.

#### **Data**

- Targeted business in July: 82
- Site checks/waste audits completed: 82
- Businesses that produce less than 4 cy of organics: 13
- Businesses that approved and begin service in September: 8

- Businesses that have already started: 7
- CUSD school count: 14
- Businesses with space constraints: 40
- Added organics capacity 7/1/17 -8/15/17: 43 cubic yards
- Average organics tonnage 2017: 25.64 per week
- Average organics tonnage 2016: 21.67 per week

### **New Organics Customers Started Service in July 2017**

1. Lula Baheri – 603 Beta Ct Campbell
  - a. 1-2 yd serviced 1x/week
2. Yan, Zijun -1159 W Hamilton Ave Campbell
  - a. 1-2 yd serviced 1x/week
3. Brookside Club – 19127 Cox Ave Saratoga
  - a. 1-2 yd serviced 1x/week
4. Laura Crowe DDS – 19000 Cox Ave Saratoga
  - a. 1-1.5 yd serviced 1x/week
5. St Andrews Episcopal Church – 13601 Saratoga Ave Saratoga
  - a. 1-3 yd serviced 1x/week
6. Confidence Landscaping – 971 E Hamilton Ave Campbell
  - a. 1-2 yd serviced 1x/week
7. Andros Rostilj – 1506 Dell Ave Campbell
  - a. 2-3 yd serviced 5x/week

### **Organics Tonnage**

Year	2011	2012	2013	2014	2015	2016	2017 (Jan - Aug)
Total Tons	737.59	965.96	824.89	856.75	1077.71	1177.56	825.06
% Change to Previous Year		30.96%	14.60%	3.86%	25.79%	9.27%	

### **Current Status and Future Plans**

All commercial customers affected by the January 1, 2017 parameters of producing 4 cubic yards or more of organic waste have received on site assessments, waste audits and WVC&R has made contact with or attempted to contact management.

Throughout the remainder of 2017, WVC&R will continue to work individually with the 40 businesses that have not agreed to organics recycling service due to space constraints.

Beginning May 2018, in preparation for the January 1, 2019 requirement of businesses producing 4 cubic yards or more of solid waste to recycle their organics, WVC&R will compile a list of all customers who fall under these parameters. Targeted outreach to each business begins July 2018, WVC&R will:

- Mail an informative letter, detailing the legislation, how it affects the business, and WVC&R's intent to perform site assessments
- Perform on-site assessments and waste audits
- Contact each business (as applicable) to initiate organics service

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## AGENDA REPORT

Date: September 7, 2017  
To: West Valley Solid Waste Management Authority Board  
From: Executive Director  
Subject: **Recent Regulatory Changes and Program Updates**

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### RECOMMENDED ACTION

Receive a report on the recent regulatory changes and program updates.

### DISCUSSION

#### Legislation

No new laws were adopted by the State of California or Federal Government related to recycling, composting and waste reduction since our last meeting.

#### Ongoing

##### SB 1383

SB 1383 was signed by Governor Brown on September 19, 2016. It places requirements on the State Air Resources Board (ARB) to approve and begin implementing, no later than January 1, 2018, a comprehensive strategy to reduce emissions on short-lived climate pollutants, including methane and organics emissions.

The primary concern for the Board are requirements in AB 1383 is to reduce from the 2014 level, organics waste that is disposed in landfill by 50% by 2020 and by 75% by 2025. Additional requirements include a 20% improvement in edible food recovery by 2025.

The definition of organics includes both residential and commercial material, solid wastes containing material originating from living organisms and their metabolic waste products, food waste, green waste, landscape and pruning waste, applicable textiles and carpets, wood, lumber, fiber, manure, biosolids, digestate, and sludges.

As part of its implementation process CalRecycle and the ARB held an SB 1383 public workshop in August 2017 to discuss its draft reporting and enforcement concepts for haulers, processor's, landfills and agencies. Reporting and enforcement is shared between the operators and agencies, however, ultimate enforcement is the responsibility of the agencies including CalRecycle, Local Enforcement Agencies (LEA's) and Joint Powers Authority's (JPA's). Agency enforcement is expected to begin in 2025.

As part of its AB 1826 compliance efforts the Board approved an expanded commercial organics program with WVC&R to include food waste collection from all restaurants and business. In order to fully meet the requirements of AB 1383, the Authority will need to begin planning for food waste collection program for residential customers and begin exploring opportunities for food rescue.

There are several items for future consideration:

- The agreement with WVC&R expires in 2024.

A competitive procurement process or sole source negotiations should commence no later than 2022 in order to successfully meet the 2025 AB 1383 milestone of 75% in organics disposal compliance.

The new agreement will include sections to meet the legislative requirements.

- The disposal agreement with Waste Management expires in 2021. A competitive procurement process or sole source negotiations are expected to start in 2020. Waste Management currently processes the greenwaste material.

A new disposal agreement or agreements with multiple companies will need to include capacity for processing all WVSWMA's organics material not just the current greenwaste material.

- Food rescue programs are currently operating in Santa Clara County that target the recovery of edible food that can be collected and distributed to those in need. However, due to limited current capacity, the Santa Clara County Recycling and Waste Reduction Commission is researching additional options for agencies in the County.

### Other Bay Area Programs

The County of Santa Cruz expanded its sustainability ordinance. New rules went into effect on January 1, 2017 requiring food service businesses to comply with heightened standards that require the use of recyclable or compostable materials in to-go food packaging as certified by the Biodegradable Products Institute ([www.BPIworld.org](http://www.BPIworld.org)).

The new rule applies to restaurants, grocery stores, farmers markets, food trucks, special events, and any other business or event where food is sold to-go. New food packaging requirements include:

- No plastic straws (paper is acceptable)
- No plastic stir sticks (wood is acceptable)
- All cups (hot or cold) must be certified compostable
- All to-go cutlery must be certified compostable
- No Styrofoam packaging
- No #6 polystyrene products (including hot cup lids)
- All to-go containers must be recyclable or certified compostable

### Plastic Straw Bans

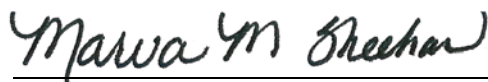
Plastic Straw Bans are gaining traction with several city's considering ordinances to ban or reduce the use of plastic straws that are harmful to both wildlife and the environment. The County of Santa Cruz (above) recently banned the use of plastic straws while other city's such as Berkeley and Alameda are considering ordinances.

### **FISCAL IMPACT**

None

### **DOCUMENTS ATTACHED**

None



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Marva M. Sheehan  
Executive Director

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# WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

## **Executive Director**

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## **Member Agencies**

City of Campbell  
Town of Los Gatos  
City of Monte Sereno  
City of Saratoga

## **MEETING MINUTES**

**May 4, 2017**

Monte Sereno City Hall  
18041 Saratoga-Los Gatos Road  
Monte Sereno, CA 95030

### **CALL TO ORDER**

At 5:03 pm, Chair Steve Leonardis called the meeting to order.

### **PLEDGE OF ALLEGIANCE**

### **ROLL CALL**

Chair Paul Resnikoff, representing Campbell, Vice Chair Mary-Lynne Bernald, representing Saratoga, Member Curtis Rogers, representing Monte Sereno, and Alternate Member Barbara Spector, representing Los Gatos, were present. Also present were Executive Director Marva Sheehan and Authority Counsel Kirsten Powell.

### **ORAL COMMUNICATIONS FROM THE PUBLIC**

None

### **WRITTEN COMMUNICATIONS**

None

### **SPECIAL PRESENTATION**

1. A special recognition was awarded to Bill Helms for his years of service to the City of Campbell and the Authority.

### **OLD BUSINESS**

None

**NEW BUSINESS**

2. The Board considered the meeting schedule for FY 17/18. No Action Taken.
3. The Board accepted the Executive Director and Authority Counsel contracts.
4. Upon a motion by Vice Chair Bernald and second by Alternate Member Spector, the Board unanimously approved Resolution 2017-01 adopting the FY 2017-18 Authority budget and work plan.
5. The Board received and filed a report on recent regulatory changes and program updates.

**PUBLIC HEARINGS**

6. Upon a motion by Vice Chair Bernald and a second by Member Rogers, the Board unanimously approved Resolution 2017-02 ratifying the Guadalupe Landfill contractual disposal propriety rate increase of 3.18% effective July 1, 2017.
7. Upon a motion by Member Leonardis and a second by Vice Chair Bernald, the Board unanimously approved Resolution 2017-03 ratifying the West Valley Collection and Recycling contractual rate increase of 2.83% effective July 1, 2017.

**CONSENT CALENDAR**

8. Upon a motion by Vice Chair Bernald and a second by Member Rogers, the Board voted 4-0 to approve the minutes of the February 2, 2017 Regular Board Meeting, report on the disbursement of the FY2015/2016 liquidated damages to Second Harvest Food Bank of Santa Clara and the Executive Director financial report for the nine months ended March 31, 2017.

**ADDRESSING THE BOARD**

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**FUTURE AGENDA ITEMS**

None

**BOARD MEMBER REPORTS**

**None**

**ADJOURNMENT**

Chair Resnikoff adjourned the meeting of the Board at 5:41 pm until the next regular meeting, which will be held September 7, 2017.

**ADDRESSING THE BOARD**

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WEST VALLEY  
SOLID WASTE MANAGEMENT  
AUTHORITY

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**AGENDA REPORT**

Date: September 7, 2017  
To: West Valley Solid Waste Management Authority Board  
From: Executive Director  
Subject: **YTD Financial Report**

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**RECOMMENDED ACTION**

Accept report on the Authority's FY 2016-17 financial status.

**DISCUSSION**

The report titled "Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual" shows the approved budget, the year to date actual amounts, and the preliminary fund balance through June for FY 2016-17. With 100% of the fiscal year passed, the report shows that the Authority expended \$540,686 or 95% of the approved FY 2016-17 budget. Included in the revenue and expenditures is the Annual Fee Payment of \$450,000 from WVC&R. The Annual Fee Payment was distributed to the member agencies. Note that these are preliminary numbers subject to audit.

The preliminary fund balance of \$260,949 exceeds the \$200,000 designated by Board Policy. As a result of lower expenditures for the fiscal year, the fund balance exceeded the desired \$200,000. Once the final accounting/audit has been completed, the Board may direct staff to pursue options for programs, etc. and either approving an "unbudgeted" expenditure or use the surplus as part of the FY 18-19 budget process. It has been the Board's policy, adopted February 2011, of maintaining an operating reserve of \$100,000 and a rate stabilization reserve of \$100,000.

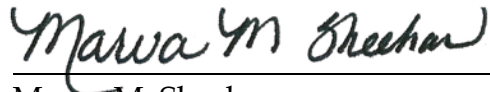
As part of my review of the audited financial statements, I will verify the fund balance and bring options to the Board at the November Board meeting.

**FISCAL IMPACT**

None

**DOCUMENTS ATTACHED**

Statement of Revenues, Expenditures, and Changes in Fund Balance - Budget and Actual June 30, 2017.



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Marva M. Sheehan  
Executive Director

**West Valley Solid Waste Management Authority**  
**Statement of Revenues, Expenditures, and**  
**Changes in Fund Balance - Budget and Actual**  
**June 30, 2017**

Acct #	Description	JPA Budget FY 2016-17	Year to Date Actual	Balance	YTD %
<b><u>Revenues</u></b>					
4410	Interest	\$ -	\$ -	\$ -	N/A
4970	City of Campbell	46,613	46,613	-	100%
4970	Town of Los Gatos	34,895	34,895	-	100%
4970	City of Monte Sereno	3,946	3,946	-	100%
4970	City of Saratoga	35,425	35,425	-	100%
4975	Franchise Agreement WVC&R	450,000	450,000	-	100%
4965	Other	-	1,200	(1,200)	N/A
	<b>Total Revenues</b>	<u>\$ 570,879</u>	<u>\$572,079</u>	<u>\$ (1,200)</u>	<u>100%</u>
<b><u>Expenditures:</u></b>					
<b>Services and Supplies:</b>					
7424	Office Expense	\$ 500	\$ -	\$ 500	0%
7427	Special Departmental Exp. (Legal Services)	9,004	820	8,184	9%
7430	Prof. & Special Services (Executive Director)	84,333	83,249	1,084	99%
7430	Prof. & Special Services (Other)	5,000	-	5,000	0%
7432	Other Contractual Services (Countywide Support)	1,000	-	1,000	0%
7432	Other Contractual Services (Website Administration)	1,032	-	1,032	0%
7432	Other Contractual Services (Audit Svcs.)	5,404	2,630	2,774	49%
7433	Insurance (Liability)	2,395	2,787	(392)	116%
7435	Travel/Conf. & Meetings	4,000	-	4,000	0%
7438	Other Charges (Accounting & Bookkeeping)	8,211	1,200	7,011	15%
7675	JPA Solid Waste Distribution	450,000	450,000	-	100%
	<b>Total Expenditures</b>	<u>\$ 570,879</u>	<u>\$540,686</u>	<u>\$ 30,193</u>	<u>95%</u>
	Excess (deficiency) of revenues over (under) expenditures	-	31,393	31,393	
	Beginning Fund Balance 7/1/16	\$ 200,000	\$229,556		
	Ending Fund Balance	<u>\$ 200,000</u>	<u>\$260,949</u>		

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# **WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY**

## **Calendar of Future Agenda Items**

### November 2, 2017 Meeting

- Closed Session – annual evaluations of Authority Attorney and Executive Director
- Consider a report on WVC&R's prior Fiscal Year Complaints/Liquidated Damages

### February 1, 2018 Meeting

- Elect new officers
- Review of Collection and Disposal contracts
- Review Executive Director and Authority Counsel contracts
- Accept Audited Financial Statements

### May 3, 2018 Meeting

- Board meeting schedule
- Ratify Guadalupe Landfill disposal contractual rate adjustment
- Ratify WVC&R contractual collection rate adjustment
- Approve Authority budget

### September 6, 2018 Meeting

- Receive and file annual CalRecycle Annual Reports
- Schedule annual Authority Attorney and Executive Director performance review

### Recurring Meeting Agenda Items

- Approval of prior meeting minutes
- Receive and file the Executive Director financial report
- Regulatory and program updates