

**Bay Area Hazardous Waste Management Facility Allocation Committee  
Draft Summary Minutes — May 29, 2009 10:00am to 1:00pm**

**Attendance:**

**Members**

Ronit Bryant, Vice-Mayor, City of Mountain View  
Mark Green, Mayor, City of Union City, Vice Chair  
Mark Luce, Supervisor, Napa County, Chair  
Kevin Miller, City of Napa  
Jean Quan, Vice-Mayor, City of Oakland  
Tiffany Renee, Councilmember, City of Petaluma  
Pete Sanchez, Mayor, City of Suisun City  
Gayle Uilkema, Supervisor, Contra Costa County

**Staff**

Athena Honore  
Jennifer Krebs  
Ceil Scandone

**Alternates**

Rob D'Arcy, Santa Clara County  
Steven Lederer, Napa County  
Debra Kaufman, StopWaste.Org  
Narcisa Untal, Solano County (by phone)  
Steven Lederer, Napa County

**Technical Advisory Committee (TAC)**

Matt McCarron, DTSC  
Kempen Robbins, Marin County

**Call to Order/Introductions:** The meeting was called to order at 10:10 am by Committee Chair Mark Luce. Participants introduced themselves and welcomed new Committee and ABAG staff members.

**Adoption of the Minutes of January 30, 2009 Meeting:** Green moved to approve the minutes, with a correction to show that Kevin Miller was present. The motion was seconded by Sanchez, and members voted approval.

**Agenda Order Adjustment:** The order was modified to allow Krebs to present the updated Hazardous Waste Data Analysis at noon, due to a concurrent meeting.

**Environmentally Preferable Purchasing (EPP) Conference:** Scandone reported on the Buying Green, Buying Smart EPP Conference held on March 18, 2009. Cosponsors included StopWaste.Org and DTSC. The conference began with an overview of the *why* of EPP, followed by short presentations on the *how*. The conference was a great success, and it was clear that the audience wants more on this topic. Attendees returned 63 evaluations.

The conference planning workgroup convened after the conference to explore how ABAG can support further efforts to increase participation in EPP. Two regional needs seemed ripe:

1. *Help cities who do not currently have an EPP program to adopt one.*  
ABAG's role could be to accelerate adoption of new EPP policies and programs through outreach to local elected officials, such as presentations to the Executive Board, and ask members to adopt EPP in their jurisdictions.
2. *Expand existing EPP programs.*  
Expanded programs could cover more products/services, utilize all available resources, and/or develop new resources such as a webinar series on specific products like carpet. This approach would require grant funds or other support. Work group partners such as StopWaste.Org would lead (develop workshop content), with ABAG in a support role (organizing workshops).

Mark Green asked how many Bay Area cities have EPP programs. Scandone replied that evaluations showed 23 entities with policies of some type. Green noted that the Executive Board reaches 25-30 jurisdictions and the remaining could be reached through mayors' conferences or other systematic outreach. Scandone noted that additional evaluation of conference responses and other survey work may be undertaken to guide future efforts.

D'Arcy noted that when the Waste Board began requiring an EPP policy for grant eligibility, Santa Clara County moved very quickly to establish a policy (a half-million dollars in grant funds would have been at risk otherwise). Green noted a similar example and pointed out that a carrot/incentive can accelerate action at the political level.

Miller noted that schools are implementing EPP, despite lack of funds, because of interest from environmental quality and health impact standpoints.

Uilkema raised a potential concern that purchasing recommendations could trigger anti-trust actions and associated liability. The committee determined that it was sufficiently addressed because 1, municipal attorneys review purchasing policies at the local level, and 2, ABAG limits its role to sharing resources that identify criteria rather than recommending specific vendors or products. All EPP policies should be consistent with other purchasing policies (i.e. competitive bids, etc.). Kaufman noted that a StopWaste.Org model policy is available online.

Green moved to accept staff recommendations, Sanchez seconded, and members voted approval.

**Green Business Program Status Report/Policy Guide Amendments:** Scandone reported that the Green Business program is very healthy, with strong growth and strong interest from businesses. All nine counties participate. More than 1,700 businesses are certified. The Bay Area Program is part of the statewide Green Business Network, which includes 5 other counties..

Some counties have experienced difficulties in meeting demand for certifying new businesses. With funding from DTSC and county contributions, the Program is about to launch a measurement and management system that will create administrative efficiencies. The system is expected to reduce staff time for county coordinators, agencies, and businesses by one-third.

Even with those efficiencies, counties anticipate the need for additional resources as demand grows. Some are considering charging businesses for participation. Since the Program Policy Guide discourages charging fees, at the January 2009 meeting the Committee directed staff to draft updated language to allow counties to charge. Scandone noted that proposed revisions to Section 6 in the attached Policy Guide addresses that issue, and refines the references to corporate contributions and grants.

Staff and local coordinators continue to focus on strengthening the program: all checklists have been updated, and the bar for certification has been raised. Green businesses must be recertified every three years. Recertification requires meeting all current standards. Section 2.f. of the draft revised Policy Guide has been revised to clarify that requirement.

Program coordinators have considered developing a second, higher tier for certified businesses. San Francisco has already developed a higher standard that all SF businesses are required to achieve. Their program, which has its own logo and website, supports and continues to be involved in the regional Bay Area program. The county coordinators recently discussed developing a second tier that would potentially be modeled on the SF standard and decided that the first priority is to continue implementing improvements to the current certification tier. Staff and local coordinators will consider a second tier in the future as resources permit..

*Recommendations:* The Program coordinators asked the Committee to approve the referenced updates to Sections 2.f. and 6 of the attached Green Business Program Policy Guide

Green moved to approve the revised policy guidelines. Quan seconded, and the committee voted approval. Chair Luce asked all to look for opportunities for outside funding for the green business program, such as from sanitary districts and waste management authorities. Uilkema suggested that county Programs consider employing interns to augment staff.

**Legislative Update:** D'Arcy described legislation related to hazardous waste. AB 283, the Product Stewardship Act of 2009, died in Appropriations for unknown reasons and will become a two-year bill. The California Chamber of Commerce opposed the bill on the grounds that it would hurt jobs. D'Arcy suggested that opponents did not understand the bill and need further education, citing rechargeable batteries, thermostats, and household pharmaceutical waste as successful examples of product stewardship programs which worked efficiently, reduced waste, and even created a few jobs. Luce noted that the budget situation in Sacramento has created a difficult climate for legislation; it may be bad timing rather than a bad bill.

AB 1173 (Huffman) has survived committee, but no action is recommended at this point. AB 1343 (Huffman) also survives, but the TAC finds some issues with it and does not recommend action.

The process to recommend legislative action: once the committee takes a position, the item is forwarded to the Legislative and Governmental Oversight committee of ABAG, who will then forward it to the Executive Board.

The committee took no positions.

**Hazardous Waste Data Analysis:** Krebs introduced the changes to the report made since the last committee meeting. She has been writing this report for the last eight or nine years and will transition the writing to Honoré next year.

At the January meeting, the Committee considered the results of the 2005 and 2006 manifest data analysis and the Fair Share Allocation Formula for 2006. While the Committee did not have questions on the Fair Share formula, it considered three questions and asked staff and the TAC to consider these before they would adopt the report. These included:

1. Why are more wastes treated outside of the Bay Area than in?
2. What are local disposal costs?
3. What are costs and processes to recycle compact fluorescent lamps (CFLs)?

The revised 2005/2006 Hazardous Waste Trends report and Attachment D.1 in the meeting package summarizes the results of staff and the TAC's analysis.

Committee members discussed the revised report and memo. Bryant asked what useful data the report provides. Krebs and McCarron responded that the report shows that hazardous waste trends are most closely tied to the economy, site cleanups, and the regulatory designation of new waste streams as hazardous, and that the committee's waste reduction efforts are the real value. The hazardous waste data report gave birth to the Green Business Program.

Quan asked what it means that so much waste goes out of the area for treatment. McCarron responded that few states manage their own wastes and in general, treatment facilities are filling up and closing (he cited a 75% decrease). Just six incinerators operate in the U.S., but since they are not currently running at capacity, new facilities are not needed. D'Arcy added that CEQA is a tangible economic and time barrier to siting new facilities in California.

Quan reaffirmed the committee's role in reducing waste upstream and asked for the group to identify waste streams where the Bay Area can impact the market, or drive state/national policy. For example, Oakland's green foodware ordinance has driven a new market in greener products.

She suggested working with Assemblymember Nancy Skinner, who will serve on the Environmental Safety and Toxic Materials committee for five more years, to shape legislation.

Green moved to accept the report and its recommendations, and Quan seconded with the recommendation that the last recommendation (meet with the TAC prior to development of next Hazardous Waste report, currently set for 2010) be moved up and that we invite Bay Area Assembly members or staff to the next committee meeting.

**Budget and Work Plan:** Scandone presented the budget and workplan. Green clarified that StopWaste.Org acts for Alameda County. Scandone noted that many public agencies around the region, including StopWaste.Org, contribute funds and in-kind services to support their local Green Business programs. Quan suggested reporting leveraged dollars in future budgets. She also queried whether funds are available to market the Green Business Program. Scandone replied that funds for marketing are limited. However, the regional website is being updated and will include a marketing toolkit that businesses can use to market themselves and the Program.

Quan asked if staff can put more time into advocacy/campaigns for extended producer responsibility. Scandone noted that green business staff hours may drop once the management tool is fully implemented. Those hours could be shifted to other tasks. Staff and the TAC could also investigate the availability of grants to support a special project, such as expansion of EPP activities.

Quan moved to approve the budget and work plan, Green seconded the motion, and the committee voted to approve.

**Meeting Adjourned:** The meeting was adjourned at 12:50 pm. The next meeting will be Friday, September 25 at 10:00 a.m. Scandone will email out a reminder.