

**Bay Area Hazardous Waste Management Facility Allocation Committee**  
Draft Minutes of the November 16, 2012 Meeting

**Attendance:**

**Members**

Mark Luce  
Mark Green  
Ronit Bryant  
Steve Devine  
Barbara Kondylis  
Karen Mitchoff  
Tiffany Reneé  
Pete Sanchez  
Bob Simmons

**Alternates**

Rob D'Arcy  
Monica Jackson  
Debra Kaufman  
Chris Shoop

**Technical Advisory Committee/Staff:**

Paris Greenlee  
Jennifer Krebs  
Steve Lederer  
Ceil Scandone  
Narcisa Untal

**Call to Order/Introductions :** Chair Mark Luce called the meeting to order at 12:40, welcomed participants and initiated introductions.

**Adoption of Minutes:** Karen Mitchoff moved, Mark Green seconded and the minutes of the 5/25/12 meeting were adopted unanimously.

**Extended Producer Responsibility:** Scandone introduced Heidi Sanborn, Executive Director of the California Product Stewardship Council (CPSC). CPSC was founded by local governments to promote Extended Producer Responsibility (EPR) for products such as batteries and computers that may not be disposed of in landfills. Ms. Sanborn was invited to provide an update on CPSC's activities and to suggest ways that local agencies can support this work.

Ms. Sanborn used the attached Powerpoint presentation to illustrate her remarks. The goal is to move from a system in which products are discarded to a "cradle to cradle" system in which materials from discarded products are recycled into new ones. Such a system is necessary to get to zero waste. A primary objective is to shift the responsibility for managing discarded items from government and ratepayer-funded waste programs to the manufacturers to reduce public costs and promote environmentally responsible design. CPSC has worked to initiate and secure passage of legislation enacting EPR for mercury thermostats, paints and carpets and has also supported successful local efforts, including Alameda County's recent adoption of the Safe Drug Disposal Ordinance.

A key strategy has been to motivate and assist local governments to adopt EPR resolutions that enable staff to quickly provide letters of support for EPR legislation. Many Bay Area cities, counties, special districts and associations have passed resolutions.

CPSC was founded by government agencies. Businesses also participate. Waste haulers are concerned about worker safety. Industry leaders such as Dell that take products back want EPR enacted for all companies in California. Many companies that sell products in the U.S. already operate under EPR systems in Canada, Europe, Japan and Korea.

Ms. Sanborn described some effects of the take back legislation already enacted. The 2010 carpet bill resulted in an increase in the recycling rate from 6% to 17% in the first year, and 210 jobs in the first two years. As a result of the paint legislation also enacted in 2010, over 350 paint stores in California now accept unwanted paint.

EPR can be enacted nationally, statewide or locally. Alameda County's pharmaceutical ordinance is the first in the US. Some pharmaceutical companies are on board, but the industry association is poised to sue. Ms. Sanborn noted that more local actions are needed to convince the industry that statewide program is more cost effective. She is speaking with Contra Costa County staff about potential to adopt an ordinance. Mitchoff indicated interest in helping. Regarding scope of local actions on pharmaceutical products, D'Arcy noted that county health officers have authority from the state to pass ordinances that affect the entire county, including the cities.

State legislation expected in 2013 includes bills addressing sharps and batteries. D'Arcy noted that diabetic patients use 14,000,000 sharps in Santa Clara each year, however only 350,000 are disposed of properly. The problem is growing and a dangerous public health issue. Three county staff have suffered needle sticks. In response to an inquiry from Bob Simmons about the nature of the sharps bill, Ms. Sanborn said that is it not clear yet.

Mitchoff asked about outreach to the state General Services Agency about buying recyclable products. Sanborn responded that purchasing at state level is decentralized. She asked the County Supervisors Association of California to offer procurement training.

Other questions included an inquiry from Mitchoff about proper disposal of nail polish. This product should not be disposed of in the trash, and can be taken to household hazardous waste facilities.

D'Arcy reported that a problem with implementation of the paint program is indemnification. Paintcare, the stewardship organization created by the paint industry, is assetless so indemnification is hollow. County won't sign agreement unless the insurance/indemnification issue is resolved. Inability to partner with Paintcare is costing the county \$30,000 per month.

He updated the Committee on the Corporation for Battery Recycling (<http://recyclebattery.org/>) an organization created by Duracell, Panasonic and Energizer to process alkaline batteries. Santa Clara County is participating in one of 6 pilot programs. While the county still is paying for collection, since February 2012, it has not paid anything for battery recycling. The participating

companies represent 50% of the marketplace. They are working with D'Arcy, CPSC and others seeking legislation because manufacturers of 50% of batteries sold are not paying for processing.

Scandone reported that the model EPR resolution and staff report, and Ms. Sanborn's powerpoint slides would be circulated to the Committee and TAC.

**Action:** Kondylis moved / Bryant seconded and the Committee unanimously approval the following recommendations contained in the staff report:

1. Forward a request to ABAG Executive Director that Heidi Sanborn, Executive Director, CPSC, be invited to address the Executive Board on Extended Producer Responsibility.
2. If a presentation is scheduled, include in the staff report a request that the Executive Board approve sending a letter, signed by ABAG's President and Chair of the Hazardous Waste Management Committee, to all Bay Area cities and counties recommending the following actions:
  - a. Adopt an Extended Producer Responsibility resolution or legislative policy, if they have not already done so.
  - b. Support the work and consider joining the California Product Stewardship Council.
  - c. Develop a countywide or model local take-back ordinance for producers and/or retailers of the following products: paint, sharps, fluorescent lamps, pharmaceuticals, treated wood and non-rechargeable batteries.

**Green Business Program:** Scandone reported that since the last Committee meeting, the funding and staff assistance provided by the Department of Toxic Substances Control under AB 913 has eroded further. DTSC will be unable to contribute any funds towards the management of the statewide database after June 2013. From the equivalent of 2 full time staff, staffing has shrunk to less than ½ full time equivalent and is expected to shrink to almost zero by early 2013. ABAG staff, local coordinators and partners throughout the state are working to secure funding for the database, take on the activities handled by DTSC staff and put in place a governance structure that will enable the CA Green Business Network to attract funding from state agencies and foundations.

A proposal to Pacific Gas & Electric Company for \$30,000 per year towards database maintenance, and \$5,000 per year per county to help with costs related to energy conservation was included in their 2013 – 2015 CPUC filing for use of public benefit funds and approved. We anticipate that the Bay Area Air Quality Management District will continue to contribute \$10,000 per year. We are hopeful that meetings with the Cal EPA Agency Director, California Air Resources Board, CPUC and CalRecycle managers, and the Governor's Go Biz office arranged by DTSC's Director will eventually result in funding, but none has been offered to date.

ABAG attorney Ken Moy has advised the network on various governance structures. A retreat will be held early in 2013 to address database funding. The group intends to develop a system of cost sharing whereby each local program that uses the database will be asked to contribute to the

annual budget if additional contributions from state or other entities can't be secured by end of the current fiscal year.

The annual budget and work plan did not anticipate either the retreat or Mr. Moy's activities. It also did not accurately anticipate the time staff would spend on Green Business Program. In addition to regular Bay Area coordination duties, we have worked with county coordinators to increase capacity locally, and collaborated with network and state partners to advance orderly, consistent expansion. Avenues we are pursuing include increasing efficiency in the local and regional programs, better coordination among state agencies with related missions, and identifying new funding sources. The next agenda item will present a draft revised budget that addresses these changes.

**Budget and Workplan:** Scandone presented a revised 2012/13 budget and workplan with proposed changes highlighted. Revisions include acknowledging receipt of a \$10,000 contribution from the BAAQMD towards the statewide database, shifting extra hours of staff time to Ken Moy to draft a governance vehicle for the California Green Business Network, and contributing \$3,000 to the costs of hiring a facilitator for the CAGBN retreat in January 2013 to help the group develop a governance structure.

With regard to the Hazardous Waste projects, Scandone reported that the U – Waste Recycling Facilities white paper has not been initiated. She has retired and is working part time as contractor, with most time devoted to the Green Business Program. The staff person who was expected to lead the effort moved away from the Bay Area in August. ABAG hopes to reassign the Hazardous Waste Committee to a new staff person who will take on the project in the next few months.

The work plan also called for tracking Environmentally Preferable Purchasing projects around the region and updating the EPP information on the Committee website. Scandone initiated conversations with Sonoma, Alameda and Santa Clara counties. However, further work will be delayed until staffing is back to regular levels.

**Action:** Kondylis moved / Mitchoff seconded and the Committee unanimously approved the revised budget and work plan.

**Other Businesses:** The Chair announced that Mayor and Vice Chair Green and Supervisor Kondylis were leaving office and the Committee and thanked them for their service. He added they were a big part of the success of the Green Business Program and other efforts.

Renee noted that she may also be leaving, as the vote count in her city is not yet complete.

Scandone noted that she had staffed the Committee for 14 years and thanked members for their work and support.

**Next Meeting:** The Committee agreed to meet again in approximately 5 months. Scandone will circulate dates for consideration.