

**Bay Area Hazardous Waste Management Facility Allocation Committee
Summary Minutes — December 4, 2009 10:00am to 12:10pm**

Attendance:

Members

Mark Luce, Supervisor, Napa County, *Chair*
Ronit Bryant, Vice-Mayor, City of Mountain View
Mark Green, Mayor, City of Union City
Barbara Kondylis, Supervisor, Solano County
Tiffany Renee, Councilmember, City of Petaluma
Gayle B. Uilkema, Supervisor, Contra Costa County

Staff

Ceil Scandone
Jennifer Krebs
Athena Honore

Alternates/Technical Advisory Committee (TAC)

Robin Bedell-Waite, Contra Costa County
Alex Soulard, Waste Management Specialist, Marin County (Alternate)
Rob D'Arcy, Santa Clara County
Steven Lederer, Napa County
Debra Kaufman, StopWaste.Org
James Stettler, Sonoma County (by phone)

Guests

Amy Alton, Save The Bay
Stephen Knight, Save The Bay

Call to Order/Introductions: The meeting was called to order at 10:03 am by Committee Chair Mark Luce. Participants introduced themselves and welcomed guest speakers Amy Alton Ricard and Stephen Knight from Save The Bay.

Adoption of the Minutes of May 29, 2009 Meeting: Green moved to approve the minutes. The motion was seconded by Uilkema, and members voted approval.

Green Chemistry: Krebs presented an update on the Green Chemistry work being done at DTSC. Two bills passed in 2008 helped move forward the Green Chemistry agenda: AB 1879 authorized DTSC to develop regulations for analytical methods and to identify and prioritize chemicals of concern. SB 509 will create a toxics information clearinghouse.

During 2009, DTSC focused on implementing AB 1879. After soliciting input from stakeholders and the public, DTSC crafted a draft Straw Proposal intended to achieve the legislation's goals. That proposal is posted on the DTSC website together with questions and concerns raised in the public workshops held around the state. DTSC has also created a Green Ribbon Science Panel of prominent scientists, senior agency staff, legal experts and industry representatives to advise them as regulations are developed. Bay Area Science panel members include Debbie Raphael from City of San Francisco, Kelly Moran of TDC Environmental, LLC, and Ann Blake, Environmental and Public Health Consulting.

Krebs briefly discussed several initiatives ABAG and the ABAG-administered San Francisco Estuary Partnership (SFEP) are pursuing that relate to Green Chemistry. The Green Business Program requires that businesses seeking certification implement an environmentally preferable purchasing policy, and implement other measures to reduce chemical use. EcoWise Certified and the Urban Pesticide Pollution Prevention Project (UP3) are related ABAG/SFEP programs established to promote less-toxic pest control or Integrated Pest Management. ABAG organized and hosted an Environmentally Preferable Purchasing conference in March 2009, and will work with consultant Alicia Culver to organize other EPP activities in the coming year.

ABAG/SFEP is funding Save The Bay's Clean Bay Project, through the US EPA Bay Water Quality Improvement Fund.

Luce recommended that the Green Business Program work to incorporate findings of the Green Chemistry initiative, such as sending information to participating green businesses. The Green Business Program should stay at the cutting edge and ensure that all that is learned will be applied.

Save The Bay Clean Bay Project: Amy Alton Ricard, Policy and Communications Associate, and Stephen Knight, Political Director presented information about the Clean Bay Project, which promotes and shares information about innovative, effective programs local governments have implemented to reduce pollution affecting the Bay. Ricard showed a two-minute video produced by Save The Bay which highlighted plastic bag pollution. Save The Bay is inviting local municipalities to join the Clean Bay Project and adopt the recommended programs, with initial focus on plastic bags and Styrofoam. Save The Bay provides assistance including a workshop, information, sample materials, and visibility for the programs.

Knight noted that a Master Environmental Assessment on the impacts of plastic bag bans will be published in Spring 2010, and that this MEA will be a useful component for EIRs (which are often a needed step in enacting a plastic or single use bag ban). Jones & Stokes is crafting the MEA, with funding from the Green Cities California coalition.

The presentation elicited many questions from the committee, but time constraints did not allow full discussion. Save The Bay provided written responses to questions which Scandone circulated after the meeting (attached).

Extended Producer Responsibility: Legislative Preview: D'Arcy presented information about four bills related to Extended Producer Responsibility:

- SB 346, which would change the manufacturing process for brake pads to use fewer toxics
- SB 26, a "nudge" bill that would move pharmaceutical waste collection a small step forward by requiring companies to identify a plan for collecting home-generated pharmaceuticals and sharps
- AB 1343, a paint stewardship program ("architectural paint recycling") which would provide significant relief for local government, which must treat all paint waste as hazardous
- AB 283, would put into law the Extended Producer Responsibility framework adopted by the CIWMB

Green moved that the committee support these bills, and Kondylis seconded. The motion passed, and support for the bills will be forwarded to the Legislation and Governmental Organizations committee of ABAG, which will then forward it to the Executive Board.

Hazardous Waste Data Update: Honore described the timing of the next Hazardous Waste Trends report. The committee approved the 2006-2007 data report at the May 2009 meeting, and recommended continuing to produce reports every two years but moving the work to the new fiscal year in order to focus resources on EPP in FY 2009-10. The data for 2008 is available. Staff anticipates that 2009 data will be posted in Spring 2010. Honore will begin work on analyzing the data and writing the report in July. Following TAC review, the draft report will be presented to the committee for approval.

Renee asked if the report covered information available through EPA's My Environment feature. Staff replied that currently the report works with DTSC data, and that EPA's federal data is classified differently, but they will investigate whether EPA information can inform the report.

Green moved to approve the analysis schedule. Uilkema seconded, and members voted approval.

Green Business Program Update/Checklist Approval: Scandone described expansion in the past year; the program is on track to meet its 2009 goal of having 2000 certified Green Businesses in the region. The management and measurements system has become a larger focus than anticipated, and staff hope to have it up and running by February. At the same time, staff are working on periodic review and upgrading of the checklists. One new checklist has been produced, for janitorial services. Bryant asked about the focus the checklist places on the company's own operations vs. what they do at client sites. Scandone replied that companies are required to demonstrate they are knowledgeable about green cleaning products and practices, are promoting them to their clients, and implementing them in the field. County coordinators will visit at least one client site to verify the practices in use. Bedell-Waite commented that not all clients may choose to accept the product recommendations. Kondylis asked about potential cost increases associated with green vs. conventional cleaning practices. Scandone circulated the attached fact sheet on costs of green cleaning after the meeting.

Green moved to approve the janitorial checklist, Uilkema seconded, and members voted approval.

Meeting Adjourned: The meeting was adjourned at 12:10pm. The next meeting will be Friday, March 26 at 10:00am.

**Hazardous Waste Management Committee
Presentation by Save The Bay Clean Bay Project
12/4/09**

Responses to Committee Questions Circulated After the Meeting by Save The Bay

Questions:

- *What about bag recycling at supermarkets: what happens to those?*

Despite a 15-year statewide effort in California, recycling plastic bags has failed. The California Integrated Waste Management Board estimates that less than 5 percent of all single use plastic bags in the state are actually recycled.ⁱ Plastic bags cost municipal recycling programs millions each year, when bags jam sorting equipment at recycling facilities. In San Jose, less than four percent of plastic bags are recycled and work stoppages from jammed bags cost the City approximately \$1 million per year.ⁱⁱ

- *Is there a trash gyre within the Bay?*

We are not aware of a permanent floating body of trash in the Bay, which is subject to strong tidal action. Plastic bags and trash in the Bay flow out into the ocean, where they join the Pacific Garbage Patch.

- *What is the water quality improvement over the last 50 years?*

In 1961, less than six miles of shoreline was accessible to the public, and the Bay was choked with raw sewage and industrial pollution. Since then we have secured better sewage treatment, cleaner factories, and stopped major Bay fill projects. And more than half of the Bay is ringed with public trails, linking a necklace of shoreline parks. For specific water quality data, we recommend [SFEI's Pulse of the Estuary report](#).

- *Have you looked at storm drain filters to address this issue?*

Yes. Among other efforts, SFEP is currently administering an ARRA stimulus grant to help cities begin to install storm drain inserts for trash, following up on the Regional Water Board's new municipal storm water permit.

- *Why aren't you addressing plastic bottles / tires / landscaping?*

We appreciate suggestions and feedback on our program actions. Our current area of priority focus is plastic bags and polystyrene, where we see a significant opportunity to impact Bay water quality and to capitalize on interest by cities and counties, recent movement on regulation (MRP), and the least amount of overlap with existing efforts.

- *What if AB68 passes and some cities with bag bans won't be eligible for funds collected?*

Local action to ban bags or place fees on bags has been and remains the most effective way to force strong state action on this issue. After state action does take place, local jurisdictions may consider their policies in that context.

- *What further industry legal challenges are anticipated? Since the lawsuits are targeted at cities that address only plastic bags, should cities that address both plastic and paper bags expect opposition?*

The plastics industry is expected to continue to strongly advocate for their position.

- *What about the market for recycled plastic (eg deck material)?*

At the moment, a single manufacturer purchases 70 percent of the plastic bags recovered nationwide, to make outdoor decking.ⁱⁱⁱ In 2008, Newsweek reported that the company lost \$75 million in the previous year, raising questions about the long-term viability of the end market. Some curbside programs will take plastic bags if they are bundled, but the commodity is low grade and brings a low price, partly because it gets dirty during handling and transportation. Even the plastic bag industry doesn't use its own post-consumer material. Recyclers are sometimes forced to stockpile bales of bags or even pay to get rid of them.

- *What about addressing oil spills by placing aprons around tankers?*

Save The Bay is involved in advocating for better, more comprehensive and faster oil spill prevention and response.

- *Restoration of salt ponds in Alameda County can lead to loss of some public access/trails; this should be addressed.*

Save The Bay was founded in part to increase public access to the Bay, and this work remains a focus of our efforts.

- *Stopwaste could help facilitate presentations to cities in Alameda County*

Save The Bay is glad to make focused presentations to other audiences and to entertain suggestions for audiences. Our current area of priority geographic focus is Santa Clara County – San Jose and its neighbors.

i California Integrated Waste Management Board www.ciwmb.ca.gov/lgoentral/basics/plasticbag.htm

ii Staff Report to City of San Jose Transportation and Environment Committee. February 2, 2009.

iii K. Bushnell, "Sustainable Consumption, Plastic Bags: What About Recycling Them?", Sierra Club, http://www.sierraclub.org/sustainable_consumption/articles/bags2.asp