

**MINUTES
REGIONAL SOLID WASTE ASSOCIATION
REGULAR MEETING**

**July 2, 2015
9:00 a.m.**

**Fletcher Cove Community Center
133 Pacific Avenue
Solana Beach, CA**

BOARD MEMBERS IN ATTENDANCE:

**Council Member Terry Sinnott, City of Del Mar – RSWA Treasurer
Council Member Ed Gallo, City of Escondido (Alternate)
Mayor Ron Morrison, City of National City – RSWA Chairperson
Council Member Mike Nichols, City of Solana Beach – RSWA Vice-Chairperson
Deputy Mayor Dave Grosch, City of Poway – RSWA Secretary
Council Member Cody Campbell, City of Vista**

STAFF RESOURCES IN ATTENDANCE:

**Thomas F. Nixon, General Manager/General Counsel
Dale Nielsen, Finance Manager/Treasurer – City of Vista**

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

Chairperson Morrison called the meeting to order at 9:07 a.m. Board Member Mark Muir was not present at the meeting. All other Board members were present, with the exception of Vice-Chairperson Nichols, who arrived at 9:13 a.m.

Chairperson Morrison led the Board in the Pledge of Allegiance.

2. SWEARING-IN OF NEW BOARD MEMBER(S) - ACTION ITEM

There were no new Board members to be sworn-in. Alternate Board Member Gallo was sworn in prior to the meeting.

3. ORAL COMMUNICATIONS

This item was scheduled to provide an opportunity for public testimony on matters within the jurisdiction of the Association.

There were no oral communications presented.

4. **CONSENT CALENDAR**

- A. The consent calendar included the receipt and filing of the Regular Board Meeting Minutes of April 2, 2015.

MOTION WAS MADE TO APPROVE THE CONSENT CALENDAR.
(Motion by Treasurer Sinnott, City of Del Mar / Second by Secretary Grosch, City of Poway.) Motion was approved by a vote of 4 ayes, 0 nays, 1 abstention, and 2 absent.

Ayes: Campbell, Grosch, Morrison, Sinnott

Nays:

Abstain: Gallo

Absent: Muir, Nichols

5. **PRESENTATION TO BOARD OF DIRECTORS**

Jessica Toth, Executive Director of the Solana Center for Environmental Innovation, provided a presentation to the Board regarding organics recycling requirements applicable to cities and options to meet those requirements. Ms. Toth indicated that this is an important issue not only because of state mandate in AB 1826, but because up to forty percent of landfill waste is edible or compostable.

Ms. Toth first provided an overview of AB 1826 and its requirements. AB 1826 took effect in 2015 and establishes requirements for recycling of organic waste. By January 2016, cities will be required to submit a plan to CalRecycle on their organics diversion solutions. Four months later, by April 2016, generators of eight (8) cubic yards or more of organic material per week must find an alternative location for their organic waste other than the landfill, with the responsibility falling on cities to make that available. Less than one year later, by January 2017, generators of four (4) cubic yards or more of organic material per week must find an alternative location for their organic waste other than the landfill. Then, two years later, by January 2019, the organics recycling requirement will apply to generators of four (4) cubic yards or more of solid waste per week. Although it has not yet been mandated, in the future it is possible all commercial businesses may be required to divert their organic material. Cities will need to evaluate and audit businesses to determine which businesses the new requirements apply to.

Ms. Toth next discussed what constitutes "organic" material subject to AB 1826's requirements and how each type of organic material can be handled. She indicated that there are primarily two types of organic material: green waste and food waste. The primary method for recycling yard waste or green waste is to compost it, and there is already infrastructure in place and facilities in the area that can handle it. Currently, about eleven percent of green waste generated in the cities is currently sent to the landfill as alternative daily cover, and this will no longer be allowed. Ms. Toth indicated that there are multiple potential alternative disposal methods available for food scraps or food waste, but little infrastructure currently in place to handle it. According to Ms. Toth,

alternative means of disposal for food waste, in order of preference, include: source reduction, feeding hungry people, feeding animals, industrial uses, and composting.

Ms. Toth next provided a case study on infrastructure and facilities available to handle food waste and discussed potential alternatives that could be developed. Ms. Toth used as an example a pilot program the Solana Center developed in coordination with a local producer of organic food waste, where the food waste was diverted to a local agricultural site and used as soil amendment. According to Ms. Toth, EDCO was a strong partner in facilitating this pilot program and is supporting the Solana Center in finding additional innovative solutions for the recycling of food waste.

Ms. Toth next discussed the responsibilities of the various stakeholders in implementing and complying with the new requirements for organics diversion. Cities and other local jurisdictions will be responsible for developing an organics diversion plan, implementing the plan, and monitoring and reporting compliance. According to Ms. Toth, implementation of the plan will require outreach to businesses, identifying local diversion options and developing additional solutions, partnering with other jurisdictions to evaluate and develop regional solutions, and making policy and permitting changes to facilitate local organics recycling solutions. Organics-generating businesses will now need to audit their volume and operations, change their internal processes for dealing with organic waste, establish new partnerships, and measure and report the diversion of organic materials. Waste haulers may need to make logistical and operational changes help facilitate diversion of organic materials. Finally, organics end-users will need to establish new or increased capacity to accept the increase volume of organic waste that will now be diverted from the landfills.

Finally, Ms. Toth discussed with the Board existing barriers to the effective implementation of AB 1826 and potential solutions to overcome those barriers, as well as initiatives the Solana Center and other organizations are currently working on.

6. **REPORT BY MEMBER CITIES ON USE OF HHW EDUCATIONAL FUNDING AND ENVIROMNETAL ENHANCEMENT FUNDING – INFORMATION ITEM.**

Chairperson Morrison invited comments from the Board Members on how the Member Cities used the HHW educational funding and environmental enhancement funding provided by RSWA during the last fiscal year.

Alternate Board Member Gallo reported that the City of Escondido used the funding to promote recyclable and hazardous waste reduction by hosting an Earth Day poster contest for elementary and junior high students in Escondido and a fashion show in which the models wore clothing made out of recyclable materials. Alternate Board Member Gallo stated that these initiatives really excite young kids because it gets their creative juices going and that he thought this was a great use of the funds.

Secretary Grosch reported that the City of Poway used the funding to develop a banner reminding the public what they can and cannot leave in their waste and what types of items should be brought to the Household Hazardous Waste Collection in the City. In addition, he indicated that City staff has done a good job of visiting different commercial companies in the City and reminding them of the applicable regulations and the requirements of AB 341. Secretary Grosch also noted that EDCO periodically distributes a flyer reminding the public where the Poway Household Hazardous Waste Collection facility is located and that it is open on Saturdays.

Treasurer Sinnott reported that the City of Del Mar has primarily focused on two areas in the use of the funding: recycling and composting. The City spent about \$11,000 on distributing new recycling containers throughout the area and held two successful recycling events for the community. The City is also developing a new composting program headed up by Mark Delaney of the City. Treasurer Sinnott indicated that a big focus needs to be on restaurants and that Jessica Toth's presentation was particularly valuable in providing ideas on how the City can motivate restaurants to participate.

Vice-Chairperson Nichols reported that the City of Solana Beach may use the funding for several different initiatives, including providing recycling containers to promote recycling and bike racks to address air quality issues and revitalizing the residential composting program through the Solana Center for Environmental Innovation the City has done in the past. Vice-Chairperson Nichols also highlighted the City's educational program on water conservation, using as an example the landscaping at the Fletcher Cover Community Center and noting that it has no irrigation system whatsoever. The Solana Beach Public Arts Committee is also developing an artistic sign program to educate the public about water conservation and water efficient landscaping. The City will also continue to collaborate with Solana Vista Elementary School on an Earth Day program.

Board Member Campbell reported that the City of Vista has used the funding to create and hang a 24' x 46' banner over one its busiest streets to promote the Household Hazardous Waste Collection facility in Vista and to advise the public that it is open on Saturdays from 9:00 a.m. to 3:00 p.m. A handout illustrating this banner was provided to the rest of the Board. The City is also installing new signs at the household hazardous waste facility to promote the additional used oil collection facility locations that are open more frequently. Board Member Campbell also reported that the City intended to use the funding to promote household hazardous waste recycling and publicize the City's Household Hazardous Waste Collection facility in the "Our Vista" City News and Recreation Guide.

Chairperson Morrison reported that the City of National City has used the funding for two different programs. First, the City put out a calendar promoting household hazardous waste recycling. Second, the City distributed recyclable grocery bags with messages on them promoting recycling. Chairperson Morrison stated that the recyclable grocery bags were very popular and are a great way to get the message out about recycling.

7. **FINANCE AND BUDGET - INFORMATION & ACTION ITEMS**

A. RSWA Investment Report for the Fourth Quarter of Fiscal Year 2014/2015 – Information Item (Receive and File)

Treasurer Sinnott, General Manager Nixon and Fiduciary Agent Dale Nielsen of the City of Vista reviewed the investment report as of June 23, 2015.

MOTION WAS MADE TO RECEIVE AND FILE THE INVESTMENT REPORT. (Motion by Treasurer Sinnott, City of Del Mar / Second by Vice-Chairperson Nichols, City of Solana Beach.) Motion was approved by a vote of 6 ayes, 0 nays, and 1 absent.

Ayes: Campbell, Gallo, Grosch, Morrison, Nichols, Sinnott

Nays:

Abstain:

Absent: Muir

B. Review Budget and Expenditure Status for the Fourth Quarter of Fiscal Year 2014/2015 – Information Item (Receive and File)

Treasurer Sinnott, General Manager Nixon and Fiduciary Agent Dale Nielson of the City of Vista reviewed the second quarter budget and expenditure status as of June 23, 2015.

MOTION WAS MADE TO RECEIVE AND FILE THE BUDGET AND EXPENDITURE STATUS REPORT. (Motion by Board Member Campbell, City of Vista / Second by Secretary Grosch, City of Poway.) Motion was approved by a vote of 6 ayes, 0 nays, and 1 absent.

Ayes: Campbell, Gallo, Grosch, Morrison, Nichols, Sinnott

Nays:

Abstain:

Absent: Muir

C. Review FY 2015/2016 and FY 2016/17 Budgets – Action Item

General Manager Nixon and the Budget Subcommittee comprised of Chairperson Morrison, Treasurer Sinnott and Vice-Chairperson Nichols presented the draft FY 2015/2016 and FY 2016/2017 budgets for review and approval.

MOTION WAS MADE TO APPROVE THE FY 2015/2016 AND FY 2016/2017 BUDGETS. (Motion by Alternate Board Member Gallo, City of Escondido / Second by Board Member Campbell, City of Vista.) Motion was approved by a vote of 6 ayes, 0 nays, 1 absent.

Ayes: Campbell, Gallo, Grosch, Morrison, Nichols, Sinnott

Nays:

Abstain:
Absent: **Muir**

8. **HOUSEHOLD HAZARDOUS WASTE (HHW) ISSUES – INFORMATION AND POSSIBLE ACTION**

A. Approval of Updated Inter-Jurisdictional Agreement with the City of Carlsbad for the Use of Household Waste Facilities – Action Item

General Manager Nixon presented the updated inter-jurisdictional agreement with the City of Carlsbad for the use of household hazardous waste facilities.

MOTION WAS MADE TO APPROVE THE INTER-JURISDICTIONAL AGREEMENT WITH THE CITY OF CARLSBAD FOR USE OF HOUSEHOLD HAZARDOUS WASTE FACILITIES AND TO AUTHORIZE THE GENERAL MANAGER TO SIGN THE AGREEMENT. (Motion by Board Member Campbell, City of Vista / Second by Treasurer Sinnott, City of Del Mar.) Motion was approved by a vote of 6 ayes, 0 nays, and 1 absent.

Ayes: **Campbell, Gallo, Grosch, Morrison, Nichols, Sinnott**
Nays:
Abstain:
Absent: **Muir**

B. HHW Participation Reports – Information Item

Bill Wilson of the City of Encinitas reviewed the HHW participation reports for the Board.

C. Update on HHW Items and Other Potential Future Issues – Information Item

General Manager Nixon noted that he had provided the Board with a Memorandum on AB 1826 and its specific requirements and provided a summary to the Board. AB 1826 became effective January 1, 2015 and is codified in Section 42649.8 of the California Public Resources Code. It establishes requirements for recycling of organic waste applicable to specified businesses and local agencies, such as cities. General Manager Nixon noted that, although CalRecycle’s current focus is on education, CalRecycle does have the authority to issue compliance orders to cities to enforce AB 1826’s requirements and that cities could be subject to fines for failing to comply with such compliance orders.

General Manager Nixon also updated the Board on the status of the litigation by the paint industry challenging the State of California’s regulations implementing the PaintCare program. The Court of Appeal had upheld the State’s regulations and the paint industry sought review by the California Supreme Court. General Manager Nixon reported that, on May 13, 2015, the California Supreme Court

declined to hear the case, meaning that the Court of Appeal's ruling upholding the State's regulations is final.

General Manager Nixon also updated the Board on the status of the pharmaceutical industry's challenge to the County of Alameda's drug take-back program. The Ninth Circuit Court of Appeal had previously upheld the County's drug-take back ordinance, and the pharmaceutical industry had sought review before the United States Supreme Court. General Manager Nixon reported that the Supreme Court recently declined to review the Ninth Circuit's decision, thus vindicating the County of Alameda's drug take-back ordinance for the time being.

With respect to other potential future issues, General Manager Nixon reported that he anticipated there would be an increase in future legislation establishing programs for extended producer responsibility.

General Manager Nixon also provided the Board with a summary the RSWA website analytics for the prior year and month.

Alternate Board Member Gallo left the meeting at 10:35 a.m.

9. ADMINISTRATIVE MATTERS – POSSIBLE ACTION ITEMS

A. Review Future Meeting Schedule – Possible Action Item

October 1, 2015
January 7, 2016
April 7, 2016

This item was scheduled for discussion and approval of the future meeting schedule. After discussion of scheduling of the July Board meeting, the Board made no changes to the current meeting schedule.

B. Reports by Board Members and/or RSWA Staff Regarding Conferences Attended – Information Item

Board Member Campbell reported that he attended the Waste Expo conference held in Las Vegas from June 1 - 4, 2015. Board Member Campbell stated that he attended quite a few educational seminars that focused on organics recycling and diversion and had an opportunity to speak with industry stakeholders, facility operators, and staff members from other cities that are already dealing with these issues. Board Member Campbell indicated that he got a number of good ideas about how to implement these programs and that he will be providing that information to the other Board Members in the future.

C. Approval of Board Members and Staff Attendance and Conference Expenses at all of the Following Meetings, Including Out of State Meetings, of the Following Organizations Which List Shall be Titled “List of Accepted Organizations and Conferences” – Action Item:

1. SWANA (Solid Waste Association of North America) sponsored conferences and SWANA chapter meetings
2. Waste 360 – Waste Age and Waste Expo Events
3. NSWMA (National Solid Waste Management Association) and WASTEC (Waste Equipment Technology Association) sponsored conferences
4. NAHMMA (North American Hazardous Materials Management Association) sponsored conferences and meetings
5. National Recycling Coalition sponsored events
6. California Department of Resources Recycling and Recovery (CalRecycle) sponsored events

The recommendation is to approve the List of Accepted Organizations and Conferences, including out of state meetings, for possible attendance by Board Members and RSWA Staff.

MOTION WAS MADE TO APPROVE BOARD MEMBER AND STAFF ATTENDANCE AND EXPENSES INCURRED AT MEETINGS AND CONFERENCES, INCLUDING OUT-OF-STATE MEETINGS AND CONFERENCES, OF THE ORGANIZATIONS LISTED ON THE LIST OF ACCEPTED ORGANIZATIONS AND CONFERENCES PRESENTED AT THE MEETING. (Motion by Board Member Campbell, City of Vista / Second by Secretary Grosch, City of Poway.) Motion was approved by a vote of 5 ayes, 0 nays, 2 absent.

Ayes: Campbell, Grosch, Morrison, Nichols, Sinnott

Nays:

Abstain:

Absent: Muir, Gallo

10. COMMENTS FROM ASSOCIATION MEMBERS AND GENERAL MANAGER

Vice-Chairperson Nichols congratulated General Manager/General Counsel Nixon on his pending retirement and indicated that it had been a pleasure working with him.

Chairperson Morrison expressed appreciation for Mr. Nixon's many years of service as General Counsel and General Manager and presented him with a card and gift on behalf of the Board. Chairperson Morrison also welcomed James Eggart as the new RSWA General Manager and General Counsel.

Board Member Campbell pointed out that RSWA Fiduciary Agent Dale Nielsen, Finance Manager/Treasure of the City of Vista is also retiring and that this would be his last RSWA Board meeting.

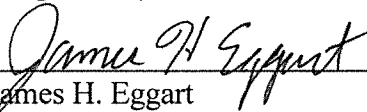
Fiduciary Agent Nielsen reported that Lauren Warrem, formally of the San Diego Association of Governments, will be taking his place.

Chairperson Morrison thanked both General Manager/General Counsel Nixon and Fiduciary Agent Nielson for their service and wished them the best on behalf of the Board.

11. ADJOURNMENT

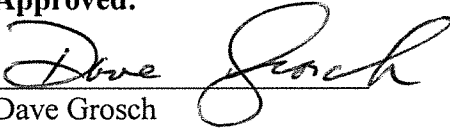
The Chairperson adjourned the meeting at 10:47 a.m. to the meeting of October 1, 2015 at 9:00 a.m. at the Fletcher Cove Community Center, 133 Pacific Avenue, Solana Beach.

Respectfully Submitted:



James H. Eggart
General Manager

Approved:



Dave Grosch
RSWA Secretary