

City of Berkeley ZERO WASTE COMMISSION Regular Meeting

Monday, July 25, 2022 at 7:00 p.m.

PUBLIC ADVISORY: THIS MEETING WILL BE CONDUCTED EXCLUSIVELY THROUGH ZOOM VIDEOCONFERENCE AND TELECONFERENCE

Pursuant to Government Code Section 54953(e) and the state declared emergency, this meeting of the City of Berkeley Zero Waste Commission will be conducted exclusively through teleconference and Zoom videoconference. The COVID-19 state of emergency continues to directly impact the ability of the members to meet safely in person and presents imminent risks to the health of attendees. Therefore, no physical meeting location will be available.

To access the meeting remotely: Join from a PC, Mac, iPad, iPhone, or Android device, please use this URL to join the meeting:

<https://us02web.zoom.us/j/82587046286>

If you do not wish for your name to appear on the screen, then use the drop-down menu and click on "rename" to rename yourself to be anonymous. To request to speak, use the "raise hand" icon by rolling over the bottom of the screen. **To join by phone: Dial 1-669-900-9128 and enter Meeting ID: 82587046286#.** If you wish to comment during the public comment portion of the agenda, Press *9 and wait to be recognized by the Chair. Note: Your phone number will appear on the videoconference screen.

MEETING AGENDA

PRELIMINARY MATTERS:

- 7:00 pm 1. Call to Order by Chair and Roll Call by Secretary
- **Christienne de Tournay (Chair)**, appointed by CM Sophie Hahn, District 5
 - **Steven Sherman (Vice Chair)**, appointed by CM Rashi Kesarwani, District 1
 - **VACANT**, appointed by Mayor Jesse Arreguin
 - **Rachel Doughty**, appointed by CM Terry Taplin, District 2
 - **Antoinette Stein**, appointed by CM Ben Bartlett, District 3
 - **Samantha Nelson**, appointed by CM Kate Harrison, District 4
 - **Sandra Curtis**, appointed by CM Susan Wengraf, District 6
 - **VACANT**, appointed by CM Rigel Robinson, District 7
 - **VACANT**, appointed by CM Lori Droste, District 8
- 7:05 pm 2. Approve Meeting Agenda and Order of Agenda Items
- 7:10 pm 3. Approve Draft Action Minutes:
- June 27, 2022 Regular Meeting*

- 7:15 pm 4. Public Comment on Items Not on the Agenda
Speakers are allotted up to two minutes. Speakers may be allotted less time at the discretion of the Chair.
- 7:25 pm 5. Commissioner Announcements
Commissioners may make general announcements; no action will be taken.
- 7:30 pm 6. Staff Updates:
- Zero Waste Integrated Waste Management Plan (Strategic Plan)
 - Transfer Station Rates
 - Transfer Station Replacement
 - FITES Committee Draft Bag Ordinance
 - Single-Use Foodware Ordinance Implementation
 - SB 1383 Implementation

DISCUSSION AND ACTION ITEMS:

Members of the public may provide comments at the end of each discussion item and prior to the vote of the Commission on any action items. Speakers are allotted up to 2 minutes.

- 7:45 pm 1. State legislative update provided by Californians Against Waste
- 8:15 pm 2. Discussion and possible vote to recommend that council requires staff to bring rate modification proposals and analyses to the Zero Waste Commission for evaluation by the Commission prior to bringing them to City Council
- 8:40 pm 3. Discuss ZW Division staffing changes
- 8:50 pm 4. Discuss Future Agenda Items
- 9:00 pm 5. Adjournment

INFORMATION ITEMS:

Information items may be moved to discussion but no action will be taken.


- Transfer Station Rate Resolution*
- Article link sent by Steven Sherman re: Canada to ban single-use plastics to combat climate change, pollution - The Washington Post
<https://www.washingtonpost.com/world/2022/06/21/canada-single-use-plastic-ban-climate/>
- Californians Against Waste email forwarded by Sandra Curtis re: SB 54 SIGNED into law, Initiative WITHDRAWN, WHAT NOW?*
- Article link sent by Chrise de Tournay re: SB54 and the fall of the ballot measure
<https://calmatters.org/environment/2022/06/california-recycling-plastic-trash/>

COMMUNICATIONS:

Communications from the public are included as links or attachments in the agenda packet.

- None received

*Indicates material included in the agenda packet
** Indicates material to be available at the meeting

 **ADA Disclaimer:** This meeting is being held in a wheelchair-accessible location. To request a disability-related accommodation(s) to participate in the meeting, including auxiliary aids or services, please contact the Disability Services Specialist at 981-6418 (V) or 981-6347 (TDD) at least three business days before the meeting date. Please refrain from wearing scented products to this meeting.

SB 343 Disclaimer:

Any writings or documents provided to a majority of the Commission regarding any item on this agenda will be made available for public inspection at the Public Works Department located at the address below.

Communications Disclaimer:

Communications to Berkeley boards, commissions or committees are public record and will become part of the City's electronic records, which are accessible through the City's website. Please note: e-mail addresses, names, addresses, and other contact information are not required, but if included in any communication to a City board, commission or committee, will become part of the public record. If you do not want your e-mail address or any other contact information to be made public, you may deliver communications via U.S. Postal Service or in person to the secretary of the relevant board, commission or committee. If you do not want your contact information included in the public record, please do not include that information in your communication. Please contact the secretary to the relevant board, commission or committee for further information.

Commission Secretary:

Heidi Obermeit, Recycling Program Manager,
Zero Waste Division, 1201 2nd St. Berkeley, CA 94710
510-981-6357
hobermeit@cityofberkeley.info

MINUTES

The meeting was convened at 7:05 p.m. with Steven Sherman, Vice Chair, presiding.

ROLL CALL

Present: Steven Sherman, Rachel Doughty, Antoinette Stein, Samantha Nelson,
Sandra Curtis (7:24 arrival)
LOA: None
Absent: Chrise de Tournay

STAFF PRESENT: Heidi Obermeit, Greg Apa, Kerry Rivers

MEMBERS OF THE PUBLIC PRESENT: 4

PUBLIC COMMENTS (on non-agenda items): 1

ACTION MINUTES:

1. Approval of the June 27, 2022 Regular Meeting Agenda

Action Taken: M/S/C (Stein/Doughty) to approve the meeting agenda for June 27, 2022.
Ayes: Unanimous; Abstain: None; Absent: de Tournay, Curtis

2. Approval of the May 23, 2022 Regular Meeting Minutes

Action Taken: M/S/C (Sherman/Stein) to approve the May 23, 2022 meeting minutes.
Ayes: Sherman, Stein, Nelson; Abstain: Doughty; Absent: de Tournay, Curtis

3. East Bay Depot for Creative Reuse Presentation by Jasmine Fallstich

Discussion only. No Action Taken.
Public Comment: 0

4. Discuss SB54 and possible action to advise Council to support the legislation.

Discussion only. No Action Taken.
Public comment: 0

5. Discuss future agenda items

- Discuss SB 54 vs the plastic fee ballot initiative and potential action to recommend Council support
- Form subcommittees to accomplish work plan priorities
- Transfer Station Rates – staff requested to provide a review of the proposed rates once publicly available
- Invite Californians Against Waste rep to discuss state legislation

Public Comment: 1

6. Adjournment at 8:52 p.m.

M/S/C (Doughty/Stein) to adjourn the meeting.

Ayes: Unanimous; Abstain: None; Absent: de Tournay

The next regular meeting of the Zero Waste Commission will be held on Monday, July 25, 2022 at 7:00 p.m. by virtual videoconference/teleconference. The link to access the virtual meeting will be posted to the Community Calendar: www.cityofberkeley.info/communitycalendar/

Respectfully Submitted:

Heidi Obermeit, Secretary

DRAFT

RESOLUTION NO. 70,441-N.S.

CITY OF BERKELEY TRANSFER STATION REVISED RATES AND RESCINDING
RESOLUTIONS NO. 64,575 - N.S. AND 64,712 - N.S.

WHEREAS, the City is required by law, and in the interest of public health and resource reduction, reuse and recycling, to promote and provide integrated zero waste management services to the City community members; and

WHEREAS, the Zero Waste Fund (601) is an enterprise fund for the City's Integrated Zero Waste Management Programs and services and is required to generate sufficient revenues to offset these programs and services costs; and

WHEREAS, on July 14, 2009, the City Council approved Resolution No. 64,575 - N.S. approving Transfer Station rates for refuse, construction and demolition materials, and organics (compostable) by the load and per ton and special material handling charges; and

WHEREAS, on December 6, 2009, the City Council approved Resolution No. 64,712 - N.S. which rescinded Resolution No. 64,575 - N.S., Section 3, rates charged for prepaid refuse and compost bags.

THEREFORE, BE IT RESOLVED by the Council of the City of Berkeley approves the Transfer Station rates, surcharges and fees as follows:

Section 1: An Environmental Compliance Fee for Refuse, Construction and Demolition, and Organics (compostable) materials shall be charged as follows:

- \$3.50 per minimum load (330 pounds or less), or
- \$5.00 per ton.

Section 2: The Base Rate for Refuse shall be:

- \$38.50 per minimum load (330 pounds or less), or
- \$149.00 per ton.

Section 3: For the recycling of items that require special material handling at the Transfer Station, rates shall be charged for each item. In addition, the environmental compliance fee is applicable only for the handling and transfer of refuse, construction and demolition or organic (compostable) materials.

Special Material Handling Charges per item shall be:

- a. 75% surcharge of the Refuse Base Rate on all mixed refuse, construction & demolition and organics loads (10% or more of these mixed material types in the load based on visual inspection).
- b. \$18.00 per unit of mattresses or box spring for commercial customers. Residents are accepted free (up to 2 units per transaction).
- c. \$20.00 per automobile tire.

- d. \$30.00 per truck tire.
- e. \$48.00 per appliance, refrigerated and non-refrigerated.
- f. \$35.00 per propane tank.
- g. \$9.00 per electronic item with three (3) or more, first two (2) items at no change.
- h. Carpets are charged per the construction and demolition material base rate.
- i. \$50.00 for first occurrence to reload of prohibited materials, \$150.00 per customers' second and subsequent occurrences.

Section 4: Organic (compostable) Materials includes: plant debris, prunings, unpainted untreated wood, pallets, waxed cardboard, unpainted sheet rock, food scraps, and compostable fibers. Organic materials do not include: plywood, painted wood, tree stumps, plastic bags, trash, refuse, recyclables, such as, uncontaminated cardboard, metal, etc., or all other material unsuitable for composting.

Section 5: The Base Rate for clean loads of Organic (compostable) Materials shall be:

- \$27.75 per minimum load (330 pounds or less), or
- \$72.05 per ton.

Section 6: The Base Rate for Construction and Demolition Materials shall be:

- \$33.50 minimum per load (330 pounds or less), or
- \$130.00 per ton.

Section 7: Vehicles with unsecured loads will be charged a \$15 fee.

Section 8: For the Purchase of Prepaid Bags for residential use only customer for extra materials to be placed at the curb on day of regular scheduled collection up to seven (7) additional bags, the cost shall be:

- Refuse - \$7.50 per bag.
- Compostable Organics - \$3.00 per bag.

Section 9: If Transfer Station scale is inoperable, the pounds per cubic yard conversion ratio shall be 330 pounds to the cubic yard and any estimate of volume will be made to the nearest half cubic yard.

BE IT FURTHER RESOLVED that the City Manager is authorized to annually review the base rates of refuse, construction and demolition, and organics materials; the environmental compliance fee; and special material handling charges; and increase these charges each year by a percentage equal to the percentage change in the Consumer Price Index (CPI) statistics published by the United States Bureau of Labor, as needed; and

BE IT FURTHER RESOLVED that Resolutions No. 64,575-N.S. and 64,712-N.S. are hereby rescinded; and


BE IT FURTHER RESOLVED that upon the conclusion of the Public Hearing on June 28, 2022, the City Council will amend as directed by public input and that this Resolution and the Transfer Station rates, environmental compliance fee and special material handling charges shall take effect on August 1, 2022.

The foregoing Resolution was adopted by the Berkeley City Council on June 28, 2022 by the following vote:


Ayes: Bartlett, Droste, Hahn, Harrison, Kesarwani, Robinson, Taplin, Wengraf, and Arreguin.

Noes: None.

Absent: None.



Jesse Arreguin, Mayor

Attest: 

Rose Thomsen, Deputy City Clerk

Email forwarded by Commissioner Sandra Curtis from Californians Against Waste re: SB 54 SIGNED into law, Initiative WITHDRAWN, WHAT NOW?

Date: Fri, Jul 1, 2022 at 8:27 AM

Subject: SB 54 SIGNED into law, Initiative WITHDRAWN, WHAT NOW? (plus some clips)

Dear colleagues,

By now you've surely heard that SB 54 has been SIGNED into law by Governor Newsom ([press release here](#)) and that the ballot measure has been WITHDRAWN ([Secretary of State notice here](#)). Thanks and congratulations to all for your strong support and hard work!

What this means:

SB 54 will start going into effect across the various timelines described in the bill, and the initiative will NOT appear on the November 2022 ballot.

What can you expect for the remainder of the legislative session?

The legislative and initiative excitement is finished with regard to SB 54, but there are plenty of other important anti plastic pollution measures that must still make their way to the Governor's Desk that need your support as much as ever!

The Legislature is on recess during the month of July. During the month of August, the Legislature will reconvene for End of Session. The remaining measures must fully pass the legislative process by August 31. All measures that pass and go to the Governor's Desk during this time must be acted on no later than September 30 (there are some exceptions to this but I'll let you know if that applies to our measures).

I will continue to update folks on these remaining measures, plus any outstanding business related to SB 54 and the initiative. If you no longer wish to receive my emails, let me know and I'll remove you. Thank you! - Arianna

Here are some clips about the exciting news:

[NPR](#) - California sets the nation's toughest rules for the reduction of plastics

[The Guardian](#) - California passes first sweeping US law to reduce single-use plastic

[LA Times](#) Newsletter: California lawmakers put the brakes on plastics. What does it mean for the rest of us?

[SF Chronicle](#) California lawmakers pass major plastic-reduction measure after years of thwarted attempts

[LA Times Newsom signs nation's most sweeping law to phase out single-use plastics and packaging waste](#)

[KCRA 3 Sacramento](#) - California sets nation's toughest plastics reduction rules (*print story is AP and ran in many local/national outlets I'm still collecting*)

[CBS 13 Sacramento - 'We're Ruining The Planet': California Sets Nation's Toughest Plastics Reduction Rules](#)

[The Hill](#) - Newsom signs pivotal plastics bill into California law

[SiliconValley.com](#) - California sets nation's toughest plastics reduction rules

[Yahoo](#) - Newsom signs pivotal plastics bill into California law

[Grist](#) - California passes nation's toughest plastic reduction bill

[Recycling Today](#) - Updated: California SB 54 ups plastic pressure

[Phys.org](#) - Nation's most sweeping law to phase out single-use plastics approved by California lawmakers

Arianna Z. Smith | on behalf of [Californians Against Waste](#)

Founder & Principal

Phone: 916-524-8231 | ariannazsmith.com | Twitter: [@ariannasmith](https://twitter.com/ariannasmith)

Sacramento, California



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