

# C/CAG

## CITY/COUNTY ASSOCIATION OF GOVERNMENTS OF SAN MATEO COUNTY

*Atherton • Belmont • Brisbane • Burlingame • Colma • Daly City • East Palo Alto • Foster City • Half Moon Bay • Hillsborough • Menlo Park  
Millbrae • Pacifica • Portola Valley • Redwood City • San Bruno • San Carlos • San Mateo • San Mateo County • South San Francisco • Woodside*

## Meeting Minutes

### Ad Hoc Committee to Study the Five-Year Countywide Integrated Waste Management Plan (CIWMP) Update

**Date:** Friday, August 9, 2019

**Attendees:** Committee Members: Lillian Clark, Tammy Del Bene, Monica Devincenzi, Charles Ice, Christine Kohl-Zaugg, Joe La Mariana, Rebecca Lucky, Barbra Mathewson, Roxanne Murray, Adam Rak, Ann Schneider (Chair), Vicki Sherman, Stephen Stolte, Gordon Tong

Alternate Committee Members: Mia Rossi

Others in attendance: Kim Springer, Matt Zucca, Eun-Soo Lim (staff)

**Location:** 455 County Center, 4th Floor, Redwood City (Conference Room 402)

**Call to Order:** 3:05 PM

#### 1. Introductions

Each attendee introduced themselves.

#### 2. Election of chair

Ann Schneider was elected as the Ad Hoc Committee Chair (nominated by Lillian Clark) unanimously.

#### 3. Public comment for items not on the agenda

No public comment was provided to the committee.

#### 4. Overview of California's Brown Act

Matthew Sanders, Deputy County Counsel for County of San Mateo, provided an overview of California's Brown Act and how it relates to the Ad Hoc Committee. The purpose of the Brown Act is to provide public access to meetings of California local government agencies. The law guarantees the public's right to attend and participate in meetings of local legislative

bodies. Everything this committee does is subject to public inspection. In terms of how the Brown Act relates to the Ad Hoc Committee's duties going on forward, there are specific procedures that all committee members and staff must abide by:

- Public bodies that must comply with the Brown Act cannot conduct "meetings" without full transparency and without providing public access to the meetings. Under the Brown Act, a "meeting" is defined as communication of any sort, including email and phone calls, that involves a quorum of the committee (eight [8] members for this Ad Hoc Committee). "Meetings" can be depicted as two different models: (1) hub-and-spoke and (2) daisy chain. In the hub-and-spoke model, one member serves as the central hub and communicates and relays information to other members. In the daisy chain model, one member communicates with another member, who then relays it to another, and so forth. Both committee members and staff must ensure that all "meetings" conducted involve less than eight members of the Ad Hoc Committee. The safest way to communicate is to not communicate/limit communications with other committee members. If communication is necessary, please go through the Ad Hoc Committee Staff.
- Committee members have the option of teleconferencing into the Ad Hoc Committee meetings. However, there are several requirements that the committee members must abide by in order to do this. The committee member must be in a fixed location (e.g., not in a vehicle). The location must be included in the meeting's agenda and then physically posted at the location site, no less than 72 hours prior to the meeting date and time. These requirements must be met if the committee member is planning on teleconferencing into the meeting and if they want to take action at the meeting. Committee members who teleconference in without meeting the above requirements can listen in on the meeting but cannot take action.
- During the public comment period at the committee meetings, committee members cannot require the member of the public to identify themselves. Committee members also cannot have an extended discussion with that member of the public during the public comment period.

Clarifying questions were asked by different committee members, including whether the Alternate Committee members will count toward a quorum for the Ad Hoc Committee. Since the Alternate Committee members were not included in the Ad Hoc Committee roster, which was approved by the C/CAG Board, they cannot be counted toward the Ad Hoc Committee's quorum. Alternate Committee members can participate and partake in the meetings' discussions, but they cannot take action at the Ad Hoc Committee meetings (e.g., vote).

## **5. History of AB 939, CIWMP elements, city annual reporting, CIWMP review, and Ad Hoc Committee task**

Committee Member, Gordon Tong (Resource Conservation Program Manager at County of San Mateo), presented the history of AB 939 and the different CIWMP elements, requirement for reviewing the CIWMP, and Ad Hoc Committee's responsibility in reviewing the CIWMP. AB 939, also known as the Integrated Waste Management Act, which was

passed in 1989 and created the California Integrated Waste Management Board (now CalRecycle). It mandated each city/county to achieve 25% diversion of solid waste by 1995, 50% by 2000. This goal was changed in 2007 to reflect a disposal rate to better track source reduction. Each jurisdiction now has a target pounds of disposal per person per day. AB 939 also required each county to establish a task force to coordinate the development of a Countywide Integrated Waste Management Plan (CIWMP) consisting of the following elements:

- **Source Reduction and Recycling Elements (SRREs):** This describes waste characterization, source reduction, recycling, composting, solid waste facility capacity, education and public information, funding, special wastes and household hazardous wastes programs cities and the County will use to meet the diversion goals. Most of the cities and the County developed a joint SRRE; the remaining cities developed their own (Brisbane, Millbrae, San Bruno, South San Francisco, Pacifica)
- **Siting Element (SE):** This section describes where solid waste can be disposed of for a minimum 15-year period as well as the various landfills located in the county.
- **Household Hazardous Waste Element (HHWE):** This section is countywide and describes how HHW is dealt with. County Environmental Health operates from this element.
- **Non-disposal Facility Element (NDFE):** This section lists the non-landfill facilities in the county including compost facilities, materials recovery facilities, and transfer stations.
- **Summary Plan (SP):** This section summarizes all of the elements into one document.

All of these elements together make up the CIWMP. These elements must be reviewed every five years to ensure accuracy. All cities and the County provide annual updates to CalRecycle, the regulatory agency in an Electronic Annual Report (EAR) to demonstrate progress towards the mandated diversion goal.

AB 939 also required a local agency to be designated as the Local Enforcement Agency to monitor and inspect solid waste facilities. For San Mateo County, this is the County's Environmental Health Services Department.

In order to pay the costs for preparing, adopting, and implementing the integrated waste management plans, jurisdictions are allowed to impose an AB 939 fee. The County levies this fee (\$9.83/ton) on all waste disposed of at Ox Mountain Landfill.

### **Roles of the County, C/CAG, and the Ad Hoc Committee**

The County is responsible for the development and maintenance of the CIWMP. It is also responsible for completing a review of the documents every five years and submitting it to CalRecycle. As the Local Task Force, C/CAG is responsible for providing comments to the County regarding this review process. To this end, C/CAG has established this Ad Hoc Committee to provide recommendations to the C/CAG board regarding the CIWMP documents and if they need to be revised.

## Timeline

<b>June 13, 2019</b>	Formation of ad hoc committee by C/CAG
<b>July 11, 2019</b>	Ad hoc committee roster approved
<b>August 9, 2019</b>	First meeting with the ad hoc committee
<b>August 23, 2019</b>	Second meeting with the ad hoc committee
<b>September 4, 2019</b>	Third meeting with the ad hoc committee (if necessary)
<b>October 10, 2019</b>	- Presentation to C/CAG on ad hoc committee findings and recommendations - Approval of findings for submission to CalRecycle and County
<b>November 12, 2019</b>	County Board of Supervisors approval of five-year Review Report for submission to CalRecycle
<b>February 12, 2020</b>	Deadline for CalRecycle to approve/disapprove the five-year review report

Ms. Clark asked if the committee could make minor updates to the existing elements. Mr. Tong responded that the committee only determines if the plan needs to be updated or not.

Chair Schneider asked if the committee could discuss new relevant laws that have not been taken into consideration when the plan was developed in 1990 (e.g., SB 1383, AB 1826, AB 341). Mr. Tong responded that since SB 1383 is still being finalized, we may not be able to include it in the plan. Mr. La Mariana and Ms. Del Bene stated that if SB 1383 is not included, the plan will be out of date immediately, so it would be better to include, if possible. One possibility would be to bring these new relevant state waste laws and their potential implications on the plan to the C/CAG Board at the conclusion of this review process as recommendations for consideration for the update of the plan, if the committee decides that an update is needed. Chair Schneider requested that staff compile a list of applicable solid waste laws for the committee to review.

Ms. Sherman asked if the County needed to respond to the recently released Grand Jury report. Mr. Tong replied that the County would respond in a separate process and within 90 days.

Mr. Springer commented that the committee can look at deficiencies of any of the plan's elements based on existing legislations, or the committee can make a general comment saying there are deficiencies.

## 6. Overview of approach for review of CIWMP elements

Committee Member, Gordon Tong (Resource Conservation Program Manager at County of San Mateo), provided an overview of the proposed process to review the CIWMP. Mr. Tong's recommended process is to read through the original documents, along with any amendments since it was originally adopted, and determine if any of the information

provided is outdated. This would be based on personal knowledge of committee members and staff, as well as reference documents such as Electronic Annual Reports (EARs) provided by each city.

For the Source Reduction and Recycling Elements (SRRE), the original Joint SRRE and individual SRREs will be checked against each city's EAR to determine if programs are still ongoing. They will also be checked against the County's Annual Outreach Summary, which provides an overview of all the programs the County coordinates across all jurisdictions in the county.

For the Siting Element (SE), it will be compared with information from CalRecycle's Solid Waste Information System (SWIS) database, which contains information on all solid waste facilities in California. It will also be checked with the latest reports on landfill capacity from Ox Mountain.

For the Household Hazardous Waste Elements (HHWE), it will be compared with city EARs and checked with County Environmental Health Services, which provides many of the HHW programs for the cities in the county.

For the Non-Disposal Facility Element (NDFE), it will be compared with CalRecycle's SWIS database and the County of San Mateo Office of Sustainability's existing internal solid waste processing and disposable database.

To expedite the process of reviewing all of these documents, committee staff and select committee members with relevant background and expertise will review documents and provide findings to the ad hoc committee for review and discussion.

Upon review of all elements, staff will develop a report for approval by the ad hoc committee for the C/CAG board's review.

There were no questions/comments by the committee members.

## **7. Review of CIWMP Siting Element: Ox Mountain Landfill and remaining capacity**

Committee Member, Gordon Tong (Resource Conservation Program Manager at County of San Mateo) provided an overview of the Siting Element (SE) and presented on the findings of the review of the SE against current conditions. Committee Member, Monica Devincenzi (Municipal Relationship Manager with Republic Services) provided an overview of Ox Mountain Landfill's features, operations, and its remaining capacity.

SE of the CIWMP provides a description of the areas used for disposal in the county, a demonstration of the 15-year capacity for disposal through existing or planned facilities, siting criteria for new facilities, a list of new or expanded facilities, and the roles of all agencies involved.

At the time the SE was developed, there were two landfills active in the county: Hillside Landfill in Colma and Ox Mountain Landfill in Half Moon Bay. Since the adoption of the SE in 1999, there have been no updates to the document.

Ox Mountain also known as Corinda Los Trancos Landfill is the only remaining operational landfill in San Mateo County. It is a fully permitted Class III disposal facility and is owned and operated by Browning Ferris Industries of California Inc., a wholly owned subsidiary of Republic Services. Its current footprint is 191 acres on a 2,786-acre property. The site opened in 1976 with 51 acres by San Mateo Scavengers. The capacity expanded to 60,500,000 cubic yards in 1999, enlarging permitted disposal area to 191 acres.

Currently, Ox Mountain's permitted capacity remains at 60,500,000 cubic yards. Aerial surveys are conducted annually to determine remaining capacity. The most recent aerial survey was conducted in January 22, 2019. The projected remaining airspace volume (capacity) as of 12/31/2019 for Ox Mountain Landfill is 18,206,200 cubic yards. At current rate of inbound volume, the site is projected to max its current permitted capacity in 2039 (19 years remaining). If we are more successful in diverting more waste, then this timeline can be stretched past 2039. The site currently achieves an average density of 2,200 pounds per cubic yard (pp/cy), which is much higher than the national average of 1,200 pp/cy. Currently, there is no composting and C&D on-site at Ox Mountain. Wood chipping at Ox Mountain has been suspended indefinitely as of early this year.

Ox Mountain includes one of the largest Bay Area renewable energy project through its landfill gas-to-energy (LFGTE) operations (AMERESCO). It supplies enough renewable energy to power more than 11,900 average-sized homes in Alameda and Palo Alto.

After review of existing documents, the following information has been identified as being outdated in the SE:

- **There are two landfills in the county.** Hillside Landfill has since closed.
- **The capacity at Ox Mountain Landfill is 38,900,000 million cubic yards.** The capacity at Ox Mountain Landfill has increased due to an expansion referred to in the SE from 38,900,000 cubic yards to 60,500,000 million cubic yards.
- **Permit issuance and review dates.** New permits are issued every five years to Ox Mountain.
- **The total landfill capacity of the county.** Given that Hillside Landfill has closed, the overall capacity differs from that listed in the SE.
- **The 15-year planning period for disposal capacity ends 2012.** The projected disposal requirements need to be updated for another 15 years.
- **Siting criteria.** New legislation from the state requires inclusion of environmental justice language in the SE.
- **Names of responsible parties.** The Office of Sustainability is the new responsible party from the County, and the name of the South Bayside Transfer Station Authority has changed to the South Bayside Waste Management Authority.

Based on these findings, Mr. Tong recommends that the SE be updated with the information

identified above as well as other information that may need to be included.

Mr. La Mariana asked Ms. Devincenzi if there were plans for construction and demolition and composting processing at Ox Mountain. Ms. Devincenzi replied that this is being investigated.

Chair Schneider asked if the amount of organics being sent to the landfill was to significantly reduce (as a result of SB 1383), would there still be sufficient amount of methane to generate electricity at Ox Mountain. Ms. Devincenzi answered that the methane comes from organics that are already buried in the landfill, so even if organics disposal was to reduce significantly, there would still be enough methane for some time to continue generating electricity.

Mr. La Mariana recommended the utilization of Ox Mountain for all municipalities in the county as much as possible due to its local proximity and the higher cost to send waste out of county. He noted that there is a potential to expand Ox Mountain into another canyon nearby, but the permit process might take a long time. Mr. Springer mentioned that many factors go into the capacity calculation of a landfill, including density and truckloads per day, and requested this information from Ms. Devincenzi.

Chair Schneider asked if the law that requires a minimum of 15 years of capacity for the landfill is still in place. She also mentioned that counties cannot require that landfills not accept waste from communities outside of their jurisdiction. Mr. Tong confirmed this is the case.

Ms. Lucky asked about the particulars of the environmental justice language in the Siting Element. Mr. Tong replied that the language is specified in state law. Committee staff will share with the committee members the specific language around environmental justice.

Chair Schneider asked if the committee could provide guidelines on what environmental justice means. Mr. Tong replied that it could be included during the revision process.

Ms. Del Bene requested that presentations be made available to committee members. Ms. Lim confirmed the presentations would be available on the Office of Sustainability and C/CAG websites and that they will be shared via email with the committee members.

## **8. Review of CIWMP Non-Disposable Facility Element**

Eun-Soo Lim, Committee staff, provided an overview of the Non-Disposable Facility Element (NDFE) and provided findings of the review of the element. The NDFE identifies the permitted non-disposal facilities to be used by a jurisdiction to assist in reaching the state's diversion mandates. Non-disposal facilities are primarily materials recovery facilities, compost facilities, and transfer stations, but a jurisdiction's NDFE may also discuss recycling centers, drop-off centers and household hazardous waste facilities. The NDFE also includes permitted facilities outside the county that are used by jurisdictions within San Mateo County for their diversion efforts. The NDFE must include details of each permitted non-disposal facilities, including but not limited to the type of facility, facility capacity, incoming tons, the

diversion rate, and participating jurisdictions. An amendment to the County's NDFE was completed in 2004 and 2010.

Committee staff completed a review to assess the accuracy of the County's latest NDFE (2010 amendment). Based on the review, the below preliminary findings were identified:

- The below non-disposal facilities, which are listed in the NDFE are no longer active. These facilities will need to be removed from the NDFE.
  - Mussel Rock Transfer Station
  - Ferma-SRDC Recycling Operation I (C&D Debris Processing)
  - Ferma-SRDC Recycling Operation II (Wood Grinding)
  
- The below non-disposal facilities may need to be added into the NDFE.
  - West Contra Costa County Composting Facility (Richmond)
  - South Valley Organics (Gilroy)
  - Napa Recycling & Composting Facility (Napa)
  - Ben Lomond (Santa Cruz County)

Based on these findings, Ms. Lim recommends that the NDFE be updated with the information identified above as well as other information that may need to be included. There were no questions/comments by the committee members.

**9. Set next Committee meeting date as Friday, August 23, 2019, 10:00 a.m. to 12:00 p.m. at 455 County Center, 4<sup>th</sup> Floor, Conference Room 402, Redwood City, CA**

Committee member Joe La Mariana moved and committee member Monica Devincenzi seconded approval of the next committee meeting date and information. Motioned passed unanimously.

**Adjourn:** 12:00 PM