



Upper Valley Waste Management Agency Board Agenda Letter

TO: Board of Directors

FROM: Steven Lederer - Manager
Upper Valley Waste Management Agency

REPORT BY: Dave Briggs, Environmental Resource Specialist - (707) 253-4094

SUBJECT: Mandatory Commercial Recycling

RECOMMENDATION

MANDATORY COMMERCIAL RECYCLING

DISCUSSION ITEM: Approve of an effort by Upper Valley Waste Management Agency (UVWMA) and Upper Valley Disposal and Recycling Service (UVDRS) to inform local business owners of California's Mandatory Commercial Recycling Program, educate them about available recycling services, and establish a monitoring and reporting system for commercial recycling.

EXECUTIVE SUMMARY

Local and state government agencies throughout California are required by state law to arrange for diversion of roughly half of all waste generated in their jurisdiction from landfills through recycling, waste reduction, composting and related activities. The State Department of Resources, Recycling and Recovery (CalRecycle) may impose \$10,000 per day fines on cities or counties that do not comply.

Recent legislation establishes a requirement that businesses in particular recycle at least some of their discarded materials. It also requires responsible local agencies, like UVWMA, to provide evidence they have informed business owners of this obligation and started to monitor their compliance.

UVWMA must describe in its 2013 Annual Report to CalRecycle its good faith effort to educate and inform commercial entities of the recycling requirement and monitor compliance. Staff proposes UVWMA undertake several measures to fulfill its role in educating/informing the business community of the state requirements and monitor and report on local compliance.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

In 2006, the California Legislature passed the California Global Warming Solutions Act. In response, the Air Resources Board (ARB) adopted a set of measures it deemed feasible for reducing greenhouse gas emissions in the short-term. The ARB identified commercial recycling as a priority after finding that use of recycled materials generates substantially fewer greenhouse gas emissions than the use of raw materials in product production, extraction of materials, and manufacturing. The state legislature followed in 2011 with passage of AB 341 (Chesbro), requiring for the first time that businesses throughout California take responsibility for recycling their discarded materials.

In January of 2012, the State Department of Resources, Recycling and Recovery (CalRecycle) adopted regulations for a “mandatory commercial recycling” effort to increase commercial recycling in the state. CalRecycle’s effort is intended to divert more recyclable materials from landfills, expand recycling services available to local businesses, and increase processing and manufacturing in the state. Local agencies, businesses, and CalRecycle each have a role in improving commercial recycling under the new law.

Discussion

Under the statewide mandatory commercial recycling program, local government, private business, and the state each have a role in boosting commercial recycling. The new rules apply to a range of commercial entities, including businesses, apartment complexes of five units or more, and institutional or government entities that dispose of more than 4 cubic yards of trash per week. These entities may subscribe for recycling collection service or bring materials to a recycling center on their own. The regulations do not require any specific quantity of recycling.

The regulations require local government agencies to implement education, outreach and compliance monitoring. The law allows, but does not require local agencies create local rules for enforcement of, or exemption to, the state regulations.

Outline of Proposed Local Commercial Recycling Enhancement Effort

The UVWMA effort would include several education and outreach measures and development of a list

of commercial entities that may not be in compliance with the recycling requirement. Agency staff and UVDRS would undertake the following measures to educate and outreach to these commercial entities. The measures proposed by staff are low to no cost items that will be covered with existing staff resources and budget funds.

1. Include informational flyers or articles in local business association bulletins or newsletters
2. Place articles and inserts into the quarterly UVDRS/UVWMA newsletter sent to commercial customers of UVDRS
3. Distribute informational flyers to businesses that bring waste to Clover Flat Landfill
4. Post relevant information on the UVDRS/Clover Flat Landfill website
5. Post notices on local government and community access TV bulletin boards

Staff would monitor, assess, and report on the status of commercial recycling compliance within the UVWMA jurisdiction as follows.

1. Review information from UVDRS on subscriptions to commercial trash and recycling services
2. Identify with UVDRS those commercial entities subject to the law that may be out of compliance
3. Work with UVDRS to identify local commercial entities that use Clover Flat Landfill but may not be recycling
4. Reach out to entities that may not be in compliance, inform them of the recycling requirement and simple steps they can take to comply, and encourage them to take advantage of local recycling opportunities
5. Report to the state in August of 2013 and annually thereafter on steps UVWMA has taken to monitor and assess compliance by local businesses and agencies.

SUPPORTING DOCUMENTS

None

Recommendation: Approve

Reviewed By: Steven Lederer