

# WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

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## Executive Director

Rob Hilton  
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## Member Agencies

City of Campbell  
Town of Los Gatos  
City of Monte Sereno  
City of Saratoga

## MEETING AGENDA

**September 7, 2023**

Monte Sereno City Hall  
18041 Saratoga-Los Gatos Road  
Monte Sereno, CA 95030

**5:00 p.m.**

### Teleconference/Public Participation Information

This meeting will be held via teleconference and in-person at the City of Monte Sereno's City Hall located at 18041 Saratoga-Los Gatos Road, Monte Sereno, CA 95030.

For this meeting, members of the public may observe the meeting using either the meeting link below or by attending physically at the above-mentioned location. For those attending the meeting in person, please refer to the last bullet for instructions on making public comment. For those attending virtually, please refer to the following set of bullets for attendance and instructions on making public comment:

- Submit written comments via email to the West Valley Solid Waste Management Authority (Authority) at [wvswma@hfh-consultants.com](mailto:wvswma@hfh-consultants.com) prior to or during the time for public comment at the meeting. Authority staff will share all comments with the Board at the meeting and will make the comments part of the public record.
- Observe and address the Board telephonically, at the appropriate time for public comment during the meeting, following these instructions:

Link to join the Virtual Meeting: <https://us02web.zoom.us/j/87068868255>

Call in Phone Number: +1 (669) 444-9171

Meeting ID: 870 6886 8255

- During the meeting, the Chairperson will call for public comment. If you wish to address the Board, please use the Zoom "raise hand" feature and the Chairperson will call on you when it is your turn.

*Note: For those joining virtually, Authority Staff will need to temporarily promote you to a panelist and unmute you in order to speak.*

- For those physically attending, please hold onto all comments until the Chairperson calls for public comment. Once the public comment period has opened, please either stand or raise your hand and the Board will call on you to speak and make your comment.

In accordance with the Americans with Disabilities Act, California Law, and the Governor's Executive Orders, it is the policy of the Authority to offer its public meetings in a manner that is readily accessible

to everyone, including those with disabilities. An individual may request reasonable modifications or accommodations so that they may observe and address the Board at this teleconference meeting. If you are disabled and require accommodations to participate, please contact the Authority at least 48 hours in advance of the meeting at [wvswma@hfh-consultants.com](mailto:wvswma@hfh-consultants.com) with the following information: name, phone number, email, and type of assistance required.

## **Call to Order**

## **Pledge of Allegiance**

## **Roll Call**

## **Oral Communications from the Public**

## **Written Communications**

None

## **Presentations and Informational Items**

1. Receive a presentation from Joint Venture Silicon Valley (JVSV) about the Santa Clara County Edible Food Recovery Program.

## **Old Business**

2. Provide direction regarding the Construction and Demolition Debris (C&D) program options.

## **New Business**

3. Approve Resolution 2023-09 of the Board of Directors of the West Valley Solid Waste Management Authority Authorizing Submittal of Regional Grant Applications Related to SB 1383.

## **Public Hearings**

## **Consent Calendar**

4. Receive and file the 2022 CalRecycle Annual Reports.
5. Receive a report on recent regulatory changes.
6. Receive a report on the Authority's solid waste programs.
7. Approve minutes from May 4, 2023 Board Meeting.
8. Receive and file the Executive Director Year-to-Date Financial Report for the year ended June 30, 2023.

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## **ADDRESSING THE BOARD**

Any person shall have the right to address the Board during consideration of any item on the Board's agenda or during the time for oral communication if not on the agenda but pertaining to subject matter within the jurisdiction of the Board. Any person wishing to address the Board should stand or raise the hand and wait to be recognized by the Chairperson. Please stand at the podium, if able, state your name and address for the record, and proceed to address the Board. All remarks and questions should be addressed to the Board through the Chairperson and not to any member thereof or to the public. No question should be asked a Board Member or a member of Authority staff without first obtaining permission of the Chairperson.

## **Executive Director Report**

## **Future Agenda Items**

## **Board Member Reports**

## **Adjournment**

Next Regular Meeting: November 2, 2023, 5:00 p.m.

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### **ADDRESSING THE BOARD**

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# WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

## AGENDA REPORT

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Agenda Item No. 2  
Meeting Date: September 7, 2023

Date: September 7, 2023  
To: West Valley Solid Waste Management Authority Board  
From: Executive Director  
Subject: Construction and Demolition Debris Program Options

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### Recommended Action

Provide direction regarding the construction and demolition debris (C&D) program options.

### Discussion

#### Background

The West Valley Solid Waste Management Authority (Authority) has a collection agreement with West Valley Collection and Recycling (WVC&R) for the collection of solid waste, recyclable materials, and organic materials, and processing of recyclable materials and organic materials. The current franchise agreement, expiring February 28, 2024, includes exclusive franchised hauling of C&D materials.

At the December 5, 2023 Board Meeting, the Board directed the Authority to establish a non-exclusive system for collecting and recycling C&D, to become effective on March 1, 2024. The Board directed staff to review the C&D program and determine a process for managing C&D materials in an effective way that allows for competition, improved service, compliance with SB 1383, and more accurate reporting.

In doing so, the Authority identified interested parties and engaged stakeholders in sharing their perspective on program options. At the March 16, 2023 monthly meeting, presentations were arranged from local hauling and facility representatives to the City of Campbell, the City of Monte Sereno, the City of Saratoga, and the Town of Los Gatos (Member Agencies) and participating building officials to share their facility operations experience and opinions on advantages and disadvantages to various regulatory approaches.

During the May 4, 2023 Board Meeting, the Executive Director presented three policy issues for the Authority Board to discuss and provide direction on:

- **Management of the Waste Management Plans.** The Authority and Member Agencies recommended that each Member Agency continue to manage the building permit and waste management plan process and the Authority's role would be limited to supporting the Member Agencies with education about C&D recycling. The Board directed Authority to postpone discussion on management of waste management plans until the following Board Meeting in September.
- **Approved Haulers.** The Authority and Member Agencies recommended that the Authority take the lead role in approving and regulating haulers to provide C&D collection throughout the West Valley service area. This simplifies requirements for builders and permittees and provides risk management

to the Authority and Member Agencies. Direction was given by the Board for the Authority to build out potential options for approving haulers for further consideration.

- **Certified Processing Facilities.** The Authority and Member Agencies recommended that the Authority take the lead role in establishing and maintaining a certified processing facility regulatory system throughout the West Valley service area. This simplifies requirements for builders and permittees and monitors performance of facilities. Direction was given by the Board for the Authority to build out potential options for certified processing facilities for further consideration.

**Program Options**

Following the direction provided to the Authority at the May Board Meeting, the Authority met with Member Agency staff from the public works and building departments to discuss options for approved hauler and certified facility regulatory systems. Three options were presented for each system (approved haulers and certified facilities) that offered a range of potential options based on how other agencies regulate this activity. Member Agency staff was unanimous in their recommendation of Option 2 for the Approved Haulers and Option 2 for the Certified Facilities. The detailed options and rationale for the recommendations are presented below.

*Approved Haulers*

The first policy issue presented was the process and requirements for approving haulers. The details of the options presented to Member Agencies and their building officials are presented in Figure 1 below.

**Figure 1. Approved Hauler Options**

	Option 1	Option 2	Option 3
<b>Number of Haulers</b>	✓ Approve 5 haulers	✓ Approve 10 haulers	✓ Approve unlimited haulers
<b>Application Enrollment</b>	✓ Apply during 5-year open enrollment	✓ Apply during annual open enrollment	✓ Apply anytime
<b>Business License Requirements</b>	✓ Require business license in all Member Agencies	✓ Require business license only in Member Agency where work is conducted	✓ Require business license only in Member Agency where work is conducted– reactive based on reports of non-compliance only
<b>Reference Check Requirements</b>	✓ Conduct reference check all applicants	✓ Process all applicants approved in City of Santa Clara or San Jose – no reference check required. Conduct reference checks for all other applicants	✓ Conduct Reference check of some applicants– only check references if issues are identified in application process

	Option 1	Option 2	Option 3
Applicant Selection Process	✓ Determine selection through point system	✓ Determine selection through performance and reference-based	✓ Approve all complete applications
Term	✓ Apply a 5-year term with option to terminate with convenience with 1-year notice	✓ Apply a 2-year term with an evergreen renewal process	✓ Apply a 1-year term
Reporting	<ul style="list-style-type: none"> <li>✓ Require use of Authority developed monthly reporting form</li> <li>✓ Require use of Green Halo by Permittee and upload weight tickets</li> </ul>	✓ Require quarterly reporting based on required data sets listed in NEFA	✓ Require supplying limited quarterly reporting based on state requirements only
Regulatory Fee Requirements	<ul style="list-style-type: none"> <li>✓ Assess application fee to JPA \$1,000 (covers cost of review and initiating relationship)</li> <li>✓ Assess per load fee (\$25.00)</li> </ul>	<ul style="list-style-type: none"> <li>✓ Assess application fee to JPA \$1,000 (covers cost of review and initiating relationship)</li> <li>✓ Assess per load fee (\$25.00)</li> </ul>	<ul style="list-style-type: none"> <li>✓ Assess application fee to JPA \$1,000 (covers cost of review and initiating relationship)</li> <li>✓ Assess per load fee (\$25.00)</li> </ul>
Performance Management	✓ Involve Authority in high capacity to grade performance and assess customer satisfaction – Interface with building community	✓ Involve Authority in moderate capacity to ensure performance using reporting data and tools developed to track performance standards	✓ Involve Authority reactively on non-compliance reports due to volume of haulers

The Authority and Member Agencies recommend Option 2 to the Board. The following list summarizes the key differences that form the basis for the recommendation:

- **Competition.** The benefits of a competitive market where permittees and contractors have multiple options available when selecting a hauler was discussed. This allows for the most flexibility in choice and encourages competitive pricing. However, it was also recognized that as the quantity of approved haulers increase, the time required to oversee the reporting and management of the haulers increases as well. While important to have choices, ensuring quality standards are essential in a successful program; requiring a determination between the right amount of available market competition and the ability to manage the quantity of options. To address both concerns, the Authority and Member Agencies selected Option 2 as their recommendation, which allows permittees and contractors the choice between 10 haulers that are approved and managed by the Authority to ensure performance quality and standards are maintained.

- Performance Management.** Performance management focuses on accountability, fostering clear expectations and performance standards. It was determined that proactive involvement by the Authority in managing performance is critical to achieve regulatory compliance, as well as providing quality service to the community. The commitment level and effort in administering performance management is recognized as a cost associated with overseeing this program. In turn, the Authority and Member Agencies recommends Option 2, which increases the opportunity for some competition, but limits the high administrative cost incurred.
- Reporting.** Data reporting is an important component to regulatory compliance. When quantity of haulers is low, contract management can be high as the Authority manages the standards set within the program for a limited number of haulers. As the quantity of haulers increases, contract management capabilities will decrease due to the amount of labor involved in managing several agreements. The Authority and Member Agencies selected Option 2 as their recommendation to allow for proactive Authority involvement in report monitoring by incorporating standardized reporting forms to track data on a regular basis.

*Certified Processing Facilities*

The second policy issue presented was the selection of certification criteria for processing facilities. The details of the options presented to Member Agencies and their building officials are presented in Figure 2 below.

**Figure 2. Certified Processing Facility Options**

	Option 1	Option 2	Option 3
<b>Facility Certification</b>	✓ Provide certification of recycling rate through Recycling Certification Institute (RCI)	✓ Provide certification through any jurisdiction or third party that performs a recycling rate certification	✓ Provide certification through any third party certification or allow Authority to perform certification
<b>Application Enrollment</b>	✓ Apply any time and maintain annual recertification	✓ Apply during annual open enrollment and maintain annual recertification	✓ Apply during annual open enrollment and maintain annual recertification
<b>Eligibility Requirements</b>	<ul style="list-style-type: none"> <li>✓ Reference check all applicants</li> <li>✓ Meet RCI requirements</li> <li>✓ Verify there are no violations within 3 years</li> </ul>	<ul style="list-style-type: none"> <li>✓ Accept if certified by another third party</li> <li>✓ Verify there are no violations within 3 years</li> </ul>	✓ Accept if third party certificated or cost of recycling rate study is paid in application to Authority
<b>Recordkeeping and Reporting</b>	<ul style="list-style-type: none"> <li>✓ Require use of an automated database such as Green Halo</li> <li>✓ Maintain records for up to 3 years and</li> </ul>	<ul style="list-style-type: none"> <li>✓ Require quarterly reporting based on required data sets such as uploading weight</li> </ul>	✓ Require quarterly reporting based on required data sets such as uploading weight



	Option 1	Option 2	Option 3
	make them available to inspection on request	tickets, submitting a WMP, etc. ✓ Require AB 901 reports for facility-wide rates ✓ Encourage use of Green Halo to reduce reporting	tickets, submitting a WMP, etc. ✓ Require AB 901 reports for facility-wide rates ✓ Encourage use of Green Halo to reduce reporting
<b>Associated Fees</b>	✓ Assess application fee to JPA (\$1,000) ✓ Incur registration fee to RCI	✓ Assess application fee to JPA (\$1,000) ✓ Incur certification/registration costs with certifying body ✓ Assess monthly/quarterly regulatory fee based on tonnage received	✓ Assess application fee to JPA (\$1,000) ✓ Incur certification/registration costs with certifying body ✓ Assess Authority Certification Fee (\$7,500-\$10,000 depending on facility) ✓ Assess monthly/quarterly regulatory fee based on tonnage received
<b>Performance Management</b>	✓ Interact with Authority minimally ✓ Incorporate few participating facilities, potentially requiring more tracking	✓ Interact with Authority minimally ✓ Allow for more facilities to be incorporated (e.g., City of San Jose certified facilities) ✓ Acknowledge some certifiers don't establish the recycling rate	✓ interact with Authority in high capacity ✓ Incur higher cost ✓ Allow for more facilities because certification can include any facility at their actual rate

The Authority and Member Agencies recommend Option 2 to the Board. Option 2 allows facilities to be certified by any third-party certification method. The following list summarizes the key differences that form the basis for the recommendation:

- **Facility Certification.** The Authority discussed optimizing the ability for haulers and permittees to use the facility of choice to the extent possible. Due to this, the Authority and Member Agencies determined their recommendation would be to allow any facility that has a third party performing a recycling rate certification for optimal ability to incorporate more facilities.
- **Associated Fees.** It was recognized that requiring a third-party certification may incur additional cost to the processing facility. In turn, the Authority determined that an option that allows the greatest flexibility in third-party certification is in the best interest of processing facilities. The Authority and Member Agencies recommendation did not consider the option for the Authority to perform the certification due to the high cost associated with labor incurred in developing and implementing the certification process.

### **Policies for Board Direction**

The Executive Director has prepared a presentation of options and will present the three program option recommendations for Authority Board discussion and consideration. Details of all program options presented to Member Agencies and building officials have been highlighted above. In response to Board direction, the Authority will continue to develop the C&D debris program, which includes several upcoming action items:

- Drafting regulatory documents, including non-exclusive franchise agreements and facility certification application.
- Updating Member Agency ordinances.
- Conducting community outreach, including newsletter blurbs, website updates, and more.

### **Documents Attached**

None

### **Fiscal Impact**

None

# WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY AGENDA REPORT

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Agenda Item No. 3  
Meeting Date: September 7, 2023

Date: September 7, 2023  
To: West Valley Solid Waste Management Authority Board  
From: Executive Director  
Subject: SB 1383 Grant Applications

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## **Recommended Action**

Approve Resolution 2023-09 of the Board of Directors of the West Valley Solid Waste Management Authority Authorizing Submittal of Regional Grant Applications Related to SB 1383.

## **Discussion**

### **Background**

CalRecycle offers a wide array of grant, payment, and loan opportunities to help public and private entities fund programs that help the State reach its climate change goals. Funding is authorized by legislation and CalRecycle oversees implementation and distribution of funding to jurisdictions. The West Valley Solid Waste Management Authority (Authority) monitors upcoming funding opportunities from CalRecycle and the State, and is seeking authorization from the Board to apply for eligible SB 1383 grant opportunities for a period of five years, on behalf of the City of Campbell, the City of Monte Sereno, the City of Saratoga, and the Town of Los Gatos (Member Agencies), as the Lead Agency.

In fiscal year (FY) 21-22, CalRecycle administered a one-time, non-competitive grant program to provide cities, counties, regional or Joint Powers Authorities, and special districts responsible for solid waste services, with financial aid to implement SB 1383 programs. The Authority applied on behalf of the Member Agencies and received \$168,481, in total, to cover the costs of SB 1383 implementation.

CalRecycle is administering a second non-competitive grant program of \$90,000,000 to provide cities, counties, regional or Joint Powers Authorities, and special districts that are responsible for solid waste services with aid in the implementation of SB 1383. Each eligible jurisdiction will receive a base grant award of \$75,000, with the remaining funds to be distributed based on per capita calculations, using the Department of Finance's January 2023 population statistics.

The Grant funding can be used for any activity involved in SB 1383 implementation, which includes, but is not limited to, collection programs, education and outreach, edible food recovery, record keeping, enforcement and inspection, procurement requirements, capacity planning, and program evaluation or gap analysis. The proposed timeline is outlined in Figure 1. CalRecycle has not provided specific dates as of the time of this Board Meeting.

**Figure 1. Second CalRecycle SB 1383 Local Assistance Grant Timeline**

<b>SB 1383 Local Assistance Grant Timeline</b>	
Application Release	September 2023
Application Due Date	November 2023
Grants Awarded	February/March 2024
Grant Term Ends	February/March 2026

### **SB 1383 Grant Application**

Jurisdictions are required to submit an application that includes a detailed written project description, summary of first year implementation, and a reason for the funding request. The application also requires a budget document to identify eligible SB 1383 implementation costs and expenditure tracking. The Authority is eligible for an estimated \$300,000 before additional funding is distributed based on population information for each jurisdiction.

The attached Resolution 2023-09 would authorize the Authority (on behalf of the Member Agencies) to apply for additional SB 1383 grant funding for the next five years. To meet the second-round SB 1383 Local Assistance Grant eligibility requirements, the Authority recommends that the Board approve Resolution 2023-09 before the November grant application deadline to receive the first round of funding to offset costs for SB 1383 programs.

### **Future Grant Monitoring**

The Authority will continue to monitor and track details related to all applicable CalRecycle and State administered grant opportunities, including this second SB 1383 Local Assistance Grant, as additional opportunities for funding become available.

### **Documents Attached**

Resolution 2023-09 authorizing the West Valley Solid Waste Management Authority submittal of Regional Grant Applications Related to SB 1383.

### **Fiscal Impact**

None

## RESOLUTION 2023-09

### RESOLUTION OF THE BOARD OF DIRECTORS OF THE WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY AUTHORIZING SUBMITTAL OF REGIONAL GRANT APPLICATIONS RELATED TO SB 1383

WHEREAS, Public Resources Code sections 48000 et seq. authorizes the Department of Resources Recycling and Recovery (CalRecycle) to administer various grant programs (grants) in furtherance of the State of California's (state) efforts to reduce, recycle, and reuse solid waste generated in the state thereby preserving landfill capacity and protecting public health and safety and the environment; and

WHEREAS, effective October 1, 1997, the Cities of Campbell, Monte Sereno, and Saratoga, and the Town of Los Gatos formed the West Valley Solid Waste Management Authority pursuant to Government Code Section 6500 et. Seq. to manage and oversee solid waste management programs originating in the Cities of Campbell, Monte Sereno and Saratoga and the Town of Los Gatos; and,

WHEREAS, CalRecycle grant application procedures require, among other things, a regional applicant's governing body to declare by resolution certain authorizations related to the administration of CalRecycle grants.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the West Valley Solid Waste Management Authority authorizes the West Valley Solid Waste Management Authority to submit regional grant applications related to SB 1383 on behalf of itself as Lead Agency and the participating jurisdictions as shown by the documentation attached.

BE IT FURTHER RESOLVED that the Executive Director of the West Valley Solid Waste Management Authority is hereby authorized and empowered to execute on behalf of the West Valley Solid Waste Management Authority all grant-related documents, including, but not limited to, applications, payment requests, agreements, and amendments necessary to secure grant funds and to implement the approved grant project.

BE IT FURTHER RESOLVED that these authorizations are effective until September 7, 2028.

The above and foregoing Resolution was duly and regularly adopted by the Board of Directors of the West Valley Solid Waste Management Authority at a regular meeting held on the 7th day of September 2023 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Approved:

\_\_\_\_\_  
Bryan Mekechuk, Chairperson

Attest:

\_\_\_\_\_  
Rob Hilton, Executive Director

# WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY AGENDA REPORT

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Agenda Item No. 4  
Meeting Date: September 7, 2023

Date: September 7, 2023  
To: West Valley Solid Waste Management Authority Board  
From: Executive Director  
Subject: 2022 CalRecycle Annual Reports

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## **Recommended Action**

Receive and file the 2022 CalRecycle Annual Reports for the City of Campbell, the City of Monte Sereno, the City of Saratoga, and the Town of Los Gatos (Member Agencies).

## **Discussion**

### **Background**

Title 14, California Code of Regulations Section 18794 requires that each jurisdiction submit a report by August 1 of each year that discusses the jurisdiction's progress in implementing the programs described in its waste planning documents, which include the Source Reduction and Recycling Element (SRRE) and the Household Hazardous Waste Element (HHWE).

AB 341 requires all commercial businesses that generate four or more cubic yards of trash and all multi-family dwellings with five or more units to subscribe to recycling service. It also requires all cities and counties to divert a minimum of 75% of the waste generated by 2020.

AB 1826 requires various levels of organics generators to subscribe to organics collection and have a "phased-in" approach beginning in 2016 and full implementation by December 31, 2020. As of December 31, 2020, businesses with two or more cubic yards of solid waste must arrange recycling services for organics collection services.

SB 1383 establishes targets to achieve a 50% reduction in the level of statewide disposal of organic waste from the 2014 level by 2020, and a 75% reduction by 2025. Additionally, the law grants CalRecycle the regulatory authority required to achieve the organic waste disposal reduction targets and establishes an additional target that nothing less than 20% of current disposed edible food be recovered for human consumption by 2025. The law focuses on both residential and commercial generators. On January 1, 2022, SB 1383 regulations took effect and are enforceable by CalRecycle. On January 1, 2024, SB 1383 requires jurisdictions to impose penalties on non-compliant generators.

The West Valley Solid Waste Management Authority (Authority) completed and submitted the Annual Electronic Report (EAR) on behalf of the Member Agencies on August 1, 2023.

**Discussion**

CalRecycle calculates compliance using a 50% diversion requirement. A per capita waste disposal target amount is calculated and compared to the actual per capita waste disposed. *If the actual per capita amount is less than the targeted per capita disposal amount, the agency is in compliance.*

Figure 1 shows the target and actual disposed amounts for the Member Agencies since 2007, demonstrating that each Member Agency met the diversion requirement for all years. All four Member Agencies’ actual per-capita disposal amounts continue to stay below the target disposal per-capita goals. From 2021 to 2022, the disposal per capita decreased in the City of Monte Sereno, the City of Saratoga, and the Town of Los Gatos; while the City of Campbell’s disposal per capita remained the same as the prior year but is still well below the per capita target.

**Figure 1.**  
**CalRecycle SB 1016 2007-2022 Disposal Per Capita (lbs./person/day)**

Member Agency	Disposal Per-Capita Target	Actual															
		2007	2008	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Campbell	5.2	4.7	4.4	3.8	3.9	3.8	4.0	4.1	4.1	4.2	4.5	4.7	4.6	4.7	4.2	3.9	3.9
Los Gatos	6.0	4.1	3.9	3.3	3.6	3.7	3.7	4.0	3.9	4.5	3.8	4.4	4.1	4.5	3.4	3.2	3.0
Monte Sereno	3.9	1.4	1.4	1.2	1.1	1.5	1.5	2.1	1.7	2.0	1.7	1.6	1.0	1.3	1.5	1.4	0.9
Saratoga	4.2	2.7	2.9	2.5	2.8	2.8	2.9	2.9	2.9	3.1	3.1	3.1	3.0	3.2	2.6	2.6	2.3

The Authority conducts annual site visits with CalRecycle to review and assess program participation.

**Documents Attached**

None

**Fiscal Impact**

None



# WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

## AGENDA REPORT

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Agenda Item No. 5  
Meeting Date: September 7, 2023

Date: September 7, 2023  
To: West Valley Solid Waste Management Authority Board  
From: Executive Director  
Subject: Recent Regulatory Changes and Program Updates

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### Recommended Action

Receive a report on recent regulatory changes.

### Discussion

#### Existing Legislation

**SB 54** – SB 54 (Plastic Pollution Prevention and Packaging Producer Responsibility Act) was signed into law on June 30, 2022. The bill requires producers to ensure that single-use plastic packaging and food service ware are recyclable or compostable by 2032 and achieve 25% source reduction and a 65% recycling rate of covered materials, on specified timeframes. By January 1, 2024, CalRecycle will publish a list of materials determined to be recyclable and compostable in the State. Jurisdictions shall be required to accept materials on that list in their curbside program, with certain exemptions available. CalRecycle is required to adopt regulations by January 1, 2025 to implement the requirements of SB 54.

CalRecycle hosted informal workshops from March to July of 2023 to solicit public comment from stakeholders regarding proposed regulatory concepts. CalRecycle has paused informal workshops to work on the draft regulations and anticipates providing draft regulations this fall for the informal rulemaking process, followed by formal rulemaking. The West Valley Solid Waste Management Authority's (Authority) Executive Director will continue to participate in the rulemaking process and other stakeholder collaboration opportunities and will update the Board with any developments in the regulations that will impact local agencies.

**AB 661** – AB 661 was signed into law on September 25, 2022 and became effective January 1, 2023. The bill repealed Section 12209 of the Public Resources Code (PRC), which is referenced in SB 1383 regulations, and added requirements for paper products to meet specific percentages of post-consumer recycled content.

**Advanced Clean Fleet Regulations** – The California Air Resources Board (CARB) is developing new regulatory language to transition all medium and heavy-duty diesel trucks to zero emissions vehicles (ZEVs) by 2045. State and local government fleets, including city, county, special district, and State agency fleets, are required to ensure 50% of vehicle purchases are ZEV beginning in 2024 and 100% of vehicles purchased are zero-emission by 2027. "Specialty vehicles," including solid waste collection fleets, have more time to comply, if selecting the "ZEV milestones" options which specifies the following years by which specified percentages of solid waste fleet vehicle purchases that must be ZEV: 10% by 2030, 25%

by 2033, 50% by 2036, 75% by 2039, and 100% by 2042. Certain exemptions may be available related to infrastructure construction delays, delivery delays, availability, daily usage amounts, back-up vehicles, and emergency conditions. Additionally, CARB's final resolution acknowledged the importance of biomethane derived from organic waste to implement SB 1383. CARB will require staff to coordinate across state agencies and provide a report by 2025 regarding how implementation of ACF regulations, SB 1383, and SB 1440 will be harmonized.

**SB 212** – CalRecycle developed regulations for SB 212 (sharps and pharmaceutical product stewardship), effective January 1, 2022. The program is now being implemented, and local jurisdictions can receive reimbursement for collecting sharps and pharmaceuticals.

### **California Legislative Updates**

More than 40 bills related to solid waste and recycling were introduced in the California State Legislature this year. The bills highlighted below were presented to the Board at the May Board Meeting as being of particular interest to the Authority. The deadline for the legislature to pass bills is September 14, 2023, and Governor Newsom must sign or veto bills by October 14, 2023. Bills that do not pass this year will either be considered "dead" or will become two-year bills that can be taken up in 2024.

#### **SB 54 – Related Bills**

**AB 1489** – This bill would define "compostable covered materials" as products eligible to be labeled as compostable and would exempt this material from certain requirements of the Plastic Pollution Prevention and Packaging Producer Responsibility Act (Act).

*Status: Referred to Committee on Appropriations' suspense file (8/11/23).*

**SB 303** – This bill would revise the dispute resolution process between the Producer Responsibility Organization (PRO) and local jurisdictions, haulers, and facilities and would revise and clarify several of the Act's definitions related to end markets.

*Status: Referred to Committee on Appropriations' suspense file (8/16/23).*

**SB 665** – This bill would require the California Environmental Protection Agency (CalEPA), by January 1, 2025, to establish a working group to establish a framework for evaluating novel plastic and plastic-alternative material types used to produce single-use products (i.e., single-use plastic alternatives) as they are developed to inform state policy decisions.

*Status: Referred to Committee on Appropriations' suspense file (8/16/23).*

#### **Single-Use Plastics and Materials Bills**

**AB 1290** – Beginning January 1, 2026, this bill would prohibit the sale of certain types of opaque or pigmented plastic containers and plastic packaging containing certain chemical additives, such as PFAS, carbon black, and oxo-degradable additives with certain exemptions.

*Status: Order to inactive file at request of Assembly Member Rivas (5/31/23); anticipated two-year bill.*

**AB 1347** – This bill, often referred to as “Skip the Slip,” would require a business to provide a receipt to a consumer only at the consumer’s option, and would prohibit ads, coupons, and other non-essential items from being included on receipts (paper or electronic). It would also prohibit receipt paper from containing BPA/BPS, which are known to cause human health effects.

*Status: Referred to Committee on Appropriations’ suspense file (8/21/23).*

**SB 378** – This bill would ban expanded polystyrene at state parks and beaches, making improper disposal subject to a fine.

*Status: First hearing canceled at request of author (4/3/23); anticipated two-year bill.*

**SB 728** – This bill would prohibit sale and distribution of plastic gift cards beginning January 1, 2027.

*Status: Ordered to third reading in the Assembly (7/13/23).*

**SB 777** – This bill, also known as the “Transparency in Grocery Bag Recycling Act,” would require grocery stores to submit quarterly reports on number of bags distributed and describe how the money collected from the \$0.10 per bag charge was used. This bill also revises other language under existing law.

*Status: Placed on Committee of Appropriations’ suspense file (8/61/23).*

#### Solid Waste Disposal Bills

**AB 592** – This bill would authorize the counties of Alameda, Contra Costa, and Solano to create a three-year pilot program to regulate the transport of solid waste by commercial nonfranchise solid waste haulers on public roads in unincorporated areas of these counties.

*Status: Ordered to third reading in the Committee on Governance and Finance (6/22/23).*

**AB 1534** – This bill would require the State Air Resources Board, no later than June 30, 2026, to evaluate and revise existing regulations to incorporate the use of methane remote sensing data to achieve a reduction in statewide methane emissions.

*Status: Inactive/dead.*

**AB 1705** – This bill would prohibit the establishment or expansion of a transformation or EMSW conversion facility in the state until the State has achieved its recycling and organic waste reduction targets for three consecutive years.

*Status: In Committee on Appropriations. Hearing postponed (5/17/23); anticipated two-year bill.*

#### Organic Waste Bills

**AB 573** – This bill would require CalRecycle to allow local jurisdictions (until December 1, 2031) to use California-derived recovered organic waste that the local jurisdiction sends for processing to a facility outside of the state (subject to certain conditions) to count toward its organic waste procurement target.

*Status: Referred to Committee on Appropriations’ suspense file (8/14/23).*

**AB 660** – Requires the FDA and State Department of Public Health, before January 1, 2025, to publish information about using specified terms on food and beverage product labels to communicate quality and safety dates. Manufacturers would be prohibited from selling food items in the state that do not use these terms after this date.

*Status: Amended and re-referred to Committee on Agriculture (8/17/23); anticipated two-year bill.*

**AB 1548** – Expands grant programs for recycling and compost infrastructure.

*Status: Referred to Committee on Appropriations' suspense file (8/14/23).*

#### Beverage Container Bills

**SB 353** – This bill would expand the State's "Bottle Bill" to include fruit and vegetable juice containers 46 ounces or larger or vegetable juice in containers 16 ounces or larger, and revises the formula used to calculate recycling processor payments to better reflect market conditions.

*Status: Referred to Committee on Appropriations' suspense file (8/16/23).*

Other beverage container bills introduced that are no longer active this year include: AB 348 (beverage container producer responsibility score) and AB 891 (non-petroleum materials in beverage bottles).

#### Product Stewardship and Extended Producer Responsibility (EPR) Bills

Bills related to product stewardship and extended producer responsibility for hard-to-recycle materials that are still active include: AB 2 (solar panels), AB 1526 (paint), AB 495 and SB 38 (batteries), AB 863 (carpet), AB 1659 and SB 568 (e-waste), and AB 234 and AB 1628 (microparticles/microfibers), and SB 244 and SB 271 (right to repair).

Bills no longer active this year include: AB 1238 (solar panels), SB 615 (electric vehicle batteries), SB 560 (gas cylinders), SB 854 (carpet), and SB 707 (textile recycling).

#### Hazardous Waste and Illegal Dumping Bills

Bills related to hazardous waste or illegal dumping that are still active include: AB 407 (used oil) and AB 1716 (recyclables exemption). SB 642 (HHW enforcement) was passed and signed by the governor on August 22, 2023. Bills no longer active this year include: AB 909 (co-disposal site clean-up).

#### PFAS Bills

Bills related to perfluoroalkyl and polyfluoroalkyl substances (PFAs) regulation that are still active include: AB 246 (menstrual products), AB 347 (cookware), and AB 1423 (artificial turf). Bills no longer active this year include: AB 1660 (cosmetic products).

#### Local

The Technical Advisory Committee (TAC) of the Santa Clara County Recycling and Waste Reduction Commission (RWRC) meets monthly. In addition, there are multiple subcommittees including, but not limited to, those related to SB 1383 and public education and outreach. Representatives from the City of Campbell, City of Monte Sereno, City of Saratoga, and Town of Los Gatos (Member Agencies) and the Authority are attending the meetings. The TAC also funded a county-wide Santa Clara County Food

Recovery Program for fiscal year (FY) 22-23 to achieve compliance with the edible food recovery requirements of SB 1383. In FY 23-24, each agency will need to fund their portion of the county-wide Santa Clara County Food Recovery Program to continue participating in the program.

**Documents Attached**

None

**Fiscal Impact**

None

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# WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

## AGENDA REPORT

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Agenda Item No. 6  
Meeting Date: September 7, 2023

Date: September 7, 2023  
To: West Valley Solid Waste Management Authority Board  
From: Executive Director  
Subject: Recent Regulatory Changes and Program Updates

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### **Recommended Action**

Receive a report on the West Valley Solid Waste Management Authority's (Authority) solid waste programs.

### **Discussion**

#### **Background**

The Authority has an exclusive collection agreement with West Valley Collection & Recycling (WVC&R) for the collection and transport of recyclable and organic material, solid waste, and construction and demolition debris (C&D); as well as processing of recyclable materials. The Agreement is set to expire in February 2024. Under this agreement, WVC&R provides scheduled collection for single family customers, battery collection when placed on the recycling cart, and used motor oil collection. At the December 2022 Special Board Meeting, the Authority Board selected WVC&R to continue collection services under the new collection agreement (Agreement), which will include collection and transport of organic and recyclable materials and solid waste; as well as processing of organic and recyclable materials. The new Agreement will start March 2024 and will expire March 2034. New programs were negotiated, and include single-and multi-family on-call bulky item collection, multi-family move-in and move out kits, battery collection when placed on the solid waste container, and cooking oil collection. In addition to the new programs provided under the Agreement, there are mechanisms for continued compliance with SB 1383.

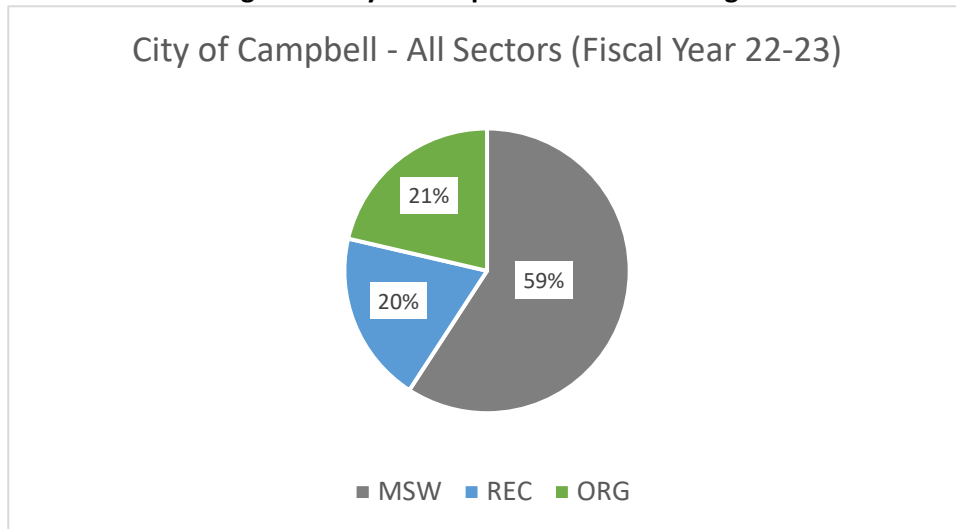
SB 1383 was signed by Governor Brown on September 19, 2016. The primary goals of SB 1383 are to reduce organic waste disposed in landfills by 50% by 2020 and 75% by 2025 (2014 baseline), and to reach recovery of 20% of edible food that would otherwise be disposed of in landfills by 2025. To achieve these goals, SB 1383 requires action in the following areas: organics collection, ordinance development, education and outreach, contamination monitoring, procurement of organic materials, edible food recovery, and compliance reporting. Enforcement and penalties for non-compliance began on January 1, 2022 for jurisdictions and will begin on January 1, 2024 for generators, haulers, and processors.

The Authority monitors WVC&R's programs and will continue to do so as WVC&R implements new programs under the Agreement, which will require additional reporting. The following figures summarize program usage for the past 12-months of reporting.

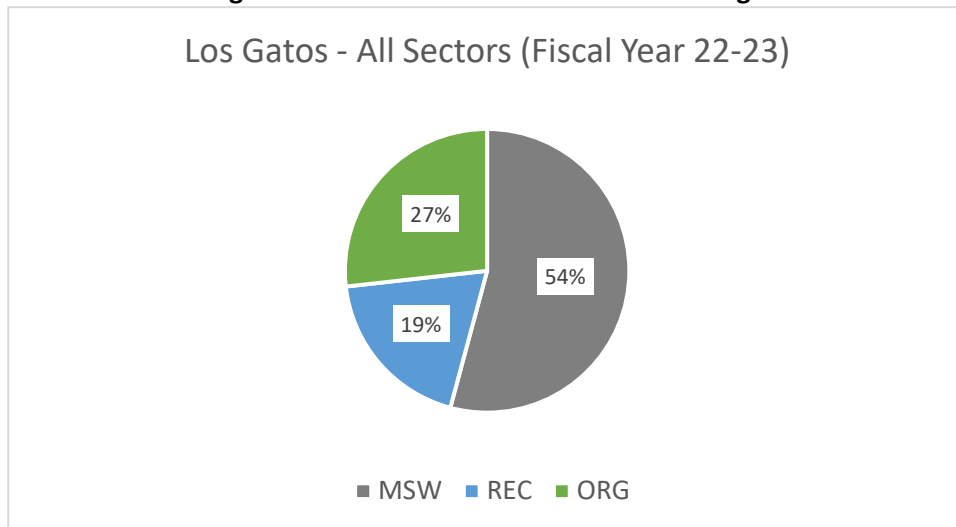
#### **Collected Tonnage**

Figures 1 through 4 represent fiscal year (FY) 22-23 tonnage data by material type reported by WVC&R for the City of Campbell, City of Monte Sereno, City of Saratoga, and Town of Los Gatos (Member Agencies).

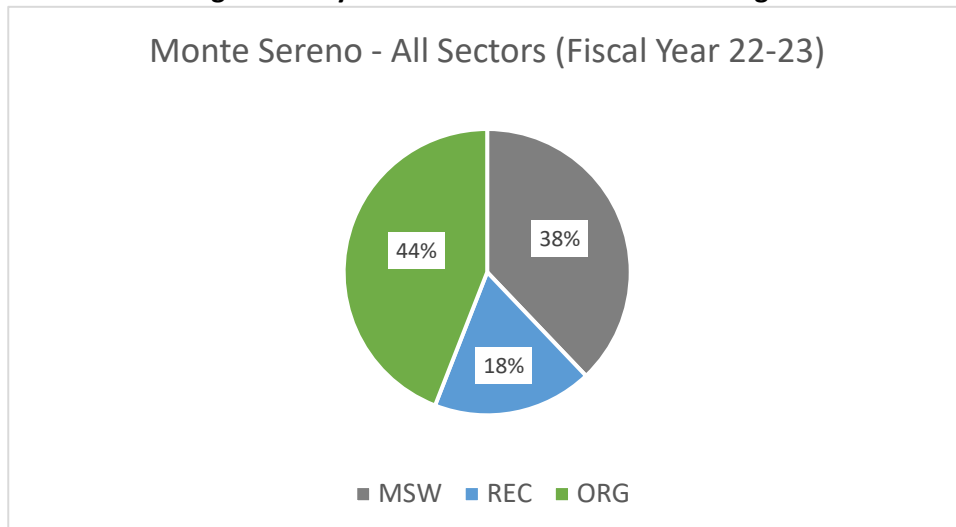
**Figure 1. City of Campbell FY 22-23 Tonnage**



**Figure 2. Town of Los Gatos FY 22-23 Tonnage**

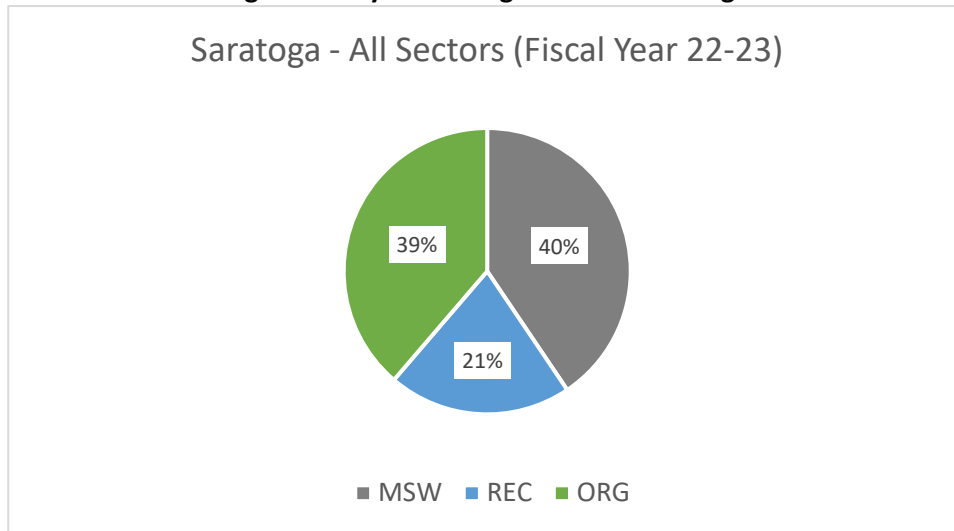


**Figure 3. City of Monte Sereno FY 22-23 Tonnage**



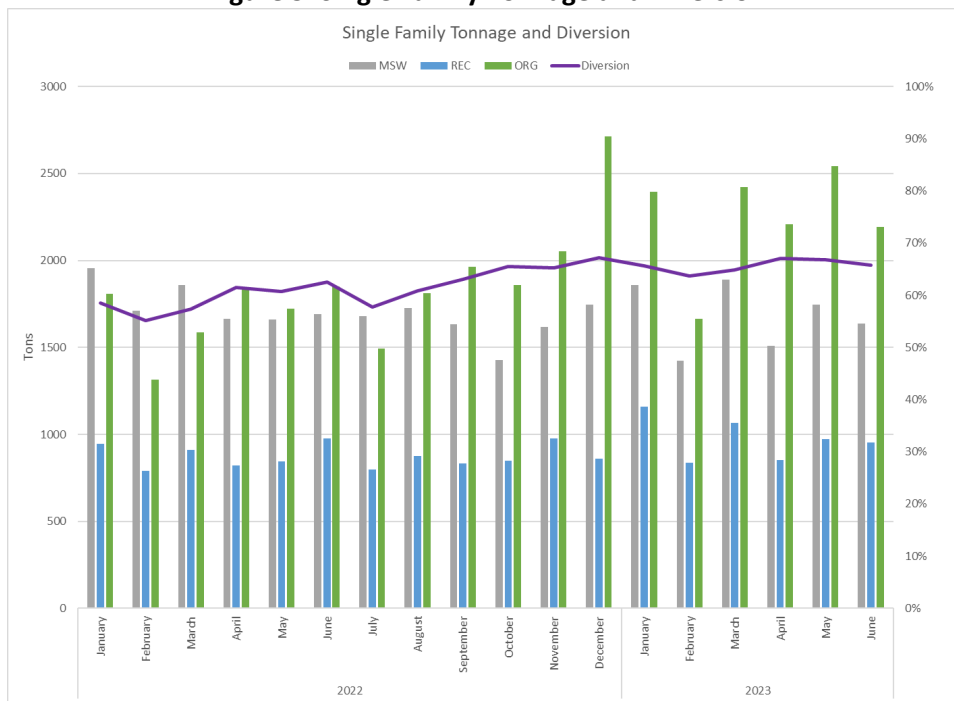


**Figure 4. City of Saratoga FY 22-23 Tonnage**

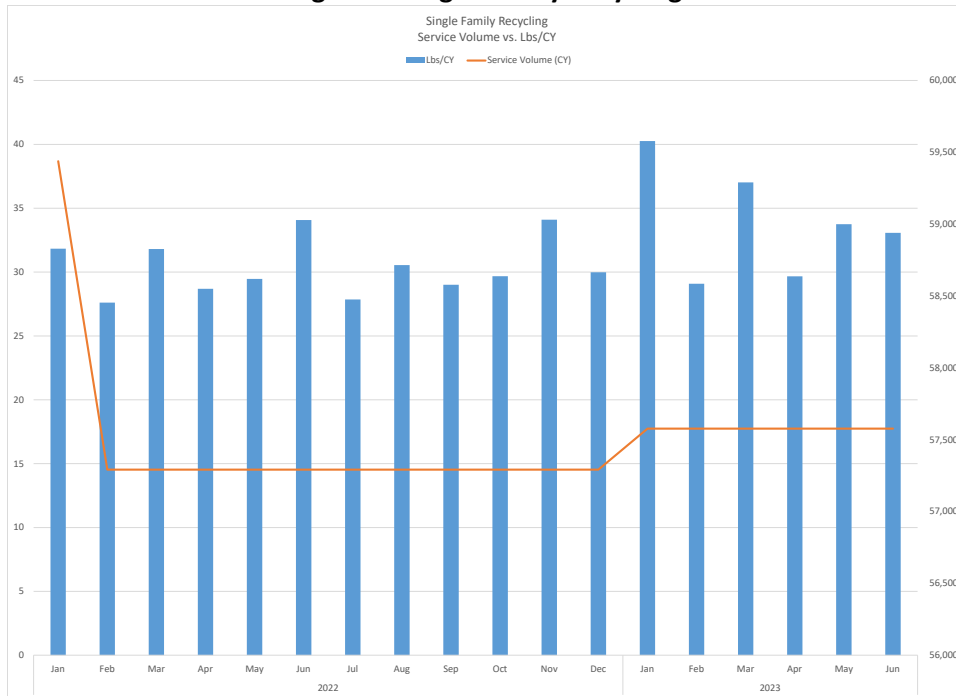


Figures 5 through 13 represent the reported tonnage and diversion rate for single family (Figure 5), multi-family (Figure 8), and commercial (Figure 11) customers. Figures 6, 7, 9, 10, 12, and 13 compare the total volume of recycling or organic service levels to the average density (pounds per cubic yard) within customers’ carts and/or bins. These measures are used by the Authority to monitor recycling participation levels within the Member Agencies.

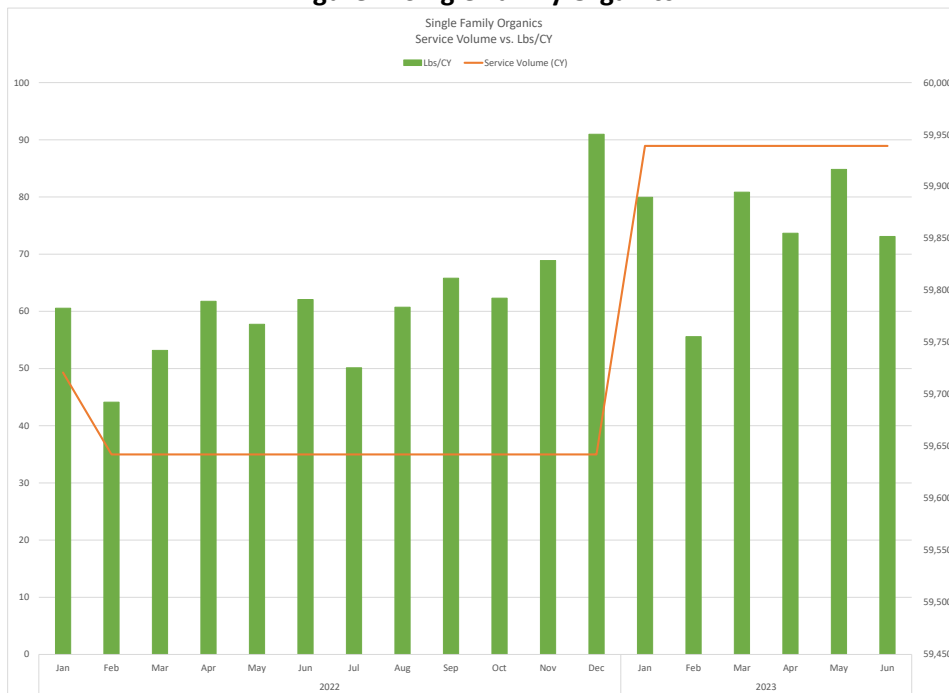
**Figure 5. Single Family Tonnage and Diversion**



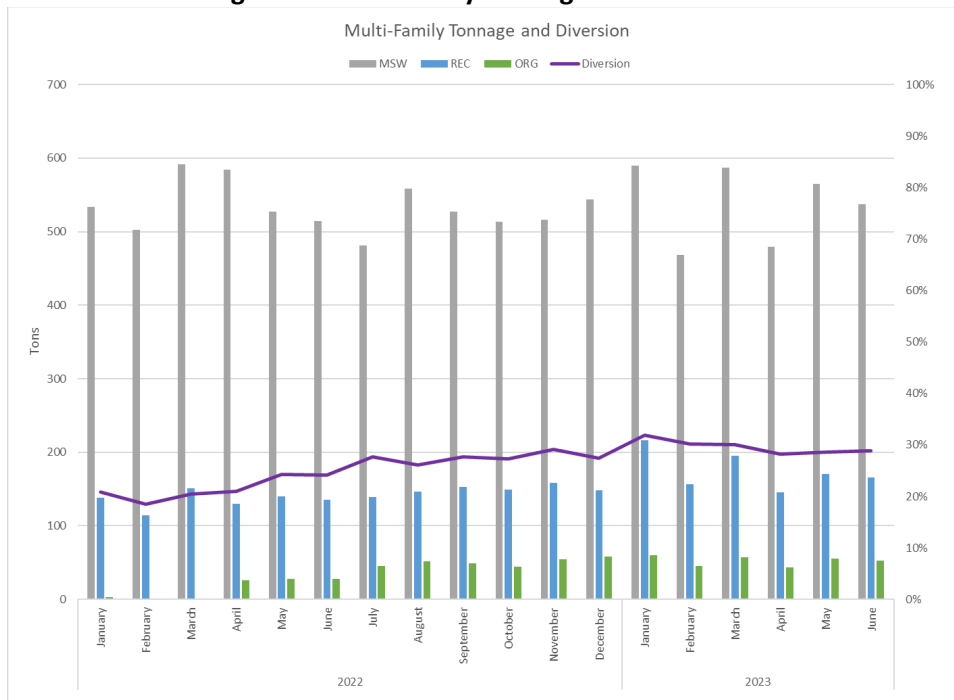
**Figure 6. Single Family Recycling**



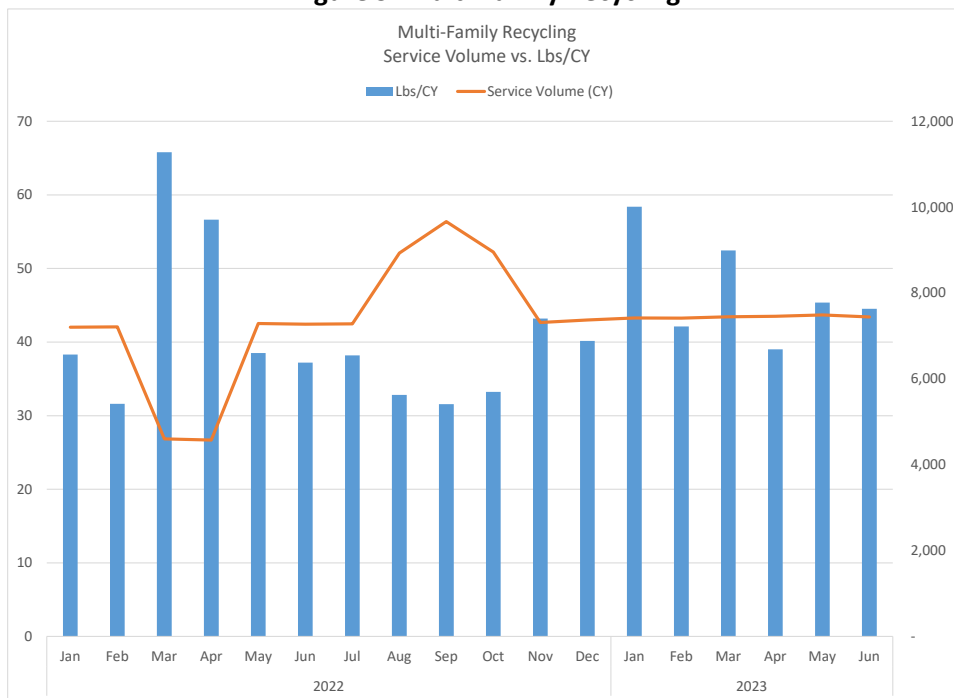
**Figure 7. Single Family Organics**



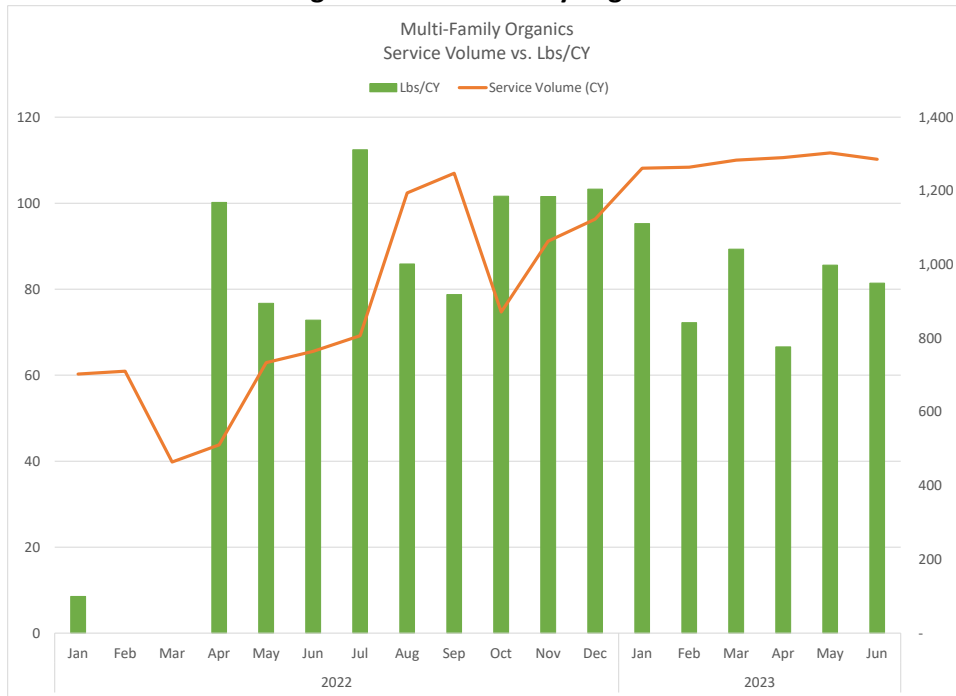
**Figure 8. Multi-Family Tonnage and Diversion**



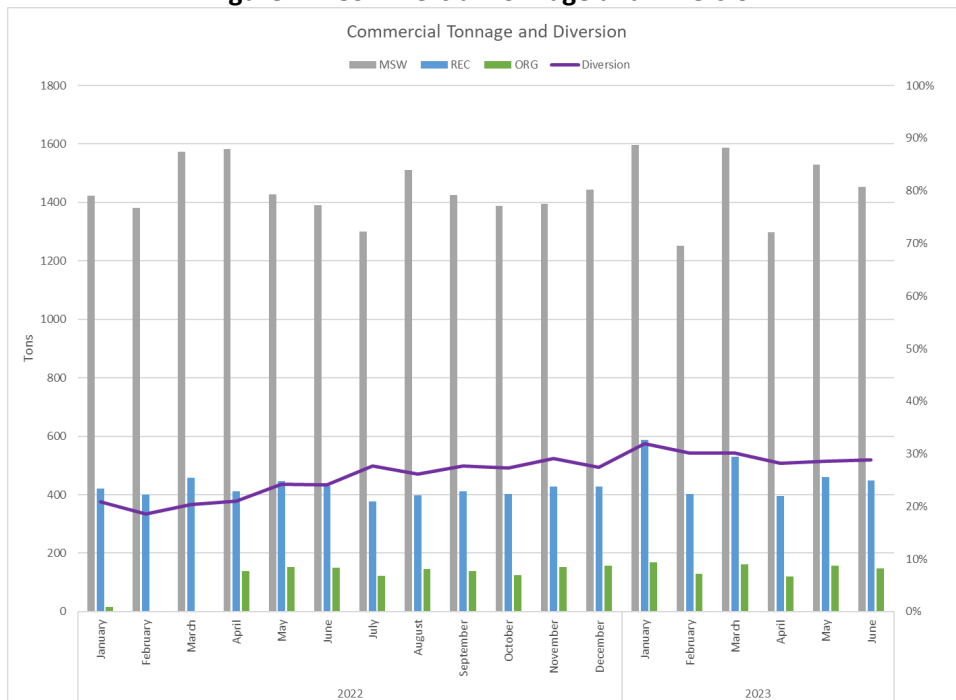
**Figure 9. Multi-Family Recycling**



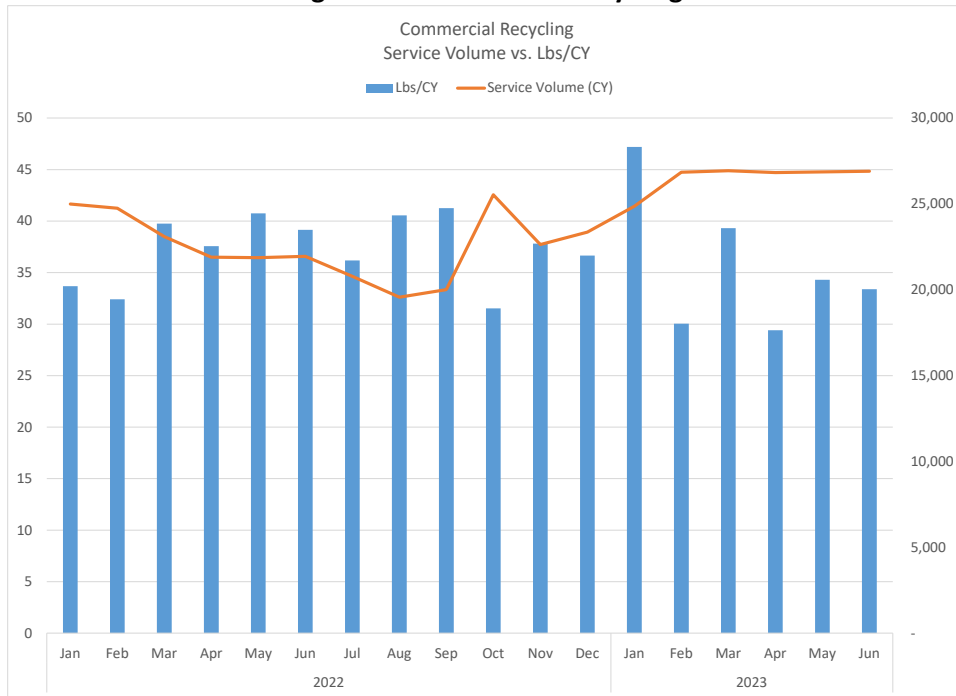
**Figure 10. Multi-Family Organics**



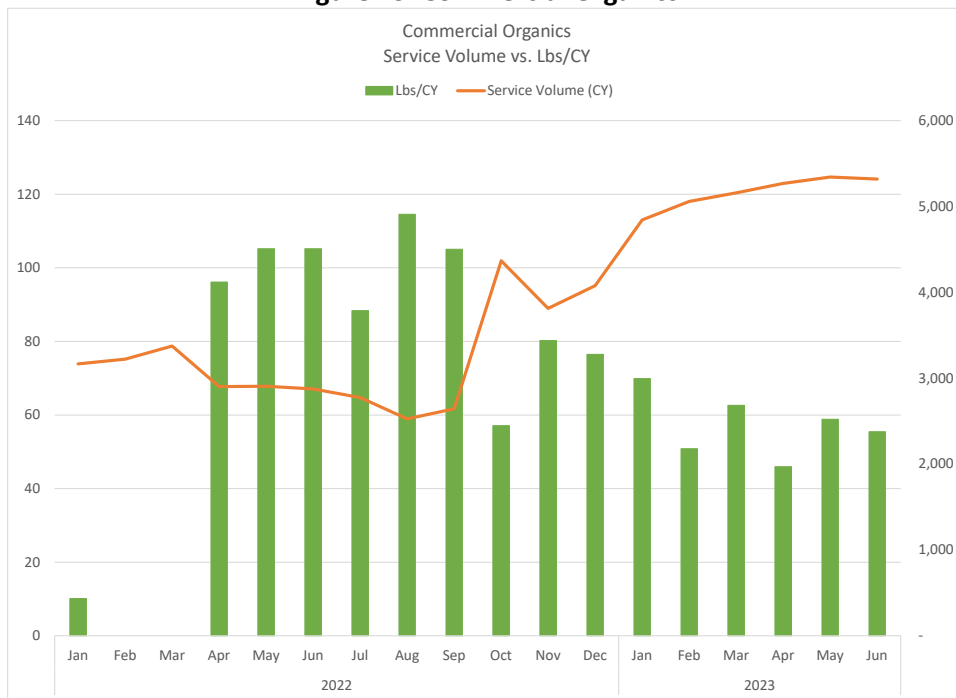
**Figure 11. Commercial Tonnage and Diversion**



**Figure 12. Commercial Recycling**



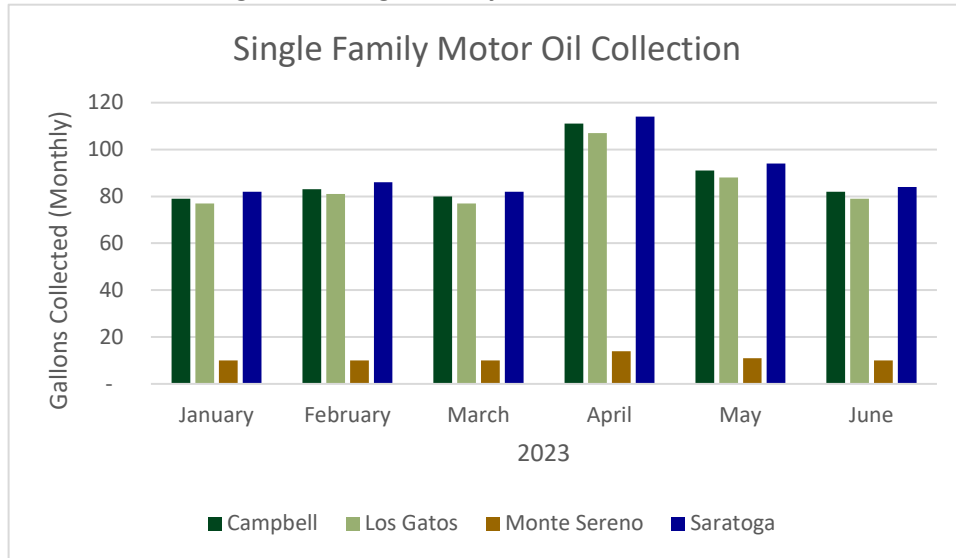
**Figure 13. Commercial Organics**



**Used Motor Oil Collection**

Figure 14 shows demand within the Authority for motor oil collection provided to single family customers. WVC&R reported collection of 1,881 gallons during the first 6 months of 2023.

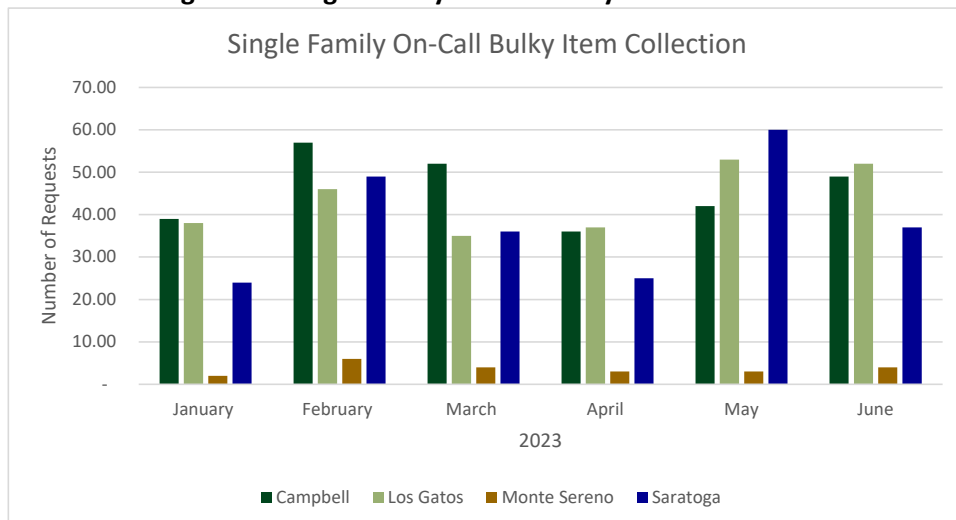
**Figure 14. Single Family Motor Oil Collection**



**Bulky Item Collection**

Figure 15 shows demand within the Authority for on-call bulky item collections provided to single family customers, in addition to scheduled bulky collection provided throughout the year to single family customers. From January through June of 2023, WVC&R reported 789 single family on-call bulky item collections across the Authority.

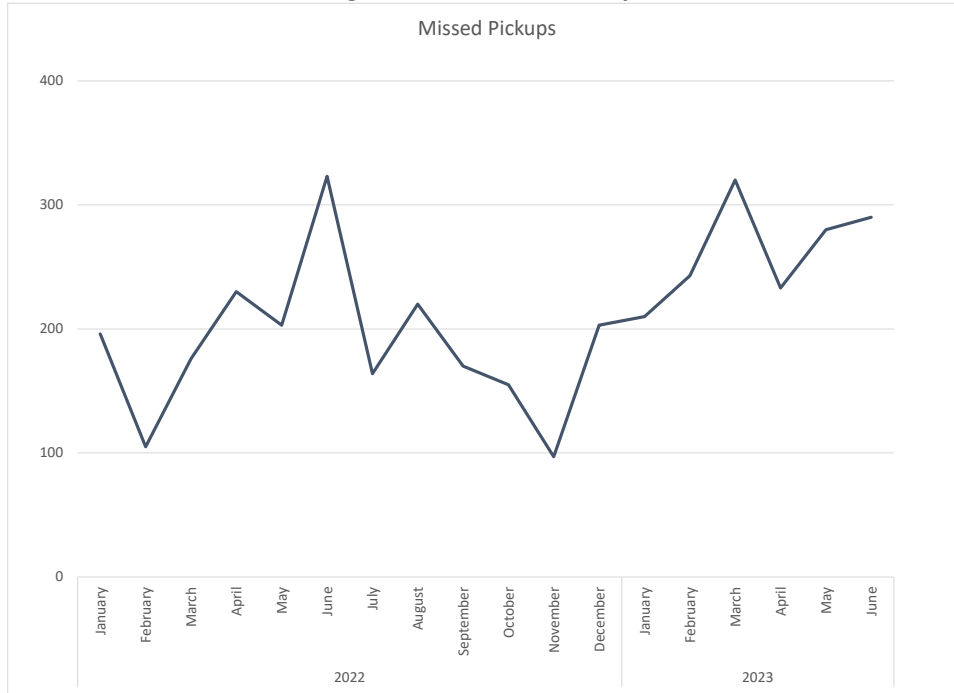
**Figure 15. Single Family On-Call Bulky Item Collection**



**Missed Collections**

Figure 16 shows the number of missed pick-ups from January 2022 through June 2023. The Authority has closely monitored the number of missed pick-ups within the Authority during the term of the contract and meets monthly with WVC&R to discuss the causes of and solutions for any increased period or continued periods with a high number of missed pick-ups. From these discussions, WVC&R has stated the most recent period of missed pick-ups is due to turnover of experienced drivers who are familiar with the collection routes in each Member Agency and unexpected leave of absences.

**Figure 16. Missed Pick-Ups**



**Documents Attached**

None

**Fiscal Impact**

None

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# WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY

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## Executive Director

Rob Hilton  
1821 S. Bascom Ave. #405  
Campbell, CA 95008  
Telephone: (408) 471-6255  
E-mail: [wswma@hfh-consultants.com](mailto:wswma@hfh-consultants.com)

## Member Agencies

City of Campbell  
Town of Los Gatos  
City of Monte Sereno  
City of Saratoga

## MEETING MINUTES

**May 4, 2023**

Meeting held via teleconference, in accordance with California Governor Executive Order N-29-20, and in-person at the City of Monte Sereno's City Hall located at 18041 Saratoga-Los Gatos Road, Monte Sereno, CA 95030.

### Call to Order

At 5:10 pm, Chair Mekechuk called the meeting to order.

### Pledge of Allegiance

### Roll Call

Chair Bryan Mekechuk, representing Monte Sereno, Vice Chair Chuck Page, representing Saratoga, Member Mary Badame, representing Los Gatos, and Member Dan Furtado, representing Campbell, were present. Also present were Executive Director Rob Hilton, Deputy Director Hailey Gordon, and Authority Counsel Kirsten Powell.

### Oral Communications from the Public

None

### Written Communications

None

### Old Business

None

### Presentations and Informational Items

#### New Business

1. The Board received a presentation summarizing the Authority's solid waste programs.
2. The Board received a report and presentation and provided input to staff regarding construction and demolition debris (C&D) program options.
3. Upon a motion by Member Badame and a second by Member Furtado, the Board voted unanimously to approve Resolution 2023-03 awarding an agreement to MIG, Inc. (MIG) for public education and outreach design services for fiscal year (FY) 2023-24.

4. Upon a motion by Vice Chair Page and a second by Member Badame, the Board voted unanimously to approve Resolution 2023-04 adopting the FY 2023-24 budget.

### **Public Hearings**

5. Upon a motion by Vice Chair Page and a second by Member Badame, the Board voted unanimously to approve Resolution 2023-05 ratifying the Waste Management of South Bay (WM) contractual disposal proprietary rate adjustment effective July 1, 2023.
6. Upon a motion by Member Badame and a second by Member Furtado, the Board voted unanimously to approve Resolution 2023-06 ratifying the West Valley Collection & Recycling (WVC&R) contractual collection rate adjustment effective July 1, 2023.

### **Consent Calendar**

Upon a motion by Vice Chair Page and a second by Member Furtado, the Board voted unanimously to approve consent items seven and eight.

### **Executive Director Report**

None

### **Future Agenda Items**

None

### **Board Member Reports**

None

### **Adjournment**

Chair Mekechuk adjourned the meeting at 6:26 pm until the next regular meeting, which will be held on September 7, 2023.

# WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY AGENDA REPORT

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**Agenda Item No. 8**  
**Meeting Date: September 7, 2023**

Date: September 7, 2023  
To: West Valley Solid Waste Management Authority Board  
From: Executive Director  
Subject: Year-To-Date Financial Report

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## **Recommended Action**

Accept report on the West Valley Solid Waste Management Authority's (Authority) fiscal year (FY) 22-23 financial status.

## **Discussion**

The report titled "Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual" shows the approved budget, the year-to-date actual amounts, and the preliminary fund balance through June 30, 2023 for FY 22-23. With 100% of the fiscal year passed, the report shows that the Authority received \$1,231,458 or 109% of revenues and expended \$1,108,316 or 93% of expenses for the approved FY 22-23 budget.

In February 2011, the Board adopted a policy that requires it to maintain an operating reserve of \$100,000 and a rate stabilization reserve of \$100,000. The preliminary fund balance of \$419,051 is more than the \$200,000 reserve and an increase of \$123,142 from the July 1, 2022 starting balance of \$295,909.

Note that these are preliminary numbers subject to audit.

## **Documents Attached**

Statement of Revenues, Expenditures, and Changes in Fund Balance – Budget and Actual

## **Fiscal Impact**

None

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**West Valley Solid Waste Management Authority**  
**Statement of Revenues, Expenditures, and**  
**Changes in Fund Balance - Budget and Actual**  
**June 30, 2023**

Acct #	Description	JPA Budget FY 2022-23	Year to Date Actual	Balance	YTD %
<b>Revenues</b>					
4410	Interest	\$ -	\$ 9,743	\$ (9,743)	N/A
4431	Unrealized Gains/Losses	-	(3,791)	3,791	N/A
4523	SB 1383 Local Assistance Grant	158,045	168,481	(10,436)	107%
4965	Other Revenue	-	81,548	(81,548)	N/A
4968	Expense Abatement	-	-	-	N/A
4970	City of Campbell	74,780	74,780	-	100%
4970	Town of Los Gatos	55,520	55,520	-	100%
4970	City of Monte Sereno	6,489	6,489	-	100%
4970	City of Saratoga	54,998	54,998	-	100%
4975	Franchise Agreement WVC&R	450,000	450,000	-	100%
4975	Reimbursement of Collection Agreement Negotiations	333,690	333,690	-	100%
	<b>Total Revenues</b>	<u>\$ 1,133,522</u>	<u>\$ 1,231,458</u>	<u>\$ (97,936)</u>	<u>109%</u>
<b>Expenditures:</b>					
<b>Services and Supplies:</b>					
7424	Office Expense	\$ -	\$ -	\$ -	N/A
7424	SB 1383 Member Agency Organics Procurement	40,000	53,246	(13,246)	133%
7427	Special Departmental Exp. (Legal Services)	26,928	17,392	9,536	65%
7427	Special Departmental Exp. (Legal Services - Collection Agreement)	33,660	18,172	15,488	54%
7430	Prof. & Special Services (Executive Director)	465,036	442,505	22,531	95%
7430	Prof. & Special Services (Other)	5,000	-	5,000	0%
7430	Grant Administration	2,250	1,176	1,074	52%
7430	Refuse Vehicle Impact Analysis	50,000	49,198	802	98%
7432	Other Contractual Services (Countywide Support)	-	-	-	N/A
7432	Other Contractual Services (Website Administration)	1,237	-	1,237	0%
7432	Other Contractual Services (Audit Services)	3,500	3,121	379	89%
7433	Insurance (Liability)	2,871	5,152	(2,281)	179%
7435	Travel/Conf. & Meetings	2,000	-	2,000	0%
7438	Other Charges (Accounting & Bookkeeping)	9,844	-	9,844	0%
7438	Record Keeping and Reporting	61,800	30,510	31,290	49%
7443	SB 1383 Outreach	37,869	37,844	25	100%
7675	Authority Solid Waste Distribution	450,000	450,000	-	100%
	<b>Total Expenditures</b>	<u>\$ 1,191,995</u>	<u>\$ 1,108,316</u>	<u>\$ 83,679</u>	<u>93%</u>
	Excess (deficiency) of revenues over (under) expenditures	\$ (58,473)	\$ 123,142	\$ (181,615)	
	Beginning Fund Balance 7/1/22 (Preliminary)	258,473	295,909		
	Ending Fund Balance	<u>\$ 200,000</u>	<u>\$ 419,051</u>		

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# **WEST VALLEY SOLID WASTE MANAGEMENT AUTHORITY**

## **Calendar of Future Agenda Items**

### **November 2, 2023 Meeting**

- Receive a report on the rebranding and new service launch plan.
- Receive a report on franchise cost nexus results.
- Authorize Executive Director to execute agreements with approved construction & demolition (C&D) haulers and certified C&D facilities based on the regulatory structure approved by the Board in a form acceptable to the West Valley Solid Waste Management Authority's (Authority) Counsel.
- Receive update on SB 1383 Enforcement Program.
- Consider report on the County of Santa Clara's (County) Edible food funding Memorandum of Understanding (MOU).
- Approve final street sweeping scope and budget.
- Conduct annual evaluations of the Authority Attorney and Executive Director (closed session).
- Consider a report on West Valley Collection & Recycling's (WVC&R) prior fiscal year (FY) performance.

### **February 1, 2024 Meeting**

- Elect new officers.
- Receive a report on C&D program updates.
- Receive a report summarizing the Authority's functions, roles, and responsibilities.
- Review and discuss Authority budget priorities.

### **May 2, 2024 Meeting**

- Ratify WVC&R collection rates for Rate Year 1 of the new collection agreement.
- Ratify Waste Management (WM) disposal contractual rate adjustment.
- Approve Authority budget.
- Accept audited financial statements.
- Approve Board meeting schedule.

### **September 5, 2024 Meeting**

- Receive and file CalRecycle Annual Reports.

### **Recurring Meeting Agenda Items**

- Approve prior meeting minutes.
- Receive and file the Executive Director financial report.
- Receive a report on regulatory and program updates.