

**CITY OF ALBANY
CITY COUNCIL AGENDA
STAFF REPORT**

Agenda Date: October 17, 2011
Reviewed by: BP

SUBJECT: Presentation and Discussion on the Proposed Mandatory Recycling and Single Use Bag Ordinances in Alameda County

REPORT BY: Nicole Almaguer, Environmental Specialist

STAFF RECOMMENDATION

That the Council receive a presentation by Stopwaste.Org staff regarding development of the mandatory recycling and single use bag ordinances, and provide comments or direction to City staff and/or to the City Council Member representative to the Board of Stopwaste.org regarding the proposed ordinances.

BACKGROUND

Alameda County Waste Management Authority and Source Reduction and Recycling Board (StopWaste.Org) adopted a new long-range strategic plan in July 2010, which includes consideration of a mandatory recycling ordinance and a single use bag ordinance in Alameda County. An Environmental Impact Report (EIR) was prepared to analyze the potential environmental impacts associated with the proposed ordinances, and following completion of the EIR, Stopwaste.Org prepared the draft ordinances (included as an attachment to this staff report).

The proposed ordinances are intended to help facilitate achievement of the countywide goal to increase diversion rates, and to comply with the State of California's Mandatory Recycling Regulation for commercial and residential recycling as part of the AB 32 Scoping Plan. The proposed ordinances developed by Stopwaste.Org intend to go beyond the requirements established by the State in an effort to achieve a higher level of sustainability within Alameda County. Staff has worked in coordination with Stopwaste.Org throughout development of the strategic plan and the proposed ordinances.

The certification of the EIR and first reading of ordinances is scheduled for the Waste Management Authority's November 16 meeting of its Board of Directors, with the second reading and ordinance decision scheduled for the Authority Board's December 14 meeting.

Council Member Wile is the City Council's representative to the Authority Board and requested the Stopwaste.org presentation to the Albany City Council.

DISCUSSION

The proposed ordinances provide a significant opportunity to increase diversion rates and improve environmental quality throughout the County. Additionally, the ordinances match a number of goals outlined within the City's Climate Action Plan.

Mandatory Recycling

The purpose of the mandatory recycling ordinance is to help the City achieve its zero waste diversion goal by requiring both commercial and multi-family building property owners to recycle. The proposed ordinance requires the following:

- Phase 1 - July 2012: Businesses and multi-family building property owners with 4 cubic yards or more of solid waste collection service per week as of November 1, 2011 or any later date will be required to utilize recycling service.
- Phase 2 – July 2014: All businesses and multi-family building property owners will be required to utilize recycling and organics service.

Single Use Bags:

Establishment of a bag ban is of interest to a number of jurisdictions. Stopwaste.Org has taken the lead on developing a countywide single use bag ban ordinance. The proposed ordinance requires the following:

- As of January 2013, “Stores”¹ would be prohibited from providing “Single-Use Carryout Bags”².
- As of January 2013 – January 2015, “Stores” would be allowed to sell a Recycled Paper Bag (contains no old growth fiber and a minimum of forty percent (40%) postconsumer recycled material; is one hundred percent (100%) recyclable and compostable, and as further defined in the ordinance), or Reusable Bag (a bag with handles that is specifically designed and manufactured for multiple reuse, and as further defined in the ordinance) for a minimum price of ten cents.
- As of January 2015, the minimum price for recycled/reusable bags would increase to twenty-five cents pending action by Stopwaste.Org Authority.

¹ “Store” means any of the following stores located within Covered Jurisdictions:

- i. A full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, that sells a line of dry grocery, canned goods, or nonfood items and some perishable items;
- ii. A store of at least 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 7200) of Division 2 of the Revenue and Taxation Code) and that has a pharmacy licensed pursuant to Chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code; or
- iii. A drug store, pharmacy, supermarket, grocery store, convenience food store, foodmart, or other entity engaged in the retail sale of a limited line of goods that include milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

² “Single-Use Carryout Bag” means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other point of departure for the purpose of transporting food or merchandise out of the establishment. Single-Use Carryout Bags do not include bags provided to transport produce, bulk food or meat from a produce, bulk food or meat department within a Store to the point of sale.

Stopwaste.Org has indicated that both of the proposed ordinances would be applied throughout the County unless a jurisdiction wishes to opt-out via resolution. Additionally, Stopwaste.Org has indicated that they will take the lead regarding enforcement of the proposed ordinances. Specifics regarding implementation are still under development, and will be further detailed within the presentation provided by Stopwaste.Org.

ANALYSIS

Implementing the proposed ordinances will help the City promote sustainability and create a zero waste community. Additionally, the single use bag ban facilitates compliance with the City’s Municipal Regional Stormwater NPDES Permit, which requires trash load reduction and litter management. Commercial and multi-family properties will be required to utilize recycling services, and eventually organics services as well. The City’s current franchise agreement with Waste Management of Alameda County (WMAC) is designed in a manner that encourages diversion, allowing customers to save money by utilizing organics and recycling services. Organics rates are subsidized 50% for commercial customers (including multi-family properties), and recycling service is provided at no additional cost.

Per WMAC, there are a total of 28 commercial accounts and 12 multi-family accounts that have 4 cubic yards or more of trash service per week. These sites would be subject to “Phase 1” of the mandatory recycling ordinance, which requires facilities generating this amount of solid waste to have recycling service. Currently, 23 of the 28 commercial accounts and 11 of the 12 multi-family accounts have recycling service.

“Phase 2” of the mandatory recycling ordinance is intended to apply to all commercial and multi-family properties, requiring both recycling and organics service. This will require a change in service levels for a number of customers. Based on current data provided by WMAC, there are a total of 270 commercial customers, with approximately 50 currently utilizing organics service. There are a total of 169 multi-family customers, with approximately 69 utilizing organics services.

Staff resources would be necessary to assist businesses and multi-family properties with this type of change in service. Per the proposed ordinance, jurisdictions with have the ability to opt-out of the Phase 2 requirements if desired.

Multi-Family	Total Number of Accounts	Number of Accounts with 4cy or more of trash service	Number of Accounts with 4cy or more of trash service with recycling service	Accounts with Recycling Service	Accounts with Organics Service
	169	12	11	164	69

Commercial	Total Number of Accounts	Number of Accounts with 4cy or more of	Number of Accounts with 4cy or	Total Number of Accounts with Recycling	Total Number of Accounts with Organics

		trash service	more of trash service with recycling service	Service	Service
	270	28	23	208	50

SUSTAINABILITY IMPACT

The proposed ordinances developed by Stopwaste.Org will help achieve the Waste Reduction Strategy (WR-1.1) as identified in the City’s Climate Action Plan, and promote overall sustainability regarding these particular waste streams.

FINANCIAL IMPACT

Utilizing recycling and organics service will likely help commercial and multi-family sites reduce overall solid waste costs assuming they decrease trash service levels with the increase in diversion. The proposed ordinances include language regarding hardship should a case arise. It is also anticipated that staff time will be required to assist with implementation and enforcement of the proposed ordinances.

Attachments

1. Stopwaste.Org Mandatory Recycling Ordinance (draft)
2. Stopwaste.Org Single Use Bag Ban Ordinance (draft)
3. Stopwaste.Org Presentation Materials