



At the November 8, 2012 meeting the Alameda County Source Reduction and Recycling Board adopted the following (see attached memo):

**Recommendation**

Staff recommends that the Recycling Board adopt the following definition and process for assessing the existence of an “adequate commercial recycling program” for the purpose of determining municipal eligibility to receive per capita Recycling Fund monies, effective July 1, 2013 forward, and that the Recycling Board review the criteria in two years, in November 2014.

Moved: Nate Ivy  
Second: Rebecca Kaplan  
Ayes: Ivy, Kaplan, Mahon, Natarajan, O'Donnell, Reid, Turner, Wile, Wozniak  
Nays: None  
Absent: Krueger  
Recused: Jewell

Attachment A: Definition and Process for Evaluation

Attachment B: Commercial Recycling Programs Summary Table

October 31, 2012

**TO:** Recycling Board  
**FROM:** Gary Wolff, Executive Director  
Tom Padia, Recycling Director  
**SUBJECT:** Policy Regarding Commercial Recycling Program Minimum Requirements

## **Background**

The Agency “Strategic Workplan 2020” adopted by both Boards in July 2010 proposes that the Recycling Board discuss and ultimately answer the question, “How should the 1994 standard for an „adequate commercial recycling program” under the County Charter be revised?” Per capita Measure D funding is provided to municipalities only if they meet certain requirements, one of which is the implementation of an “adequate” commercial recycling program. A “de minimus” interpretation of what constitutes an “adequate commercial recycling program” was adopted by the Recycling Board in 1994, with an explicit allowance for future revision. The history and context of this issue was presented as an information item to the Recycling Board at the April 14, 2011 meeting, along with current profiles of the broad range of regulatory structures and commercial recycling program offerings among the member agencies. That agenda item can be accessed at: <http://www.stopwaste.org/docs/04-10-11-commercial.pdf> After discussion with member agency staff in June and July 2011, staff returned to the Recycling Board at the August 11, 2011 meeting with a menu of potential options and received direction to return to the Board in March or April 2012 with a draft definition (<http://www.stopwaste.org/docs/08-11-11-rpminimum.pdf>). In November 2011 the Board formally adopted a statement that participation in the countywide mandatory recycling ordinance would be sufficient (but not necessary) to ensure a member agency’s commercial recycling program is “adequate” under the County Charter. The Board consideration of a proposed standard was delayed from April to July 2012 to allow for discussions with staff of the four jurisdictions that initially “opted-out” of the countywide ordinance. At the July 12, 2012 meeting <http://www.stopwaste.org/docs/07-12-12-minimumreqs.pdf> staff presented proposed minimum requirements and the Board generally endorsed the proposed requirements, requested that a review timeline be added to the policy, and asked that the item be brought back for final action at the November 8, 2012 meeting.

## **Recommendation**

Staff recommends that the Recycling Board adopt the following definition and process for assessing the existence of an “adequate commercial recycling program” for the purpose of determining municipal eligibility to receive per capita Recycling Fund monies, effective July 1, 2013 forward, and that the Recycling Board review the criteria in two years, in November 2014.

Attachment A: Proposed Definition and Process for Evaluation  
Attachment B: Commercial Recycling Programs Summary Table

**Attachment A**  
**Proposed Definition of "Adequate Commercial Recycling"**

A proposed updated definition of an adequate member agency commercial recycling program for the purpose of receiving Measure D money is stated below. It involves satisfying ONE (or more) of three criteria with respect to commercial recyclables and ONE (or more) of three 'parallel' criteria with respect to commercial organics. "Commercial recyclables" are defined as, at minimum, old corrugated cardboard (OCC), office paper, mixed paper, glass and metal food and beverage containers, and #1 and #2 plastic bottles; and "commercial organics" are defined as, at minimum, plant debris, food scraps, and compostable paper.

The three criteria applicable to commercial recyclables are listed below. An adequate commercial recycling program under the County Charter will satisfy ONE (or more) of these criteria on and after July 1, 2013 unless the Recycling Board adopts an alternative definition after that date.

1. The member agency participates in the ACWMA mandatory recycling ordinance, Phase 1. The Recycling Board has previously formally stated that participation in the ordinance is not necessary, but is more than adequate.

OR

2. The member agency ensures that at least one hour per year of technical assistance work time is actually provided to businesses to encourage and assist commercial accounts to recycle more. The minimum amount of time can be provided by member agency staff, franchised hauler staff, consultants to the member agency or franchised haulers, or any combination of these. The minimum time commitment will be proportional to the number of commercial accounts in the member agency. For example, one hour per account per year means a minimum work effort of 22 hours per year in Piedmont; a minimum work effort of 848 hours per year in Pleasanton, and so forth (see Attachment B for a current tally of the number of commercial accounts in each member agency).

In addition, a member agency would need to either make source separated recycling services available at open market rates or adopt a rate schedule under which the prices per volume and frequency of source separated services are no higher than that for refuse/garbage service of the same volume and frequency. This second part of criteria 2 is necessary because technical assistance and outreach cannot increase recycling participation if the service is not available at a competitive price.

OR

3. The member agency achieves a 50% participation rate in its commercial recycling program. Participation for recycling shall be calculated as a percentage of total commercial accounts. Participation through centralized processing will count so long as the centralized processing facility meets the less than 10% covered materials residual quality standard defined in the mandatory recycling ordinance.

The three criteria applicable to commercial organics are listed below. An adequate commercial recycling program under the County Charter will satisfy ONE (or more) of these criteria on and after July 1, 2014 unless the Recycling Board adopts an alternative definition after that date.

1. The member agency participates in the ACWMA mandatory recycling ordinance, Phase 2 (or a variation on Phase 2 approved administratively as provided for in the ordinance). The Recycling Board has previously formally stated that participation in the ordinance is not necessary, but is more than adequate.

OR

2. The member agency ensures that at least 3 hours per year of technical assistance work time is actually provided to organics generating businesses to encourage and assist commercial organics accounts to recycle more. The minimum amount of time can be provided by member agency staff, franchised hauler staff, consultants to the member agency or franchised haulers, or any combination of these. The minimum time commitment will be proportional to the number of commercial accounts in the member agency. For example, 3 hours per account means a minimum work effort of 48 hours per year in Piedmont; a minimum work effort of 1143 hours per year in Pleasanton, and so forth (see Attachment B for a current estimate of the number of commercial organics accounts in each member agency).

In addition, a member agency would need to either make source separated commercial organics services available at open market rates or adopt a rate schedule under which the prices per volume and frequency of source separated services are no higher than that for refuse/garbage service of the same volume and frequency. This second part of criteria 2 is necessary because technical assistance and outreach cannot increase recycling participation if the service is not available at a competitive price.

OR

3. The member agency achieves a 50% participation rate in its commercial organics program. Participation for commercial organics shall be calculated as a percentage of organics generating businesses based on SIC and/or NAICS codes. Participation through centralized processing will count so long as the centralized processing facility meets the less than 10% covered materials residual quality standard defined in the mandatory recycling ordinance.

### **Proposed Process for Determining Whether the Criteria Have Been Satisfied**

If adopted, the commercial recycling criteria would apply on July 1, 2013 and the commercial organics criteria would apply on July 1, 2014. Each member agency receiving Measure D disbursements currently provides an annual report to the Recycling Board approximately each October which describes Measure D funds received and spent in the previous fiscal year. These annual reports can document compliance with minimal effort starting with the October 2013 report. The annual report shall document compliance with the criteria as of July 1st of that year. However, if the technical assistance criteria is used to comply, the member agency shall document the budget or contractual commitment to provide the required number of hours for the current (at the time of the report) fiscal year, and affirm that the minimum number of hours were provided in the prior fiscal year when applicable. Documentation of technical assistance hours provided shall be available upon request (e.g., during the five year financial and compliance audit required in the County Charter).

If Recycling Board staff believes a member agency is not in compliance, it will notify the member agency and refer the situation to the Recycling Board for a decision. If the Recycling Board decides the member agency has not complied with the minimum standard, it may withhold future Measure D payments.

**Commercial Summary by Jurisdiction**

Jurisdiction	Total # of Commercial Garbage Accts	Organics-generating Businesses (based on SIC) - D&B Hoovers	Organics Participating Businesses		% Parti of Organics Generating Businesses	% Organics Parti of all Garbage Accts	Commercial Organics Tons Diverted per year	Total Recycling Accounts	% Total Accounts Participating in Recycling	Commercial Recycling Tons Diverted per year	Discount Organics Rate (% Discount from MSW rates)	Discount Recycling Rate (% Discount from MSW rates)	Extra Generator Incentives
			Green Waste	Food scraps									
Alameda	778	308	???	218	71%	28%	1,308	469	60%	740	96 gal cart free; 20% discount for add'l service	20%	Free service of 1-96 gal recy. and 1-96 gal org. cart 1x/wk. # food scraps accts. is # carts delivered, not # in use
Albany	298	98	2	42	43%	14%	547	241	81%	???	50%	100%	
Berkeley	2,242	707	???	241	34%	11%	5,636	1488	66%	2,943	20%	100%	
Dublin	628	177	3	104	59%	17%	1,575	486	77%	1,963	50%	100%	
Emeryville	354	153	15	???	???	???	835	223	63%	???	50%	50%	For garbage accts less than 2 cy/wk, up to two 65 gal of free recycling or organics.
Fremont	1,851	655	???	70	11%	4%	1,349	1059	57%	3,100	50%	Franchisee to offer minimum of 25% discount + some open market	Free service of one 96 gal recycling cart once every 2 weeks. Weekly recycling rates at 25% discount off MSW rate
Hayward	2,569	725	15	94	13%	4%	331 tons source separated; 6567 addl tons diverted from wet routes and roll-off	1,647	64%	4172 tons of source separated recycling; 16,678 tons recycled from sorting "dry" routes and roll-off accounts	50%	100%	City provides at no charge: technical assistance, indoor plastic containers, stickers for the containers, & posters.
Livermore	1,176	342	???	119	35%	10%	1,622	1,041	89%	2,954	50%	85%	One cart free recycling service per acct. One cart free organics service for restaurants.
Newark	528	233	???	4	2%	1%	???	143	27%	???	not offered	?	
Oakland	5,055	1,903	???	???	???	???	???	???	#VALUE!	???	open market	open market	Recycling discounts for small businesses. 730 small business recycling carts collected on residential routes.
Piedmont	22	16	14	14	88%	64%	???	18	82%	???	incl. in rate	incl. in rate	
Pleasanton	848	381	0	0	0%	0%	0	300	35%	???	not offered	96 gal cart free; more service same price as garbage	PGS has commercial "Paper Gobbler" and OCC programs - both free. Voluntary single-stream recycling to start April 2011 (free 96 gal. cart, fees for larger containers) & voluntary comml. organics to start June 2013.

**Commercial Summary by Jurisdiction**

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			Green Waste	Food scraps									
San Leandro	1,185	243	???	120	49%	10%	1,398	477	40%	449	96 gal cart free; 20% discount for add'l service	20% for commingled; 40% for source separated; one free 96 gal cart for recycling and one for organics 1x/week	# of organics businesses includes all with San Leandro 94577 zip codes. Organics accts are cart accts collected on res. routes; organics tons are from debris box accts.
Union City	831	239	???	45	19%	5%	726	168	20%	1,276	75%	75%	Limited internal bins available from the City.
Castro Valley Sanitary District	392	151	46	45	30%	11%	918	255	65%	1,234	25%	Bundled for accts with 3 cy/wk of garbage or less for same size recycling; small discount over 3 cy/wk accounts	Free site assessments and training; internal bins available from CV San; 2 collection events/yr., 4R business recognition program.
Oro Loma Sanitary District	1,161	277	59	9	3%	1%	???	363	31%	???	One 96 gal. cart at no additional charge	60%	Under new contract, WM is required to offer one 96 gal. organics cart at no addl. charge. # organics accts. includes San Leandro addresses not in zip 94577.
<b>TOTALS</b>	<b>19,918</b>	<b>6,608</b>	<b>154</b>	<b>1,125</b>	<b>17%</b>	<b>6%</b>	<b>15,914</b>	<b>8,378</b>	<b>42%</b>	<b>14,659</b>			

NOTES: Data for most member agencies compiled April 2011. Data for 4 "opt out" jurisdictions updated in April 2012; data for rest was circulated 6/25/12 for verification/updating. Organics-generating businesses numbers from Dun & Bradstreet employer database for specific SIC codes; queries from Hoovers ran 6/2012. If organics collection service is not broken down into separate categories for plant debris/green waste and food scraps, then account numbers are listed in food scraps. Table does not reflect participation in open market recycling (Berkeley, Fremont, Oakland and Oro Loma Sanitary District).

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