



BILL HALLDIN, ROCKLIN, CHAIR
DAN KARLESKINT, LINCOLN
ROBERT WEYGANDT, PLACER COUNTY
PAULINE ROCCUCCI, ROSEVILLE
BONNIE GORE, PLACER COUNTY
KEN GREHM, EXECUTIVE DIRECTOR

MEETING OF THE BOARD OF DIRECTORS AGENDA

July 8, 2021 5:00 PM

Materials Recovery Facility Administration Building
3013 Fiddymment Road, Roseville, CA 95747

The WPWMA Board of Directors July 8, 2021 meeting will be open to in-person attendance. Individuals may also participate in the meeting via a Zoom webinar at <https://placer-ca-gov.zoom.us/j/91420897860>

Materials related to an item on this Agenda submitted to the Board of Directors after distribution of the agenda packet are available for public inspection by emailing the Clerk of the Board at info@WPWMA.ca.gov. The Western Placer Waste Management Authority is committed to ensuring that persons with disabilities are provided the resources to participate fully in its public meetings. If you require disability-related modifications or accommodations please contact the Clerk of the Board at (916) 543-3960 or at info@WPWMA.ca.gov. If requested, the agenda shall be provided in appropriate alternative formats to persons with disabilities. All requests must be in writing and must be received by the Clerk three business days prior to the scheduled meeting for which you are requesting accommodation. Requests received after such time will be accommodated if time permits.

1. Call Meeting to Order
2. Pledge of Allegiance (Director Karleskint)
3. Roll Call
4. Statement of Meeting Procedures (Clerk of the Board)
5. Public Comment

This is a time when persons may address the Board regarding items not on this Agenda. It is requested that comments be brief, since the Board is not permitted to take any action on items addressed under Public Comment.
6. Announcements & Information
 - a. Reports from Directors ----
 - b. Report from the Executive Director (Ken Grehm) ----
 - c. Financial Reports (Eric Oddo) Pg. 3
 - d. Monthly Tonnage Reports (Eric Oddo) ----
7. Action Items
 - a. Minutes of the Board Meeting held June 17, 2021 Pg. 5
Approve as submitted.

- b. MRF Procurement Process (Ken Grehm) Pg. 11
 - 1. Provide direction to staff regarding Board involvement in the MRF procurement process as it relates to informing your Board on the details of the proposed MRF modifications and the experience and qualifications of the two MRF Finalists.
 - 2. Authorize the Executive Director to approve in and out of state travel related expenses, consistent with the County of Placer's Meals, Lodging, Travel and Transportation Policy, associated with visits to solid waste facilities operated by the MRF Finalists for an amount not-to-exceed \$30,000.
- c. 2021 Legislative Update and Strategic Agenda (Sarah Vaira) Pg. 15

Receive an update on legislation introduced for the 2021 Legislative Session and approve the 2021 Legislative Strategic Agenda prepared by Shaw, Yoder, Antwih, Schmelzer & Lange.
- d. Second Amendment to the Agreement with SCS Engineers for the Aquifer Pump Test and Feasibility Study (Ryan Schmidt) Pg. 37

Authorize the Chair to sign the Second Amendment to the Aquifer Pump Test and Feasibility Study Agreement with SCS Engineers, for additional groundwater treatment modeling associated with seasonal operation of a pump and treat system, for a total of \$26,400 increasing the total not-to-exceed cost of the Agreement to \$550,400.
- e. Conducting the Temporary HHW Collection Events (Jennifer Snyder) Pg. 43

Authorize the Executive Director or designee, upon review and approval by WPWMA Counsel, to sign the Second Amendment to the HHW Collection Event Services Agreement with Clean Harbors Environmental Services, Inc. to conduct a temporary HHW collection event in Auburn for an amount not-to-exceed \$110,000, bringing the total cost of the two event Agreement to \$202,304.
- f. Ninth Amendment to the Lease Agreement with Energy 2001 (Eric Oddo) Pg. 51

Authorize the Chair to sign the Ninth Amendment to the Lease Agreement with Energy 2001 that extends the term of the lease to June 30, 2023.
- 8. Upcoming Agenda Items

Identification of any items the Board would like staff to address at a future meeting.
- 9. Adjournment

Western Placer Waste Management
Operations Fund Income Statement
(unaudited/depreciation excluded)
Year-to-Date (PRELIMINARY)
June 2021

	Year to Date			Variance Notes
	Annual Budget	Budget	Actuals	
Revenue				
42010:Investment Income	321,554	321,554	113,600	(207,954) Overestimated rate of return
42030:Rents and Concessions	351,607	351,607	440,050	88,443 Energy royalties tracking above projections
46240:Sanitation Services - Other	29,943	29,946	30,000	54 Quantity of waste tonnage received at facility exceeding budgeted projections
46250:Solid Waste Disposal	29,540,746	29,540,254	32,000,000	2,459,746 Quantity of waste tonnage received at facility exceeding budgeted projections
48030:Miscellaneous	7,500	7,500	68,000	60,500 Includes \$43,552 in state oil grant money and \$12,122 in customer late fees - neither purposely included in budget
Total Revenue	30,251,351	30,250,862	32,651,650	2,400,789
Expenses				
Capital Assets:				
54450:Equipment	200,000	100,546	0	100,546 Projects not initiated or billed yet
54470:Infrastructure	1,595,500	270,276	0	270,276 Projects not initiated or billed yet
54480:Land Improvements	5,869,827	497,171	0	497,171 Projects not initiated or billed yet
Operating Expenses:				
52030:Clothing and Personal	2,600	2,600	1,549	1,051 Scalehouse operator uniform replacement needs lower than expected
52040:Communication Services Expense	40,000	40,000	27,647	12,353 Monthly costs lower than projected.
52050:Food	1,400	1,400	866	534 Reduced quantity and frequency of food purchased for Board meetings
52060:Household Expense	1,500	1,500	2,190	(690) Approx. \$1,240 related to COVID-19 cleaning/disinfectant supplies
52080:Insurance	184,928	184,928	201,621	(16,693) Annual insurance premiums paid. Did not budget for additional CEO insurance allocation
52140:Parts	3,500	3,500	964	2,536 Lower than anticipated need for replacement parts
52160:Maintenance	29,020	29,020	32,373	(3,353) SCADA and server license fees not budgeted (\$5,915). Scalehouse ticket costs (\$3,248) budgeted to Account 52330.
52161:Maintenance - Building	-	-	22,730	(22,730) Quarterly charges by County Building Maintenance not identified in the Budget
52170:Fuels & Lubricants	50	50	160	(110)
52180:Materials - Buildings & Improvements	200	200	264	(64)
52240:Professional / Membership Dues	4,000	4,000	2,533	1,467 See comment for Account 52785. Tracking below budget: unable to attend SWANA and other professional conferences.
52250:Services and Supplies	200	200	-	200
52260:Misc Expense	8,000	8,000	922	7,078 Typical costs include outreach event registration fees - limited outreach events due to COVID-19 restrictions.
52270:Department Cash Shortage	300	300	-	300 Cash overages and shortages reflected in Revenue Account 46250: Solid Waste Disposal
52320:Printing	12,500	12,500	7,849	4,651 Relying more on electronic distribution of materials; less production of hard-copy items
52330:Other Supplies	19,000	19,000	24,884	(5,884) Office supplies, particularly those used at the scalehouses, tracking above budgeted amounts.
52340:Postage	3,000	3,000	2,799	201
52360:Prof. & Special Svcs - General	3,730,557	3,730,557	4,077,083	(346,526) Increased costs due to contract amendments during the FY (e.g., increase to EIR contract budget, etc.)
52370:Professional and Special Services - Legal	75,000	75,000	50,000	25,000
52380:Prof. & Special Svcs - Tech., Eng. & Env.				
SC3140 Building Maintenance Installation and Repair Services	26,010	26,010	2,591	23,419 Fewer service calls for repair of office and scalehouse systems than anticipated.
SC3180 MRF Operations	18,181,907	18,181,907	18,181,907	- May exceed budget at end of the year due to increased tonnages
SC3190 Landfill Operations	2,595,277	2,379,004	2,597,673	(218,669) Additional services requested of Nortech exceeded budgeted amounts
SC3320 Environmental and Ecological Services	3,596,860	3,596,860	3,400,000	196,860 Tracking below budget for WPMMA labor.
SC3322 Hazardous Waste	-	-	61,528	(61,528) Full payment for the year. Overbudget on disposal costs, County paid ~\$31k for temp event mobilization and labor costs.
52390:Prof. & Special Svcs - County	31,160	31,160	121,713	(90,553) Includes \$82,500 payment to Auditor that was budgeted to Account 55510
52400: Prof. & Special Svcs - IT	150,000	150,000	31,199	118,801 Overbudgeted. Monthly IT costs approx. 30% of FY 19/20 rates. Includes \$68,227 that was budgeted to Account 52160
52440:Rents and Leases - Equipment	100	100	-	100
52440:Rents and Leases - Buildings & Improvements	100	100	-	100
52460:Small Tools & Instruments	150	150	4,851	(4,701) Includes purchase of a laser level and a Nasal Ranger odor measurement device; neither identified in the Budget
52480:PC Acquisition	2,000	2,000	1,280	720
52510:Commissioner's Fees	6,000	6,000	4,900	1,100 No August meeting.
52540:Signing & Safety Material	200	200	407	(207)
52570:Advertising	40,000	40,000	86,281	(46,281) Includes Public Outreach and Education consultant costs budgeted to 52360
52580:Special Department Expense	2,500	2,500	1,524	976
52785:Training / Education	6,460	6,460	4,919	1,541 Not all planned training was conducted during the fiscal year.
52790:Transportation and Travel	10,000	10,000	619	9,381 Budgeted for direct monthly payment for use of County vehicles. Charges no longer directly paid to Fleet Services
52800:Utilities	1,581,735	1,581,735	91,046	1,490,689 Majority of budgeted costs are associated with aquifer pump and treat operation - full operation not started
52810:Operating Materials	-	-	621	(621) Line item not specifically identified in the Budget
53190:Tests and Assessments	496,782	496,782	512,799	(16,017) Increased disposal taxes due to increased tonnage received at the facility
53250:Contributions to Other Agencies	-	-	246,101	(246,101) CFD annual fee that was budgeted to Account 55510
53390:Transfer Out A-87 Costs	180,000	180,000	180,000	- Actual costs greater than budgeted
55510:Operating Transfer Out	268,659	268,659	-	268,659
59000:Appropriation for Contingencies	50,000	50,000	-	50,000
Total Expenses	39,006,980	31,993,374	29,992,085	2,007,289
Net Income	(8,755,629)	(1,742,512)	2,659,566	4,402,078

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WESTERN PLACER WASTE MANAGEMENT AUTHORITY

Minutes of June 17, 2021

The meeting of the Western Placer Waste Management Authority Board of Directors was called to order at 5:02 PM by Chairman Halldin in the WPWMA Administration Building at the Materials Recovery Facility.

Directors Present:

Bill Halldin
Dan Karleskint
Pauline Roccucci
Bonnie Gore

Staff Present:

Ken Grehm
Eric Oddo
Rob Sandman
Keith Schmidt

Becky Correa (online)
Ryan Schmidt
Jennifer Snyder
Heather Wilden

1. Call Meeting to Order: Chairman Halldin called the meeting to order at 5:02 PM.
2. Pledge of Allegiance: Director Roccucci led the Pledge of Allegiance.
3. Roll Call: Director Weygandt was absent.
4. Statement of Meeting Procedures: Heather Wilden read the procedures for in-person meeting participation.

5. Closed Session:

Anticipated Litigation:

- a. Significant exposure to litigation pursuant to subdivision (d)(2) of Government Code §54956.9: one potential case.
- b. Initiation of litigation pursuant to subdivision (d)(4) of Government Code §54956.9: one potential case.

WPWMA Counsel reported out of closed session noting that the Board received a report from Counsel on Item 5a and provided direction to Counsel on Item 5b.

6. Public Comment: None.

7. Announcements & Information:

- a. Reports from Directors: There were no reports from the Directors.
- b. Report from the Executive Director: Ken Grehm informed the Board of the Facebook “like” campaign being managed by the WPWMA’s general outreach consultant (JPW Communications) that grew the WPWMA’s Facebook followers from 114 to 1,184 followers from mid-May to mid-June 2021. Ken noted that additional followers can increase the responsiveness of future outreach efforts for the portion of the service area demographic using Facebook.
- c. Financial Reports: Eric Oddo summarized the report. There were no questions from the Board.
- d. Monthly Tonnage Reports: Eric Oddo summarized the report. There were no questions from the Board.

- e. Nortech Waste, LLC Annual Fee Adjustment: Jennifer Snyder summarized the report. There were no questions from the Board.
- f. Nortech Landfill, Inc. Annual Fee Adjustment: Jennifer Snyder summarized the report. There were no questions from the Board.

8. Consent Agenda:

The Board removed Item 8d from the Consent Agenda to allow for additional discussion of this item.

a. Minutes of the Board Meeting held April 8, 2021

Staff recommended the Board approve the item as submitted.

b. Second Amendment to the HHW Agreement with the County of Sacramento:

Staff recommended authorizing the Executive Director or designee, upon review and approval by WPWMA Counsel, to sign the Second Amendment to the household hazardous waste Agreement between the WPWMA and the County of Sacramento which extends the term of the Agreement for an additional five years.

c. First Amendment to the Agreement with Magma Creative for Public Engagement and Public Information Officer Services:

Staff recommended authorizing the Chair to sign the First Amendment with Magma Creative, Inc. to provide ongoing professional public engagement services related to the WPWMA's facilities and services and Waste Action Plan for an amount not to exceed \$119,500, increasing the total not to exceed amount of the Agreement to \$202,300.

MOTION TO APPROVE CONSENT AGENDA:

Karleskint/Gore

Vote: Unanimous

d. Settlement Agreement with Placer County Air Pollution Control District:

1. Authorize the Executive Director to sign the attached Settlement Agreement with the Placer County Air Pollution Control District (APCD) resolving Notices of Violation 5280 and 5282 related to methane surface emissions exceedances at the Western Regional Sanitary Landfill; and
2. Authorize the Executive Director or designee, upon review and approval by WPWMA Counsel, to sign the Fourth Amendment to the landfill gas Operations, Monitoring and Maintenance Agreement with SCS Field Services for the purposes of preparing a comprehensive evaluation of the WPWMA's LFG system for a not-to-exceed cost of \$80,000.

Eric Oddo summarized the report and indicated staff received a modified settlement agreement from the APCD immediately prior to the start of the

meeting. Eric and Ken Grehm answered questions from the Board regarding the proposed study and settlement agreement.

The Board directed staff to work with APCD to further modify the settlement agreement to address submission of only the Task 11 evaluation report and to work with APCD staff to arrange for WPWMA staff to make a presentation to the APCD Board following completion of the evaluation report.

MOTION TO APPROVE ITEM 8d:

Karleskint/Gore

Vote: Unanimous

9. Action Items:

a. North Compost Leachate Pond Expansion:

1. Staff recommended approving the plans and specifications and authorizing staff to solicit bids for construction of an expansion to the North Compost Leachate Pond.
2. And authorizing the Executive Director or designee to execute the resulting contract with the lowest responsive bidder in an amount not to exceed \$2,407,400 and approved required amendments up to 10% of the value of the contract consistent with Section 20142 of the Public Contract Code.

Ryan Schmidt summarized the report; Ryan and Eric Oddo answered questions from the Board.

MOTION TO APPROVE ITEM 9a:

Gore/Roccucci

Vote: Unanimous

b. Sole-Source Service Agreement with Envirosuite for Ambient eNose Sensor Installation and Maintenance and Temporary Right of Entry Agreement with City of Roseville:

1. Staff recommended authorizing the Executive Director or designee, upon review and approval by WPWMA Counsel, to sign a three-year sole-source service agreement with Envirosuite, Inc. for the installation of ambient electronic nose odor sensors and routine maintenance and support services for an amount not to exceed \$72,018.
2. And authorizing the Executive Director or designee, upon review and approval by WPWMA Counsel, to sign a Temporary Right of Entry agreement with the City of Roseville and Envirosuite to allow placement of the ambient eNoses at specific City parks.
3. And find these actions exempt from CEQA pursuant to Section 15301 and 15306 of the Public Resources Code.

Jennifer Snyder summarized the report; Jennifer and Eric Oddo answered questions from the Board.

MOTION TO APPROVE 9b:

Gore/Roccucci

Vote: Unanimous

- c. Professional Services Agreement with Golder Associates for Module 6 Soil Excavation and Liner Design, and CQA Services:

Staff recommended authorizing the Chair to sign an agreement with Golder Associates, Inc. for design and Construction Quality Assurance services associated with the development of Module 6 at the Western Regional Sanitary Landfill, for an amount not to exceed \$696,520.

Ryan Schmidt provided a summary to the Board and answered questions from the Board.

MOTION TO APPROVE 9c:

Gore/Karleskint

Vote: Unanimous

- d. Fiscal Year 2021/22 Preliminary Budgets:

Staff recommended approving the Fiscal Year 2021/22 Preliminary Budgets for the Operating Fund, Closure/Postclosure Fund, Self-Insurance Fund and Odor Management Fund as presented in Exhibits A, B and C.

Eric Oddo provided an overview of the preliminary budgets based on current estimates of FY 2020/21 fund balances and answered questions from the Board.

MOTION TO APPROVE 9d:

Roccucci/Karleskint

Vote: Unanimous

- e. Master Services Agreement with CSUS and CCIE:

Staff recommended authorizing the Chair to sign a Master Services Agreement with California State University, Sacramento and the Carlsen Center for Innovation and Entrepreneurship to assist with attracting, assisting and mentoring businesses that intend to beneficially utilize recyclable materials recovered at the WPWMA's facility.

Ken Grehm summarized the report and answered questions from the Board. Cameron Law, Executive Director of the CCIE, addressed the

Board noting his appreciation for the opportunity to work together to foster a local circular economy model.

The Board directed staff to work with CSUS and CCIE to modify the MSA to reflect that the WPWMA would not necessarily be the sole source of funding for future efforts arising out of the MSA.

MOTION TO APPROVE 9e AS AMENDED:

Gore/Halldin

Vote: Unanimous

10. Upcoming Agenda Items: The Board requested an update on the MRF procurement process.
11. Adjournment: Meeting was adjourned at 6:50 PM.


Respectfully Submitted,



Heather Wilden, Clerk of the Board
Western Placer Waste Management Authority

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**MEMORANDUM
WESTERN PLACER WASTE MANAGEMENT AUTHORITY**

TO: **WPWMA BOARD OF DIRECTORS**
FROM: **KEN GREHM / ERIC ODDO** 
SUBJECT: **MRF PROCUREMENT PROCESS**

DATE: **JULY 8, 2021**

RECOMMENDED ACTION:

1. Provide direction to staff regarding Board involvement in the MRF procurement process as it relates to informing your Board on the details of the proposed MRF modifications and the experience and qualifications of the two MRF Finalists.
2. Authorize the Executive Director to approve in and out of state travel related expenses, consistent with the County of Placer's Meals, Lodging, Travel and Transportation Policy, associated with visits to solid waste facilities operated by the MRF Finalists for an amount not-to-exceed \$30,000.

BACKGROUND:

At the May 21, 2020 meeting, your Board directed staff to initiate the competitive procurement process for the operating agreements associated with the WPWMA's Materials Recovery Facility (MRF) and Western Regional Sanitary Landfill (WRSL). At the September 17, 2020 meeting, your Board approved the Request for Proposals (RFPs) for the MRF and WRSL procurement processes and directed staff to work with Placer County's Procurement Services Division to conduct the procurement processes.¹

The MRF and WRSL RFPs were developed for the WPWMA by R3 Consulting Group and in consultation with a Technical Advisory Committee (TAC) comprised of representatives of the Member Agencies and WPWMA. While the overarching goal of the MRF procurement process is to select an operator that can ensure the WPWMA and Member Agencies comply with material diversion regulations as cost effectively as possible, the RFP was structured to also solicit responses related to possible changes in upstream material collection methods as well as optional services that align with the WPWMA's Waste Action Plan (e.g., development of compatible manufacturing and other local materials markets). Understanding that the current MRF equipment is near the end of its useful life and that areas of the facility do not have sufficient capacity to meet future demands, the MRF RFP also required submission of a conceptual design for modifying the facility to meet the WPWMA's goals.

To encourage participation in the process while limiting the financial burden on prospective proposers, the MRF RFP was established as a two-step process with the first step consisting of submission of a conceptual (~10%) design and associated operating and capital costs and a summary of the proposer's qualifications, experience, and financial status. Proposals were evaluated and ranked according to the following criteria and weighting:

¹ This report focuses on the MRF procurement. The WRSL proposal review and ranking process is expected to begin later this month with the intent of presenting recommendations for selection of the future MRF and WRSL operator(s) to your Board by the end of the calendar year.

MRF Procurement Ranking Criteria and Scoring

Qualifications and Experience	20%
Conceptual MRF Design	35%
Financial Qualifications	10%
Cost Proposal	35%

Following this initial review, the top candidates (MRF Finalists) would be invited to participate in the second phase of the procurement process where they would develop their conceptual designs to a 30% level. To help defer some of the costs associated with this effort, the WPWMA agreed to pay each firm \$50,000 to advance their design.

On January 11, 2021, four firms submitted MRF proposals: 1) Nortech Waste, 2) FCC Environmental Solutions, 3) Mustang Renewable Power Ventures, and 4) GreenWaste of Placer County. At the April 8, 2021 meeting, your Board selected FCC and GreenWaste as the two firms to advance to the second phase of the procurement process. As both firms' proposals suggest they have the requisite qualifications, experience, and financial strength to operate the WPWMA's facilities, the primary criteria that will be used to rank the two firms in the second phase of the procurement process will be the viability of their facility design to meet the WPWMA's operational performance goals and the associated capital and operating costs.

As both firms are proposing substantial retrofits to the facility including material processing technologies that have not been employed on a large scale at the WPWMA's facility (e.g., robotics, optical sorting, enhanced automation), staff believe it is imperative that the Evaluation Committee (EC) members and select WPWMA staff visit facilities operated by each firm to observe these types of equipment and the manner in which each firm operates their respective facilities. Furthermore, given the magnitude of the decision your Board will be asked to make when awarding the MRF operations agreement to one of the firms, staff believes it would be valuable for members of your Board to also participate in the site visits.

In consideration of Brown Act requirements, should your Board decide that all or a majority of the directors attend the site visits, multiple visits to each site may be necessary. Staff will continue to work with WPWMA Counsel and Placer County's Procurement Manager to identify the most cost-effective and legally appropriate method to ensure your Board has an adequate opportunity to observe these operations and become comfortable with the proposed operating approaches. To enable staff to coordinate the logistics for these site visits and obtain the best possible rates, staff believe it is prudent for your Board to authorize the Executive Director to approve travel related costs up to a maximum of \$30,000. Staff will coordinate with the Member Agencies to ensure WPWMA's payment of Member Agency staff is in compliance with requirements of each jurisdiction.

While staff believes that observing facilities operated by each of the MRF Finalists may be one of the best ways for your Board to establish a level of understanding and comfort with the processing technologies and the firms, staff are working with WPWMA Counsel and Placer County's Procurement Manager to identify other opportunities for your Board

to engage in the MRF procurement process. As always, staff welcomes any feedback your Board may have on engagement methods and opportunities to become better informed about the details of the MRF proposals, the firms, and their design concepts.

ENVIRONMENTAL CLEARANCE:

The recommended action is exempt under Section 15061(b)(3) of the CEQA Guidelines. Staff has determined the action would not have a significant effect on the environment.

FISCAL IMPACT:

Staff estimate that the costs associated with visiting domestic facilities currently operated by both firms could cost between \$25,000 and \$30,000. This range of costs assumes up to three (3) separate overnight trips for 14 individuals (i.e., five Board members, six EC members, two WPWMA staff and the Placer County Procurement Manger) per finalist. Furthermore, the cost estimate includes current estimates for airfare, hotel accommodations, ground transportation and meals.

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**MEMORANDUM
WESTERN PLACER WASTE MANAGEMENT AUTHORITY**

TO: **WPWMA BOARD OF DIRECTORS**

DATE: **JULY 8, 2021**

FROM: **KEN GREHM / SARAH VAIRA**

SUBJECT: **2021 LEGISLATIVE UPDATE AND STRATEGIC AGENDA**

RECOMMENDED ACTION:

Receive an update on legislation introduced for the 2021 Legislative Session and approve the 2021 Legislative Strategic Agenda prepared by Shaw, Yoder, Antwih, Schmelzer & Lange (SYASL).

BACKGROUND:

SYASL has prepared the attached 2021 Legislative Update focusing on bills and regulation of interest to WPWMA, including topics such as:

- SB 1383 relief
- Treated wood waste
- Plastic waste export limitations
- Lithium-ion batteries
- Recycling symbol labeling

Several of these topics are included in the attached 2021 Strategic Agenda prepared by SYASL for your Board's review and approval. The Strategic Agenda defines the WPWMA's positions on key legislative issues, guides SYASL's advocacy efforts on the WPWMA's behalf, and enables SYASL to react quickly to high priority and fast-moving bills, ensuring that WPWMA's positions are heard in a timely manner. SYASL would be authorized to take immediate action, consistent with the approved Strategic Agenda and the Executive Director's or designee's approval, as applicable. Staff will review all positions taken and comment letters to ensure that the actions align with the approved Strategic Agenda.

Upon your Board's approval, the Strategic Agenda will become effective immediately.

ATTACHMENT: 2021 LEGISLATIVE UPDATE
2021 LEGISLATIVE STRATEGIC AGENDA



1415 L Street
Suite 1000
Sacramento
CA, 95814
916-446-4656

DATE: July 8, 2021

TO: The Western Placer Waste Management Authority Board of Directors

FROM: Jason Schmelzer, Karen Lange, and Priscilla Quiroz
Shaw Yoder Antwih Schmelzer & Lange

SUBJECT: 2021 Board Update

On behalf of all of the employees of Shaw Yoder Antwih Schmelzer & Lange (SYASL), we'd like to thank the Board of Directors for entrusting our firm with the important task of providing legislative and regulatory advocacy services to the Western Placer Waste Management Authority (WPWMA). In order to aggressively advocate on behalf of WPWMA, our firm devotes two partner-level advocates who are also policy experts on local government and environmental policy, as well as an additional advocate to provide supportive efforts. Our core function is to identify legislation of interest, assist in the policy analysis, consult on the political implications of engaging, and then to actively lobby in furtherance of WPWMA's position. Ongoing support includes monitoring of legislation and regulation, providing weekly and monthly updates, drafting and submitting comment letters, and participating in legislative and regulatory hearings and workshops on behalf of WPWMA.

The California State Legislature has begun the first year of the 2021-2022 legislative session. 1,764 Assembly bills and 931 Senate bills have been introduced in 2021, totaling 2,695 bills.

Due to the COVID-19 pandemic, state legislators and the Newsom Administration have continued to focus their attention on meeting the immediate needs of Californians. There seems to be general agreement that three ongoing state emergencies – COVID-19 response, homelessness, and wildfires – continue to deserve legislative attention. The legislature has continued to limit the number of committee hearings to adhere social distancing guidelines. This reduction in hearings has limited the number of bills that will move through the process. Additionally, the Senate pro Tem Atkins and Assembly Speaker Anthony Rendon [announced](#) in mid- May that legislators will only be allowed to move 12 bills each this legislative session. As a result, we anticipate very few bills will be signed into law this year and many controversial bills will have to wait until 2021.

On June 15, California lifted most of its COVID-19 restrictions, which included the reopening of the State Capitol to the public. However, the [Senate](#) and [Assembly](#) leadership released memos outlining guidelines for reopening, which included a 500 people capacity, the continued enforcement of social distancing policies, keeping the mask mandate, allowing legislative offices to decide if they would like to hold in-person meetings, and continuing to allow advocates and members of the public to provide telephonic testimony in policy committees.

SYASL will continue to actively monitor and flag legislation for WPWMA. This report outlines legislation related to solid waste below based on their current status. We also outline relevant regulatory efforts and budget updates.

2021 LEGISLATIVE REPORT

This report outlines solid waste related legislation based on their current status. WPWMA staff has directed the SYASL lobbying team to actively advocate on several pieces of legislation in the first year of the 2021-21 legislative session. This report also summarizes several other pieces of legislation that, while WPWMA has not taken a formal position on them, may impact the operations of WPWMA.

Bills with an established WPWMA Position

AB 246 (Quirk) Contractors: Disciplinary Actions –Support

WPWMA was supportive of this legislation that authorize the Contractors State License Board to take disciplinary action against This bill authorizes the Contractors State License Board to take disciplinary action against a licensee for the improper disposal of a contractor-related materials/debris if such disposal is a violation determined by a local government or agency. As illegal dumping continues to be a serious problem, WPWMA is supportive of measures that will help curb this issue.

AB 332 (Committee on Environmental Safety and Toxic Materials) Hazardous waste: treated wood waste: management standards.- Support

This bill would re-establish statutory changes to simplify the process for handling and disposal of treated wood waste. This bill would declare that it is to take effect immediately as an urgency statute. WPWMA is supportive of this measure as it will help elevate the current high cost of disposal, due the very few options for disposal of hazardous treated wood waste in California, and enact less stringent alternative management standards similar to the ones that expired in 2020.

AB 881 (Gonzalez) Plastic waste: diversion: recycling: export- Concerns

This bill would prohibit the export of plastic waste from counting as diversion for purposes of AB 939 unless the plastic waste is a mix of polythene, polypropylene, or polyethylene terephthalate, is destined for separate recycling of each material, and complies with the Basel Acord and other agreements. The WPWMA is concerned with the penalizing diversion credit based on actions by recycling brokers that may be outside of WPWMA control.

AB 1001 (C. Garcia) Environment: air pollution and mitigation measures for air and water quality impacts - Oppose unless amended

This bill would require that air districts, in a nonattainment area, review existing emissions sources and mandate that each source is subject to a regulation employing best available retrofit control technology (BARCT). WPWMA concerned that this measure is that it duplicative of existing laws and regulations and will create new requirements that may impede their ability to provide the essential public service of solid waste management (including recycling) for the communities they serve.

AB 1200 (Ting) Plant-based food packaging cookware hazardous chemicals- Support and Seek amendments

This bill would prohibit the sale of food packaging that contains intentionally added perfluoroalkyl and polyfluoroalkyl substances (PFAS) starting January 1, 2023. The bill would also require cookware manufacturers to label their product if it contains a chemical on specified lists and prohibits, commencing on January 1, 2024, a manufacturer from making a claim that cookware is free of a chemical if the chemical belongs to a chemical group or class. The WPWMA is supportive of reducing toxic chemicals in products as long as there are less toxic alternatives available.

AB 1276 (Carrillo) Single- use food accessories- Support

This bill would prohibit a food facility or a third-party food delivery platform from providing single-use food accessories, such as cutlery, straws and condiment packets, to consumers unless requested by the consumer, or unless necessary to protect public health. The WPWMA is supportive of legislation that would reduce single use plastic waste.

SB 244 (Archuleta) Lithium-ion batteries and battery embedded products- Support

This bill would require the Department of Forestry and Fire Protection (CAL FIRE), in consultation with relevant state agencies like the California Highway Patrol (CHP), the Department of Toxic Substances Control (DTSC), and the waste industry, to develop protocols for the proper management of the disposal of lithium-ion batteries using existing resources, including safe handling, detection, and the suppression of fires originating from discarded lithium-ion batteries. WPWMA is supportive of legislation that would reduce fires as solid waste facilities.

SB 289 (Newman) Recycling batteries and battery-embedded products. - Support

This bill would create a statewide, producer-run collection and recycling program for loose and product embedded batteries at retail locations across the state. The WPWMA is supportive of legislation that requires producers to fund and implement recycling programs for hazardous or difficult to manage waste.

SB 343 (Allen) Environmental advertising: recycling symbol. – Watch

This bill tightens the requirements around the permissible use of the “chasing arrows” recycling symbol and when claims regarding recyclability can be made and provides for the creation of a statewide list of types and forms of plastic products and packaging that can be represented as recyclable.

SB 580 (Hueso) Department of Transportation: highways and roads: recycled plastics study and specifications. – Support

This bill authorizes the Department of Transportation (Caltrans) to conduct a study to assess the feasibility, cost effectiveness, and life-cycle environmental benefits of including recycled plastics in asphalt used as paving materials,

and, depending on the findings, authorizes Caltrans to develop specifications for the use of recycled plastics in asphalt. WPWMA is supportive of legislation that would promote recycling markets for recovered plastics.

SB 619 (Laird) Organic waste: reduction regulations. -Support in Concept

This bill seeks to provide local governments with additional flexibility to fulfill the requirements of SB 1383 (Lara, 2016). The bill's current focus is on enforcement relief only, but the author is still working with our partners, like the League of Cities, Rural County Representatives of California, and California State Association of Counties to include additional provisions on implementation timeline relief. WPWMA is supportive of legislation that would delay enforcement while jurisdictions and facilities work toward compliance with SB 1383.

Bills WPWMA is Monitoring

AB 1 (C. Garcia) Hazardous Waste

This bill attempts to reform the Department of Toxic Substances Control (DTSC). Specifically, this bill creates the Board of Environmental Safety within the California Environmental Protection Agency (CalEPA) to provide policy direction to and oversight of the DTSC. Raises and recasts existing fees within the Hazardous Waste Control Account to fill a projected deficit of approximately eighteen million (\$18 million) dollars.

AB 33 (Ting) Energy Conservation Assistance Act of 1979: energy storage systems and transportation electrification infrastructure.

This bill expands the types of projects eligible to receive funding from the California Energy Commission's (CEC) Energy Conservation Assistance Account, to include installation of energy storage systems and electric vehicle (EV) infrastructure.

AB 318 (Levine) Hazardous waste: classification: cannabis waste.

This bill requires the Department of Toxic Substances Control (DTSC) to provide guidance to the Certified Unified Program Agencies (CUPAs) on how to characterize cannabis waste under existing code and regulations. Authorizes DTSC to adopt regulations that establish alternative management standards for the management of cannabis waste.

AB 478 (Ting) Solid waste: thermoform plastic containers: postconsumer thermoform recycled plastic: commingled rates.

This bill would require thermoform plastic containers used in food and beverage applications, such as containers for berries, to contain, on average, no less than 30% postconsumer recycled plastic per year by 2030.

AB 1035 (Salas) Department of Transportation and local agencies: streets and highways: recycled materials.

This bill would promote the use of recycled content materials in road maintenance. Requires the California Department of Transportation (Caltrans) and a local agency that has jurisdiction over a street or highway, to the extent feasible and cost effective, to use advanced technologies and material recycling techniques that reduce the cost of maintaining and rehabilitating streets and highways and that exhibit reduced levels of greenhouse gas emissions through material choice and construction method.

AB 1371 (Friedman) Recycling: plastic: packaging and carryout bags.

This bill prohibits online retailers from using single-use plastic packaging and reinstates the in-store recycling program for plastic bags. It would also requires online retailers with at least one physical location in the state with in-person sales to provide a take back container for plastic film and EPS packaging for consumers at each location.

2021-22 STATE BUDGET REPORT

2020-21 State Budget

On January 12, Governor Gavin Newsom submitted his 2021-2022 “Budget Built on Strong Fiscal Foundation” proposal to the Legislature. The Governor presented a \$227 billion January spending plan that includes a record level of spending for education and allocates large sums to help reverse the effects of COVID-19, presenting a considerable shift from the past June budget. California’s budget is looking dramatically better than expected due to record stock market gains and tax growth from its most affluent residents. The overall proposed spending total for 2021-2022 is \$5 billion higher than in last January’s budget, while the general fund amount is \$11.5 billion higher.

On May 14, Governor Newsom released the "May Revise," the Administration's update to the Governor's Proposed 2021-22 state budget. The May Revision stands in stark contrast to the sober budget news from state officials one year ago. Compared to a projected budget deficit of \$54 billion projected in May 2020, the Governor now projects that state revenues will exceed expenditures by \$75.7 billion. Combined with over \$25 billion in federal relief, state officials have branded this new budget as the \$100 billion "California Comeback Plan."

SYASL has continued to monitor the budget process for WPWMA, with a particular focus on conversations held in the Assembly Budget Subcommittee No.3 on Resources and Transportation and the Senate Budget and Fiscal Review Subcommittee No. 2 on Resources, Environmental Protection, Energy & Transportation.

Circular Economy

The May Revision proposes \$130 million one-time General Fund to support the development of infrastructure required to process recyclables and manufacture products from recyclable material. Historically, California has shipped recyclable material to other nations, which contributes to the global carbon footprint. These investments will help reduce global carbon emissions and generate the feedstock to attract remanufacturing companies to California.

The May Revision proposes the following one-time General Fund investments:

INVESTMENTS IN DISADVANTAGED COMMUNITIES

- Edible Food Recovery—\$5 million for the Food Waste Prevention and Rescue Grant Program to establish new or expand existing food waste prevention projects to reduce landfill methane emissions and benefit disadvantaged communities.
- Composting Opportunities—\$5 million to create or expand community composting opportunities and jobs that serve disadvantaged communities.

ORGANIC WASTE INFRASTRUCTURE

- Organic Waste Infrastructure—\$55 million to provide grants for new composting and anaerobic digester facilities and to expand capacity at existing wastewater facilities to increase organic waste recycling capacity, provide funding for co-digestion, and reduce methane emissions from landfills.

RECYCLING INFRASTRUCTURE

- Recycling Technology Feasibility Grants—\$15 million to provide grants to companies that are in the research, development, feasibility, or pilot phase of recycling projects that are interested in locating in California.
- Climate Catalyst Fund: Recycling Infrastructure—\$50 million to provide low-interest loans to attract recycling and reuse businesses to California. These loans would be designed to align with existing tax incentives already offered by the state.

Greenhouse Gas Reduction Fund

The Cap and Trade Expenditure Plan proposes \$1.369 billion Greenhouse Gas Reduction Fund (\$624 million for Early Action in 2020-21 and \$745 million in 2021-22) to provide funding for programs that reduce or sequester greenhouse gases (GHGs). The proposed Expenditure Plan advances the state’s priorities on environmental justice and protects public health by delivering clean air and safe and affordable drinking water. The Expenditure Plan also promotes implementation of the Governor’s recent Climate Executive Orders N-79-20 and N-82-20, related to zero-emission vehicles and natural and working lands, respectively.

SB 1383 (Lara, 2016) set methane emissions reduction targets for California in a statewide effort to reduce emissions of short-lived climate pollutants. The targets must: (1) reduce organic waste disposal by 50 percent by 2020 and 75 percent by 2025, and (2) Rescue for people to eat at least 20 percent of currently disposed surplus food by 2025. Implementing these regulations is a massive undertaking which requires significant recycling infrastructure to effectively transform how organic waste is managed. CalRecycle has estimated that the first year of implementation will cost local governments \$400 million and will cost \$20 billion to implement over ten years. While the costs of implementing SB 1383 are significantly costly, since the bill’s passage, the legislature has historically allocated low GGRF funding to CalRecycle, roughly \$15-\$26 million. The state did not allocate any funding to CalRecycle for the 2020-21 budget year.

SYASL will note that the California State Senate budget proposal included \$200 million to provide organic waste grant funding to cities and counties. The purpose of funding is to help local governments meet the organic waste diversion requirements pursuant to SB 1383 (Lara, 2016), by assisting cities and counties with local organic waste recycling program development and initial implementation activities.

SYASL has been working with a [coalition](#), which is requesting the state to allocate \$200 million for organic waste recycling infrastructure and \$200 million to help cities and counties develop and implement SB 1383 organic waste recycling program. SYASL has been setting up meetings with key legislative staff and members to push this request forward.

Clean Vehicles

The May Revision proposes \$912 million in new clean energy program expenditures. Investments include funding for zero-emission short-haul trucks, transit buses, and school buses. Funding also supports additional charging and fueling infrastructure to support zero emission vehicles.

2021 REGULATORY REPORT

State Regulations

Short-Lived Climate Pollutants

SB 1383 (Lara, Chapter 395, Statutes of 2016) codified that ARB's Short-Lived Climate Pollutants Reduction Strategy, establishing methane emissions reduction targets in a statewide effort to reduce short-lived climate pollutants. Specifically, the bill established 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. The bill also established a target of not less than 20% of currently disposed edible food to be recovered for human consumption by 2025. As it relates to WPWMA, if a facility receives mixed waste streams, it must qualify as a "High Diversion Facility", that by definition must recover at least 50% of organic waste from the mixed waste stream by 2022 and 75% by 2025.

In November 2020, CalRecycle's regulations were approved by the Office of Administrative Law (OAL) and take effect January 1, 2022. The regulatory package is comprehensive, placing various responsibilities on local jurisdictions. The six main requirements of the regulations are: 1) Providing mandatory organic waste collection services; 2) Edible food recovery program; 3) Education and outreach to the community; 4) Procurement requirements for products made from organic materials; 5) Providing access to edible food and composting facilities; and, 6) Monitoring and enforcement by the local jurisdictions. Pursuant to statutory requirements, local jurisdictions cannot issue enforcement penalties until two years after the operative date of the regulations – January 1, 2024.

WPWMA is continuing to work closely with local governments associations and the Solid Waste Association of North America (SWANA) Legislative Task Force to get to receive relief and funding to implement SB 1383. As mentioned earlier in this report, SYASL is also working with the coalition on a legislative budget request to provide funding to implement SB 1383 and on SB 619 (Laird) to provide statutory relief. SYASL will continue to update WPWMA staff on these efforts.

CalRecycle Packaging Reform Concepts

CalRecycle is hosting informal public workshops to discuss legislative and regulatory concepts pertaining to packaging reform, as part of the efforts to reach the statewide 75% by 2020 diversion goal. CalRecycle envisions finalizing a packaging policy model sometime this year. CalRecycle has thus far discussed draft screening criteria for determining priority packaging types, including prevalence in the waste stream, increasing or steady usage trend, current collection and/or processing infrastructure, contamination of material, reusability and recyclability, GHG impacts, and waterway and marine debris.

SYASL will continue to engage in and monitor these discussions to determine potential benefits for WPWMA, such as an EPR define approach, but also for potential detrimental proposals, such as a mandatory packaging approach that could adversely affect traditional local control over the collection and processing of solid waste and recyclables.

SB 212 Regulatory Process

On September 30, 2018, Governor Brown signed SB 212 (Jackson, Ting, and Gray), a bill to create a statewide takeback program for pharmaceutical medications and sharps products from households. The bill requires manufacturers of these products to create, fund, and operate a stewardship program that provides for the takeback of covered drugs and home-generated sharps waste from households as well as reimbursement of local agency sharps disposal costs.

On January 7, 2021, the Office of Administrative Law approved the regulation, after minor non-substantial edits were made, and forwarded them to the California Secretary of State for publishing. CalRecycle requested an early effective date, which was granted; therefore the regulations were effective immediately on January 7, 2021.

Treated Wood Waste

From 2008 to 2020, the state had specific standards for disposing of wood treated with a chemical preservative, as specified (known as treated wood waste or TWW). In 2020, however, the Governor vetoed SB 68 (Galgiani, 2019), which would have eliminated the sunset on the treated wood waste management standards and made certain changes to the program; the Governor's veto message stated that the additions to the program would have exacerbated the Hazardous Waste Control Account's existing structural deficit and improperly exempted treated wood waste from other hazardous waste laws and regulations. As a result, there is no clear guidance on means of disposing of treated wood waste other than at a Class I hazardous disposal facility, which is significantly more onerous than under the prior laws.

The elimination of the alternative management standards for treated wood waste has led to a sharp increase in the cost of disposing of treated wood waste and in the improper disposal of treated wood waste, likely due to the added burden of doing so. In the absence of clear guidance on how treated wood waste should be disposed, the Department of Toxic Substances Control developed a temporary, short-term fix by issuing variances to generators, transporters, handlers, and disposal facilities for the management and disposal of TWW. The variance system was not intended to be a permanent solution, but instead facilitates the proper management and disposal of TWW while the Legislature crafts a long-term approach.

SYASL has been working with a coalition of local governments and solid waste organizations in getting DTSC to issue variances, but also getting AB 332 (Committee on Environmental Safety and Toxic Materials) introduced, which will facilitate the safe and proper handling and disposal of TWW by codifying the Alternative Management Standards that sunset on January 1, 2021. Those standards significantly eased the burdens associated with proper transportation, management, and disposal of TWW.

SYASL will continue to monitor and provide updates to WPWMA staff on DTSC's actions and the passage of AB 332.

Other Forthcoming Issues

There are several potentially significant reform efforts coming in 2021 that could impact WPWMA operations. While the fate of these efforts is unclear at this point, following is a brief preview of each issue.

CalRecycle: Statewide Commission on Recycling Markets and Curbside Recycling

In 2019, Governor Newsom signed into law The California Recycling Market Development Act (AB 1583, Eggman). This act requires CalRecycle to convene a Statewide Commission on Recycling Markets and Curbside Recycling consisting of representatives of public agencies, private solid waste enterprises and environmental organizations that have expertise in recycling. The Commission is tasked with providing policy recommendations for achieving specified market development and waste reduction goals and to provide regular feedback to CalRecycle on public messaging designed to encourage proper recycling and to minimize contamination in curbside recycling programs..

The Commission held their first meeting on June 24, 2020 and have since been holding meetings on the first and third Wednesday every month. They have also developed four committees that cover: market development, organics, recycling, and labeling and media. These committees are currently reviewing policy proposals that have been submitted through the Commission's public portal. The commission was required to submit preliminary policy recommendations to the legislature by January 1, 2021. However, with the governor approving AB 2287 (Eggman, 2020), it has given the Commission an additional six months to development policy recommendations. A preliminary policy report was published on January 1, 2021, proposing 19 different policies. A number of these policies were introduced this legislative session, which SYASL has flagged for WPWMA staff. The Commission is expected to release their first annual policy recommendations and identifies recyclable or compostable products regularly collected in curbside recycling programs. SYASL will continue monitoring the Commission's actions for WPWMA.



WESTERN PLACER WASTE MANAGEMENT AUTHORITY

2021 STRATEGIC AGENDA



**PREPARED IN CONSULTATION WITH
SHAW YODER ANTWHI SCHMELZER & LANGE**

GENERAL POLICY GUIDELINES

The statutes and regulations that guide the management of solid waste in California will undergo significant changes in the coming years, which could have significant operational and financial impacts on the Western Placer Waste Management Authority (WPWMA). Therefore, it is the policy of the WPWMA Board to support legislation which will:

- Provide maximum flexibility and local control for agencies to comply with regulations
- Support projects for, and eliminate barriers to, energy recovery from solid waste
- Create markets for materials (versus disposal penalties) to promote recycling
- Expand extended producer responsibility in California
- Provide funding for mandated recycling programs and infrastructure

It is the policy of the WPWMA Board to oppose legislation which would:

- Impose new mandates without commensurate funding and demonstrated need
- Impose infeasible or unreasonable performance standards on materials recovery facilities
- Increase solid waste diversion rates beyond the capability of local agencies

Specific Priorities in 2021 include (and are discussed in further detail below):

- Organics Diversion and Infrastructure Development
- Recycling Markets
- Extended Producer Responsibility
- Lithium Ion Batteries in Consumer Products
- SB 212 Regulations – Home-Generated Sharps and Pharmaceutical Waste
- Implementation of SB 1383 Regulations – Short-Lived Climate Pollutants / Organic Waste Reduction Targets
- CalRecycle Funding
- Emerging and Alternative Technologies
- Temporary regulatory and enforcement relief due to the COVID -19 pandemic

As legislation is introduced and reviewed, the Board and staff will evaluate legislation through the lens of the above general policy guidelines. Specific issues that the Board can expect to see in the first year of the 2021-2022 Legislative Session, and commensurate action of the Board, is as follows:

SPECIFIC ISSUES

ISSUE: ALTERNATIVE DAILY COVER

WPWMA diverts over 30,000 tons of MRF fines annually by using it as ADC. Prior to its use in 2003, the WPWMA conducted a demonstration project that verified the material met the stringent State standards for landfill cover materials. MRF fines generally consist of dirt, small shreds of paper, glass and inert materials. Although the MRF operator has investigated other uses and markets, to date they have been unable to identify any viable uses for the material other than ADC. In 2014, CalRecycle adopted legislation to eliminate the use of green waste as Alternative Daily Cover (ADC) to promote recycling of the material. Periodically, the issue of using MRF fines as ADC arises in legislative and regulatory venues, although there has been no legislation introduced on this subject since 2003.

ACTION: Oppose regulations or legislation which would restrict MRFs from using fines as ADC or that impose a fee to discourage the use of fines. Closely track and evaluate any regulations or legislation which would modify ADC standards for MRFs.



ISSUE: ALTERNATIVE AND EMERGING TECHNOLOGY

WPWMA is currently undergoing a master planning process to expand its facilities to accommodate future growth and in response to new regulatory requirements, such as the expanded organic waste diversion mandates. Some of the key objectives of the planning process include providing access at the site for new and emerging solid waste conversion technology pilot studies and partnering with a local university to promote research and development opportunities.

ACTION: Support legislation which would provide financial and other incentives that support emerging technology development while minimizing regulatory and legal barriers to implementing such technologies.



ISSUE: EXTENDED PRODUCER RESPONSIBILITY (EPR)

EPR legislation shifts the financial burden of managing hazardous and difficult to manage products from local government to the producers of those products. The costs for WPWMA to manage these products is significant. In 2010, the WPWMA Board adopted a resolution in support of EPR.

Previous legislation has been adopted requiring producer responsibility for paint, carpet, and mattresses. WPWMA supported legislation last year to make key improvements to the state’s carpet recycling program. Additionally, several years of legislative debate over the application of EPR to home-generated sharps and pharmaceuticals, and the implementation of EPR ordinances in several California Counties, has resulted in the passage of SB 212 (Jackson). That legislation, among other things, requires sharps manufacturers to reimburse local governments for the cost of disposal for sharps.

ACTION: Support EPR and other Product Stewardship legislation, including legislation to improve existing EPR programs. Monitor and engage in the development of SB 212 regulations. Only support landfill bans when an appropriately funded alternative method of handling the material (e.g. EPR) has been put in place. Oppose landfill bans that are not substantiated by scientific studies showing that landfilling the material poses a danger to human or environmental health. Engage in discussions leading up to legislative action on lithium ion batteries in consumer products.



ISSUE: INCENTIVES FOR WASTE CONVERSION TECHNOLOGY

Regulatory hurdles and political opposition make development of Conversion Technology (CT) projects challenging, despite the fact that they reduce dependence on landfills and create a clean, domestic, fuel source for renewable energy. They are often not pursued in California because they do not clearly qualify for AB 939 diversion credits or other regulatory requirements (e.g. SB 1383), or due to their cost or their inability to qualify for financial incentives. The law is currently unclear how AD and gasification should be permitted and regulated, and whether they qualify for diversion credits. However, anaerobic digestion and gasification are desirable options that could divert waste, provide green jobs, and generate clean, renewable energy.

ACTION: Seek and support legislation which would provide financial and other incentives that support CT development while minimizing regulatory and legal barriers to developing and utilizing such technologies. Evaluate the full spectrum of benefits that CT could provide WPWMA.



ISSUE: MRF PERFORMANCE STANDARDS

AB 341 (2011) and AB 1826 (2014), established, among other things, mandatory commercial recycling programs requiring businesses to either source separate recyclables / organics or subscribe to mixed waste processing services. AB 341 requires mixed waste processing to “yield results similar to source separation”. In order to enforce this section of the law, CalRecycle is attempting to define what it means for those facilities to “yield results similar to source separation”. This may result in the establishment of minimum standards for MRF

performance so compliance with these laws can be evaluated. While this may be the case, there has been no activity on this item within the context of AB 341 discussions at CalRecycle since 2012. However, this issue also arose in the context of SB 1383 regulation development. The SB 1383 draft regulations would also require a facility that receives mixed waste to achieve an organic waste recovery rate of 50% by 2022 and 75% by 2025. WPWMA submitted comments responding to that concept and will continue to engage on this issue with CalRecycle as the SB 1383 regulations are finalized this year.

ACTION: Closely monitor CalRecycle efforts to define “comparable to source separation” for MRFs. Strenuously oppose any proposal which would impose infeasible performance standards and/or do not consider local conditions, such as a jurisdiction's diversion rate, the local waste stream, other recycling programs in place, and available materials markets.

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ISSUE: SOLID WASTE REGULATION AND LEGISLATION

AB 341 required CalRecycle to develop and submit a report to the legislature that provides strategies to achieve the state’s policy goal of 75% recycling. The CalRecycle report was released in 2015 and contains key strategies and focus areas that could find their way into both regulatory and legislative proposals in the near future. The strategies include, among other things, phasing organics out of landfills, expanding recycling infrastructure, exploring approaches to supplement State funding, and measuring commercial recycling progress.

The costs to comply with new mandates as a result of these proposals (e.g. AB 1826 and SB 1383) will be significant and most likely passed on to customers in the form of increased tipping fees. Prior to the State implementing new diversion mandates, comprehensive evaluations should be conducted to determine the potential environmental and economic effects, technologies and markets available, and producer responsibility necessary to accomplish these goals and stakeholder involvement should be mandatory.

ACTION: Oppose any new solid waste and recycling related mandates that do not include, or are not substantiated by, sound science, demonstrated need, cost/benefit/feasibility studies, a funding mechanism (other than tipping fees or garbage rates), consideration of local conditions and current compliance, and/or EPR. Oppose fee increases that do not directly benefit ratepayers. Oppose new measures to achieve 75% statewide diversion until measures already required have been fully implemented and evaluated. Oppose any legislation or regulations that prohibit the consideration of beneficial reuse or conversion technologies as diversion under the state’s 75% diversion goal.

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ISSUE: GREENHOUSE GAS (GHG) REGULATION ON SOLID WASTE

AB 32 (2006) and SB 32 (2016) established broad authority for the California Air Resources Board (ARB) to regulate greenhouse gas emissions in the State of California. Subsequent actions that impacted WPWMA included expanded landfill methane capture requirements (2006 “early action measures”), mandatory commercial organics recycling (2013 updated Scoping Plan, resulting in AB 1826, 2014), proposed ARB Short Lived Climate Pollutant Draft Strategy (2015), and subsequent legislation to authorize regulatory action by the ARB on Short-Lived Climate Pollutants (SB 1383, 2016). SB 1383, among other things, established 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. The bill also established a target of not less than 20% of currently disposed edible food to be recovered for human consumption by 2025. Solid waste operations should expect to be targeted for additional emission controls as the Scoping Plan Update and SLCP regulations take shape. A new scoping plan was adopted at the end of 2017.

Moving forward, key recommended actions in the Scoping Plan Update that will impact WPWMA are the following:

1. *Eliminate Disposal of Organics in Landfills* – This effort is intended to reduce emissions from landfills and anticipates accomplishing this either through legislation (mandatory organics recycling), direct regulation (a disposal ban), or adding landfills to the cap and trade program (make it expensive).
2. *Develop Emission Reduction Strategies for Recycling* – This appears to mean that the ARB would like to identify new emission reduction strategies for existing recycling facilities.
3. *Resolve Permitting Issues* – The ARB will lead a process of identifying and recommending actions to address cross-California agency and federal permitting and siting challenges associated with composting and anaerobic digestion.

ACTION: Oppose infeasible or unreasonable facility standards. Oppose additional emission reduction requirements on solid waste facilities until evaluation has been done on the effectiveness of recently implemented mandates such as the Early Action Landfill Methane Emission Reduction Measure and the Mandatory Commercial Recycling regulations. Oppose ARB using AB 32, SB 32, and SB 1383 authority to mandate waste diversion programs. Oppose defining landfills and waste-to-energy facilities as covered entities subject to the Cap and Trade Program. Participate in the rulemaking processes for any new proposed regulation which would affect WPWMA facilities. Support efforts to streamline permitting for composting, gasification and anaerobic digestion in a manner that benefits WPWMA.

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ISSUE: GREENHOUSE GAS CAP AND TRADE FUNDING

Greenhouse Gas Cap and Trade funding from the sale of carbon credits could be utilized by the WPWMA to invest in waste to energy technologies and projects to reduce emissions from landfill gas. The Legislature and Governor must annually appropriate revenues from the Greenhouse Gas (GHG) Reduction Fund on projects that will, or have the potential to, reduce GHG emissions. In the final 2019-20, State Budget, \$25M was allocated to the Department of Resources, Recycling and Recovery (CalRecycle) for waste diversion and GHG reduction financial assistance. In the Governor’s Proposed 2020-21 State Budget, \$15M from this fund is proposed to be allocated to CalRecycle, negotiations will continue until August.

CalRecycle estimated the statewide [net cost](#) of SB 1383 (Lara, 2016) is between \$4.9 to \$12.8 billion. However, to date, the department has only received \$161 million from the Greenhouse Gas (GHG) Reduction Fund, with only \$90 million going towards SB 1383 related grant programs.

ACTION: Continue to support distribution of Greenhouse Gas Reduction Fund Revenues, such as AB 32 Cap and Trade Program auction proceeds to waste to energy projects, organics infrastructure, and other projects at landfills that reduce emissions consistent with the goals of AB 32. Specifically support a reasonable allocation of GGRF dollars, commensurate to ambitious, state-imposed mandates and regulations on solid waste facilities. Continue to support efforts to appropriate funds from the GGRF specifically to enhance organics infrastructure.



ISSUE: CEQA AND ESSENTIAL PUBLIC SERVICES / CEQA EXEMPTION FOR WASTE CONVERSION PROJECTS

Essential Public Services, such as landfills and wastewater treatment plants, are often negatively impacted from incompatible and/or encroaching development. In many cases, such facilities were developed in rural or industrial areas, but now face encroaching development and the potential for complaints and lawsuits. Periodically legislation is introduced (but has not passed) that would protect essential public services (e.g. requiring certain disclosures in an EIR or protecting landfills from nuisance lawsuits if they are established and in compliance with existing laws and permits) or streamline CEQA review for beneficial projects (such as exempting certain conversion technology projects from CEQA).

ACTION: Support legislation that would protect essential public services and support renewable energy. Specifically support legislation requiring a Lead Agency to disclose in an EIR the potential impacts on people that may result from locating a proposed project near, or attracting people to, Essential Public Services such as solid waste management facilities.



ISSUE: AIRPORT INTERFACE

WPWMA is situated in proximity to the Lincoln airport. The Federal Aviation Administration has adopted rules and regulations regarding the siting and operation of landfills in proximity to airports.

ACTION: Closely monitor actions taken by the FAA regarding landfill operations within the proximity of the airport. Engage the WPWMA delegation as needed to seek resolution and clarity on existing and future proposed regulations and rules.

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ISSUE: VEHICLE OPERATIONS ON SITE

Several large diesel vehicles and equipment operate on the WPWMA facility, moving between the indoor sorting facility and the landfill. The vehicle emissions and activities fall under California Air Resources Board (CARB) diesel rules for on-road and off-road vehicles. The requirements to reduce emissions from these vehicles result in significant economic burdens on the WPWMA’s facility operator.

Current CARB requirements require phase out of vehicles based on age and emissions. The 2017 CARB Scoping Plan includes existing, proposed and potential additional measures that aim to further decrease diesel fuel consumption and increase zero-emission vehicle use in the state, among other things. Medium and heavy duty vehicles will be targeted in the State’s Mobile Source Strategy. Should WPWMA have to replace and purchase additional vehicles, the cost impact could be significant.

ACTION: Seek informal feedback from the Air Resources Board and other relevant agencies about the applicability of regulations for trucks that operate exclusively on site, and evaluate an appropriate course to mitigate any significant new expenses that may be tied to the revised regulations. Engage with ARB staff to determine the forthcoming enforcement timeline and potential impacts on WPWMA. Monitor any future actions by the ARB to revise the PERP emission standards.

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ISSUE: BIOMASS

The WPWMA’s MRF operator relies on a local biomass facility to process the majority of the wood waste received at the MRF. In the 2014 session, a bill was introduced which would have established statutory preference for geothermal facilities over any other kind of renewable energy facilities, which would have negatively impacted biomass facilities. In addition, as the State grapples with an immense tree mortality issue, and several biomass facilities going off-line, there is increased pressure on those remaining biomass facilities to take trees from high hazard areas, thereby disrupting the traditional biomass stream of yard waste which WPWMA currently manages with the utilization of a biomass facility.

ACTION: Support legislation that enhances biomass capacity in California and improves the economic viability of those operations. Oppose any legislation which would disrupt relationships that WPWMA has with renewable energy facilities that assist in achieving landfill diversion.



ISSUE: MARKET DEVELOPMENT

As the State continues to set ambitious recycling goals and impose burdensome requirements on solid waste facilities, the need for State assistance is increasing. An estimated \$2-3 billion in infrastructure is needed throughout the State to meet the organics recycling goals of SB 1383 (Lara, 2016). Additionally, heightened restrictions, including bans, on international export markets imports of recyclable materials, as were recently imposed by China, as well as other foreign countries. These actions mean fewer markets available for recovered recyclable materials. If facilities do not have markets to send materials, those materials are not recycled. In addition to a need for capital investment from the State, assistance to ease permitting processes for facilities will be necessary to meet the State’s goals. And, idealistic timelines without good faith effort provisions pose significant challenges for facilities; enforcement actions against facilities unable to fully comply within infeasible timelines will only further deplete those facilities’ limited resources.

ACTION: Support reasonable legislation that expands and incentivizes in-state processing and recycling markets. Support State assistance in the form of capital investment in infrastructure and assistance with permitting processes. Support any legislation to acknowledge good faith efforts. Support legislation to encourage source reduction, EPR, and green design.



ISSUE: Regulatory Relief in Response to COVID-19 Pandemic

The COVID-19 global pandemic had a severe impact to public health, worker safety and to the economy in California. On March 19, 2020, Governor Newsom's [Executive Order N-33-20](#), deemed the solid waste and recycling industry services as part of the essential infrastructure. This meant shifting staff and duties away from normal operations and developing physical distancing measures and implementing stay-at-home orders to keep staff safe and healthy. Cities, counties, and special districts have devoted resources to fight COVID-19 and some are now concerned with the ability to meet specific statutory obligations during the COVID-19 pandemic, given the severe budget shortfalls.

In response, local governments and associations, including the Solid Waste Association of North America (SWANA) Legislative Task Force, submitted a [coalition letter](#) requesting state officials to grant limited grace periods and temporary relief from specific requirements related to solid waste and recycling. The requests include temporary relief from existing diversion and commercial recycling requirements, as well as delaying implementation of new organics diversion mandates pursuant to SB 1383 (Lara, 2016).

In 2021, this coalition has been working with the legislature to introduce legislation and budget allocations to assist local governments implement the requirements outlined in SB 1383.

ACTION: Support efforts that provide temporary flexibility and regulatory relief due to COVID-19. Also support funding allocations to local governments to implement SB 1383.

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**MEMORANDUM
WESTERN PLACER WASTE MANAGEMENT AUTHORITY**

TO: **WPWMA BOARD OF DIRECTORS** DATE: **JULY 8, 2021**
FROM: **KEN GREHM / RYAN SCHMIDT** *RS*
SUBJECT: **SECOND AMENDMENT TO THE AGREEMENT WITH SCS
ENGINEERS FOR THE AQUIFER PUMP TEST AND FEASIBILITY
STUDY**

RECOMMENDED ACTION:

Authorize the Chair to sign the Second Amendment to the Aquifer Pump Test and Feasibility Study Agreement (Agreement) with SCS Engineers (SCS), for additional groundwater treatment modeling associated with seasonal operation of a pump and treat system, for a total of \$26,400 increasing the total not-to-exceed cost of the Agreement to \$550,400.

BACKGROUND:

As early as 1992, groundwater impacts near the landfill were detected in three onsite groundwater monitoring wells, including the groundwater extraction well. In 1994, the WPWMA installed a series of LFG probes which immediately indicated subsurface migration of LFG; as a result, the WPWMA was required to install additional groundwater wells and submit a Corrective Action Plan (CAP) to the Central Valley Regional Water Quality Control Board (Water Board). The WPWMA submitted, and the Water Board approved, a Feasibility Study and CAP requiring the WPWMA to: 1) cease landfilling in the unlined areas of the landfill and install a final cap system, 2) use an LFG recovery system to correct impacts to groundwater, 3) conduct more frequent sampling of select wells, and 4) conduct additional analysis until the matter was resolved to the Water Board's satisfaction.

On January 17, 2019, the Water Board issued a Notice of Violation for persistent Volatile Organic Compounds in groundwater, despite implementation of the approved CAP. The Water Board directed the WPWMA to prepare and submit a new CAP and revised Report of Waste Discharge that identified a revised approach to mitigating groundwater impacts.

At the July 9, 2020 meeting, your Board authorized the WPWMA to enter into an agreement with SCS to conduct an Aquifer Pump Test and Engineering Feasibility Study for groundwater pumping and treatment. SCS has nearly completed the new CAP and Engineering Feasibility Report, the final task of the Agreement. Preliminary results suggest a groundwater pump and treat system would produce approximately 100 gallons per minute of water that would require treatment and disposal. Staff requested SCS determine if a pump and treat system could be operated in the dry season only so that the WPWMA and its contractors could use the water beneficially for dust control, irrigation or other approved operational uses. SCS indicated additional groundwater modeling would be necessary to adequately predict long term treatment effects of a seasonal pumping schedule and noted the additional effort would cost up to \$26,400. The proposed Second Amendment (attached) reflects this additional scope and recommended budget.

ENVIRONMENTAL CLEARANCE:

All work required under this Agreement is categorically exempt under CEQA Guidelines, Article 19, Section 15306 “Information Collection”, which allows for data collection when such activities do not result in a serious or major disturbance to an environmental resource.

FISCAL IMPACT:

The cost of providing the additional groundwater treatment modeling services identified in the proposed Second Amendment is \$26,400 and would increase the total not-to-exceed cost of the Agreement to \$550,400. Sufficient funding for these additional services is included in the FY 2021/22 Budget.

ATTACHMENT: SECOND AMENDMENT

ADMINISTRATING AGENCY: Western Placer Waste Management Authority

AGREEMENT NO.: SCN103038

DESCRIPTION: Second Amendment to the Aquifer Pump Test and Feasibility Study

This SECOND Amendment is made to be effective as of, from and after the day of _____ 2021, and between the **WESTERN PLACER WASTE MANAGEMENT AUTHORITY**, a joint powers authority organized under California law (hereinafter referred to as the "WPWMA"), and **SCS ENGINEERS** (hereinafter referred to as the "Consultant").

RECITALS

1. The WPWMA and Consultant have entered into that certain "Aquifer Pump Test and Feasibility Study Agreement" as of August 19, 2020, amended as of November 4, 2020 as the First Amendment (hereinafter referred to as the "Agreement").
2. Consultant has consistently performed contracted services for the WPWMA through changing project conditions, maintaining a positive working relationship with the WPWMA and its consultants and contractors.
3. WPWMA staff discussed the necessity of additional modelling for the aquifer pump test and engineering feasibility study to determine if seasonal pumping alone could adequately capture constituents of concern. Consultant recommended, and WPWMA agrees to revise the contract and scope budgets for Tasks 4 and 5 to allow for additional water modelling and an increased additional services budget for a net additional cost of \$26,400 to those tasks.
4. WPWMA staff believes Consultant understands the scope of work, has proposed a reasonable budget, and is uniquely suited to effectively complete the work given their current performance of the aquifer pump test and engineering feasibility study.
5. The WPWMA and Consultant acknowledge that, by providing these additional services, the total cost of the Agreement shall increase by \$26,400 to Five Hundred Fifty Thousand Four Hundred Dollars (\$550,400).
6. The WPWMA and Consultant desire to amend the Agreement to reflect the revised understanding between the parties as set forth below. All references in this Second Amendment to a Section, to an Appendix, or to an Exhibit shall refer to that Section or Exhibit of the Agreement, and all terms defined in the Agreement shall have the same meaning herein.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

- a. The last sentence in item 2. **Payment**, shall be replaced with the following sentence:

“The total amount payable for all services provided under this Agreement, including Additional Services, shall not Five Hundred Fifty Thousand Four Hundred Dollars (\$550,400) without the prior written approval of the WPWMA.”
- b. Exhibit A, Scope of Services, Task 4 GROUNDWATER PUMP AND TREAT SYSTEM ENGINEERING FEASIBILITY STUDY AND PRELIMINARY DESIGN REPORT, paragraph 1 shall be replaced as follows:

“Consultant shall prepare a report of aquifer test results including well logs for the extraction wells, test procedures, test results and calculations, and application data.

The report shall include estimated well flow rates and radius of influence for extraction wells, which shall be shown in cross-sections. Consultant shall also prepare and include a MODLFOW groundwater flow model for the site to predict capture and seasonal scenarios, capture zone analysis, particle tracking, and evaluate seasonal operation options. Consultant shall also conduct long term modelling to determine the long-term effects of seasonal or constant treatment pumping. Consultant shall investigate various pumping scenarios and additional extraction wells based on short term and long-term pumping model results.”

- c. Exhibit A, Scope of Services, Task 5 ADDITIONAL SERVICES shall be replaced entirely as follows:

“This Agreement allows for Additional Services subject to the prior written approval from the WPWMA Executive Director or designee up to a maximum amount of Twenty Thousand Dollars (\$20,000). The total amount payable for all services provided under this Agreement, including additional services, shall not exceed the cost allocated in Exhibit B. The services included in this task are not currently identified. Should the WPWMA request services not identified in this Agreement or should services of greater scope or depth than identified and budgeted herein be required, Consultant shall notify WPWMA and shall submit a supplemental proposal for additional services prior to starting work. Any approved Additional services and costs shall be appended to this Agreement and such work shall be subject to all of the provisions of this Agreement.”

- d. Exhibit B.1 shall be deleted and Exhibit B.2 attached hereto are substituted therefore.

Except as expressly provided in this Second Amendment, the Agreement shall remain unchanged and in full force and effect. After this Second Amendment is duly executed and delivered by WPWMA and Consultant, this Second Amendment shall be and constitute an integral part of the Agreement.

IN WITNESS WHEREOF, the WPWMA and Contractor have executed this First Amendment as of the day and year first above written.

WESTERN PLACER WASTE MANAGEMENT AUTHORITY

By: _____ Date: _____
Chair

SCS ENGINEERS, CONSULTANT

By: _____ By: _____
E. Wayne Pearce, Vice President Patrick Sullivan, Senior Vice President

Approved as to Form:

By: _____
WPWMA Counsel

EXHIBIT B.2
PAYMENT FOR SERVICES RENDERED

Payment to Consultant shall be made by the WPWMA on an hourly basis in accordance with the schedule attached hereto as Exhibit B-1.2 and subject to the task budgets listed in Table 1, below.

Consultant shall submit invoices monthly and describe in detail the work and work hours performed, staff performing the work, staff hourly rate, and expenses for which reimbursement is claimed. Consultant shall also include with the monthly invoice a spreadsheet indicating task budgets, charges by task for each invoice, cumulative charges to date by task, and percent of budget remaining by task. Consultant shall state hourly time in increments of no less than one-quarter (1/4) of an hour. All invoices shall be submitted to the WPWMA electronically via invoices@wpwma.ca.gov.

Provided the work has been satisfactorily performed, WPWMA will pay invoices within thirty (30) days after approval of the invoice. Consultant shall provide additional information requested by the WPWMA to verify any of the amounts claimed for payment in any invoice. The Executive Director or designee shall retain the ability to adjust the budget between task as long as the total amount payable for all services provided under this Agreement shall not exceed Five Hundred Fifty Thousand Four Hundred Dollars (\$550,400).

Table 1 – Task Budgets

Task	Description	Existing Budget	2 nd Amendment	Total
1	Well Design, Permitting, and Solicitation of Bids	\$30,000	-	\$30,000
2	Well and Piezometer Drilling, Aquifer Pumping	\$334,000	-	\$334,000
3	Well Construction Quality Assurance and Pump Test Memorandum	\$35,000	-	\$35,000
4	Groundwater Pump and Treat System Engineering Feasibility and Preliminary Design Report	\$110,000	\$21,400	\$131,400
5	Additional Services	\$15,000	\$5,000	\$20,000
TOTAL CONTRACT AMOUNT		\$524,000	\$26,400	\$550,400

**MEMORANDUM
WESTERN PLACER WASTE MANAGEMENT AUTHORITY**

TO: **WPWMA BOARD OF DIRECTORS** DATE: **JULY 8, 2021**
FROM: **KEN GREHM / JENNIFER SNYDER**
SUBJECT: **CONDUCTING THE TEMPORARY HHW COLLECTION EVENT**

RECOMMENDED ACTION:

Authorize the Executive Director or designee, upon review and approval by WPWMA Counsel, to sign the Second Amendment to the Household Hazardous Waste (HHW) Collection Event Services Agreement with Clean Harbors Environmental Services, Inc. (Clean Harbors) to conduct a temporary HHW collection event in Auburn for an amount not-to-exceed \$110,000, bringing the total cost of the Agreement to \$202,304.

BACKGROUND:

When the MRF first began operations in 1995, it included limited operation of the permanent HHW collection facility. The HHW facility was initially open for the receipt of select materials (paint, oil and small batteries) every Saturday and open for the receipt of a broad range of HHW four Saturdays (i.e., quarterly) per year. In April 1996, the HHW operation was expanded to accept all types of HHW materials every Saturday. In September 2003, your Board approved a contract with Clean Harbors to conduct the first one-day collection event in Auburn; the intent of this one-day event was to provide a more convenient disposal option for residents living between Colfax and Newcastle. By August 2004, increased usage of the permanent facility resulted in your Board approving operation of the HHW facility on Saturdays, Sundays and Wednesdays. In response to continued increases in use by its customers, in December 2006, your Board approved a change that resulted in the HHW facility being open every day of the week. That same year, the temporary events in Auburn were increased from a one-day (i.e., Saturday) to a two-day (i.e., Saturday and Sunday) event. In addition to the HHW collection opportunities provided by the WPWMA, the Member Agencies and their haulers provide further options for HHW disposal including residential curbside HHW collection, drop-off opportunities at their "free dump days" and, in the case of Placer County, collection events in Foresthill and Meadow Vista

During planning for the 2020 event, a question arose about whether the WPWMA should continue conducting this offsite HHW event. Through discussions with Member Agency staff, Placer County elected to pay for the mobilization and consultant time for the event while the WPWMA continued to plan and implement the event and pay for disposal of the HHW materials. This cost sharing arrangement is continuing this year. Although conducting the annual collection events in Auburn are generally more expensive (on a per customer and per pound of HHW basis), staff believes there is value to the WPWMA, the Member Agencies and residents to continue these events. As a result, staff negotiated the attached Second Amendment to the Agreement with Clean Harbors to conduct the 2021 collection event.

ENVIRONMENTAL CLEARANCE:

Conducting a temporary HHW collection event is exempt under Section 15061(b)(3) of the CEQA Guidelines. Staff has determined that due to the project location, limited duration, restrictions on the acceptable amounts of materials from individual participants and the specialized training of Clean Harbors, the project would not have a significant effect on the environment.

FISCAL IMPACT:

The estimated cost associated with the proposed Agreement is \$110,000 and includes a 20% contingency. Actual costs will vary depending on the level of participation and quantity and type of wastes collected. As noted above, of the estimated cost for the Agreement of \$110,000 Placer County has agreed to pay the mobilization fee of \$30,775 this year. As a result, the net cost of the proposed Second Agreement to the WPWMA is approximately \$79,225.

Funding for the Agreement is included in Account 52380 of the FY 2021/22 Preliminary Budget.

ATTACHMENT: SECOND AMENDMENT

ADMINISTERING AGENCY: Western Placer Waste Management Authority

AGREEMENT: SCN102746

DESCRIPTION: Second Amendment to Agreement for Household Hazardous Waste Collection Event

This SECOND Amendment is made to be effective as of, from and after the day of _____, 2021 and between the **WESTERN PLACER WASTE MANAGEMENT AUTHORITY**, a joint powers authority organized under California law (hereinafter referred to as the "WPWMA"), and Clean Harbors Environmental Services, Inc. a California Corporation (hereinafter referred to as the "Contractor").

RECITALS

1. The WPWMA and Contractor have entered into that certain "Agreement" for a Household Hazardous Waste Collection Event as of June 22, 2020, which was previously amended by the First Amendment as of March 11, 2021 (hereinafter referred to as the "Agreement").
2. Contractor performed household hazardous waste collection services on behalf of the WPWMA at its annual public drop-off event at the Gold Country Fairgrounds on November 7 and 8, 2020.
3. WPWMA staff are preparing for the 2021 public drop-off event and based on the Contractor's past performance and the importance of these services, the WPWMA has proposed and Contractor has agreed to extend the term of the existing Agreement for an additional one-year period for a cost not to exceed \$110,000.
4. WPWMA recommended and Contractor agrees to revise Tasks 1, 2, and 3 of the scope of services to more clearly define the WPWMA's and Contractor's roles, including payment and permitting responsibilities.
5. WPWMA staff believes Contractor understands the scope of services and is uniquely suited to effectively complete the work given their past performance of household hazardous waste collection services for the WPWMA.
6. The WPWMA and Contractor acknowledge that, by providing these services, the total cost of the Agreement is two hundred and two thousand three hundred four dollars (\$202,304).
7. The WPWMA and Contractor desire to amend the Agreement to reflect the revised understanding between the parties as set forth below. All references in this First Amendment to a Section, to an Appendix, or to an Exhibit shall refer to that Section or Exhibit of the Agreement, and all terms defined in the Agreement shall have the same meaning herein.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

- a. The last sentence in item 2. **Payment**, shall be replaced with the following sentence:

“The total amount payable for all services provided under this Agreement, including Additional Disposal Fee Contingency, shall not exceed Two Hundred and Two Thousand Three Hundred Four Dollars (\$202,304) without the prior written approval of WPWMA.”

- b. The first sentence in **Task 1: Date and Location of Event**, shall be replaced with the following sentence:

“Contractor shall conduct the Event on a Saturday and Sunday in late September 2021 or early October 2021 as scheduled by the Contractor in agreement with the WPWMA Project Manager and subject to any restrictions related to COVID-19.”

- c. The first and second sentence of the second paragraph in **Task 1: Date and Location of Event**, shall be replaced with the following sentences:

“WPWMA will pay the security deposit to reserve the Event Site and the Contractor shall be responsible for confirming reservation of the Event Site at least eight (8) weeks prior to the Event, including entering into any agreements and paying any associated rental and/or permit fees. Upon completion of the Event, Contractor shall reimburse the WPWMA for any refundable security deposit fees paid during the reservation process.”

- d. The following sentence shall be added to the end **Acceptable E-waste** section of **Task 2: Develop Event Work Plan**:

“Contractor shall credit the WPWMA on the final invoice fifty percent (50%) of all gross revenues and payments received by Contractor during the billing period in question arising from the sale, disposal or processing of CRTs pursuant to the California Electronic Waste Recycling Act of 2003.”

- e. The first and second sentence in **Task 3: Event Permits**, shall be replaced with the following sentences:

“The WPWMA will prepare and submit the Permit by Rule (PBR) and the Proof of Designation (POD) to the appropriate regulatory agencies. Contractor shall provide any and all information to the WPWMA required to complete the PBR and POD.”

- f. Exhibit A Project Schedule shall be removed.

- g. Exhibit B-2 – **Table 1.2 – Task Budgets** shall be deleted, and Exhibit B.3 attached hereto is substituted therefore.

- h. Exhibit B-1 – **Disposal Fee Schedule** shall be deleted, and Exhibit B.4 attached hereto is substituted therefore.
- i. Exhibit B-2 – **CESQG Fee Schedule** shall be deleted, and Exhibit B.5 attached hereto is substituted therefore.
- j. The fifth bullet point in **Exhibit C – WPWMA Obligations** shall be replaced with the following sentence:

“Prepare and submit PBR and POD application to the appropriate regulatory agencies necessary to conduct the Event.”

Except as expressly provided in this Second Amendment, the Agreement shall remain unchanged and in full force and effect. After this Second Amendment is duly executed and delivered by WPWMA and Contractor, this Second Amendment shall be and constitute an integral part of the Agreement.

IN WITNESS WHEREOF, the WPWMA and Contractor have executed this Second Amendment as of the day and year first above written.

Western Placer Waste Management Authority

By: _____
Chair

Date: _____

Clean Harbors Environmental Services Inc.

By: _____
Marc McReynolds,
Region Senior Vice President

By: _____
Thomas F. Fay III,
District Vice President

APPROVED AS TO FORM:

By: _____
WPWMA Counsel

**EXHIBIT B.3
PAYMENT FOR SERVICES RENDERED**

Payment to Contractor will be made by the WPWMA in accordance with Table 1.3 – Task Budgets attached hereto.

Contractor shall submit an invoice within one month after work is completed. The invoice shall describe in detail the number of vehicles processed, the actual work performed, and the expenses for which reimbursement is requested.

Provided the work has been satisfactorily performed, WPWMA will pay the invoice within thirty (30) days after approval of the invoice. Contractor shall provide such additional information as the WPWMA may request to verify any of the amounts claimed for payment in the invoice. The total amount payable for all services provided under this Agreement shall not exceed two hundred and two thousand three hundred four dollars (\$202,304) over the period of this Agreement; provided, however, upon written request of the Consultant and with written approval of the WPWMA’s Executive Director or designee, the WPWMA may adjust the amount to be paid for any task if the WPWMA deems it necessary and appropriate.

Table 1.3 – Task Budgets

Task	Description	Existing Budget	Second Amendment	Total
1	Event Fees (Includes mobilization, demobilization and labor)	\$30,775	\$30,775	\$61,550
2	Disposal Fees	\$37,344	\$57,225	\$94,569
3	Additional Disposal Fee Contingency*	\$24,185	\$22,000	\$46,185
Total		\$92,304	\$110,000	\$202,304

* In the event disposal costs exceed the amount listed in Task 2 Disposal Fees, a 20% contingency is included in this Agreement as Task 3 Additional Disposal Fee Contingency to cover additional disposal fees.

The WPWMA may, in its sole discretion, withhold up to ten percent (10%) of any payment as security for the completion of the work. Within thirty (30) days after approval of Contractor’s final invoice, and provided all services have been satisfactorily completed, WPWMA will release and pay any withheld retention.

EXHIBIT B.4
DISPOSAL FEE SCHEDULE

In addition to the Event fees, the WPWMA will pay for the disposal of HHW based on the unit pricing below.

Waste Stream	Per Unit	Cost
Acids	Pound	\$1.21
Aerosols	Pound	\$1.37
Antifreeze	Pound	\$0.54
Bases	Pound	\$1.21
Batteries (Alkaline)	Pound	\$0.98
Batteries (Gel Cell)	Pound	\$0.51
Batteries (Lithium)	Pound	\$4.31
Batteries (Ni-cad)	Pound	\$0.98
Batteries (Vehicle)	Pound	\$0.34
Compressed Gas (1-liter)	Each	\$5.98
Compressed Gas (5-gal)	Each	\$41.57
E-Waste (Covered)	Pound	\$0.14*
E-Waste (Non-Covered)	Pound	\$0.62*
Fire Extinguishers	Each	\$24.32
Flammable Liquid	Pound	\$0.30
Flammable Solid	Pound	\$0.93
Fluorescent Lights (Tube)	Foot	\$0.24
Fluorescent Lights (Bulb)	Each	\$4.13
Mercury	Pound/5 Gallon Minimum	\$30.82/Minimum - \$550.00
Non-RCRA Solid	Pound	\$1.09
Oil (Motor)	Pound	\$0.30
Oil Filters	Pound	\$0.30
Organic Peroxide	Pound/5 Gallon Minimum	\$10.12/Minimum - \$150.00
Oxidizers	Pound	\$1.66/Minimum - \$150.00
Oxygen Cylinders	Each	\$70.32
Paint (Latex)	Pound	\$0.00
Paint (Oil-Based)	Pound	\$0.00
PCB Ballasts	Pound	\$1.45
Pharmaceuticals	Pound	\$1.21
Poison Liquid	Pound	\$1.21
Poison Solid	Pound	\$1.08
Reactives	Pound	\$10.12/Minimum - \$150.00
Sharps	Pound	\$2.69

* Contractor shall credit the WPWMA on the final invoice fifty percent (50%) of all gross revenues and payments received by Contractor during the billing period in question arising from the sale, disposal or processing of CRTs pursuant to the California Electronic Waste Recycling Act of 2003.

Note: See the attached Clean Harbors General Pricing Conditions for list of associated rates.

**EXHIBIT B.5
CESQG FEE SCHEDULE**

Waste Stream	Per Unit	Cost
Acids	Pound	\$1.21
Aerosols	Pound	\$1.37
Antifreeze	Pound	\$0.54
Bases	Pound	\$1.21
Batteries (Alkaline)	Pound	\$0.98
Batteries (Gel Cell)	Pound	\$0.51
Batteries (Lithium)	Pound	\$4.31
Batteries (Ni-cad)	Pound	\$0.98
Batteries (Vehicle)	Pound	\$0.34
Compressed Gas (1-liter)	Each	\$5.98
Compressed Gas (5-gal)	Each	\$41.57
E-Waste (Covered)	Pound	\$0.14*
E-Waste (Non-Covered)	Pound	\$0.62*
Fire Extinguishers	Each	\$24.32
Flammable Liquid	Pound	\$0.30
Flammable Solid	Pound	\$0.93
Fluorescent Lights (Tube)	Foot	\$0.24
Fluorescent Lights (Bulb)	Each	\$4.13
Mercury	Pound/5 Gallon Minimum	\$30.82/Minimum - \$550.00
Non-RCRA Solid	Pound	\$1.09
Oil (Motor)	Pound	\$0.30
Oil Filters	Pound	\$0.30
Organic Peroxide	Pound/5 Gallon Minimum	\$10.12/Minimum - \$150.00
Oxidizers	Pound	\$1.66/Minimum - \$150.00
Oxygen Cylinders	Each	\$70.32
Paint (Latex)	Pound	\$0.00
Paint (Oil-Based)	Pound	\$0.00
PCB Ballasts	Pound	\$1.45
Pharmaceuticals	Pound	\$1.21
Poison Liquid	Pound	\$1.21
Poison Solid	Pound	\$1.08
Reactives	Pound	\$10.12/Minimum - \$150.00
Sharps	Pound	\$2.69
Processing Fee	Appointment	\$35.00

* Contractor shall credit the WPWMA on the final invoice fifty percent (50%) of all gross revenues and payments received by Contractor during the billing period in question arising from the sale, disposal or processing of CRTs pursuant to the California Electronic Waste Recycling Act of 2003.

Note: See the attached Clean Harbors General Pricing Conditions for list of associated rates.

**MEMORANDUM
WESTERN PLACER WASTE MANAGEMENT AUTHORITY**

TO: **WPWMA BOARD OF DIRECTORS** DATE: **JULY 8, 2021**
FROM: **KEN GREHM / ERIC ODDO**
SUBJECT: **NINTH AMENDMENT TO THE LEASE AGREEMENT WITH
ENERGY 2001**

RECOMMENDED ACTION:

Authorize the Chair to sign the Ninth Amendment to the Lease Agreement with Energy 2001 that extends the term of the lease to June 30, 2023.

BACKGROUND:

The Lease Agreement with Energy 2001, that allows for Energy 2001 to utilize landfill gas (LFG) from the Western Regional Sanitary Landfill (WRSL) to produce electricity and requires Energy 2001 to remit a portion of their electricity sales revenue to the WPWMA as a royalty payment, is scheduled to expire on June 30, 2022. The Lease Agreement began in April 1997 and was originally set to expire in April 2017. Your Board has previously approved several amendments which served, in part, to extend the term of the agreement until June 30, 2022.

In previous conversations, Energy 2001 has expressed an interest in further extending the term of the Lease Agreement. Staff believe it would be prudent, and in the public's best interest, to conduct a competitive procurement process for the future use of the WPWMA's LFG resource. However, given the resource demands of the current Materials Recovery Facility (MRF) and WRSL operations contract procurements, staff recommend your Board approve a 1-year extension to the Lease Agreement and revisit the discussion of conducting a Request for Proposals to utilize the LFG early next calendar year.

Staff have communicated its position to Energy 2001 and, although Energy 2001 has indicated it desires a 10-year extension, elected to submit the attached letter requesting a 1-year extension with the possibility of continued discussions regarding a long-term extension.

Consistent with Energy's request and staff's recommendation, staff have prepared the proposed Ninth Amendment to the Lease Agreement (attached) that would extend the term of the agreement to June 30, 2023. All other provisions of the Lease Agreement would remain unchanged.

ENVIRONMENTAL CLEARANCE:

This project is categorically exempt from further environmental review pursuant to Section 15301 "Existing Facilities" of the CEQA guidelines which provides for operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private facilities involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.

FISCAL IMPACT:

Based on current LFG collection rates, Energy's recent system runtime averages and the capacity of Energy 2001's system to use a majority of the collected LFG¹, staff estimates the WPWMA will earn approximately \$300,000 in royalties and receive \$15,432 in rent by virtue of extending the Lease Agreement for an additional year.

¹ Any LFG collected in excess of Energy 2001's ability to utilize it is combusted in the WPWMA's LFG flare system. Currently the WPWMA collects approximately 2,300 standard cubic feet per minute (SCFM) of LFG, approximately 400 SCFM of which is combusted using the LFG flare. The WPWMA does not realize any positive monetary value when the LFG is combusted in the flare.



March 30, 2021

Western Placer Waste Management Authority
c/o Department of Facility Services
11476 C Avenue
Auburn, CA 95603
Attention: Kevin Bell, Deputy Director

Re: ENERGY 2001's LEASE EXTENSION REQUEST

Dear Mr. Bell:

Energy 2001 is very much committed to remain partners with WPWMA. We have enjoyed a long relationship that has only improved over the years and are grateful for the opportunity to be a part of the landfill.

With regards to the conversion of landfill gas to electrical power, we would like to request an extension of our current lease agreement without substantial changes. We are acutely aware of the current workload on staff due to landfill expansion projects, as well as, completion of the RFP for landfill operations. In an effort to relieve some of that workload, we would like to propose a 1-year extension to the current contract ending in 2022 with the idea of revisiting the issue of a long-term extension before the expiration of the contact.

As mentioned in the past, the plant is in need of several expensive capital improvements. The list is below. A detailed explanation of the required capital improvements follows. We will be requesting a 10-year lease extension to provide time to recuperate expenditures from revenues.

An extension of 10 years, or more, would provide Energy the financial wherewithal to complete the following capital improvements:

1. New radiators for engines 1, 2, and 3;
2. New switchgear for engines 1, 2, and 3;
3. Out-of-frame overhauls for all six engines;
4. Ignition Software upgrade; and
5. ECM upgrade for all six engines.

The total cost of all these extraordinary, yet necessary, capital improvements would be **\$3,493,000.**

Western Placer Waste Management Authority
c/o Department of Facility Services
Attn: Kevin Bell
March 30, 2021
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Detailed Description of Upgrades

Item 1 refers to the cooling systems for engines 1, 2, and 3. Our current radiators for these engines, albeit the manufacturer recommended size, have performed poorly over the years when compared to the radiators for units 4, 5 and 6. This situation has only worsened over recent years with the advanced age of the radiators. Units 4, 5, and 6 enjoy oversized radiators making the task of cooling the engines in the summer easier and, thus, putting less strain on the engines and components.

At this point, these radiators must be replaced and Energy hopes to replace them with the same oversized radiators. The cost for this capital improvement is estimated at \$50,000 in parts and \$100,000 in labor per engine, for a total cost of \$450,000.

Item 2 regards the system used to export electrical power from engines 1, 2 and 3 to the electric grid. The current switchgear has reached the end of its life and is no longer supported by the manufacturer. Failure of this system would result in a loss of half of our power production, as well as, half of our methane destruction capacity. The total cost of this capital improvement will be \$420,000. (Please note that this capital improvement was originally estimated to cost over \$2 million. However, due to interim changes to the engines and design changes by Energy 2001 staff, we were able to lower the cost of this capital improvement by over \$1.5 million!)

Overhauls are a regular maintenance item. However, item 3 involves the removal of the engines from the power plant to send to Caterpillar for reconditioning. The result will be "better than new" engines. With a long-term lease extension, out-of-frame overhauls for all 6 engines will ensure maximum performance and minimum downtime. The total cost of this line item will be \$430K per engine for a total capital improvement expenditure of \$2,580,000.

Item 4 is the software we use to monitor all the equipment inside of the plant, as well as, to send information to WPWMA for reporting. The estimated cost of this capital improvement is \$25,000.

Item 5 refers to the control system for emissions on the engines. The current ECM is no longer in production and is longer serviced by the manufacturer. It will have to be upgraded. The total cost of this line item is \$6,000 per engine, for a total capital improvement expenditure of \$36,000.

All the repairs listed are necessary to ensure the continued reliability of the plant and long-term viability. Upgrading the equipment also adds to the protection against major failures in the plant causing lost revenue and increased downtime.

Western Placer Waste Management Authority
c/o Department of Facility Services
Attn: Kevin Bell
March 30, 2021
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Our power plant has supported the local power grid stability for more than 15 years and it is our goal to continue doing so. We also look forward to future solar projects, offering increased stability to the gas collection system through use of our power plant, and potentially satisfying power demands of the MERF, should any of these be of interest moving forward.

We look forward to the next chapter of the relationship between WPWMA and Energy 2001. Please feel free to reach out to me or to our plant manager, Nathan Mazza, at (530) 218-6031.

Best Regards,



Laura Rasmussen, CEO
(650) 269-2698

cc: Ken Grehm
Eric Oddo

**AMENDMENT NO. 9 TO
LANDFILL GAS COGENERATION LEASE AGREEMENT
BETWEEN
THE WESTERN PLACER WASTE MANAGEMENT AUTHORITY
AND ENERGY 2001, INC.**

This Ninth Amendment (“Amendment No. 9”) is made effective as of the ___ day of ___, 2021, by and between the Western Placer Waste Management Authority, hereinafter referred to as the “Authority”, and Energy 2001, Inc., hereinafter referred to as the “Tenant”.

RECITALS

WHEREAS, on May 8, 1997, the Authority and Tenant entered into a Landfill Gas Cogeneration Lease Agreement (“Lease Agreement”) for the purpose of leasing property to Tenant for the construction and operation by Tenant of a landfill gas cogeneration plant, and

WHEREAS, the Authority and Tenant have previously entered into Amendment No. 1 to the Lease Agreement effective on July 1, 2002, Amendment No. 2 to the Lease Agreement effective on August 14, 2003, Amendment No. 3 to the Lease Agreement effective on May 13, 2004, Amendment No. 4 to the Lease Agreement effective on August 1, 2005, Amendment No. 5 to the Lease Agreement effective on November 10, 2011, Amendment No. 6 to the Lease Agreement effective on February 9, 2015, and Amendment No. 7 to the Lease Agreement effective on March 10, 2016, and Amendment No. 8 to the Lease Agreement effective on December 13, 2018, and

WHEREAS Tenant has requested, and Authority has agreed, to extend the Term of the Lease Agreement by one (1) year.

NOW, THEREFORE, it is hereby agreed by the parties as follows:

- I. Section 2.2 “Term Extension” shall be amended and shall read in its entirety as follows:

“2.2 Term Extension. This Lease Agreement shall be extended for the period commencing April 10, 2017 and ending June 30, 2023 (“Term Extension”), unless terminated earlier as otherwise provided herein.”

- II. The payment remittance address identified in Section 3 “Rent and Royalties” shall be amended as follows:

Western Placer Waste Management Authority
3091 County Center Drive, Suite 220
Auburn, CA 95603-2702.

- III. Exhibit B-4 shall be deleted and replaced with Exhibit B-5 attached hereto.

- IV. All other terms and conditions of the Lease Agreement as amended shall remain unchanged and in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Ninth Amendment effective the day and year first written above.

Western Placer Waste Management Authority.

Chair
Western Placer Waste Management Authority

Energy 2001, Inc.

Laura Rasmussen
President

Laura Rasmussen
Secretary

Approved as to form:

Authority Counsel

EXHIBIT B-5

MONTHLY RENT PAYMENT SCHEDULE

Period	Monthly Rent Payment		
	Facility	Solar Array	Total
April 10, 2017 – June 30, 2017	\$975.00	\$100.75	\$1,075.75
July 1, 2017 – June 30, 2018	\$1,005.00	\$104.00	\$1,109.00
July 1, 2018 – June 30, 2019	\$1,035.00	\$107.00	\$1,142.00
July 1, 2019 – June 30, 2020	\$1,066.00	\$110.00	\$1,176.00
July 1, 2020 – June 30, 2021	\$1,098.00	\$113.00	\$1,211.50
July 1, 2021 – June 30, 2022	\$1,131.00	\$117.00	\$1,248.00
July 1, 2022 – June 30, 2023	\$1,165.00	\$121.00	\$1,286.00