

Attachment A

Bay Area Hazardous Waste Management Facility Allocation Committee Minutes of January 27, 2012 Meeting

Attendance:

Members

Ronit Bryant
Mark Green
Barbara Kondylis
Mark Luce
Kevin Miller
Karen Mitchoff
Tiffany Reneé
Pete Sanchez
Bob Simmons

Alternates

Rob D'Arcy
Monica Jackson
Debra Kaufman
Steven Lederer
Alex Soulard

Technical Advisory Committee/Staff: Guests:

Paris Greenlee
Jennifer Krebs
Matt McCarron
Bill Pollock
David Rist
Ceil Scandone
Lisa Steinman, Sonoma Co. Waste Mgmt. (by phone)
Karl Palmer, DTSC
Linda Spencer, Consultant

Call to Order/Introductions: The meeting was called to order at 10:10 by Chair Mark Luce who welcomed attendees and initiated introductions.

Adoption of Minutes: Green moved/Bryant seconded and the minutes of the April 15, 2011 meeting were unanimously approved.

Green Chemistry Initiative: Karl Palmer, Branch Chief, Toxics in Products, Department of Toxic Substances Control (DTSC) provided an update on the California Green Chemistry Initiative. Legislation signed in 2008 directed DTSC to develop regulations to move California from end-of-pipe to upstream solutions for consumer products. Draft Safer Consumer Products Regulations released in November 2010 were controversial. DTSC was directed to revise using the following criteria: regulations must be legally defensible, technically sound, practical and meaningful, and should avoid regrettable substitutions. Informal draft regulations were released October 31, 2011 for public review. DTSC hopes to publish final regulations in the fall of 2012.

Mr. Palmer noted that responsibility for compliance with the regulations will rest with the manufacturer if the product is made in California, and with importers and retailers if manufactured elsewhere. Alternatives analysis will be life-cycle assessment, instead of risk assessment framework. DTSC has the authority to require a manufacturer to do education about a constituent of concern, or do more research on chemical, or make product stewardship requirements. The regulations impose no additional fees.

Kondylis asked whether DTSC can cherry pick from the European Union. Mr. Palmer responded that DTSC has done that and also is using the US Environmental Protection Agency Design for Environmental alternatives assessment capacity.

Green Business Program: Matt McCarron, Statewide Coordinator, California Green Business Program/DTSC reported on DTSC's efforts on behalf of the Green Business Program. AB 913 assigned DTSC responsibility to support and expand the Program throughout the state as an explicit component of its pollution prevention activities. The legislation directs DTSC to coordinate with other state agencies that have similar missions to avoid duplication, and to get better outcomes from outreach to small businesses. For example, AB 341 mandates commercial recycling. The Green Business Program can help CalRecycle implement this new requirement. The Governor's green jobs program is also interested in coordinating. Current goals for DTSC include ensuring ongoing funding for the statewide database system, and securing state resources to help local programs.

In response to Green's question about medium & large businesses, McCarron responded that they have other pathways, including the ISO Standards and Underwriters Laboratory – Environment programs, that were designed for medium and large enterprises. Luce commented that small businesses don't have experts on staff to help with beyond compliance. Companies like Chevron have specialists to do this.

Legislation: Scandone noted that the Hazardous Waste Committee advises ABAG's Legislation and Governmental Organizations Committee on relevant legislation. A recent scan identified no currently active bills that are germane to the Committee's mission. Three bills carried over from 2011 that address sharps, batteries, and lamps have not moved forward. Staff will consult with the California Product Stewardship Council and TAC members as the session progresses and report at the next meeting.

In the 2011 session, two bills supported by the Committee were successful: AB 913, which created the California Green Business Program; and AB 255, which allows "conditionally exempt small quantity generators" to bring in higher volumes of recyclable latex paint than were then allowed to HHW facilities.

D'Arcy reported that since the last meeting, battery manufacturers indicated their intention to establish a corporation for battery recycling. They plan to roll out the program in 2013. Currently, the manufacturers are working with six foundation programs – including Santa Clara County and San Luis Obispo County.

Palmer noted that SB763 introduced by Senator Steinberg in 2011 was carried over to 2012. If successful, it would establish a sustainability recognition program. Businesses that qualify would be eligible for permit streamlining. Staff will follow and report to the Committee if the bill moves forward.

Pollack reported that Alameda County Supervisor Nate Miley has introduced an ordinance that would require producers of prescription and non-prescription drugs to establish product

stewardship programs to collect and dispose of unwanted medications from residential consumers.

Universal/Electronic Wastes Processing Facilities: Scandone presented a proposed new project for consideration. If approved, it would replace the scheduled analysis of 2010/11 hazardous waste data in 2012/13. She noted that when the report on 2008/2009 data was presented, the Committee was concerned that the volume of wastes treated in the region was declining and asked what could be done to reverse the trend. Staff and TAC met and wondered whether, given improved technologies and increasing volumes, there is potential to site facilities that process universal waste used electronic devices in the Bay Area. Benefits might include creating green jobs, redeveloping industrial land, avoiding the financial and environmental impacts of shipping these items abroad, and reusing resources.

The proposed project would develop a white paper to identify wastes that might be treated and the conditions that might need to be in place for facilities to locate here. A stakeholder group would be established to guide the effort. Issues to consider include ease of permitting, costs to site and operate, perceptions about adverse environmental and health effects. The project would look at success of past efforts, and a range of obstacles to locating here. Participants would include DTSC and US EPA. The project would complement Green Chemistry, Extended Producer Responsibility, and other interests and come full circle with the land use issue that the committee was originally established to address.

Miller noted that the data in the chart presented in the report is inaccurate with regards to Napa. Green stated he was in favor overall. We need to create jobs. From an environmental standpoint, shipping 80% of wastes outside the region is not sustainable. In terms of social equity, having people outside the country do work is a bad idea. However, he stated that he does not agree with all points in the proposal. The loss of recycling jobs in Alameda County is probably equivalent with other jobs lost in the recession.

Simmons agreed that he sees no value in the proposed second section. He proposed that instead of looking at the failure of some recycling facilities the project involve outreach to other companies that may be interested in siting here and that information be made available to counties.

Reneé added that the project should involve economic development managers as a resource and as advocates to find businesses and facilities to house.

Green made a motion to approve, seconded by Sanchez, that the project be undertaken.

Simmons asked for clarification whether the approval was for the project as written or modified to delete the second section. D'Arcy noted that the second section was intended to consider regulatory as well as economic considerations – can we improve the regulatory climate. Simmons noted that the 3rd section could encompass that point.

Green agreed to the modified project. The motion to approve the modified project passed unanimously.

Revised Budget and Work Plan: Scandone presented proposed revisions to the budget and work plan adopted in April 2011. Due to budget considerations, the Bay Area Air Quality Management District declined to support the Green Business Program during Fiscal Year 2011/12. Fortunately, the statewide online Business Directory has shifted work from ABAG staff to an automated system, taking pressure off the budget. Plans for organizing Sustainable Purchasing workshops have been changed from two to one. Local government staff are unable to attend 2 workshops/year. The revised work plan also reflects the work undertaken to scope the proposed white paper on siting universal waste processing facilities here.

Reneé noted that Petaluma is banning conference fees. She suggested that participants be encouraged to bring lunch so no fees need to be charged. Green asked whether time of day was an issue and suggested a 5:30 start time. Scandone replied that our consultant is working with individual counties and recommends more focus on supporting subregional efforts, which we will consider for next fiscal year.

ABAG recently learned that San Francisco's budget review process reduced the Department of Environment's request for the Committee fees by approximately 25% to \$8,000. A letter from the Chair and Vice Chair was sent to the Mayor and the 2 Supervisors who serve on ABAG's Board asking them to pay the full fee. Mitchoff asked that staff apprise the Committee of San Francisco's response.

Sanchez moved/Green seconded and the Committee voted unanimously to approve the revised budget.

Other Business/Set Next Meeting: Renee noted that Sonoma County is repermitting a landfill. EPR is being advanced as way to extend its life. She suggested that the Committee look at local legislation around EPR to leverage knowledge.

Bryant noted that the Green Business Directory on the website is not working well. It seems better for businesses, but hard for customers to find businesses. Scandone will check.

Mitchoff reminded staff to post the agenda on the website to comply with public notice requirements. Bryant asked if the packets could be electronic only. Scandone will circulate electronically, and ask that people who wish paper packets notify her directly.

The next meeting will be held in approximately 4 months. Scandone will circulate dates for Committee consideration.