



Bay Area Hazardous Waste Management Facility Allocation Committee

administered by

Association of Bay Area Governments

May 25, 2012 10:00 a.m. to 12:00 noon Conference Room B – MetroCenter Agenda

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|-------|--|--------------------------------------|
| 10:00 | Introductions / Approve Agenda | Action |
| 10:05 | Adopt minutes of January 27, 2012 meeting | Action
(Attachment A) |
| 10:10 | Extended Producer Responsibility
<i>Legislation:</i> Scandone will report on state legislation, and seek action on AB 1442, the one currently active bill.

<i>Other EPR initiatives:</i> Bill Pollock will report on the proposed Alameda County Drug Disposal Ordinance. | Information/Action
(Attachment B) |
| 10:40 | Sustainable Purchasing
Scandone will report on proposed EPP activities during fiscal year 2012/13 | Information
(Attachment C) |
| 11:00 | Green Business Program
Scandone will present the new <i>Property Manager</i> checklist and related revisions to the Bay Area <i>Policy Guidelines</i> .

Scandone and McCarron will report on post-AB 913 efforts to scale the Program statewide. | Information/Action
(Attachment D) |
| 11:30 | Budget and Work Plan
Scandone will present and seek approval of the Proposed 2012/13 Budget and Work plan. | Information/Action
(Attachment E) |
| 11:50 | Other Business / Set Next Meeting | Information/Action |
| Noon | Adjourn | |

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.



Bay Area Hazardous Waste Management Facility Allocation Committee

Administered by:
Association of Bay Area Governments

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P. O. Box 2050, Oakland, CA 94604-2050
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Date: May 25, 2012
To: Hazardous Waste Management Facility Allocation Committee
From: Ceil Scandone, Senior Regional Planner
Re: 2012 Legislation Status

The Committee has been charged with reviewing Extended Producer Responsibility (EPR) and other relevant legislation and forwarding information and recommended positions to ABAG's Legislation and Governmental Organizations Committee. Staff works with the California Product Stewardship Council and Technical Advisory Committee members to identify bills for Committee consideration.

In the 2012 session, we have identified one new bill that is germane to the Committee's mission. Bills carried over from the 2011 session have either died or remain inactive.

2012 State Legislation

Active:

AB 1442, Wieckowski, Unwanted Pharmaceuticals Reverse Distribution

According to the California Product Stewardship Council, this bill would amend current regulations to redefine pharmaceutical waste under the Medical Waste Management Act and allow common carrier transport (instead of costly medical waste haulers) of pharmaceutical waste. This change will ultimately make it easier to recover unwanted pharmaceuticals from the public by reducing the cost of transport and bringing California one step closer to EPR. A Fact Sheet issued by Assemblymember Wieckowski's office is attached.

The bill passed out of the Assembly Environmental Safety and Toxic Materials Committee on an 8 to 0 vote and is currently in the Appropriations suspense file. The bill may be reviewed at http://www.leginfo.ca.gov/pub/11-12/bill/asm/ab_1401-1450/ab_1442_bill_20120104_introduced.pdf.

Proposed Action: The Committee may make a recommendation to the Legislation and Governmental Organizations Committee on this bill.

Inactive:

The following bills, which were introduced in 2011 and supported by the Committee, were turned into two year bills:

SB 419, Senator Simitian's Home – Generated Sharps bill, remains in the Assembly inactive file.

SB 589, Senator Lowenthal's Mercury Lamp Stewardship bill, passed the Senate but was pulled before it could be considered in the Assembly. It has not been reintroduced.

SB 515, Senator Corbett's Battery bill, was not reintroduced and has died.

Staff will continue to monitor the CPSC website and consult with TAC members as the legislative session progresses.

Other Initiatives

Alameda County Safe Drug Disposal Ordinance:

At the last meeting, TAC member Bill Pollock mentioned the proposed Alameda County Safe Drug Disposal Ordinance. If adopted, the ordinance would require any person who produces a drug for sale in Alameda County to participate in an approved drug stewardship program for the collection and disposal of unwanted drugs from residential sources. The County held a series of workshops in April in May to engage stakeholders and community members and solicit input. The ordinance is scheduled to go before the Board for a vote in June.

According to a press release issued by the office of Supervisor Nate Miley, President of the Alameda County Board of Supervisors, if the ordinance is adopted the County will be the first in the nation to make pharmaceutical manufacturers take responsibility for the entire lifespan of their products. The ordinance requires drug manufacturers to provide a medication take-back program, just like they already do in other countries including Canada, Spain and France.

Supervisor Miley states, "For years, the community has faced the problem of what to do with unused and expired medication and together we have created a groundbreaking policy solution. Our goal is to reduce teenage prescription drug abuse, expand local medication collection sites in the county and prevent discarded drugs from entering our waterways and landfills."

Mr. Pollock will be on hand to provide details. Staff will apprise the Committee of the outcome of the Board vote in June.

Battery Recycling

At the January 2012 meeting, Rob D'Arcy reported that U.S. manufacturers of non-rechargeable alkaline household batteries had established the Corporation for Battery Recycling (CBR), a not-for-profit corporation established to aid in the development of a stewardship program they intend to launch in 2013. The companies involved produce the

Duracell, Energizer, Kodak, Panasonic and Spectrum brands. They are working with six foundation programs – including Santa Clara County and San Luis Obispo Counties in California – to gather data that will aid in program development.

Mr. D’Arcy recently forwarded a notice that demonstrates that the effort is moving forward. During the week of June 25th, CBR will issue an open Request for Proposal (RFP) to manage and service the national recycling program beginning April 2013. The RFP will seek proposals from qualified and experienced organization(s) to act as the ‘Stewardship Organization (SO)’ responsible for managing and delivering an environmentally positive and cost effective national program for recycling primary household batteries. The proposal is expected to provide details of how the SO would manage the underlying system for services related to the collection, transportation, sorting and recycling of primary batteries collected by the program. In addition the SO will be responsible for raising the awareness of the program with battery users and be legally responsible for compliance with all laws and regulations relevant to all their activities.

For more information about CBR, see their home page: <http://recyclebattery.org/>

AB 1442 (Wieckowski)

Co-Authors: Assemblymembers Allen and Williams

Common Carriers

PROBLEM

Under existing law, pharmaceutical drugs can be sent to healthcare facilities (HCFs) through standard common carriers, or standard shipping means. Unused drugs can sometimes be returned to the manufacturer for credit, via a common carrier. Expired and non-dispensable drugs must be shipped as “Medical Waste”, requiring expensive hazardous waste shipping, instead of common carrier. This is unnecessarily expensive for pharmacies, hospitals, and other health care facilities, who are simply returning the exact same drug that was shipped to them by common carrier.

THIS BILL

The proposed changes to the California Medical Waste Management Act (MWMA) (Health and Safety Code Sections 117600-118360) would allow HCFs to ship all non-dispensable (unwanted) pharmaceuticals designated as “Medical Waste” under the MWMA to permitted Medical Waste Transfer Stations or Treatment Facilities via common carriers for proper processing in accordance with all applicable federal, state and local laws. Presently a substantial portion of unwanted pharmaceuticals at HCF’s that are not designated as hazardous under federal law must be handled as Medical Waste under state law. This substantially increases the processing and transportation costs associated with disposing of the unwanted pharmaceuticals and encourages HCF’s to illegally dispose of the pharmaceuticals via the trash or sewer system.

SUMMARY

In short, under the MWMA, HCF’s must process the same unwanted pharmaceutical in different ways and at substantially different costs depending on whether the pharmaceutical drug may be returned to the manufacturer for credit. In light of the risk to the California water supply and environment, allowing HCF’s to utilize common carriers for the transportation of all unwanted pharmaceuticals simply makes sense.

FACTS

- Reverse distribution helps business and healthcare facilities save money by returning drugs to pharmaceutical companies for recycling/disposal.
- Reverse distribution helps the environment and water supply by encouraging proper disposal instead of drugs ending up in trash or the sewer system.

STATUS

Introduced January 4th, 2012

Assembly Committee on Environmental Safety & Toxic Materials- March 20, 2012

SUPPORT

EXP Pharmaceutical Services Corp.
Fremont Chamber of Commerce

OPPOSITION

None on File

FOR MORE INFORMATION

Contact: Ashley Medina
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ORDINANCE NO. _____

ORDINANCE AMENDING THE ALAMEDA COUNTY ORDINANCE CODE BY ADDING CHAPTER 6.53, SECTIONS 6.53.010 THROUGH 6.53.130 TO: REQUIRE ANY PERSON WHO PRODUCES A DRUG OFFERED FOR SALE IN ALAMEDA COUNTY TO PARTICIPATE IN AN APPROVED DRUG STEWARDSHIP PROGRAM FOR THE COLLECTION AND DISPOSAL OF UNWANTED DRUGS FROM RESIDENTIAL SOURCES; PROVIDE FOR IMPLEMENTATION, ENFORCEMENT, FEES, AND PENALTIES; AND PHASE-IN THE APPLICATION OF THIS CHAPTER TO CONTROLLED SUBSTANCES; AND MAKING ENVIRONMENTAL FINDINGS.

WHEREAS, the County of Alameda has a substantial interest in having a drug stewardship program; and

WHEREAS, the County of Alameda has chosen to exercise its political power to have a drug stewardship program; and

NOW THEREFORE, the Board of Supervisors of the County of Alameda ordains as follows:

Title 6 of the Alameda County Health and Safety Code is hereby amended by adding Chapter 6.53, Sections 6.53.010 through 6.53.130, to read as follows:

6.53.010 - Declaration of findings.

The Board of Supervisors does hereby declare as follows:

A. Drugs are a necessary medical technology that successfully allows us to live longer, healthier, and more productive lives.

B. According to the American Association of Poison Control Centers, 51% of all poisonings are attributed to pharmaceuticals. 41% of these are in children under 6 years old, and 70% of visits to the emergency department are due to pharmaceutical poisonings. Poisoning is the fastest rising cause of accidental death among older adults, particularly from overdoses of over-the-counter, prescription and illicit drugs. (American Public Health Association, The Nation's Health, August ed., 2007) In Alameda County, nonfatal hospitalized injuries from unintentional poisonings for adults 60 and older increased 43% from 1998 to 2006.

C. Prescriptions for controlled substances increased by 154% between 1993 and 2003. In the same period, there has been a 90% increase in hospital visits due to prescription drug abuse and a 207% increase in hospital visits for teenage prescription drug abuse. 15 million Americans currently abuse prescription drugs, second only to

marijuana. The Partnership for a Drug Free America released a report in February 2010 indicating that over 60% of teens are able to obtain prescription painkillers for free through friends or family.

D. Hydrocodone and oxycodone or "Oxys" are implicated in 28% of all drug related crime. Methylphenidate and dextromethorphan, commonly known as "meth," are involved in 19% of all drug related crime.

E. Properly disposing of leftover, expired and unwanted drugs would be a significant step forward in preventing unintentional poisoning deaths attributable to drugs and abuse related to access to pharmaceuticals and concentrations of medicines reaching our drinking water.

F. A study released in January 2010 by the Maine Department of Environmental Protection detected the presence of over 40 drug compounds including antibiotics, steroids, antidepressants and pain medications in municipal solid waste landfill leachate (the liquid collected from the bottom of landfills). Landfill leachate is eventually treated by the same sewer treatment plants which are unable to treat the drugs found in wastewater.

G. Pharmaceutical residues have been proven to be accumulating in ground water and drinking water. Drugs enter the environment through multiple sources primarily through excretion as waste, disposal directly in to the environment through flushing down toilets, or through leachate leaks in landfills. Municipal wastewater treatment plants were designed to treat biological agents in drinking water. Costs to develop waste treatment through wastewater treatment are extremely high; thus, drugs pass through wastewater treatment systems and contaminate receiving waters.

H. Studies reveal concentrations of a variety of common drugs continue to mount including the 2001 US Geological Survey Report, the report for the San Francisco Estuary Institute, and investigative research by the Associated Press. The following reports detected various common drugs in US and Bay Area water bodies:

1. Kolpin, Dana et al. (2002) Pharmaceuticals, hormones and other organic wastewater contaminants in U.S. Streams, 1999-2000: A National Reconnaissance, Environmental Science and Technology v. 36: 1202-1211.
2. Oros, Daniel and David, Nicole (2002). Identification and Evaluation of Unidentified Organic Contaminants in the San Francisco Estuary, San Francisco Estuary Regional Monitoring Program for Trace Substances, SFEI
3. Donn, J, Mendoza, M & Pritchard, J. (2008) AP Probe Finds Drugs in Drinking Water.

I. Extended Producer Responsibility, also called Product Stewardship, is a strategy that places a shared responsibility for end-of-life management of consumer products on the manufacturers of the products, while encouraging product design that minimizes negative impacts on human health and the environment at every stage of the product's lifecycle.

J. In 2009 and 2010, California passed three significant product stewardship bills for mercury thermostats, carpet, and paint. All three bills require producers to establish and fund product stewardship programs for their waste stream. To date, 120 resolutions have been passed by California local jurisdictions and organizations supporting product stewardship.

K. California Senate Bill 966, enacted as Chapter 542 of the Statutes of 2007, required CalRecycle to survey existing drug collection programs, evaluate them for several factors including cost effectiveness, and make recommendations for implementation of statewide programs. Recommendations have been returned to the state legislature for further action.

L. There is no permanent drug collection program in Alameda County, but there is considerable demand for it. In 2009, Bay Area residents disposed of over 60,000 lbs of unwanted pharmaceuticals at 128 sites. Alameda County citizens returned just roughly 4000 lbs, compared to Santa Clara County which disposed of almost 19,000 lbs and San Mateo which disposed of close to 18,000 pounds.

M. United States Senate Bill 3397, the "Secure and Responsible Drug Disposal Act of 2010," which was signed into law on October 12, 2010, authorizes the Attorney General to increase the methods—currently restricted to law enforcement—by which controlled substances may be collected, including collection at pharmacies. The goal of the bill is to increase opportunities for drug collection in order to reduce the instances of diversion and release of harmful substances into the environment.

N. The Pharmaceutical Act of 2011 was introduced in the United States House of Representatives in August of 2011 by Congresswomen Louise Slaughter of New York. The bill would mandate a pharmaceutical take-back program based on product stewardship principles, with a minimum of one take back location in every city and town having a population greater than 10,000 persons.

O. A number of states introduced drug product stewardship bills recently including Maine, Maryland, Minnesota, Rhode Island, Florida, Oregon, and Washington.

P. Most Canadian provinces and many other countries have active, well-established drug product stewardship programs in place: British Columbia has had a manufacturer-funded drug collection program in place since 1996; Ontario began a program in July 2010, and Manitoba began its program in April 2011. France, Spain and Portugal, among others, have national, well-established, manufacturer-funded drug collection programs.

Q. There is no voluntary or mandatory statewide drug stewardship program for unwanted drugs in California, and drug manufacturers and producers have not offered any support for a collection program to date.

Section 6.53.020 - Title

This Chapter may be cited as the "Alameda County Safe Drug Disposal Ordinance."

Section 6.53.030 - Definitions.

For the purposes of this Chapter, the following terms have the meanings given.

1. "Cosmetics" means (1) articles intended to be rubbed, poured, sprinkled, or sprayed on, introduced into, or otherwise applied to, the human body, or any part thereof for cleansing, beautifying, promoting attractiveness, or altering the appearance, and (2) articles intended for use as a component of any such articles.
2. "Covered product" means all prescription drugs and all nonprescription drugs, including both brand name and generic drugs that do not also meet the definition of "cosmetics".
3. "Department" means the County's Department of Environmental Health.
4. "Drug wholesaler" means a business that sells or distributes drugs for resale to an entity other than a consumer.
5. "Drugs" means: (1) articles recognized in the official United States pharmacopoeia, the official national formulary, the official homeopathic pharmacopoeia of the United States, or any supplement of the formulary or those pharmacopoeias; (2) substances intended for use in the diagnosis, cure, mitigation, treatment, or prevention of disease in humans or other animals; (3) substances, other than food, intended to affect the structure or any function of the body of humans or other animals; or (4) substances intended for use as a component of any substances specified in this subdivision, but not including medical devices or their component parts or accessories.
6. "Entity" means a person other than an individual.
7. "Generic drug" means a drug that is chemically identical or bioequivalent to a brand name drug in dosage form, safety,

strength, route of administration, quality, performance characteristics, and intended use, though inactive ingredients may vary.

8. "Mail-back program" means a system whereby residential generators of unwanted products obtain prepaid and preaddressed mailing envelopes in which to place unwanted products for shipment to an entity that will dispose of them safely and legally.
9. "Nonprescription drug" means any drug that may be lawfully sold without a prescription.
10. "Person" means an individual, firm, sole proprietorship, corporation, limited liability corporation, general partnership, limited partnership, limited liability partnership, association, cooperative, or other legal entity, however organized.
11. "Plan" means a product stewardship plan required under this Chapter that describes the manner in which a product stewardship program will be provided.
12. "Prescription drug" means any drug that by federal or state law may be dispensed lawfully only on prescription
13. "Producer" means a person or entity that: (1) has a physical presence in the United States and causes a covered drug to be manufactured or has legal ownership of the brand, brand name, or co-brand under which a covered drug is sold; or (2) imports a covered drug branded or manufactured by a person or entity that has no physical presence in the United States. "Producer" does not include: (1) a retailer that puts its store label on a covered drug unless the retailer imports the covered drug directly from a person that has no physical presence in the United States, or (2) a pharmacist who compounds a prescribed individual drug product for a patient.
14. "Product stewardship program" means a program financed and operated by producers to collect, transport, and recycle unwanted products.
15. "Residential generators" means single and multiple family residences and locations where household drugs are unused, unwanted, disposed of, or abandoned, such as hospice services, nursing homes, boarding care homes, schools, foster care, day care, and other locations where people, pets, or both reside on a temporary or permanent basis. "Residential generators" do not

include airport security, drug seizures by law enforcement, pharmacy waste, business waste, or any other source identified by the Department as a nonresidential source.

16. "Stewardship organization" means an organization designated by a group of producers to act as an agent on behalf of each producer to operate a product stewardship program.
17. "Unwanted product" means any covered product no longer wanted by its owner or that has been abandoned, discarded, or is intended to be discarded by its owner.

Section 6.53.040. - Product stewardship program.

A. Requirement for sale. On and after July 1, 2012, all producers of covered products sold in the County of Alameda shall participate in a product stewardship program to collect and dispose of unwanted products from residential generators. This Chapter shall apply to all of Alameda County including unincorporated and incorporated areas, except for those incorporated areas (cities) where the governing body of that incorporated area (city) has authorized its own local health officer or environmental health director to administer and enforce the provisions of California Health and Safety Code section 117800. This Chapter shall be administered and implemented by the Alameda County Department of Environmental Health. Each producer must:

1. Operate, individually or jointly with other producers, a product stewardship program approved by the Department; or
2. Enter into an agreement with a stewardship organization to operate, on the producer's behalf, a product stewardship program approved by the Department.

B. Product stewardship program costs.

1. A producer, group of producers, or stewardship organization must pay all administrative and operational costs associated with their product stewardship program, including the cost of collecting, transporting, and disposing of unwanted products collected from residential generators and the recycling or disposal, or both, of packaging collected with the unwanted product.
2. A producer, group of producers, or stewardship organization must pay for all costs associated with obtaining compliance with the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000 et seq.), if required, for a specific product stewardship program and product stewardship plan.

3. No person or producer may charge a fee to cover the costs of a product stewardship program at the time of sale of the covered product or when unwanted products are collected from residential generators or delivered for disposal.

6.53.050 - Product stewardship plan.

A. Plan content. Each product stewardship program shall have a product stewardship plan that must contain the following:

1. Certification that the product stewardship program will accept all unwanted products regardless of who produced them, unless excused from this requirement by the Department as part of the approval of the plan;
2. Contact information for the individual and the entity submitting the plan and for all producers participating in the product stewardship program;
3. A description of the methods by which unwanted products from residential generators will be collected in the County and an explanation of how the collection system will be convenient and adequate to serve the needs of County residents;
4. Provide collection services for covered products in all areas of the County that are reasonably convenient to the public and adequate to meet the needs of the population in the area being served.
5. If applicable, include the location of each collection site and locations where envelopes for a mail-back program are available;
6. A list containing the name, location, permit status, and record of any penalties, violations, or regulatory orders received in the previous five years by each transporter and each medical waste disposal facility proposed to participate in the product stewardship program;
7. A description of how the unwanted products will be safely and securely tracked and handled from collection through final disposal and the policies and procedures to be followed to ensure security;
8. A description of the public education effort and outreach activities required under this Chapter and how their effectiveness will be evaluated;

9. A description of how the scope and extent of the stewardship program are consistent with the scope and extent of the sales of covered products within the County by the producer or group of producers; and,
 10. A starting date when collection of unwanted products will begin.
- B. Department review and approval; updates.
1. No producer, group of producers, or stewardship organization may begin collecting unwanted products until it has received written approval of its product stewardship plan from the Department.
 2. Product stewardship plans must be submitted to the Department for approval. The initial plans must be submitted by January 1, 2013.
 3. Within 90 days after receipt of a plan, the Department shall conduct a noticed public hearing and determine whether the plan complies with the requirements of this Chapter and of any regulations adopted pursuant to this Chapter. As part of its approval, the Department may set reasonable performance goals for the program. If the Department approves a plan, it shall notify the applicant of its approval in writing. If the Department rejects a plan, it shall notify the applicant in writing of its reasons for rejecting the plan. An applicant whose plan has been rejected by the Department must submit a revised plan to the Department within 60 days after receiving notice of the rejection.
 4. At least every three years, a producer, group of producers or stewardship organization operating a product stewardship program must update its product stewardship plan and submit the updated plan to the Department for review and approval.
 5. A producer who begins to offer covered products for sale in the County of Alameda after June 1, 2013, must submit a product stewardship plan to the Department or provide evidence of having joined an existing approved plan at least 90 days prior to the producer's initial offer of sale of covered products.
 6. Any proposed changes to a product stewardship plan must be approved by the Department in writing.

6.53.060 - Disposal of unwanted products.

- A. Compliance with applicable law. Each product stewardship program must comply with all local, state, and federal laws and regulations applicable to its operations,

including laws and regulations governing the disposal of medical waste and controlled substances.

B. Disposal at medical waste facility. Each product stewardship program must dispose of all unwanted products from residential generators at a medical waste facility. The medical waste facility must be in possession of all required regulatory permits and licenses.

C. Product stewardship programs may petition the Department for approval to use final disposal technologies, where lawful, that provide superior environmental and human health protection than provided by current medical waste disposal technologies for covered products if and when those technologies are proven and available. The proposed technology must provide equivalent protection in each, and superior protection in one or more, of the following areas:

1. Monitoring of any emissions or waste;
2. Worker health and safety;
3. Air, water, or land emissions contributing to persistent, bioaccumulative, and toxic pollution; and,
4. Overall impact on the environment and human health.

D. Packaging separation. Each product stewardship program is encouraged to separate unwanted products from their original containers, when appropriate, prior to collection or disposal.

6.53.070 - Product stewardship program promotion and outreach.

A. A product stewardship program must promote the product stewardship program to residential generators, pharmacists, retailers of covered products, and health care practitioners as to the proper and safe method to dispose of unwanted drugs.

B. A product stewardship program shall include, but is not limited to, developing, and updating as necessary, educational and other outreach materials aimed at retailers of covered products. These materials may include, but are not limited to, one or more of the following:

1. Signage that is prominently displayed and easily visible to the consumer.
2. Written materials and templates of materials for reproduction by retailers to be provided to the consumer at the time of purchase or delivery, or both.

3. Advertising or other promotional materials, or both.

C. A product stewardship program must prepare education and outreach materials that publicize the location and operation of collection locations in the County and disseminate the materials to health care facilities, pharmacies, and other interested parties. The program also must establish a website publicizing collection locations and program operations and a toll-free telephone number that residential generators can call to find nearby collection locations and understand how the program works.

6.53.080 - Report.

A. On or before July 1, 2013, and in each subsequent year, every producer, group of producers, or stewardship organization operating a product stewardship program must prepare and submit to the Department an annual report describing the program's activities during the previous reporting period. The report must include the following:

1. A list of producers participating in the product stewardship program;
2. The amount, by weight, of unwanted products collected from residential generators collected at each drop-off site and in the entire County and the total amount by weight collected by a mail-back program, if applicable;
3. A description of the collection system, including the location of each collection site and locations where envelopes for a mail-back program are provided, if applicable;
4. The name and location of disposal facilities at which unwanted products were disposed of and the weight of unwanted products collected from residential generators disposed of at each facility;
5. Whether policies and procedures for collecting, transporting, and disposing of unwanted products, as established in the plan, were followed during the reporting period and a description of any noncompliance;
6. Whether any safety or security problems occurred during collection, transportation, or disposal of unwanted products during the reporting period and, if so, what changes have or will be made to policies, procedures, or tracking mechanisms to alleviate the problem and to improve safety and security;

7. A description of public education and outreach activities implemented during the reporting period, including the methodology used to evaluate the outreach and program activities;
8. How the product stewardship program complied with any other elements in the product stewardship plan approved by the Department, including its degree of success in meeting any performance goals set by the Department as part of its approval of the program; and
9. Any other information that the Department may reasonably require.

B. For the purposes of this section, "reporting period" means the period beginning January 1 and ending December 31 of the same calendar year.

6.53.090. - Drug wholesaler responsibilities.

A. The Department shall provide on its website a list of all producers participating in product stewardship programs approved by the Department and a list of all producers the Department has identified as noncompliant with this Chapter or any regulations adopted pursuant to this Chapter.

B. Beginning 45 days after the effective date of the legislation adopting this Chapter, any drug wholesaler offering covered products for sale in the County must provide a list of the producer or producers of those products to the Department. Drug wholesalers must submit an updated list to the Department by January 15 of each year, beginning January 15, 2014.

6.53.100. - Regulations and fees.

A. The Director of the Department of Environmental Health may, after a noticed public hearing, adopt such rules and regulations as necessary to implement, administer, and enforce this ordinance.

B. As soon as practicable, the Department shall submit to the Board of Supervisors a proposed schedule of fees to be charged to the producers to cover the County's costs of administering and enforcing this ordinance, including but not limited to enforcement of education and outreach programs.

6.53.110. - Enforcement.

A. The Department of Environmental Health shall administer the penalty provisions of this Chapter.

B. The Department of Environmental Health may issue an administrative citation to a producer for violation of this Chapter or any regulation adopted pursuant to

this Chapter. The Department shall first send a written warning to the producer as well as a copy of this Chapter and any regulations adopted pursuant to this Chapter. The producer shall have 30 days after receipt of the warning to come into compliance and correct any violations.

C. If the producer fails to come into compliance and correct any violations, the Department may impose administrative fines for violations of this Chapter or of any regulations adopted pursuant to this Chapter. Each day shall constitute a separate violation for these purposes.

D. Any person in violation of this Chapter or any regulation adopted pursuant to this Chapter shall be liable to the County of Alameda for a civil penalty in an amount not to exceed one thousand dollars (\$1,000) per day per violation. Each day in which the violation continues shall constitute a separate and distinct violation.

E. In determining the appropriate penalties, the Department of Environmental Health shall consider the extent of harm caused by the violation, the nature and persistence of the violation, the frequency of past violations, any action taken to mitigate the violation, and the financial burden to the violator.

F. Any producer receiving an administrative citation under this Chapter or any regulation adopted pursuant to this Chapter may appeal it within 21 calendar days from the date the administrative citation was issued. The administrative citation is deemed issued on the day it is sent by first class mail or personal service. The administrative citation shall state the date of issuance. If the deadline falls on a weekend or County holiday, then the deadline shall be extended until the next regular business day.

The request to appeal must:

1. Be in writing;
2. Be accompanied by a deposit of the total fine and any fees noted on the administrative citation;
3. Specify the basis for the appeal in detail;
4. Be postmarked within 21 days from the date the administrative citation was issued; and
5. Be sent to the address as set forth on the administrative citation.

G. The written request to appeal will be reviewed and, if found to be complete, a date, time and place shall be set for a hearing before a hearing officer appointed by the Director of the Department of Environmental Health. Written notice of the time and place for the hearing will be served by first class mail or personal service at

least 21 days prior to the date of the hearing to the producer appealing the citation. Service by first class mail, postage prepaid shall be effective on the date of mailing.

H. The failure of any producer to receive notice of the hearing shall not affect the validity of any proceedings under this Chapter. Failure of any producer to file an appeal in accordance with the provisions of this section shall constitute waiver of that producer's rights to administrative determination of the merits of the administrative citation and the amount of the fine and any fees.

I. A hearing officer shall be designated by the Director of the Department of Environmental Health for hearings under this Chapter. The producer requesting the appeal may request the Director of the Department of Environmental Health to recuse a hearing officer for reasons of actual prejudice against the party's cause. The hearing officer shall conduct an orderly, fair hearing and accept evidence as follows:

1. A valid administrative citation shall be prima facie evidence of the violation;
2. All testimony shall be by declaration under penalty of perjury;
3. The producer responsible for the violation or any other interested person may present testimony or evidence concerning the violation.
4. The hearing officer may reduce, waive or conditionally reduce the fines and any fees stated in the administrative citation. The hearing officer may impose deadlines or a schedule for payment of the fine and any fees due in excess of the deposit.
5. The hearing officer shall make findings based on the record of the hearing and make a written decision based on the findings. The decision shall be served by first class mail on all parties. The decision of the hearing officer affirming or dismissing the administrative citation is final.

J. The Department of Environmental Health may establish appropriate administrative rules for implementing this Chapter, conducting hearings, and rendering decisions pursuant to this section.

K. Upon the failure of any producer to comply with any requirement of this Chapter and any rule or regulation adopted pursuant to this Chapter, the Alameda County Counsel's Office may petition any court having jurisdiction for injunctive relief, payment of civil penalties and any other appropriate remedy, including restraining such person from continuing any prohibited activity and compelling compliance with lawful requirements.

L. Any person who knowingly and willfully violates the requirements of this Chapter or any rule or regulation adopted pursuant to this Chapter is guilty of a misdemeanor and upon conviction thereof is punishable by a fine of not less than fifty dollars (\$50) and not more than five hundred (\$500) for each day per violation, or by imprisonment in the County Jail for a period not to exceed six (6) months, or by both such fine and imprisonment.

6.53.120. - Implementation.

A. Notwithstanding any other provision of this Chapter, "covered product," as defined in this Chapter, shall not include any controlled substance until January 1, 2013, or until 90 days after the effective date of regulations adopted by the Attorney General of the United States for the delivery of controlled substances by ultimate users for disposal under Title 21 of the United States Code, Section 822(g) ("Secure and Responsible Drug Disposal Act of 2010"), whichever comes later. "Controlled substance" for purposes of this Section shall mean any substance listed under California Health and Safety Code Sections 11053 through 11058 or Title 21 of the United States Code, Sections 812 and 813 or any successor legislation.

B. The Department of the Environmental Health shall submit recommendations to the Board of Supervisors no later than October 1, 2013, regarding whether to continue to include controlled substances under this Chapter and, if so, how best to address the legal requirements for disposal of such substances.

6.53.130 - Additional provisions.

A. Disclaimer. In adopting and implementing this Chapter, the County of Alameda is assuming an undertaking only to promote the general welfare. The County is not assuming or imposing on its officers and employees an obligation by which they could be liable in money damages to any person or entity who claims that a breach proximately caused injury.

B. Conflict with State or Federal Law. This Chapter shall be construed so as not to conflict with applicable federal or state laws, rules or regulations. Nothing in this Chapter shall authorize any County agency or department to impose any duties or obligations in conflict with limitations on municipal authority established by state or federal law at the time such agency or department action is taken. The County shall suspend enforcement of this ordinance to the extent that said enforcement would conflict with any preemptive state or federal legislation subsequently adopted.

C. Severability. If any of the provisions of this Chapter or the application thereof to any person or circumstance is held invalid, the remainder of those provisions, including the application of such part or provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby and shall continue in full force and effect. To this end, the provisions of this Chapter are severable.

D. Environmental Findings. The County has determined that the actions contemplated in this ordinance are in compliance with the California Environmental Quality Act (Cal. Pub. Res. Code §§ 21000 et seq.).

Adopted by the Board of Supervisors of the County of Alameda, State of California, on _____, 2012, by the following called vote:

AYES:

NOES:

EXCUSED:

NATE MILEY, President
Board of Supervisors
County of Alameda, State of California

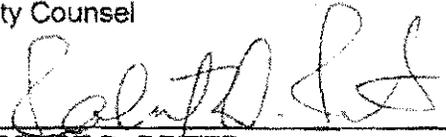
ATTESTED TO:

CRYSTAL K. HISHIDA-GRAFF, Clerk
Board of Supervisors, County of Alameda

By: _____

APPROVED AS TO FORM:

DONNA R. ZIEGLER
County Counsel

By: 

ROBERT D. REITER
Deputy County Counsel



Bay Area Hazardous Waste Management Facility Allocation Committee

Administered by:
Association of Bay Area Governments

101 Eighth Street, Oakland, CA 94607-4756
<http://www.abag.ca.gov/hazwaste>

P. O. Box 2050, Oakland, CA 94604-2050
510/464-7961

Date: May 25, 2012
To: Hazardous Waste Management Facility Allocation Committee
From: Ceil Scandone, Senior Regional Planner
Re: Sustainable Purchasing

As a means of promoting pollution prevention among government agencies in the Bay Area, and complementing the state's Green Chemistry efforts, the Committee directed staff several years ago to promote Environmentally Preferable or Sustainable Purchasing practices. A variety of activities have been undertaken over the past 5 years, with Committee approval, as described below.

Staff is recommending in the proposed Budget and Work Plan that for Fiscal Year 2012/13 we try a new approach that would involve tracking and developing short case studies on a few promising efforts that are underway around the region. These would be added to the Committee Environmental Purchasing webpage. This memo is intended to provide context for that recommendation.

Background

As a first step, in 2007 staff researched and added to the Committee website at <http://www.abag.ca.gov/hazwaste/environmentallypreferablepurchasing.html> a listing of Environmental Purchasing policies. In 2008, a work group of public agency purchasing experts and consultants was established to help staff develop a more active role in informing ABAG members and others about Sustainable Purchasing and motivating them to take action. The group recommended that we hold a series of workshops to inform public agency purchasers of the benefits and begin to instruct them on the process of developing sustainable purchasing policies and programs.

Three workshops have been held. Approximately 120 people attended the first workshop in March 2009, which focused on *why* to implement sustainable purchasing. The second workshop, which was held in October 2010, drew 60 people and focused on *how to initiate* sustainable purchasing through policies, programs and prioritization. The third event, which was held in November 2011, drew 50 people and featured *sustainable purchasing practices that save time and money*.

With each workshop we have attempted to get deeper into the subject matter. While attendance has declined, the engagement has been excellent and the evaluations positive. However, each year it has been more difficult to line up speakers and attract an audience large enough to justify the consultant fees and staff time.

Following a post-workshop debriefing with our consultant Alicia Culver of the Responsible Purchasing Network, and conversations with work group members, we believe that in order to more effectively institutionalize sustainable purchasing it might be time to engage directly with local governments that are ready to go deeper, e.g. to adopt a policy; green one or more product categories; join a cooperative purchasing effort..

In subsequent conversations with work group members, staff was able to identify a few interesting subregional efforts that are currently underway, that might provide good models for similar groups of agencies, or individual jurisdictions, interested in sustainable purchasing. Those are listed and briefly described below.

Alameda County General Services Agency

Karen Cook, Sustainability Project Manager with Alameda County General Services Agency, has convened staff from Alameda County cities and other public agencies as a work group to consider how to move Sustainable Purchasing forward in the county. Staff from 6 or 7 jurisdictions, including cities, StopWaste.Org and East Bay Regional Park District have attended the meetings.

At this point, the group is providing a forum for learning and information sharing. This has proved to be valuable since different people have experience with different product types. Karen's concept is to eventually select a couple of products and try to get all participants to move forward on those. Office Supplies and Green Information Technology are potential product categories.

One outcome might be to negotiate a market basket of office products with a particular vendor that allows other jurisdictions to "piggyback" on the contract. Here is an excerpt from Alameda County's Fact Sheet *Tips for Piggybacking on Alameda County Contracts* that describes the process and its benefits:

What is Piggybacking

Piggybacking is when a public agency uses an existing public contract as a template to form their own contract directly with the vendor to purchase on the same or similar terms. Your agency does not become a signatory to, or participate in, the original contract but instead negotiates a new contract with the vendor based on the initial public entity's contract.

Benefits of Piggybacking

You may be able to save time and resources by leveraging Alameda County's successful competitive bidding process. And our volume pricing and county policies for environmentally preferable purchasing and local procurement mean you may get best value while supporting a local green economy.

Karen recommended that if ABAG staff continue to work on sustainable purchasing, we do something specific to a particular product category, get all the right people in the room, and develop tools/resources/guidance that could benefit all. Karen was open to

having ABAG staff attend their meetings to observe and document them. While it is too early in the process to gauge the direction and potential success, a case study of the Alameda County effort could benefit other groups of jurisdictions at the county or subregional levels.

Santa Clara County

Karen Gissibl, City of Sunnyvale Recycling Manager, is leading a Santa Clara County Recycling and Waste Reduction Commission sub-committee that is exploring the potential for Santa Clara County jurisdictions to eliminate use of expanded polystyrene (EPS) packaging by suppliers shipping products to their jurisdictions. Cities of Palo Alto and San Jose worked with Alicia Culver of the Responsible Purchasing Network to find out how much EPS is coming into their cities. The amount is declining for some products – e.g. toner cartridges. However computers, glass, other products are packaged in EPS.

They have developed some tools to address elimination of EPS, such as vendor letter templates and boiler plate specification language; gotten examples of policies and programs; and identified alternative packaging materials to recommend. Sunnyvale is considering rewriting its Environmentally Preferable Purchasing policy to address packaging.

At the April meeting of the Recycling and Waste Reduction Commission, the Commission asked the team to come back with a complete package that can be posted/circulated to all in the County. Staff anticipates the package could be ready by autumn of 2012. Documenting the Santa Clara County effort, and making the case study and tools available on the Committee website, could be valuable for other jurisdictions interested in eliminating EPS from packaging.

Napa County

Jeff Brooner, Napa County Purchasing Manager and Amy Garden, Napa County Recycling Program reported that their sustainable purchasing program has progressed slowly. They have implemented some policies; their Sustainability Council meets and does good work. They have gained useful information.

They have been successful with:

- recycled content computer and copier paper.
- recycled carpet.
- recycled paper products in restrooms.

The Napa County ordinance said their Sustainability Council would meet with relevant purchasing agents in the county. The original focus was on energy conservation and waste reduction. So they picked paper for its recycled content. Rechargeable batteries are also a focus.

Napa County has had good success with recycled paper and is sharing its experience with the City. The City of Napa has had success with remanufactured toner cartridges and is sharing with the County.

Amy and Jeff thought that identifying and sharing success stories with other local agencies, e.g. who switched to remanufactured toner cartridges successfully; what they did; performance; cost savings, etc. would be valuable. They also offered the following suggestions for future consideration if resources permit:

- Do a survey, identify the purchasing construct in each county/city: who purchases what in each jurisdiction; how centralized/ decentralized works for them; what are the challenges. If a jurisdiction has an EPP policy, how is it implemented?

Purchasing manager might be the gatekeeper, but can encourage other purchasers to get educated about products and services.

- ID / work with government and other professional peer organizations. E.g. California Association of Public Procurement Officials, Public Fleet Supervisors Association.

Conclusion

Based on the conversations with our consultant and advisors, staff has included in the Budget and Work Plan a recommendation that during Fiscal Year 2012/13 we monitor and document at least the efforts described in this memo. Brief case studies would be posted on the Committee website. The information currently on the site, which dates back to 2007, would be reviewed and refreshed. It is likely that jurisdictions in the Bay Area and elsewhere have updated or created new sustainable purchasing policies in the last 5 years that could be useful models for our members.

Attachment D



San Francisco Bay Area Green Business Program

Mailing Address: P.O. Box 2050, Oakland, CA 94604-2050
Street Address: 101 Eighth Street, Oakland, CA 94607 Website: <http://www.greenbiz.ca.gov>
Coordinator: Phone 510/464-7961 Fax 510/433-5561 e-mail: ceils@abag.ca.gov

May 25, 2012

To: Hazardous Waste Management Facility Allocation Committee
Technical Advisory Committee

From: Ceil Scandone, Regional Coordinator

Re: Property Manager Checklist and Program Policy Guide

Summary:

Over the course of its 16 year history, the Green Business Program has identified several industries that local coordinators and partners want to recruit and certify. Factors considered when determining which industries to recruit include industry interest; partner interest; availability of technologies, products and best management practices that enable the industry to operate more sustainably; and potential for that industry to deliver significant conservation, waste reduction and/or pollution prevention benefits.

When the coordinators determine that an industry is a good candidate, a new checklist is developed that is tailored to that industry's specific issues and opportunities. The proposed Property Manager Checklist for which we are seeking approval addresses all of the above points, plus one additional and unique opportunity.

Property managers or building owners control most building operations, service contracts and capital improvement expenditures. A manager or owner's willingness to retrofit lighting and HVAC systems; upgrade irrigation and restroom fixtures; hire janitorial and pest control services that use non-toxic products; and implement effective recycling programs can help or hinder tenants that are seeking Green Business certification.

After consulting with partners such as StopWaste.Org, industry organizations such as the Building Owners and Managers Association, and property management companies, program coordinators determined that developing a Property Manager checklist would be timely and have a dual purpose. First, resource conservation and pollution prevention benefits can be accelerated by motivating Property Managers to implement building-wide retrofits and practices. Second, once those retrofits and practices are in place, all of the tenants in that property can have an easier path to Green Business certification.

The Property Manager checklist requires that managers meet the standards in their own offices/operations and at a managed property. This is a departure from the typical Green Business requirements. The Green Business Policy Guide has been revised accordingly.

Actions Requested: **Approve the Property Manager Checklist (*Attachment D.1*)**
Approve the revised Policy Guide (*Attachment D.2*)

Background

When the Green Business Program strengthened its standards a few years ago, local coordinators found that potential Green Businesses that were tenants in multi-tenant buildings were having difficulty qualifying. That is because property managers or building owners control building operations, service contracts and capital improvement expenditures. A manager or owner's willingness to retrofit inefficient lighting and HVAC systems; upgrade water-wasting irrigation and restroom fixtures; hire janitorial and pest control services that use non-toxic products; and implement effective recycling programs can help or hinder tenants that are seeking Green Business certification.

At about the same time, a number of Green Business partners, including StopWaste.Org, the San Francisco Department of the Environment, and the Contra Costa, Santa Clara and Sonoma County Green Business Programs, were meeting with Building Owners and Managers Association chapters and property management companies seeking to demonstrate their green credentials. Green Business coordinators realized the potential to achieve two objectives: 1) accelerate achievement of energy and water conservation and other environmental objectives through whole-building actions; 2) smooth the way for building tenants to also get certified.

Checklist and Policy Guide

The primary challenge was to craft a checklist that would address both objectives by fairly evaluating a property manager's actions in their own offices and at least one property, and encouraging property managers to institutionalize environmentally-responsible practices throughout their entire portfolios. A secondary challenge was to do so in a manner that recognizes that a process that works for the Property Manager of a high-rise Class A urban office building with a manager and maintenance crew on site might be different from the process used for a Manager that has a portfolio of several small low-rise suburban buildings. The Property Manager checklist and revised Policy Guide submitted for Committee approval are intended to accomplish both objectives.

Checklist:

In developing the checklist, coordinators incorporated all of the required and optional measures already included in the most recent version of the Office/Retail checklist. Recognizing that professional Property Managers are likely to have expertise in green building operations, and opportunities to implement them throughout their portfolios, additional measures found in Green Building guidelines published by LEED and other entities were incorporated. For example, Property Managers are required to demonstrate that they have a Building Operating Plan that details how the systems in the building are to be operated and maintain. The standard requires that they adopt an Environmental Policy Statement guiding green purchasing and management practices, covering recycling for tenants, green building/remodeling, energy & water conservation, janitorial cleaning, pest management and parking lot/hardscape management.

Mindful of our partner's issues and interests, Property Managers are required to encourage commuter alternatives by informing employees, customers and others who visit your office about various transportation options (post bicycle route maps and transit schedules before driving directions). They are encouraged to set up a system to help tenants safely recycle universal wastes.

To address the Program's interest in recruiting tenants in the Manager's buildings, Property Managers are required to inform their tenants about the measures they have implemented to become a Green Business, and encourage the tenants to also get certified.

Policy Guide

The proposed revisions to the Policy Guide include updating *Appendix A, Guidelines for Certifying Entire Jurisdictions or Multi-building Business Campuses*, and adding *Appendix D, Guidelines for Certification of Property Managers*. The revisions to *Appendix A* recognize that property managers might manage a multi-building, multi-tenant operation such as Bishop Ranch in San Ramon or Hacienda Business Park in Pleasanton, and refer coordinators to *Appendix D* for more detailed guidance.

Appendix D, Guidelines for Certification of Property Managers recognizes the need for a flexible process that can fairly evaluate the operations and management practices of very large urban high-rise buildings with on-site staff; those of managers that have a portfolio of many smaller buildings without on-site staff; and those of managers with multi-building/multi-tenant campuses. Local coordinators may choose a certification process that suits the circumstances. The three options include:

1. We will certify a manager at a specific building where we are certifying “<Property Manager> at <address> or <name of site>”.
2. We will certify a/the local branch of a property management firm by requiring both their local management office *and* one of their properties in the same county (which may be co-located or not) meet all of our standards. In this case, we would be certifying “Coldwell Banker” and “Coldwell Banker at 101 California Street”. Although the company may apply all of our standards to other buildings, we will not be adding additional buildings to the database.
3. We will certify a property management company/property owner for a specific campus that includes multiple buildings if: janitorial, landscape and similar contracts and environmentally preferable purchasing policies that affect the whole campus meet BAGBP standards; lighting and toilets meet BAGBP standards in at least 30% of the buildings on the campus at initial certification with requirement that 60% meet standards by recertification.

As required by the Green Business Policy Guide, both the Checklist and the Policy Guide revisions were developed by local coordinators in consultation with partner agencies. We respectfully request Committee approval for both documents.

California Green Business Program

Property Management Checklist

General

GENERAL Certification Measures (4 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Educate tenants about becoming a Green Business, encouraging them to enroll in the program and providing them with the program's contact information.		X		
2. Inform your tenants about your green efforts, listing them in promotional and tenant reference materials communications with tenants, lease agreements, and on your website; and offering tours that showcase your green actions.		X		
3. Adopt an Environmental Policy Statement guiding green purchasing and management practices, covering recycling for tenants, green building/remodeling, energy & water conservation, janitorial cleaning, pest management and parking lot/hardscape management.		X		
4. Establish a 'green team' that can help guide efforts to green your business.		X		

Waste

BUY materials with recycled content. (4 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Purchase paper towels with 35% post-consumer waste.		X		
2. Purchase copier/printer paper with at least 30% post consumer waste. What is the recycled content of the paper (OPTIONS - 30%, 100% and 50 %, enter two digits)? How many reams of paper do you buy annually?		X		
Optional Measures				
1. Purchase garbage bags with the highest recycled content available.		X		
2. Purchase tissues with the highest recycled content available.		X		
3. Purchase carpet, carpet undercushion, or flooring. with recycled content.		X		

Description	Yes	No	N/A	Post
4. Purchase toilet seat covers and toilet paper with recycled content.		X		
5. When building or remodeling: use recycled content, refurbished, or salvaged materials such as building fixtures, ceramic tiles, drywall, insulation, concrete, composite lumber/wood, roofing, flooring, cabinets, ceiling tile, interior paneling, etc.).		X		
6. Purchase copy, computer and fax paper with minimum 50% post consumer waste (recommended 100%).		X		
What is the recycled content of the paper (OPTIONS - 30%, 100% and 50 %, enter two digits)?				
How many reams of paper do you buy annually?				

RECYCLE materials. (4 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Where applicable, provide recycling and composting container(s) at convenient and appropriate locations (i.e. lobbies, guest rooms, vending machines, kitchens, next to existing garbage containers, individual cubicles, housekeeping/custodial service carts, etc.).		X		
2. Compost landscape trimmings (green waste) and debris. How many employees does your business have at the certified location? (Leave blank if already entered for previous measure.)		X		
Do you pay your own garbage bill (yes or no)?				
3. Recycle all paper, glass, metal, cardboard and plastics accepted in your area. How many employees does your business have at the certified location? (Leave blank if already entered for previous measure.)		X		
Do you pay your own garbage bill (yes or no)?				

Optional Measures

1. Recycle wood, including pallets.		X		
2. Recycle carpeting.		X		
3. Recycle scrap metal. How many employees does your business have at the certified location? (Leave blank if already entered for previous measure.)		X		
Do you pay your own garbage bill (yes or no)?				

REDUCE waste. (6 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Purchase/lease all new copiers and printers with double sided copying capability. Set copier/printer defaults to double-sided.		X		

Description	Yes	No	N/A	Post
2. Eliminate the use of polystyrene, such as Styrofoam, in beverages and food service ware.		X		
3. Assess your solid waste generation to see if there are items that could instead be reused by someone else or recycled.		X		
4. Make two sided printing and copying standard practice in your business (set printers and copiers to default to duplex printing). Make single-sided the exception instead of the rule.		X		
5. Eliminate individual bottles of water for employees and guests.		X		

Optional Measures

1. Lease, rather than purchase computers and printers or upgrade desktop computers instead of purchasing new ones.		X		
2. Eliminate paper documents by using electronic forms and contracts.		X		
3. Leave mowed grass on lawn (grasscycling).		X		
4. In the lunch/break room, replace disposables with permanent ware (mugs, dishes, utensils, etc.) and use refillable containers for sugar, salt & pepper, etc. to avoid individual condiment packets.		X		
5. Centralize purchasing to eliminate unnecessary purchases and ensure that all waste reduction purchasing policies are followed.		X		

REUSE materials. (3 measures required)

Description	Yes	No	N/A	Post
Optional Measures				
1. Use refilled or remanufactured laser and copier toner cartridges.		X		
2. Purchase used or refurbished equipment and/or furniture.		X		
3. Keep a stack of previously used paper near printers. Use it for scratch paper or internal memos, make it into notepads, or designate a bypass tray on printer for printing draft single-sided documents.		X		
4. Facilitate the donation, sale, or exchange of unwanted but usable items (furniture, electronics, office supplies, etc.) for your tenants.		X		
5. Reuse garbage bag liners.		X		
6. Purchase reusable rather than disposable office items such as refillable pens, erasable white boards & wall calendars.		X		
7. Designate a reuse area for office supplies such as binders, folders and staplers.		X		

Energy

Energy management (4 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Develop a Building Operating Plan that details how the systems in the building are to be operated and maintained. Provide a copy.		X		
2. Complete an Energy Star Portfolio Manager rating on your building. Please list your rating as of the date of this application. http://www.energystar.gov/index.cfm?c=evaluate_performance.bus_portfoliomanager		X		
3. Complete regularly scheduled maintenance on your HVAC (heating, ventilation and air conditioning) and refrigeration system at least twice a year.		X		
4. Assign staff to track energy bills over time, looking for sudden rises in use.		X		

Optional Measures

1. Complete a Commissioning or Retrocommissioning Investigation. If you have already undergone an investigation within the past 3 years, implement the recommendations of that investigation and provide supporting documentation.		X		
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Equipment and Facility Changes (7 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Replace all T-12 fluorescent lighting with energy-efficient T-8 or T-5 fixtures with electronic ballasts or other equivalent efficacy lighting.		X		
How many T-12 lamps have you replaced with T-8s (in electronic ballasts)?				
2. Replace incandescent bulbs with efficient compact fluorescents.		X		
How many incandescent lamps have you replaced with CFLs?				
3. Use energy efficient exit signs, such as LEDs.		X		
How many LED exit signs does your business use?				

Optional Measures

1. Use and maintain economizers on A/C to increase air circulation.		X		
2. Properly set and maintain lighting control devices (current time and on/off schedule) such as time clocks, photocells and sensors and adjust for season.		X		
3. Use lighting controls such as dual technology occupancy sensors, bypass/delay timers, photocells or time clocks.		X		
How many ice, vending, and snack machines have motion sensors and are placed in shaded areas?				

Description	Yes	No	N/A	Post
How many rooms have time clocks (for large banks of lights on circuit breaker that generally operate during off hours)?				
How many rooms have photo cells (usually for exterior lighting or areas with significant natural light)?				
How many rooms are on occupancy sensors (usually in infrequently occupied areas such as restrooms, private offices, locker rooms, conference spaces)?				
4. Clean lighting fixtures, diffusers and lamps twice a year so they are lighting as effectively as possible .		X		
5. Use a 365 day programmable thermostat to control heating and air conditioning.		X		
6. Use occupancy sensors to control air conditioning and heat.		X		
7. Shade HVAC condensers, especially roof-top units.		X		
8. Shade sun-exposed windows and walls using awnings, sunscreens, trees or shrubbery.		X		
9. Apply window film to reduce heat.		X		
10. Use ENERGY STAR® office equipment and enable energy saving features.		X		
How many ENERGY STAR rated LCD monitors does your business use?				
How many ENERGY STAR rated copier/printer units does your business use?				
11. Use weather stripping to seal air gaps around doors and windows.		X		
12. Use ENERGY STAR qualified refrigerators (those over 10 years old should be replaced)		X		
How many energy efficient minibars do you have?				
How many ENERGY STAR rated refrigerators does your business use?				
13. Install reflective (white or light colored) roofing material.		X		
14. Use a solar water heater or preheater.		X		

Water

Complete if you have landscaping. (7 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Work with your water company to develop a site-specific water budget. Track your water use to ensure efficient watering.		X		
2. Adjust the irrigation schedule monthly during irrigation season, or as needed.		X		
3. Save water by programming the irrigation system to use shorter, repeated cycles of watering (3 start times of 3 minutes each instead of one start time of 10 minutes).		X		
4. Water during early morning, pre-dawn hours.		X		
5. Test irrigation sprinklers quarterly to ensure proper operation and coverage and repair all broken or defective sprinkler heads/nozzles, lines and valves.		X		
6. Install water flow meters on all large irrigation systems.		X		
Optional Measures				
1. Reduce area of turf.		X		
2. Use drip irrigation.		X		
3. Contract with a Bay Friendly Qualified landscape professional: http://www.bayfriendlycoalition.org/Landscapeprofessional.shtml		X		
4. Group plants with similar water requirements together (hydrozone) on the same irrigation line.		X		
5. Plant drought tolerant plants that will not need pruning at maturity.		X		
6. Use reclaimed water, graywater or rainwater for irrigation .		X		
7. Install a self-adjusting, weather-based irrigation controller that tailors watering schedules to local weather, plant types, etc. Qualifying controllers are listed at irrigation.org/SWAT/swat.aspx?id=298 .		X		
8. Install rain shut-off devices or moisture sensors that turn off the irrigation during rain.		X		
9. Apply mulch or compost in non-turf areas to improve water holding capacity of soil.		X		

Conserve water. (7 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Install toilets with 1.6 gpf (gallon per flush) or less.		X		
What is the flush volume of your toilet?				
How many customers utilize your facility per day (use averages)?				
How many visitors utilize your facility per day (use averages)?				

Description	Yes	No	N/A	Post
How many female employees does your business employ (use averages per year)?				
How many male employees does your business employ (use averages per year)?				
2. Check for leaks, including in toilets (tablets to detect tank leaks can be obtained from your water company).		X		
3. Install low-flow aerators in faucets and showerheads according to water district specifications. Your water district will check your aerators in the audit, and often provides them for free.		X		
How many employees do you have?				
How many faucets do you have with low flow aerators installed?				
What is the flow rate of the aerator (it only qualifies as a low flow aerator if the flow rate is below the federal standard of 2.2 gpm)?				
4. Post signs in restrooms and kitchen to encourage water conservation and to report leaks.		X		
5. Use only dry methods to clean outdoor hard surfaces and post instructions for staff. Call your water company for any exceptions to this rule.		X		
6. Assign a person to monitor water bills for sudden rises in use, and to track use over time. Call your water company should sudden rises occur.		X		
Optional Measures				
1. Go beyond the above 1.6 gpf toilets to 1.28 gpf HETs (high efficiency toilets). (Check both this measure and the one above.) Ask your water district about rebates for replacing older toilets >3.5 gpf.		X		
2. Replace water-cooled equipment, such as air conditioning units, with air-cooled.		X		
3. Reduce indoor water pressure to no higher than 50 psi by installing pressure reducing valves.		X		
4. Provide additional urinals in mens restroom and reduce number of toilets (urinals use less water than toilets).		X		
5. Conduct annual training to educate staff about the benefits of efficient water use at the workplace.		X		

Pollution

ASSESS any potential pollutants. (2 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Reduce chemicals (cleaners, pesticides, paints, etc.) used and stored, safely disposing of any unneeded products at the local Household Hazardous Waste Program.		X		
2. Assess chemicals used in your business by reviewing Material Safety Data Sheets (MSDS) and Prop.65 warnings on labels. Substitute with less toxic alternatives if available. Track the amounts of hazardous waste generated, and dispose of at local hazardous waste programs.		X		

Clean air (3 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Encourage commuter alternatives by informing employees, customers and others who visit your office about various transportation options (post bicycle route maps and transit schedules before driving directions).		X		
2. Join the Air Districts Spare the Air program and notify employees and customers of Spare the Air days. Http://www.employerssparetheair.org		X		

Optional Measures

1. Complete a CO2 or eco-footprint calculator to determine your own greenhouse gas emissions.		X		
2. Convert company vehicles to low emission vehicles (electric, hybrid, natural gas or alternative fuels).		X		
3. Enroll in a car share program.		X		
4. Larger Employers: Offer electric vehicle recharge ports for visitors and employees electric vehicles.		X		
5. Set aside car/van pool parking space.		X		
6. Offer a shuttle service to and from bus, train and/or light rail stops.		X		
7. Provide secure bicycle storage for staff and customers.		X		
8. Offer telecommuting opportunities and/or flexible schedules so workers can avoid heavy traffic commutes.		X		
9. Help employees rideshare by posting commuter ride sign-up sheets and providing other commuter incentive programs (e.g., rideshare incentive programs, guaranteed ride home in emergency situations, etc.) available at www.Rideshare.511.org .		X		
10. Hire locally.		X		
11. Buy renewable energy credits or green tags to offset the CO2 emissions from your offices use of electricity and natural gas (see www.green-e.org).		X		

Description	Yes	No	N/A	Post
12. Install renewable energy sources, such as solar panels or wind generators. Specify system size.		X		

Environmentally preferable purchasing (9 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Use no products with added antibacterial agents, such as triclosan. This includes products used for hand washing, dishwashing and cleaning.		X		
2. Use low toxic cleaning products such as those that are SF Approved (www.sfapproved.org), Green Seal certified (www.greenseal.org), or receive at least an 8.1 rating on the GoodGuide (www.goodguide.com), in non-aerosol containers. What is the area (square footage) of your facility? Please include the sq ft of the space you occupy only.		X		
3. Replace all aerosols with pump dispensers.		X		
4. If contracting with a pest control operator, specify in contracts the use of Integrated Pest Management (including non-chemical pest prevention with no perimeter spraying), or choose a contractor that is certified in IPM, such as those listed at www.EcoWiseCertified.com .		X		
5. Eliminate or reduce pesticides by using good sanitation (keeping kitchen, desks and waste storage areas clean) and making physical changes to keep out pests (by caulking/sealing holes or using traps).		X		
6. Use low or no-VOC paints and paint removal products (primers, solvents, thinners) for most, if not all, jobs.		X		

Optional Measures

1. Replace standard fluorescent lights with low or no mercury fluorescent lights. Provide make and model		X		
2. When remodeling, use natural or low emissions building materials, carpets, or furniture.		X		
3. Use microfiber cloths, mops, and dusters to minimize the need for chemical cleaners. Wash them separately from other fabrics to increase their useful life.		X		
4. Eliminate the routine use of all disinfectants and sanitizers, unless needed to comply with Environmental Health.		X		
5. Purchase EPEAT certified (www.EPEAT.net) computers, laptops and monitors.		X		
How many EPEAT LCDs does your business use? How many EPEAT CRTs does your business use? How many EPEAT CPUs does your business use?				
6. Do business with other green vendors or services, such as recognized Bay Area Green Businesses (listings at www.greenbiz.ca.gov).		X		
7. Use unbleached and/or chlorine-free paper products (copy paper, paper towels, napkins, coffee filters, etc.). How many reams of PCF paper do you buy annually?		X		

RECYCLE/REUSE potential pollutants. (3 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Recycle excess paint/solvents (keep only what is needed for touch ups, then give remainder to hazardous waste collection program, donate to anti-graffiti program, or return to contractor or manufacturer).		X		
2. Properly store and recycle Universal Wastes as required by law. Designate a storage area for spent Universal Wastes, posting a sign and notifying employees of this area. Ensure that these are recycled (and not put into the garbage). Universal Wastes are: Spent fluorescent light tubes & bulbs, Electronic equipment (computers, cell phones, pagers, etc.) and Batteries (RBRC recycles rechargeables for free! www.call2recycle.org).		X		
Optional Measures				
1. When recycling electronic equipment, take to a certified "e-Steward" for responsible recycling (www.e-stewards.org).		X		
2. Store any potentially hazardous materials securely, control access and rotate stock to use oldest product first.		X		
3. Recycle used copier toner cartridges.		X		
4. Obtain a battery recharger for the office. Use rechargeable (instead of disposable) batteries for flashlights, radios, remote controls, etc.		X		
5. Organize universal waste collection events for your tenants or set up a system to help your tenants safely recycle universal waste.		X		
6. Recycle used ink jet cartridges.		X		

Wastewater

Storm Water pollution prevention (10 measures required)

Description	Yes	No	N/A	Post
Required Measures				
1. Keep dumpsters covered and impermeable to rainwater. If there are no covers on the dumpster, provide overhead coverage. Keep them from overflowing and keep dumpster/parking areas clean.		X		
2. Clean private catch basins annually (by October 15th), before the first rain and as needed thereafter.		X		
3. Mulch, use ground cover, or use a barrier to prevent exposed soil from washing landscaped areas into storm drain.		X		
4. Regularly check and maintain storm drain openings and basins. Keep litter, debris and soil away from storm drains.		X		
5. Do not wash cars, equipment, floor mats or other items where run-off water flows straight to the storm drain.		X		
6. Ensure that no wastewater enters a storm drain. Only rain down the storm drain.		X		

Description	Yes	No	N/A	Post
7. Store deliveries and supplies under a roof.		X		
8. Keep receiving, loading docks, dumpster, landscape, storage and parking areas free of litter, oil drips and debris.		X		
9. If using water to clean parking or other outdoor areas, hire a BASMAA-certified mobile cleaner. Contractor must use equipment that collects wash water and disposes to sanitary sewer.		X		
.....				
Optional Measures				
1. Provide containment for large amounts of liquid supplies such as cleaners and paints.		X		
2. Label all storm water drains with No dumping, Drains to Bay message. You may choose to have a volunteer organization label storm drains on your behalf.		X		



Attachment D.2

San Francisco Bay Area Green Business Program Policy Guide (draft revised 5/25/12)

This document contains a compilation of policies for the San Francisco Bay Area Green Business Program (Green Business Program). The Green Business Program certifies businesses that voluntarily meet all program standards. The goal of the Green Business Program is to form a partnership among business, government, and the public to benefit the environment.

The Green Business Program was developed by the Bay Area Hazardous Waste Management Facility Allocation Committee (Committee) as a means to reduce pollution and hazardous waste generation and to promote resource conservation, solid waste minimization and recycling. The Committee is comprised of locally elected officials from the nine-county Bay Area and is staffed by the Association of Bay Area Governments.

The Committee is advised by an appointed technical advisory subcommittee (TAC), comprised of the regional and county Green Business Program coordinators and representatives from regulatory and other local, regional, state and federal government agencies. The TAC meets regularly to ensure consistent implementation. As needed, the TAC forms subcommittees that may include industry, environmental, public interest and other stakeholders to assist with development of industry-specific materials, outreach and other issues.

The Green Business Program is scaled to work with small to medium, generally consumer-oriented businesses that typically don't have on-site environmental staff. The intent is to ensure that the standards and the technical assistance available from participating agencies and utilities will help businesses achieve meaningful results. Larger and/or more complex businesses may require more robust measures and specialized technical expertise to improve their operations than the Green Business Program typically provides.

Clauses one through eight present the basic policy guidance. From time to time guidance for specific circumstances may be developed and will be appended to this document.

1. GREEN BUSINESS AND GREEN GOVERNMENT PLEDGES

On April 26, 1996, the Committee adopted the Green Business and Green Government Pledges. The Green Government Pledge represents the core operating principle of the Green Business Program. By taking the pledge, participating agencies demonstrate their commitment to environmental improvement and to a cooperative, coordinated system of interface with one another, the business community, and the public. Each participating jurisdiction should take the pledge, via city or county council resolution, before offering the program to businesses. The pledge should also be adopted by managers and regulators at all levels of city, county, and regional government.

2. PROGRAM STANDARDS

The Green Business Program is intended to establish more constructive relationships between businesses and public agencies in which agencies educate and provide technical assistance to help businesses improve environmental performance. Agencies are encouraged to partner to make the regulatory process more efficient and to foster better relations with businesses in order to bring businesses into full compliance and motivate them to go beyond compliance to achieve Green Business Program standards.

Certification is site specific. To be certified, a business must demonstrate that its practices and operations at a particular location meet Green Business Program Standards. The Green Business Program does not certify manufactured products, professional qualifications or quality of service. To the extent that product inputs and services offered are demonstrably environmentally preferable, these can be counted among the “green” measures being implemented by the business.

a. Pledge Businesses who volunteer to participate in the Green Business Program are required to post the green business pledge in a place that is visible to employees.

b. Compliance A business must demonstrate compliance with all applicable environmental requirements in order to be eligible for certification as a green business. In general, compliance at a business must be verified by each agency with jurisdiction over their particular operations. Agencies with such responsibility might include those regulating wastewater and stormwater discharges, air emissions, and hazardous materials. If a facility has been inspected by an agency within the past year, has no violations, and the agency does not feel the need to reinspect the business, no inspection visit by that agency will be necessary to complete certification. It is recommended, however, that at least one local environmental regulatory agency with jurisdiction verify compliance on-site when a business volunteers for the program.

In order to streamline the regulatory system and to expedite compliance checks, the county coordinators will maintain current listings of all the local, regional, state and federal agencies within their county that regulate businesses. County coordinators will request compliance verification from those agencies whenever a business applies for certification or recertification. Coordinators will provide businesses with available compliance information and agency contacts.

c. Resource Conservation/Pollution Prevention Standards (RC/P2 Standards) Businesses must be in compliance and meet the RC/P2 Standards to be certified. The RC/P2 Standards require that a business is going “beyond compliance” by voluntarily adopting measures to protect the environment through energy and water conservation, solid waste reduction and recycling, and pollution prevention. A complete description of Green Business Program General and RC/P2 Standards is contained in the General Standards Checklist. Modification of the General Standards Checklist may be made to develop industry-specific materials. All modifications must be consistent with the General Standards Checklist and other program documents.

d. Guidance Documents for Businesses, Including Checklists Industry-specific compliance and/or RC/P2 checklists may be developed for use in the Green Business Program. All checklists must be approved by the Committee for consistency with the General Standards Checklist and other program documents before use.

The General Standards and industry-specific checklists include dozens of recommended measures businesses may implement in order to meet the RC/P2 Standards. To ensure that they are up-to-date, the General Standards and/or industry-specific checklists may be revised at the regional level to reflect new regulations, programs, technologies, etc. Local implementing agencies may also modify approved checklists to reflect local regulations, ordinances, or priorities. The Regional Program Coordinator will ensure that all modifications are consistent with the General Standards and other program documents.

All new checklists and modified materials should be reviewed by at least two TAC members before submittal to the Committee for approval. TAC members should seek review from partner agencies to ensure checklists are consistent with their standards. Local agencies that have ordinances more stringent than regional (e.g. AQMD) or state requirements should honor all local requirements; however regionally produced materials will reflect regional or state requirements.

e. Verification of Standards Local implementing agencies should design their implementation strategies around the standards to ensure that participating businesses have the information and technical assistance needed to successfully pursue certification. While they may devise their own verification process, on-site verification that all RC/P2 standards have been met must be included in the process. Self-certification and peer review are not allowed. Businesses may receive credit for previously implemented RC/P2 measures. If completion of RC/P2 verification occurs one year or more after compliance verification, then compliance verification must be updated.

f. Re-certification - Certificate/Decal Renewal Green Business certification, certificate and decal are awarded to a certified business by a local Green Business Program. They are valid for the local inspection cycle of participating jurisdictions. Most Bay Area local agencies are on 3-year inspection cycles. Local agencies may choose to inspect businesses more frequently than every three years. The certification, certificate and decal may not be issued for a period longer than 3 years. Local agencies may require certified businesses to do a yearly self-audit for compliance and/or RC/P2 standards.

Businesses that wish to be re-certified as green businesses must demonstrate a commitment to continual environmental improvement. At a minimum, businesses must demonstrate that they are: in compliance with all environmental regulations; maintaining the measures implemented to meet the RC/P2 standards; and meeting any new RC/P2 requirements established during the preceding certification or re-certification period.

Compliance standards may be modified according to state regulations and local ordinances. RC/P2 Standards may be modified to encourage businesses to continually improve their environmental practices, or respond to environmentally sound changes in technology. The Committee will approve modifications of RC/P2 Standards after such modifications have received input from partner agencies and businesses.

g. Revocation - Certificate/Decal Removal Green Business certification will be revoked, the decal will be removed from the premises, and the business will be prohibited from using the Green Business Program logo for serious deviations from the Green Business Program standards. Serious deviations may include significant violations of environmental regulations or failure to maintain RC/P2 measures. Local Green Business Program implementing agencies will be responsible for adopting local revocation/decal removal policies.

Certified green businesses that relocate their premises will be required to reapply and demonstrate that operations in the new location meet all Green Business Program certification criteria. Green Businesses that change ownership will be required to reapply and demonstrate that operations under the new ownership meet all Green Business Program certification criteria.

3. CERTIFICATION

The green business certification process has been designed by the Committee and will be monitored by the Committee. Local implementing agencies will be responsible for completing the verification process necessary to certify and recognize businesses.

When a business is verified as having achieved environmental compliance **and** has met the RCP2 standards, the business will receive a printed Green Business Program certificate that identifies the business by name as a certified Green Business, a static cling window decal with the Program logo, and the right to use the Program logo in their brochures and other materials. Local implementing agencies may also publicize green businesses in Program promotional materials, events, and advertising.

Local agencies will determine who signs and issues the Green Business certificates and decals and will be responsible for providing records on Green Businesses to the Regional Program Coordinator to track and report information on the program and its success. Local agencies will also be responsible for hosting public recognition ceremonies should they wish to publicly recognize certified Green Businesses.

Certified Green Businesses will receive instructions for logo use along with their green business certificate/decal.

4. MARKETING

The Green Business Program will benefit from a regional marketing plan to optimize expenditure of resources so that participating agencies will obtain maximum benefit. The Regional Program Coordinator will assist in the development and implementation of a marketing plan targeted at localities where the program is being implemented. Local

implementing agencies are encouraged to use regionally produced materials (e.g. logo, document cover pages, display materials, etc.) to promote public recognition that the local programs are part of the broader regional program. The Regional Program Coordinator will develop and implement a regional marketing plan when directed by the Committee.

5. MATERIALS DEVELOPMENT

The Regional Green Business Coordinator will maintain an inventory of existing documents and provide a means for interested persons to obtain copies (paper and electronic copies). The Regional Program Coordinator will oversee the development of model materials for use by all participating local agencies. Local agencies are encouraged to tailor materials to meet the local needs of businesses and the public.

6. FUNDING

The long-term goal of the local and regional Green Business Program is fiscal self-sufficiency. The local and regional programs should prepare long-term budgets to assess needs and develop a long-term strategy. Towards this end, funding may be sought from partner agencies, government and foundation grants as well as other sponsors.

The Committee has indicated that for regular, ongoing Green Business Program operations preference should be given to funding from local implementing agencies, partners, and foundation and government grants. The regional and local Green Business Programs may consider under what circumstances corporate sponsorship may be sought for special projects and events. Issues to be addressed include avoiding conflict with compliance activities and maintaining Program integrity.

Grant applications for projects of regional scope will be sent out and regionally administered through the Regional Program Coordinator, except when the funding entity requires or prefers that an application be submitted by a local agency.

The Committee has agreed that charging businesses an application fee to join the program could inhibit their participation. However, as interest in the Green Business Program grows, the Committee recognizes that local implementing agencies may need to establish fees to help defray expenses. In setting such fees, local implementing agencies should endeavor to establish an inclusive structure that considers size of business, type of business, number of employees, revenues and/or other factors in order to avoid disadvantaging businesses with limited resources. To promote consistency, local implementing agencies are encouraged to consult with one another when developing fee schedules.

7. PROGRAM EVALUATION -MEASUREMENT AND DATABASE

Program evaluation is a much-needed element of a successful program. Local agencies are responsible for collecting at least the following data to supply the regional program:

GENERAL PROGRAM DATA

- number of inquiries about the program
- number of certified businesses in compliance
- number of certified green businesses
- length of time it takes a business to be certified as green
- number of certifications revoked

ENVIRONMENTAL QUALITY DATA

Data to be submitted by industry sector normalized for production. This data should be collected when a business volunteers for the program, and then periodically but no less frequently than every time the business' certificate/decal is renewed.

Information to be collected might include:

- average energy use/year
- average water use/year
- average solid waste generation/year
- average hazardous waste (multi-media) generation/year
- pollution prevention-related measures, which will vary by industry

8. REGIONAL ADMINISTRATION

The following tasks have been identified to date that would benefit from regional coordination. Towards that end, the Regional Program Coordinator, with direction from the Committee, will be responsible for the following:

- convening the Committee and TAC
- facilitating review of program activities and materials to ensure consistency
- maintaining and distributing program materials
- developing a marketing plan for use by local programs and the region as a whole
- tracking indicators of success and writing appropriate reports
- writing grant proposals and administering grants
- other projects identified by the Committee

Appendices:

- A. Guidelines for Certifying Entire Jurisdictions or Multi-building Business Campuses
- B. Home Office Certification Guidelines
- C. Statement on Large Construction Companies / General Contractors
- [D. Guidelines for Certification of Property Managers](#)

Appendix A

Guidelines for Certifying Entire Jurisdictions or Multi-building Business Campuses

Draft Revised – May 30, 2012

Approved by the Hazardous Waste Management Facility Allocation Committee On May 30, 2003 as an addition to the Green Business Program Policy Guide.

Background

Development of *Guidelines for Certifying Entire Jurisdictions or Multi-Building Business Campuses* was prompted by certification of the City of Palo Alto in 2002. Since no guidelines existed, the Santa Clara County coordinator consulted with other coordinators throughout the process.

More jurisdictions are seeking certification. Additionally, a multiple-building business campus has applied for certification. The Program coordinators agreed that it would be useful to have guidelines for all counties to use when certifying these types of entities. With the Program expanding beyond the Bay Area, this policy guidance may assist implementation in new locations and ensure Program integrity.

The *Guidelines* identify the types of multiple-facility operations local Programs may certify as one entity and provide a process. The *Guidelines* were approved by the Hazardous Waste Management Facility Allocation Committee on May 30, 2003.

Introduction

The Green Business Program was developed for businesses whose operations are located at a single address. When working with chain or franchise businesses that have multiple locations at different addresses, each location has been certified as a distinct entity. With the certification of the City of Palo Alto, the Marin County Civic Center, and Sonoma County Civic Center, some counties have now worked with multiple facilities within the same public agency. Santa Clara County is currently working with a business that has multiple buildings on the same campus. In these cases, it may be useful to consider certifying multiple – building operations as one entity rather than certifying them by building or operation. To ensure consistency, the Program coordinators reached agreement on the types of multiple – building operations local programs may work with at present, and developed the following guidelines for those situations.

TYPES OF FACILITIES

1 Government: Local programs may work to certify a city, county or special district should they seek certification jurisdiction-wide. (Note: This does not preclude certifying individual operations such as the fleet or print shop individually. Jurisdictions would not have to seek certification for all operations, but would have the option and guidance should they want to do so.)

- 2 Business:
- a) Local programs may work with multiple – buildings / operations of the same company on a single site or campus as one entity, if the business seeks certification for all the buildings/operations at the same time.
 - b) Local programs may work with the owner/property manager of a business campus with multiple tenants, if the owner/property manager seeks certification for its own office and all buildings in the campus. (For additional guidance on Property Manager Certification see Appendix D)
 - c) At present, BAGBP will not certify as one entity businesses that have multiple buildings/operations on different sites. This does not preclude certifying individual buildings/operations/sites, or working with such entities in the future provided that the program guidelines are reviewed and updated as needed and clear guidelines acceptable to all program partners have been developed.

GUIDELINES

Regarding any multiple facility operations, the primary question is whether every single building/operation in a jurisdiction or on a business campus needs to qualify individually as a green business. The goal is to ensure that program integrity and credibility are maintained, and partner entities' interests are satisfied.

Criteria for Certifying Multiple Building Operations

For multiple-building operations:

1. Applicant must have a designated staff person to interface with the County Green Business Coordinator.
2. Facilities must all be in full compliance with environmental regulations.
3. Where in-house fleet, print shop, landscaping and cafeteria operations exist, and where the impact of those operations is significant within the facility or jurisdiction, those operations, or any other operations that may be of concern to green business program partners or the broader community, must be fully Green Business Program qualified for the resource conservation and pollution prevention checklist sections most relevant to their operations, using the most appropriate checklist.
4. Applicant will work with the GBP coordinator to assess all facilities/operations to identify both issues and opportunities, and select the best way to meet the “beyond compliance” standards. This could be done in various ways:
 - a. Choose the Performance Option in which the jurisdiction / business campus shows the required percent reduction for water (15%), energy (15%) solid waste (50%), and/or pollution prevention (25%), using an agreed-upon baseline year; or

b. If working with a single business that occupies multiple buildings on a campus, demonstrate for each separate building/facility that they meet the resource conservation / pollution prevention requirements using either the Office/Retail Checklist or General Standards. Selection of checklist will be at the discretion of the local coordinator based on the complexity of the facility and the activities conducted therein. Adherence to citywide/campuswide contracts, practices, policies; standards for janitorial, buildings, lighting, landscape maintenance, recycling, environmentally preferable purchasing, etc. would need to be verified.

c. If working with an owner/property manager of a campus that has multiple tenants occupying all or part of multiple buildings, the business will use the Property Manager checklist. The owner/property manager must demonstrate that it's own office and all building operations for which it is responsible, whether handled by its own staff or by service contractors – such as, lighting, landscaping, pest management, parking lot maintenance and janitorial services – meet BAGBP standards. In addition, the owner/property manager must demonstrate that at certification, at least 30% of tenant-occupied buildings meet Green Business Program lighting and restroom fixture requirements (i.e. toilets, aerators), with increase to 60% by first re-certification in three years .

5. The GBP is looking for real, good faith effort in the certification process. We want to be flexible, understanding that perfection may not be achievable. However, the public expects and deserves to see full adherence, to the degree possible, to the tenets of the program: full environmental compliance and meeting all of the program standards for resource conservation/pollution prevention.

6. If any issues arise for which there is insufficient guidance or lack of clarity, the county coordinator will refer them to the Green Business Coordinators technical advisory committee for resolution.

Appendix B

Home Office Certification Guidelines

Approved by the Hazardous Waste Management Facility Allocation Committee On May 30, 2003 as an addition to the Green Business Program Policy Guide.

A few home office operations have been certified as green businesses. Home offices are held to the same standards as any other business. However, due to their residential rather than commercial/retail/industrial premises, coordinators and businesses may have somewhat different opportunities to meet the standards.

The Green Business Program coordinators determined that it would be useful to have a consistent framework all coordinators can use when certifying home office operations. The following guidelines identify the areas of a home-based business to consider when assessing energy, water, waste management and pollution prevention opportunities.

Guidelines for Certifying Home – Based Businesses

When considering a home office or other home-based operation for certification as a Green Business, use the following guidelines.

Consider/visit the parts of the house that would have a parallel at an office, or that function as part of the home business. Without intruding on the owner's privacy, consider other areas that the business owner may ask be included in the site visit. Areas to be consider include:

- Office / workshop and other room(s) where work is mostly done
- Rooms where clients are seen / meetings are held
- Storage area(s)
- Kitchen
- Restroom nearest the office/work area
- Garage or driveway where business vehicle (s) parked/stored
- Any other parts of the house the home business owner is interested in showing (generally, applicants have volunteered to show most parts of the home except bedrooms)
- Landscaping

Appendix C

Statement on Large Construction Companies / General Contractors

The question of whether to certify the office operations only, or the office plus field operations of large construction companies and general contractors was discussed at the Bay Area Green Business Coordinators meeting on August 29, 2007. The local, regional, state and Region 9 coordinators present agreed to the following statement, which was approved by the Hazardous Waste Management Facility Allocation Committee on October 19, 2007 as an addition to the Green Business Program Policy Guide.

The Green Business Program was designed to serve small to medium-sized consumer-oriented businesses that typically do not have staff with environmental expertise and/or for which there are no other certification or recognition programs. The Program looks at the operations within the businesses' premises and, where appropriate, at field operations.

The Green Business Program has developed industry – specific checklists for a number of industries, including remodelers who work on small local projects. To be recognized as a Green Business the remodeler must hold a green building credential, and meet all program requirements at the office and in the field.

Our standards and checklists are not suitable for larger operations that have multiple large sites operating at any given time, have multiple complex ongoing regulatory requirements, may have multiple subcontractors, and may have operations that generally would require Green Business Program coordinators and partners to have specialized expertise in order to evaluate them properly and offer sound advice. We do not believe it is appropriate to separate the office/headquarters side of the business from the field operations and believe it is unlikely the consumer would make that distinction.

Major construction companies may seek certification or accreditation from LEED. They may also seek recognition from entities such as StopWaste.Org in Alameda County, a California Integrated Waste Management Board WRAP award, a US EPA Region 9 Pollution Prevention award, Energy Star designation, or a Governor's Environmental and Economic Leadership award.

Draft Appendix D

Guidelines for Certification of Property Managers

We will certify property managers using the following approaches. Local GBPs may opt to use one only, or multiple approaches as appropriate for specific circumstances. There will be a single checklist/application for this sector.

1. We will certify a manager at a specific building where we are certifying “<Property Manager> at <address> or <name of site>”.
2. We will certify a/the local branch of a property management firm by requiring both their local management office *and* one of their properties in the same county (which may be co-located or not) meet all of our standards. In this case, we would be certifying “Coldwell Banker” and “Coldwell Banker at 101 California Street”. Although the company may apply all of our standards to other buildings, we will not be adding additional buildings to the database.
3. We will certify a property management company/property owner for a specific campus that includes multiple buildings if: janitorial, landscape and similar contracts and environmentally preferable purchasing policies that affect the whole campus meet BAGBP standards; lighting and toilets meet BAGBP standards in at least 30% of the buildings on the campus at initial certification with requirement that 60% meet standards by recertification.

Standards:

- a. The required and optional measures will be measures that the property manager (not the tenant) has control over.
- b. The property management company will be **required** to have a written environmental policy statement (EPS) that covers best management practices for *all* of their buildings, including green cleaning products, HVAC maintenance, landscape management, structural pest management using IPM, parking lot maintenance, recycling infrastructure, green building/remodeling.
- c. The property management company will be **encouraged** to demonstrate that at least one staff member has a relevant green building credential: e.g.
 - LEED AP BD & C; ID & C and/or Homes - www.leedbuilding.org);
 - Certified Sustainable Building Advisor (www.BayAreaSBA.org);
 - AEE Certified Energy Manager (www.aeecenter.org);
 - Certified Green Building; Energy Upgrade California Multifamily Green Property Management Training, <http://www.multifamilygreen.org/training>

Resources:

Oregon Lawyers for a Sustainable Future <http://earthleaders.org/olsf>
BOMA GREEN <http://www.boma.org/Resources/TheGREEN/Pages/default.aspx>
LEED Resources for Commercial Real Estate
<http://www.usgbc.org/DisplayPage.aspx?CMSPageID=1935>

Bay Area Hazardous Waste Management Facility Allocation Committee

administered by



Association of Bay Area Governments

101 Eighth Street, Oakland, CA 94607-4756
<http://www.abag.ca.gov/hazwaste>

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**Proposed Budget & Workplan FY 2012-13
May 25, 2012**

Overview

This Budget and Workplan for the Hazardous Waste Management Facility Allocation Committee (Committee) includes proposed activities and allocation of funds for fiscal year 2012/2013. Activities are organized into two main categories, Hazardous Waste and the Green Business Program. Anticipated revenues of \$95,035 include \$10,559.50 from each of the 9 Bay Area counties. This is the same amount billed in 2011/12. No increase is requested for the coming fiscal year.

Due to budget constraints, the Bay Area Air Quality Management District, which had provided annual grants for several years, did not provide funding for the 2011/12 fiscal year. A request has been submitted to the Air Pollution Control Officer asking the District to resume its annual contribution of \$10,000 for fiscal year 2012/13. If received, the funds would be used for the maintenance and enhancement of the statewide measurement database that calculates the environmental benefits achieved by our businesses. That would reduce the contributions requested from Bay Area counties by the database administrator. Because it is uncertain whether the funds will be granted, they are not included in the proposed budget.

Appendix A provides a summary of work accomplished in fiscal year 2011/12.

Hazardous Waste

Universal Waste Processing Facilities: During the 2012/13 Fiscal Year, staff will work with the Technical Advisory Committee (TAC) and a consultant to implement the research project the Committee approved at its meeting on January 27, 2012. The project will examine the potential to site facilities that process universal wastes, such as batteries and used electronic devices, in the Bay Area, and recommend what additional efforts the Committee might pursue in the future to address the large volumes of wastes being shipped out of the region. Appendix B is a revised project memo that reflects Committee direction on the components of the project report.

This effort will be undertaken instead of analyzing the 2010 and 2011 hazardous waste manifest data. During the year, we will confer with Department of Toxic Substances Control and local TAC members on how to approach future analyses of the hazardous waste manifest data to ensure the process meets DTSC expectations and is useful to our members.

Sustainable Purchasing: In response to sustained interest, we will continue to promote Sustainable Purchasing. After organizing successful regional workshops in each of the past 3 years, staff proposes a different approach that is intended to help more agencies interested in sustainable purchasing initiate and implement programs. Instead of offering a workshop, staff

will monitor and post on the Committee webpage information about the subregional initiatives currently underway in Alameda, Santa Clara and Napa counties and any other local efforts we identify. Staff will also research and update the information currently on the site about local government policies and programs. This effort will create a repository of information that any jurisdiction can use. An announcement with links to the updated site will be circulated to ABAG member jurisdictions. We will also work to strengthen our partnership with the Responsible Purchasing Network, and remind our members of the wealth of resources available at their website, many of which are available to non-members.

Extended Producer Responsibility: Staff will continue to monitor and report on Extended Producer Responsibility (EPR) and other relevant legislation, local EPR efforts and the Green Chemistry Initiative. We will inform the Committee and TAC members in a timely manner when there are opportunities to comment or take other actions.

Green Business Program

The success of AB 913, which established the California Certified Green Business Program, offers long term opportunities for the ongoing expansion of the Green Business Program throughout the state. These include forging a statewide identity that takes advantage of the Program's new official status, lending it greater visibility among businesses and consumers, and providing a solid foundation for supportive collaboration with state agencies interested in effective outreach to small businesses.

In the short term, local and state budget shortfalls and the general economic climate will constrain existing Programs from expanding and new Programs from launching. Some local Programs will initiate fees for Program participation in the coming year. Negotiations with local certification partners, such as PG & E, are anticipated to ensure their ongoing financial and in-kind support. Significant state funding for the ongoing maintenance of the database is anticipated, but not at a level that can fully fund needed enhancements, training for new programs, or other expenses.

As members of a statewide Program, the Bay Area and all other local Programs around the state will be challenged to more closely conform their standards and marketing efforts. Working with DTSC and other Green Business Programs around the state, we will participate in the development of a statewide logo and marketing campaign, and update our regional website and materials as needed to tie the Bay Area to the California Certified Green Business Program.

Considering both the opportunities and the challenges, staff will continue to focus considerable time on Green Business - related activities. During 2012/13, in addition to regular Bay Area coordination duties, we will work with county coordinators to increase capacity locally, and with regional and state partners to advance orderly, consistent statewide expansion. Avenues to pursue include increasing efficiency in the local and regional programs, better coordination among state agencies with related missions, and identifying new funding sources.

PROPOSED 2012 / 2013 WORKPLAN

We are seeking Committee approval for the 2012 – 2013 Budget and Work Plan. Staff activities are broken down into two main categories: Hazardous Waste Management Planning/Source Reduction, and the Green Business Program. Approximately 45% of staff time is devoted to the former category, and 55% to the Green Business Program.

Hazardous Waste Management Planning/Source Reduction

- Staff the Committee, Technical Advisory Committee (TAC).
- Engage a consultant, organize a stakeholder group, research and write a report on the potential to attract innovative universal waste processors to the Bay Area in order to address the high volume of hazardous wastes being shipped outside the region, promote environmentally responsible processing, and contribute to a more resilient economy.
- Confer with Department of Toxic Substances Control and local TAC members and report on how to approach future analyses of the hazardous waste manifest data DTSC compiles to ensure the process meets legal requirements and is useful to ABAG members.
- Monitor and report on multi-agency sustainable purchasing efforts in Alameda, Santa Clara, Napa and other counties. Identify new/revised sustainable purchasing policies, resolutions, ordinances, and specifications.
- Update committee website at <http://www.abag.ca.gov/hazwaste/> to provide additional sustainable purchasing tools, resources and links for local governments; consider other opportunities to promote sustainable purchasing, including presentation to ABAG Executive Board.
- Confer with the sustainable purchasing work group to identify additional ways to motivate/assist local jurisdictions interested in implementing EPP programs.
- Work with TAC, the California Product Stewardship Council, and others to track and apprise the Committee of state and local Extended Producer Responsibility and Sustainable Purchasing activities, including legislation. Report as directed to ABAG Legislation & Governmental Organizations Committee and/or Executive Board.
- Follow the Department of Toxic Substances Control's Green Chemistry Initiative; apprise Committee and TAC of opportunities to comment and participate in related discussions.
- Report on regulatory / other changes pertaining to universal and electronic wastes.

Green Business Program

- Staff the Bay Area Green Business Program TAC.
- Coordinate, expand and promote the Bay Area Green Business Program to ensure ongoing health of Bay Area county programs
- Facilitate development of checklists for new sectors identified and deemed suitable for the Program by Bay Area coordinators.

- Identify funding and other opportunities to increase local and regional Green Business Program capacity.
- Assist local programs that intend to augment their budgets by charging a fee for participation to develop fee schedules that avoid disadvantaging businesses with limited resources; share information with all coordinators to encourage consistent fee structures across the Bay Area.
- Facilitate conversations with regional partners, such as the Bay Area Air Quality Management District and Pacific Gas & Electric Company to ensure timely and thorough site audits, seek input to help update our standards, and pursue financial contributions.
- Work with DTSC and local coordinators around the state to develop and implement strategies to increase financial support for local programs and statewide database, and to expand participation in the California Green Business Program.
- Assist DTSC in conversations with state entities that have complementary missions, such as California Air Resources Board, CalRecycle, California Public Utilities Commission, and Department of Water Resources, to better align our efforts and seek support.
- Participate in the development / adoption of a statewide logo for the Green Business Program; work with DTSC and local programs in the California Green Business Network to move in an orderly and strategic way towards a statewide identity that amplifies the impact of our local programs.
- Update Bay Area website as needed; purchase window decals and other collateral.

Work plan staff assignment allocations and details follow in the section entitled Proposed 2012-2013 Budget.

Proposed 2012/2013 BUDGET

Anticipated Revenue

County Contributions: **\$95,035**

On March 23, 2007, the Committee approved annual cost-of-living adjustments to the county fee based on the 12-month moving average of the Consumer Price Index calculated in the same month as the adjustment to the ABAG membership dues. Using that formula, for the 2011/12 Fiscal Year, the adjusted fee was \$10,559.50.

In recognition of the ongoing budget difficulties experienced by our members, we are not seeking an increase in the fee for Fiscal Year 2012/13.

Budgeted Expenses:

Personnel and Overhead **\$71,596**

Consultants **\$19,500**

Materials, Conferences, Miscellaneous Expenses **\$3,939**

Total: **\$95,035**

PROPOSED STAFF ALLOCATIONS

1. Committee administration. Staff time: 74 hours

Task Summary: Schedule meetings, develop agenda packets, write minutes, staff meetings, research legislation, report to ABAG Legislation and Governmental Organizations Committee and Executive Board, prepare annual budget and work plan.
(Krebs – 20 hours; Scandone – 40 hours; Webmaster – 2 hours; support staff – 12 hours)

**2. Recycling Facilities Project / EPR/ Sustainable Purchasing Staff time: 178 hours
Consultants: 180 hours**

Task Summary: Identify/contract with consultant; work with TAC to further scope and guide project; identify and convene stakeholders; manage stakeholder input process; review and comment on drafts; present draft final report to Committee for approval; present approved report to other ABAG bodies as directed by the Committee; monitor and report on Sustainable Purchasing initiatives and update web resources; monitor and report on Green Chemistry, EPR, and other source reduction opportunities; monitor legislation and report as directed to ABAG Legislation and Governmental Organizations Committee.
(Krebs – 100 hours; Scandone – 60 hours; Trigueros – 10 hours; Webmaster – 8 hours)

**3. Bay Area Green Business Program Coordination. Staff time: 458 hours
Consultants: 10 hours**

Task Summary: Support county coordinators; identify resources/efficiencies to improve capacity; purchase materials/implement outreach; update website; ensure consistent application of standards; support expansion into new industries, including potential partnership with Air District on fleets; participate in efforts to improve coordination/partnerships with state agencies.
(Scandone – 440 hours; Moy – 2 hours; Support staff 8 hours; Webmaster – 8 hours)

Appendix A

2011/12 ACCOMPLISHMENTS:

The following section, which describes 2011/12 accomplishments, is intended to update the Committee on the status of current efforts and provide context for ongoing activities.

▪ **Hazardous Waste Management Planning / Source Reduction**

Since inception, the Committee has had two objectives:

- 1) ensure adequate understanding of hazardous waste generation and treatment trends, and capacity for managing hazardous wastes generated within the Bay Area; and
- 2) promote source reduction activities to prevent pollution and avoid the need to site new hazardous waste management facilities.

While the means and methods to address them have evolved over the years, meeting these two objectives continues to define the Committee's work.

During 2011/12, staff has worked to accomplish the following:

- Monitored and reported on Green Chemistry-related activity in Sacramento, in consultation with Department of Toxic Substances Control staff.
- Worked with TAC, the California Product Stewardship Council, and others to stay apprised of Extended Producer Responsibility-related legislation and other initiatives.
- Coordinated with ABAG Legislation & Governmental Organizations Committee staff to ensure that EPR and other relevant legislation be monitored as 2011 legislative priorities; attended L & GO meetings to serve as a resource.
- Consulted with the Technical Advisory Committee on a project proposal for Fiscal Year 2012/13 to examine the potential to recruit and site in the Bay Area facilities that process universal wastes, such as batteries and used electronic devices.
- Hired and managed the work of consultant Linda Spencer, who drafted a project proposal for Committee consideration.
- Consulted with Sustainable Purchasing Work Group meetings to seek input on December conference and other potential sustainable purchasing activities.
- Engaged Alicia Culver of the Responsible Purchasing Network to organize the Sustainable Purchasing workshop held in November 2011.
- Maintained the Committee website (<http://www.abag.ca.gov/hazwaste/>) that lists members, posts agendas and minutes, and provides information about relevant topics and legislation.

▪ **Green Business Program:**

The Green Business Program continues to grow, though at a slower pace. As of May 2012, there are 2,300 Bay Area Green Businesses, approximately the same number as last year. While counties are adding new Green Businesses (just over 200 new businesses were

certified in the past year), and re-certifying many that have reached the end of their 3-year cycle, some previously certified businesses are not recertifying.

The static number of certified businesses reflects the slow economy, since a number of certified businesses have closed their doors. Businesses may be unable, or their landlords may be unwilling, to invest in the energy and water conserving fixtures the standards require. It likely also reflects program-related factors: 1) local government budgets have resulted in reduced staffing in some counties; 2) in counties that have offered the program for many years, recertification accounts for an increasing proportion of program time.

The online system was intended to improve efficiency, and enable coordinators and their partners to work with more businesses. After 18 months of intensive work, it is now fulfilling that promise. In 2011, a design firm was engaged to upgrade the user experience so that businesses now need less support from coordinators as they complete their checklists.

All 9 Bay Area counties continue to offer the Program, though at significantly different levels. San Mateo County put its program on hold in July 2011 due to budget constraints. The county hopes to resume the Program in July 2012. Solano County similarly has staffing constraints that limit its participation.

Checklists: To ensure that Program checklists reflect the most up-to-date recommendations and standards, coordinators in the Bay Area and around the state have implemented a consultation protocol so that new practices and technologies can be reviewed and added to the online checklists in a timely manner.

A checklist for Property Managers has been completed and will be submitted to the Committee for approval at the meeting on May 25, 2012. This is one of the more complex checklists to be developed, since it requires that the firm meet the standards not only at their own office but also at one or more of the properties managed. We expect it to motivate managers to implement whole building retrofits that have significant environmental benefits.

Outreach: The regional website is a key marketing tool for the Program and its businesses. The site provides a portal to the searchable listings of the Green Businesses in the Bay Area and throughout the state, validating a business's claim that it meets Program standards.

ABAG's webmaster created a portal on the Bay Area Green Business Program site that draws in the business search form from the statewide system. This preserves our local brand identity while allowing site visitors to find Green Businesses in the Bay Area and beyond. The switch from manual to automatic updates occurred in December 2010. The new interface design implemented in October 2011 significantly improved the user experience.

California Green Business Network/Program Expansion: During 2011/12, the Program and its sister programs in the California Green Business Network achieved official state status when AB 913 created the California Green Business Program. The legislation stipulates that the state program is based on the model developed here and now implemented by network members elsewhere in the state. New programs that wish to be recognized as members of the California Green Business Program must follow our model.

For the past several months, staff has worked with a statewide Committee on a scaling plan. Issues to consider include processes for timely evaluation of new members, funding to support continued maintenance and enhancement of the statewide database, development of a statewide logo and brand for the California Green Business Program and a process/timeline for integrating that logo into local program websites and materials.

The legislation directs DTSC to work with the California Air Resources Board (CARB) and other state agencies with relevant missions to forge closer relationships that might, in future, have resources to support local environmental initiatives like the green business program. The success of AB 913, which establishes the California Green Business Program with DTSC as the state coordinator, is expected to help DTSC and the local Green Business Programs around the state make a stronger case for better coordination and improved support from state agencies for our local Programs.

In 2009, the Committee approved a change to the Policy Guidelines to allow local programs to charge businesses fees for participating in the Program. Alameda and San Mateo County has indicated that they intend to begin charging fees sometime in 2012.

Constrained local budgets delayed program launch by the City of Los Angeles, and Humboldt and Mendocino counties. We anticipate they will begin operations later in 2012.

During 2011-2012 staff has accomplished the following:

- Convened and staffed county coordinator meetings.
- Facilitated development of property manager checklist.
- Updated Policy guide.
- Maintained and enhanced website.
- Managed recruitment of database design team.
- Worked with legislative staff and CAGBN members on development and coordinated solicitation of support letters for AB 913.
- Served on the scaling committee that is planning for program expansion.
- Consulted with DTSC marketing staff on efforts to develop new logo and plan a marketing campaign.
- Served on the review panel for the Air Resources Board's Cool California Awards.
- Coordinated purchase of program materials.

Appendix B

To: Bay Area Hazardous Waste Management Facility Allocation Committee
From: Technical Advisory Committee
Re: Draft Revised Committee Project: *Sustainable Processing of Universal Waste and Electronics*
Date: May 25, 2012

The Bay Area Hazardous Waste Management Facility Allocation Committee (Committee) has monitored Bay Area hazardous waste trends since 1989. Responding to state legislation, the Committee developed a regional fair-share approach for siting treatment facilities. In 2003 the Committee requested an in-depth look at the region's hazardous waste treatment capacity. Since that time the Region's treatment capacity has continued to decline. The most recent analysis of Bay Area data indicated that in 2009, over 80 percent of hazardous waste in the Bay Area was exported for treatment elsewhere.

Following the 2006 California legislation that made it illegal to dispose of universal waste (UW) products (e.g., fluorescent lamps, alkaline batteries, and electronic product) in the trash, the volume of these wastes has drastically increased at household hazardous waste (HHW) collection facilities. The challenges to local governments of managing this burgeoning volume was highlighted in the October 29, 2010 Committee report, *Hazardous Waste Generation and Treatment Trends*.¹ Ultimately most universal waste is shipped not just out of the region, but outside the U.S. for treatment/resource recovery.

Over the years, the Committee has demonstrated an interest in managing at least some of these wastes in the region. There are a number of reasons why local processing of UW may be a more sustainable option for the Bay Area.

- The lack of recycling-based manufacturing and processing facilities means that the higher paying recycling jobs are located outside the region.² Increased local recovery capacity has the potential to stimulate investment and the creation of jobs in the de-manufacturing, recycling, and reuse industries.
- Underutilized industrial lands are at risk of conversion to other uses. Identifying productive uses for these sites contributes to a more sustainable, resilient, balanced regional economy.
- The types and volumes of wastes that are considered hazardous are on the rise; while the draft Green Chemistry rules require manufacturers of products that contain chemicals of concern to develop product stewardship plans, the rules will potentially result in new categories of consumer products that must be handled differently from the way they are handled today.

¹ <http://www.abag.ca.gov/hazwaste/staffmemos.html>

² CalRecycle (aka Integrated Waste Management Board), 2003. Benefits of Regional Recycling Markets: An Alameda County Study.

- Shipping these items outside the region and/or outside the country increases the region's carbon footprint. In addition, because processors in other countries may not be bound by regulations as stringent as those in the U.S, their activities may expose workers and the environment to serious harm.

With the need growing, and technologies for processing these wastes improving, it may be appropriate to initiate a regional effort to examine the potential to site such facilities in the Bay Area at this time.

Fiscal Year 2012-13 Work Plan: Proposed White Paper

On October 7, 2011 the Technical Advisory Committee (TAC) met to plan for the next biennial analysis (during fiscal year 2012/13) of the Bay Area's 2010/11 hazardous waste generation and treatment trends. As an alternative to performing that analysis, the TAC discussed the possibility of researching how the Bay Area might encourage businesses to site state-of-the-art U and E-waste recycling facilities here. In addition to meeting the committee's objective of treating more hazardous wastes locally, such facilities might have other significant benefits:

1. **Create jobs** – provide good "green" and "green collar" jobs in de-manufacturing and re-manufacturing,
2. **Stimulate economic development** – preserve and put underutilized industrial areas back to use,
3. **Realize savings** - reduce financial costs and environmental impacts of shipping materials out of the region,
4. **Achieve sustainability** - reclaim and reuse resources from our waste stream resulting in a reduced burden on nonrenewable natural resources, and
5. **Promote resiliency** - contribute to a more diverse and sustainable economy.

The TAC discussed producing a white paper with three sections. The *first section* would identify specific u-wastes as opportunities/challenges for siting recycling facilities for certain universal and electronic wastes that show promise for local recovery. The white paper would consider the following products to investigate further: batteries, fluorescent bulbs, cell phones, computers, rigid plastics, and leaded glass. Each product would be evaluated as to how potentially successful it would be to site a processing facility based on readily available information. Evaluation criteria would include:

- Innovative waste treatment technology
- Low or no threat to the environment or public health
- Largest flow of waste
- Public acceptance
- Ease of permitting
- Manufacturer's priorities
- Cost
- Local demand

The TAC has identified the following diverse group of public, private, and non-profit organizations as stakeholders that could contribute knowledge and expertise:

- Planning / Community & Economic Development departments
- CalRecycle Recycling Market Development Zones
- Community/Social Equity/Environmental Justice groups (Urban Habitat, Green for All)
- Public agencies and affiliates (Cal EPA, US EPA, Governor's Office of Economic Development, CalRecycle, Department of Toxic Substances Control, Bay Area Air Quality Management District, SF Bay Water Quality Control Board, California Product Stewardship Council)
- Environmental groups (Natural Resources Defense Council, Environmental Defense Fund, Silicon Valley Toxics Coalition)
- Brownfields reuse organizations (Center for Creative Land Recycling)
- TSDs and/or Waste Disposal Companies
- Business and labor organizations
- Product manufacturers/de-manufacturers/remanufacturers
- Academic / research community

In order to conduct the research and ground-truth the evaluation, we would contact a representative sub-set of these stakeholders for input. The perception that a U-Waste recycling facility would be undesirable in local communities ultimately could be the largest obstacle to overcome. While the extensive level of outreach needed to fully address this perception is beyond the scope of the White Paper, we plan to work with key stakeholders who can help us to frame the issues constructively.

The white paper's *second section* would explore potential obstacles to siting and/or operating U-Waste recycling facilities in the Bay Area. At present, electronics is a category of wastes for which information is more readily available, and thus is used here to illustrate some of the challenges. Two current initiatives, one to process polymers and the other to process batteries are also briefly noted. If the project goes forward, the opportunities and challenges to process these and other wastes would be fully explored.

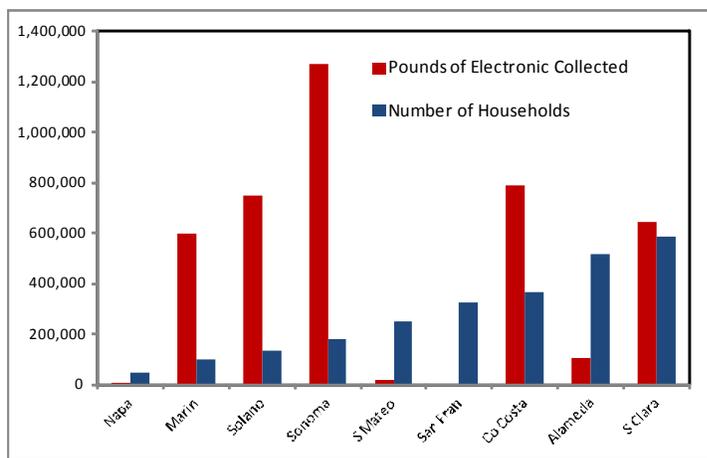
Electronics Recycling

Expanding the capacity for used electronics recycling in the Bay Area faces many obstacles, despite the passage of regulation in California that provides built-in financial incentives. The obstacles include higher costs to local governments, low recycling rates amongst households, small number of local recyclers, and concerns regarding the lack of uniformity in safe and secure recycling practices. Each of these obstacles is touched upon below, as an example of the types of issues the project would explore in greater depth.

In 2003 SB 20, the Electronic Waste Recycling Act, established an Advanced Recycling Fee (ARF) on retail sales of electronic wastes. Recyclers are reimbursed at a rate \$0.48/lb for eligible products collected and recycled, \$0.20/lb. of which must be passed on to the approved collector. The Act was subsequently amended by SB 50, and expanded by emergency DTSC regulation. Local agencies have found the ARF "difficult to implement and administer". A

considerable amount of bureaucracy has been created to establish, collect, and disperse fees and to certify recyclers.³

Currently, the wastes that were “covered” under the Act, as amended, are video display devices with screens greater than four inches that are presumed to be hazardous when disposed including cathode ray tube (CRT) devices, CRT televisions and computer monitors; liquid crystal display (LCD) televisions and desktop monitors; laptop computers with LCD displays; portable DVD players, and plasma televisions sold in California. HHW programs also collect a significant volume of “non-covered” video display devices.



The Institute for Electronic Recyclers conducted a national survey in 2010 and found a low recycling rate amongst consumers/households. Despite the fact that the consumer market constitutes the largest electronics volume purchased, it constitutes only 26 percent of what recyclers receive. The Institute concluded that a large volume of electronics most likely ends up in landfills. In addition, they report that increasing the recycling volume amongst consumers/households “will

inevitably spur economic growth and job creation with an expanded industry.”⁴

Covered and universal electronic wastes collected in 2008/09 by HHW programs, as reported to DTSC on 303 forms, are shown here along with the number of households by county. Sonoma County reported the highest amount (1.3 million pounds). Sonoma County has consistently collected over 1 million pounds for the past three years. Staff at the Sonoma County Waste Management Agency attribute their high volumes to their aggressive advertising program.⁵ Sonoma County HHW electronics are shipped to ECS Refining in San Joaquin County (Stockton).

County	Collectors ¹	Recyclers ¹
Alameda	45	5
Contra Costa	21	1
Marin	5	0
Napa	4	0
San Mateo	10	0
San Francisco	2	0
Santa Clara	38	4
Solano	6	0
Sonoma	8	0
Total	139	10

¹ CalRecycle database, 2011. Approved to accept SB50/SB20 covered wastes.

www.calrecycle.ca.gov/Electronics/Reports/Search.aspx

The variability between counties likely reflects the additional collections done by private companies that are not reflected on the 303 forms. A search of CalRecycle’s database of recyclers approved to accept covered electronic products indicates that statewide there are over 500 collectors, but

³ Rob D’Arcy, 2006. Local Governments’ Looming Fiscal Crisis - Household Hazardous Products and the Need for Extended Producer Responsibility. www.calpsc.org/assets/policies/thru2008/CA_HHW_EPR_D%27Arcy_White_Paper.pdf

⁴ International Data Corporation, 2011, Survey, Inside the US Electronics Recycling Industry.

⁵ Lisa Steinman, November 21, 2011. Waste Management Specialist, Sonoma County Waste Management Agency. Personal Communication.

just over 50 that actually do recycling. There are 10 approved recyclers in the Bay Area. The General Accounting Office reports that, “while some exported used electronics can be handled responsibly...a substantial amount ends up in countries such as China and India, where they are often handled and disposed of unsafely.”⁶ Secure destruction of all sensitive information and materials must be guaranteed, and industry experts are finding that the “reverse logistics” or the process of ensuring safe handling and destruction of potentially sensitive information stored on computers is not standardized.⁷ Third-party certification, such as R2 and e-Steward provide mechanisms to ensure environmental, worker health and safety, and security practices are adhered to.⁸ Four of the ten Bay Area recyclers who are approved by DTSC to recycle covered electronics have received third party certification.

Promising Recycling Prospects

TAC members have suggested following up with two recyclers--MBA Polymers and Akkuser—that might be good prospects for a Bay Area facility. We understand that both companies have sought to locate/expand in the Bay Area. MBA Polymers is an international company headquartered in Richmond, CA. They are equipped to receive complex waste streams, separate out the polymers, and purify them for reuse. MBA Polymers recycles plastics from goods including appliances, autos, computers, and electronics. Their primary recycling operations take place in China, Austria, and the UK. The Richmond headquarters is a research-only facility.

Akkuser is a Finland- based ISO 14001 and ISO 9001 certified battery recycling company that has sought to expand operations in Santa Clara and Alameda County. Akkuser has patented Dry-Technology® to separate and process metals back into their elemental form for reuse in foundries. For the past five years, Akkuser has successfully recycled rechargeable batteries throughout Scandinavia. New technology has been

developed to efficiently recycle alkaline batteries at an estimated cost of about 25 cents per pound. In a prospectus provided to Santa Clara County, Akkuser estimates that seven crushing and fourteen leaching plants would be needed to recycle all the alkaline batteries generated within California. In order to recycle rechargeable batteries not currently collected (4,536 tons), Akkuser estimates the need for three crushing plants in California. This table summarizes the

Potential Jobs Created by CA Battery Recycling				
	Alkaline		Rechargeable	
Job Type	Baseline	Full-scale	Baseline	Full-Scale
Operations	34	378	14	42
Sorting	48	310	8	24
Office	4	40	3	9
<i>Sub-total</i>	86	728	25	75
Construction	65	455	19	57
<i>Total</i>	151	1,183	44	132
Other Permanent Jobs				
Collection Logistics	3,700			
Retail Collections	8,880			

Data supplied by Akkuser, Hørsholm, Denmark
 Alkaline: Baseline=1 crushing, 2 leaching plants; Full-scale= 7 crushing, 15 leaching plants

⁶ General Accounting Office, August 2008, Electronic Waste: EPA Needs to Better Control Harmful U.S. Exports through Stronger Enforcement and More Comprehensive Regulation, GAO 08-1044.

<http://www.gao.gov/new.items/d081044.pdf>

⁷ Haber, Terry, 2011. Bringing Standardization to Asset Recovery Logistics, Reverse Logistics Magazine, Edition 31, 2011. <http://viewer.zmags.com/publication/d9a28d6b#/d9a28d6b/4>

⁸ R2 Solutions www.R2solutions.org. e-Stewards www.e-stewards.org

number of jobs created by both a baseline scenario (one alkaline battery crushing plant, two alkaline leaching plants, and one rechargeable plant) and a full-scale scenario to meet statewide recycling demand, as determined by Akkuser.

While we haven't yet researched this extensively, a recent article in the New York Times⁹ describes how household batteries are being shipped to Mexico for processing where the rules are less stringent and enforcement virtually nonexistent. Just south of our border, workers, residents, and the environment are being exposed to dangerous levels of lead. According to the article, about 20 million batteries will cross from the U.S. into Mexico this year.

The third and *final section* of the white paper would recommend future actions such as developing a pilot project locally, applying for a grant for additional research, etc.

Recommendation

The TAC recommends that the Hazardous Waste committee postpone the scheduled analysis of Bay Area Hazardous Waste Trends (covering the 2010/2011 data) currently scheduled for FY 2012/13. Instead of conducting that analysis, the TAC recommends that staff, the TAC, and a consultant collaborate on developing the white paper outlined above. A key piece of the effort would be to work with stakeholders who could inform and advise the work as it proceeds. The TAC would present the Draft White Paper summarizing the results of our research, findings, and recommendations for future action at a Committee meeting in FY 2012/2013.

⁹ Rosenthal, Elisabeth, December 8, 2011. Lead from Old U.S. Batteries Sent to Mexico Raises Risks. New York Times.