



October 6, 2011

To: Member Agency Staff
From: Tom Padia, Recycling Director
Subject: Import Mitigation Funding to Member Agencies for FY 11/12 – *Last and Final Year*

Background

The Authority has received Waste Import Mitigation Fee payments from the City and County of San Francisco since the mid-1980's. Beginning in the mid-1990's the Authority has allocated \$1,000,000 of these revenues annually to the member agencies (increased to \$1,100,000 in FY 07/08) with the requirement that the funds be used for specified waste reduction purposes. As part of the FY 07/08 budget process, the WMA Board adopted a set of eligibility criteria that would need to be adopted by each member agency in order to receive IM funds in FY 08/09 and 09/10:

- Residential food scraps co-collected curbside with plant debris for composting
- Formal adoption of a 75% diversion goal
- C&D Debris Diversion Ordinance applicable to private projects as well as to civic projects
- Civic Green Building Ordinance
- Civic Bay-Friendly Landscaping Ordinance

All member agencies met the eligibility criteria for FY 08/09 and 09/10.

Our "Strategic Workplan 2020" included a recommendation to extend import mitigation payments (grants) historically offered to our member agencies for another two fiscal years, at the level of \$1.1 million, under the following conditions and procedures:

First Year (FY 10/11) Funding Conditions:

- Continued compliance with previous mitigation funding conditions.
- Implement and report compliance with the C&D, Civic Bay Friendly, and Civic Green Building policies or ordinances.
- Participate in The Contest, our new regional media campaign.

The recommended first year (FY10/11) funding and conditions were adopted in the FY10/11 budget, and these funds were disbursed to all 17 member agencies.

Funding Conditions for FY 11/12

For the second and final year (FY 11/12), after many months of discussions with the member agency Technical Advisory Committee (TAC) and advisory discussions with both the Recycling Board and the Waste Management Authority Board, at the January 26, 2011 WMA Board meeting staff was directed to include the following funding and conditions in the FY 11/12 budget for the final year of pass through

Waste Import Mitigation funding. The following was included in the FY 11/12 StopWaste.Org budget adopted by the WMA on May 25, 2011:

Second and Final Year (FY 11/12) Funding Conditions (all of the below):

- Continued compliance with previous mitigation funding conditions.
- Implement and report compliance with the C&D, Civic Bay Friendly, and Civic Green Building policies or ordinances.
- Participate in The Contest, our new regional media campaign.
- Implement at least two measures from the menu of options below (the two sanitary districts, who do not have land use powers and who will be unable to adopt the "Bay Friendly Basics" landscaping ordinance referenced in the next bullet, will need to implement three of the measures from the menu below)
- All Cities and the County (not including the two sanitary districts, who do not have land use powers) will require that all new construction and rehabilitation of public and private landscapes of 2,500 square feet of irrigated area or greater that require a permit, plan check or design review (this is the threshold contained in the California Model Water Efficiency Landscape Ordinance, which became effective 1/1/10 in every jurisdiction unless superseded by a stricter local ordinance) shall adhere to the modified "Bay Friendly Basics" (see attachment B). A Bay-Friendly-Rated Landscape must meet the required "Basic" practices as well as score a specified number of points from a more extensive scorecard. The new mitigation condition would extend only the Bay Friendly Basic practices to all projects over the threshold. Consistent adherence to these measures for major landscape projects will help to develop local markets for mulch and compost and will also serve to strengthen partnerships with local water and stormwater agencies for the mutual goal of resource conservation.

The above ordinance, and any ordinance selected from the list below, would need to be adopted by the end of June, 2012, at the latest, and become effective by July 31, 2012, at the latest. Timing of disbursement of Import Mitigation allocations in FY 11/12 will depend upon when requirements are met and application is submitted. Applications demonstrating compliance must be submitted by June 30, 2012. Allocations from any agencies not meeting the eligibility requirements will be retained in the fund balance at StopWaste.Org. Allocations to eligible agencies will not be affected by the ineligibility of anyone else.

Menu of Options

Require the 14 cities and the County to select and implement two additional measures from the following menu of options (sanitary districts, exempt from the "Bay Friendly Basics" requirement, will need to pick three measures). Selections may include options already implemented in the jurisdiction:

- Implement an effective commercial food scraps collection program (minimum requirements are to collect from 20% or more of food-generating businesses, per SIC/NAICS code lists, or from 5% or more of all businesses in the jurisdiction)
- Implement an acceptable special events diversion program (all events required to obtain a permit from the City that are expected to draw 1,000 attendees or more, must submit a waste management plan prior to the event and a post-event report listing, at a minimum, quantities diverted and disposed).
- Promote food scraps diversion within jurisdiction as regional campaign winds down (provide residential bill inserts at least two times per year promoting food scraps recycling, and ensure residential organics carts are labeled for plant debris, food scraps and compostable paper, and do not read "Yard Waste Only")

- Cooperate and partner with StopWaste.Org and the local school district to monitor and expand diversion efforts within and partnerships with the schools (at a minimum, city will verify through site visits whether or not the local school district is in compliance with the StopWaste.Org School District partnership requirements - i.e. that there is a recycling bin in every classroom, and the school district has the appropriate collection arrangements in place for recyclables from the school sites). Random classroom inspections at 20% of the district classrooms will be deemed sufficient to verify compliance.
- Adopt an acceptable Environmentally Preferable Purchasing (EPP) policy for public purchases that requires, at a minimum, annual reporting to the elected council or board of the jurisdiction on implementation of and compliance with the policy.
- Adopt the Green Halo compliance tracking system to assist in the implementation of C&D Ordinance (would not apply to sanitary districts), including any necessary changes to fee schedules and/or permit processes to ensure that permit holders input waste management data into the Green Halo system. (City may assess a service fee for staff to input waste management data into system for permit holders not willing or able to utilize Green Halo system).
- For commercial building renovations, require compliance with StopWaste.Org's small commercial checklist (would not apply to sanitary districts).
- For private construction projects, require third party Green Building certification for projects over specified threshold (would not apply to sanitary districts). Verification may be by a municipal employee or contractor if that person is a certified GreenPoint Rater, provided the project is officially certified as GreenPoint Rated or LEED.
- For private sector landscape construction, require a third party Bay-Friendly Rated Landscape certificate for projects over specified thresholds (would not apply to sanitary districts). Verification may be by a municipal employee or contractor if that person is a qualified Bay-Friendly Landscape Rater, provided that the project is officially certified as a Bay-Friendly Rated Landscape. It is highly recommended that mandatory compliance is phased in.
- Enhanced participation in the "Ready, Set, Recycle" Contest. "Enhanced participation" is defined as distributing and posting Contest flyers, posters and other promotional materials in public spaces such as city offices and libraries; promoting the Contest via established member agency/hauler communications venues such as garbage bill inserts, electronic and/or print newsletters, and websites; promoting the Contest at established member agency public events such as Earth Day fairs, parades, etc.; making city staff available for media interviews as needed; and recognizing Contest "winners" in sanctioned city venues such as council meetings and/or other public events.

Additionally, the WMA Board directed staff to work with member agencies to bring forward proposals for other revenue sharing systems that provide at least this level of support to member agencies, funded by specific new fees or rate changes. Such proposals may involve advanced disposal fee and franchise task force recommendations.

Attachment A: Import Mitigation Funding Allocation Schedule for FY 11/12

Attachment B: Bay Friendly "Basics"



Attachment A

ALAMEDA COUNTY WASTE MANAGEMENT AUTHORITY

\$1,100,000 MITIGATION FUND DISBURSEMENT TO MUNICIPALITIES

ALLOCATION OF FUNDS FOR FY 2011/2012 BASED UPON 2010 DISPOSAL TONS

<u>MEMBER AGENCY</u>	<u>2010 DISPOSAL</u>	<u>% TOTAL DISPOSAL</u>	<u>BASE AMT.</u>	<u>% OF BALANCE</u>	<u>TOTAL FUNDS</u>
Alameda	38,464	3.35%	\$20,000	\$ 25,460	\$ 45,460
Albany	5,621	0.49%	\$20,000	\$ 3,724	\$ 23,724
Berkeley	75,597	6.59%	\$20,000	\$ 50,084	\$ 70,084
Dublin	24,661	2.15%	\$20,000	\$ 16,340	\$ 36,340
Emeryville	13,130	1.15%	\$20,000	\$ 8,740	\$ 28,740
Fremont	150,215	13.09%	\$20,000	\$ 99,484	\$ 119,484
Hayward	121,986	10.63%	\$20,000	\$ 80,788	\$ 100,788
Livermore	65,529	5.71%	\$20,000	\$ 43,396	\$ 63,396
Newark	34,896	3.04%	\$20,000	\$ 23,104	\$ 43,104
Oakland	286,189	24.94%	\$20,000	\$189,544	\$ 209,544
Piedmont	6,483	0.57%	\$20,000	\$ 4,332	\$ 24,332
Pleasanton	73,800	6.43%	\$20,000	\$ 48,868	\$ 68,868
San Leandro	129,196	11.26%	\$20,000	\$ 85,576	\$ 105,576
Union City	38,944	3.39%	\$20,000	\$ 25,764	\$ 45,764
Castro Valley S. D.	24,535	2.14%	\$20,000	\$ 16,264	\$ 36,264
Oro Loma S. D.	25,585	2.23%	\$20,000	\$ 16,948	\$ 36,948
Remaining Uninc.	32,513	2.84%	\$20,000	\$ 21,584	\$ 41,584
TOTALS	1,147,344	100.000%	\$340,000	\$760,000	\$1,100,000

Attachment B: Bay Friendly "Basics" Requirement for Import Mitigation Funding Eligibility

This Bay-Friendly Basics Checklist is considered a minimum set of practices to improve the environmental performance of the landscape. For electronic copies of this checklist, and other Bay-Friendly Landscaping resources, visit: www.BayFriendly.org

1. Mulch: All soil on site is protected with a minimum of 3 inches of mulch after construction.
2. Amend the Soil with Compost Before Planting: Compost is specified as the soil amendment, at the rates indicated by a soils analysis to bring the soil organic matter content to a minimum of 3.5% by dry weight or 1 inch of compost. If the imported or site soil meets the organic content of 3.5% or more, then the requirement is waived.
3. Reduce and Recycle Landscape Construction Waste: Divert 50% of landscape construction and demolition waste by weight. Verify the local jurisdiction's minimum requirement and reporting procedures for C&D debris recycling. An existing or new city/county ordinance on diversion of C&D debris supersedes this requirement.
4. Choose and Locate Plants to Grow to Natural Size: Species will be selected and plants spaced to allow them to grow to their natural size and shape. Pruning for structural integrity and health of plant is permitted. In addition, plants located in a row or adjacent to buildings, sidewalks, or in narrow strips/medians will be spaced at the maximum plant spread according to a published reference plant book, and still fit into their planting area without significant overhang against buildings, or over walkways, streets or onto adjacent plants.
5. Do Not Plant Invasive Plant Species: None of the plant species listed by CAL-IPC as invasive in the San Francisco Bay Area should be included in the planting plan.
6. Grow Drought Tolerant California Native, Mediterranean or Climate Adapted Plants: A minimum of 75% of the total number of plants in the non-turf areas must be species that require no or little summer watering once established. Species should be adapted to the climate in which they will be planted, as referenced by a third party source. If plants are given a range of water needs from "occasional to moderate" for example, the landscape designer must determine if the plant will require either occasional or moderate watering based on site, soil, and climate conditions and categorize the plant appropriately.
7. Minimize the Lawn: A maximum of 25% of total irrigated area is specified as turf, with sports or multiple use fields exempted.
8. Specify Weather-Based Irrigation Controllers (Automatic, Self-adjusting) that includes a Moisture and/or Rain Sensor Shutoff: Weather-based irrigation controllers, soil moisture based controllers or other self-adjusting irrigation controllers, shall be required for all irrigation systems.
9. Sprinkler & Spray Heads are Not Specified for Areas Less Than 8 Feet Wide: Sprinkler and spray heads are not specified in areas less than or equal to eight feet wide to prevent overspray and runoff. Acceptable alternatives include drip, subsurface drip, bubblers or no irrigation. Bubblers shall not exceed 1.5 gallons per minute per bubbler.