

**MOJAVE DESERT AND MOUNTAIN RECYCLING
JOINT POWERS AUTHORITY**

REGULAR MEETING
THURSDAY, NOVEMBER 4, 2021
10:00 A.M.

TELECONFERENCE NOTICE

This meeting is being held in accordance with the Brown Act as currently in effect under the State Emergency Services Act., the Governor's Emergency Declaration related to COVID-19, and the Governor's Executive Order N-29-20 issued on May 5, 2020 that allows attendance by members of the Board and the public to participate and conduct the meeting by teleconference.

NOTICE TO THE PUBLIC: To participate please sign in via the link below.

Join Zoom Meeting

<https://zoom.us/j/95815909962?pwd=aGFXYUpEWtc1SHB1U0NMdIQ3UlpuQT09>

Meeting ID: 958 1590 9962

Passcode: 157048

One tap mobile

+16699009128,,95815909962#,,,,*157048# US (San Jose)

Questions/Issues call (760) 955-5157.

CALL TO ORDER AND ROLL CALL

PLEDGE

1. Resolution 2021-01.

Recommendation: Adopt Resolution 2021-01.

CONSENT CALENDAR

2. Request to Approve the Consent Calendar as follows:

A. Minutes of the Board Meeting held August 12, 2021.

Recommendation: Approve consent calendar.

PUBLIC HEARING ITEMS

None

DISCUSSION/ACTION ITEMS

3. PERMA Alternate.

Recommendation: Confirm JPA Administrator as PERMA Director; and appoint JPA Controller Margaret DeMauro as PERMA Alternate.

4. California Budget Act of 2021: SB 1383 Implementation Grants.

Recommendation: Authorize the Administrator to pursue per capita SB 1383 local grants, including minimum payments and payments adjusted by community income.

5. Update Request for Qualifications: SB 1383 Data Collection, Monitoring and Reporting.

Recommendation: Authorize Request for Qualifications to provide SB 183 data collection, monitoring and reporting services.

6. California Recycling and Plastic Pollution Reduction Act.

Recommendation: Information and discussion on the 2022 Plastic Initiative.

7. Legislative Update.

Recommendation: Board update on current legislation.

PUBLIC COMMENTS

8. Public comment on items of interest to the public.

BOARD MEMBERS COMMENTS

9. Comments by members of the Board of Directors.

DATE OF NEXT MEETING

THURSDAY, FEBRUARY 10, 2021

ADJOURNMENT

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Resolution 2021-01: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MOJAVE DESERT AND MOUNTAIN RECYCLING AUTHORITY CONFIRMING THE CONTINUING STATE OF EMERGENCY PROCLAIMED BY GOVERNOR NEWSOM ON MARCH 4, 2020 AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF ITS BOARD OF DIRECTORS FOR THE PERIOD NOVEMBER 4 THROUGH DECEMBER 3 PURSUANT TO NEWLY ENACTED BROWN ACT PROVISIONS

SUMMARY STATEMENT

AB 361 was adopted as an urgency statute allowing continued suspension of Brown Act teleconferencing requirements during a proclaimed state of emergency. The Governor's March 4, 2020 State of Emergency Declaration suspended requirements that each teleconference location be identified in the meeting notice and agenda, and be publicly accessible. That suspension expired on September 30, 2021.

Upon adoption of an appropriation resolution at the beginning of the meeting, the Authority may continue to teleconference without posting teleconference locations or guaranteeing public access to those locations during a declared state of emergency until January 1, 2024. Findings in the resolution include a finding that meeting in person would present an imminent risk to health and safety of attendees.

AB 361 also requires that the notice and agenda include public access and comment opportunities, including call-in or internet access; that the meeting be conducted so as to protect the public's statutory and constitutional rights; and that no action be taken during teleconferencing interruptions. Public access cannot be restricted by requiring advance written comments, but must allow real time and reasonable access.

Resolution 2021-01 addresses AB 361 provisions allowing continued teleconferencing during the proclaimed emergency.

RECOMMENDED ACTION

Adopt Resolution 2021-01

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	Reduced Board mileage payments	November 4, 2021	1

RESOLUTION NO. 2021-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE MOJAVE DESERT AND MOUNTAIN RECYCLING AUTHORITY CONFIRMING THE CONTINUING STATE OF EMERGENCY PROCLAIMED BY GOVERNOR NEWSOM ON MARCH 4, 2020 AND AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF ITS BOARD OF DIRECTORS FOR THE PERIOD NOVEMBER 4 THROUGH DECEMBER 3 PURSUANT TO NEWLY ENACTED BROWN ACT PROVISIONS

WHEREAS, the Mojave Desert and Mountain Recycling Authority (the “Authority”) is committed to preserving and nurturing public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Authority’s legislative bodies are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the Authority’s legislative bodies conduct their business; and

WHEREAS, the Brown Act, Government Code section 54953(e), makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, a proclamation is made when there is an actual incident, threat of disaster, or extreme peril to the safety of persons and property within the jurisdictions that are within the Authority’s boundaries, caused by natural, technological, or human-caused disasters; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, such conditions now exist in the Authority, specifically, as the state of emergency declared by Governor Newsom on March 4, 2020 continues; and

WHEREAS, social distancing orders are in place at the state and County level for indoor public meetings and, given the size of the Board meeting room, imposing such social distancing measures could present an imminent risk to the health and safety of attendees and enforcement of such rules could deter participation in a Board meeting; and

WHEREAS, the Board of Directors does hereby find that the combination of the emergency order and the requirement for social distancing has caused, and will continue to cause, conditions of peril to the safety of persons within the Authority that are likely to be beyond the control of services, personnel, equipment, and facilities of the Authority, and desires to rely upon those orders to allow remote attendance at meetings subject to the requirements of the Brown Act; and

WHEREAS, Board of Directors does hereby find that, commencing with the November 4, 2021 meeting, it is justified in conducting its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that such

legislative bodies shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, the Authority has and will continue to comply with all other applicable health and safety orders.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE MOJAVE DESERT AND MOUNTAIN RECYCLING AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Confirmation of Emergency. The Board hereby proclaims that the state of emergency continues throughout the Authority, and meeting in person would be difficult due to the size of the Board meeting room and therefore present imminent risk to those in attendance.

Section 3. Remote Teleconference Meetings. The General Manager and staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including, conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act. This Resolution applies to all Authority legislative bodies.

Section 5. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective November 4, 2021 until December 3, 2021 and thereafter until such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which all Authority bodies subject to the Brown Act may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of the Big Bear Airport Authority this 4th day of November, 2021, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Jones, Chair

Attest:

Linda St. Louis
Board Secretary

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Consent Calendar

SUMMARY STATEMENT

Request to Approve the Consent Calendar as follows:

A. Minutes of Board Meeting held August 12, 2021.

RECOMMENDED ACTION

Approve consent calendar.

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
Linda St. Louis		August 12, 2021	2

MINUTES

MOJAVE DESERT AND MOUNTAIN RECYCLING JPA BOARD MEETING

10:00 A.M., THURSDAY, AUGUST 12, 2021
VICTOR VALLEY MATERIALS RECOVERY FACILITY (VIRTUAL MEETING)

JPA Board Members Present: Marilyn Kruse (Barstow), Debra Jones (Victorville), Bynette Mote (Big Bear), Jeff Drozd (Yucca Valley), McArthur Wright (29 Palms), Ellen Campbell (Needles), Joy Jeannette (Adelanto), Larry Cusack (Apple Valley), CJ Porter (1st District)

Others Present: John Davis (Administrator), Linda St. Louis (Secretary), Bob Hollis, Krys Golly (San Bernardino County), Julie Ryan (Apple Valley), Paul Ryan, Rick Denison (Yucca Valley), Jess Reed (Barstow), Tamara King (San Bernardino County), Jenele Davison (Victorville), Guy Eisenbrey (Apple Valley), Richard Crockett (Burrtec)

Roll call was conducted. Chair, Debra Jones, called the meeting to order at 10:00 A.M.

Board Member Larry Cusack led the pledge of allegiance.

1. **Consent Calendar.** The Consent Calendar was approved on a roll call vote following a motion from Board Member Larry Cusack and a second from Board Member Ellen Campbell to approve the minutes of the Board Meeting, warrant ratification and Treasurer's Report.
2. **JPA Board Chair and Vice-Chair.** Debra Jones was reelected as Board Chair on a roll call vote following a nomination from Board Member Larry Cusack. Larry Cusack was reelected as Vice-Chair on a roll call vote following a nomination from Board Member Marilyn Kruse.
3. **Amended Agreement with High Desert Second Chance.** An amended agreement with High Desert Second Chance was approved on a roll call vote following a motion by Board Member Larry Cusack and a second from Board Member Joy Jeannette.
4. **Marketing Services: CoLab Crew.** An agreement with CoLab Crew was approved on a roll call vote following a motion from Board Member Bynette Mote and a second from Board Member Joy Jeannette with a change to Paragraph IV – Term. The paragraph is revised as follows:

IV. **TERM:** The term of this Contract shall extend from September 1, 2021 through June 30, 2022; and shall renew annually for four additional one-year terms. Either party may provide notice of non-renewal to the other by December

31st and if non-renewal notice is provided this Contract shall end on the subsequent June 30th. The contract shall end on June 30, 2026 unless approved by the Board.

5. **Fourth Amended Agreement for Professional Services Between the Mojave Desert and Mountain Recycling Authority and John C. Davis, Effective July 1, 2022.** Amendment #4 with John C. Davis was approved on a roll call vote following a motion by Board Member Ellen Campbell and a second from Board Member McArthur Wright.
6. **Request for Qualifications: SB 1383 Data Collection, Monitoring and Reporting.** The Board authorized a Request for Qualifications to provide SB 1383 Data on a roll call vote following a motion by Board Member Joy Jeannette and a second from Board Member Marilyn Kruse.
7. **Edible Food Recovery Requirements (SB 1383).** Board Administrator John Davis provided an overview of the edible food recovery requirements in SB 1383.
8. **Statewide Commission on Recycling Markets and Curbside Recycling.** Board Administrator John Davis updated the Board on the Statewide Commission on Recycling Markets and Curbside Recycling.
9. **Legislative Update: Plastics.** Board Administrator John Davis provided the Board an update on beverage container legislation.
10. **Public Comments.** None.
11. **Board Comments:**

Board Member Marilyn Kruse – Thank you John – very informative meeting – overwhelming – empathy for Needles – kudos to those jumping in and moving forward – hoping Stater Bros. comes on board – thanks Debra Jones and Larry Cusack for accepting Chair and Vice-Chair.

Chair Debra Jones – Welcome to the Board Ellen Campbell.

The Chair set the date of the next meeting for November 4, 2021. The meeting was adjourned at 11:44 AM.

Debra Jones
Chair

Linda St. Louis
Secretary

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

PERMA Alternate

SUMMARY STATEMENT

The Public Entity Risk Management Risk Management Authority (PERMA) provides liability insurance and risk management support for the Authority. The PERMA Board meets three times annually, on the first Thursday in March, June and December. The Authority appoints a Director and alternate representative to the PERMA Board. The JPA Administrator currently is appointed as the Director, but the alternate is vacant.

Because of the financial nature of PERMA's work, the JPA Controller Margaret DeMauro is an appropriate alternate appointment.

RECOMMENDED ACTION

Confirm JPA Administrator John Davis as PERMA Director; and appoint JPA Controller Margaret DeMauro as PERMA Alternate

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	None	November 4, 2021	3

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

California Budget Act of 2021: SB 1383 Implementation Grants

SUMMARY STATEMENT

The adopted State budget includes \$270 million in new CalRecycle funding. This includes funding for market development, recycling and composting infrastructure, food waste prevention and edible food recovery, community composting, and co-digestion at waste water treatment plants.

The budget also appropriates \$60,000,000 of Greenhouse Gas Reduction funds providing grants to local jurisdictions for SB 1383 implementation. CalRecycle, in consultation with stakeholders, will determine allocation methodologies and funding amounts. The budget requires that "[t]o receive these funds, a jurisdiction shall submit an application that specifies all implementation needs and include a detailed description of implementation activities for which the funds will be used, including itemized expenditures".

The SB 1383 grant appropriation amounts to approximately \$1.50 per capita, assuming that CalRecycle would not allocate the funding on a competitive basis. CalRecycle's Director confirms that the agency is consulting with the League of California Cities and California State Association of Counties prior to opening stakeholder input. CSAC and the League were signatories to a May 2021 letter requesting SB 1383 funding that would be distributed with minimum payment to each agency. This is consistent with the Recycling Authority's budget allocation method recognizing that each agency shares an equal burden regardless of size (1/3 of the budget) and a disproportionate burden based on population (2/3 of the budget).

If the \$60 million were shared 1/3 per jurisdiction (\$20 million), each agency would receive approximately \$35,000; leaving about \$40 million for per capita funding. Those funds could be adjusted based on income levels so that low and moderate income communities receive additional relief. A community with income at 100% of the statewide median would receive \$1 per capita; while a 50% of median community would receive \$1.50 and a community at 150% would receive \$.50 per capita.

RECOMMENDED ACTION

Authorize the Administrator to pursue per capita SB 1383 local grants, including minimum payments and payments adjusted by community income

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	\$600,000 per capita revenue	November 4, 2021	4

2021-22 Cap and Trade Expenditure Plan
(\$ in millions)

			Budget Act	Summer Package	
			2021-22		
Program	BU	Department	GGRF	GGRF	Total Funding
Healthy & Resilient Forests (SB 901)	3540	CAL FIRE	\$75	\$155	\$230
AB 617 - Community Air Protection	3900	CARB		\$260	\$260
AB 617 - Local Implementation	3900	CARB		\$50	\$50
AB 617 - Technical Assistance	3900	CARB		\$10	\$10
AB 617 -CARB Implementation	3900	CARB		\$0	\$0
Agricultural Diesel Engine Replacement & Upgrades	3900	CARB		\$170	\$170
Clean Trucks, Buses, & Off-Road Freight Equipment	3900	CARB	\$315		\$315
Clean Cars 4 All & Transportation Equity Projects	3900	CARB	\$150		\$150
CVRP	3900	CARB	\$100		\$100
Safe & Affordable Drinking Water (full funding of \$130m)	3940	SWRCB	\$44		\$44
Healthy Soils	8570	CDFA		\$25	\$25
Waste Diversion/Recycling Infrastructure		Cal Recycle		\$130	\$130
Low-Income Weatherization Program (LWIP)	4700	CSD		\$15	\$15
Woodstove replacements	3900	CARB		\$5	\$5
Small Off Road Engines (SORE)	3900	CARB		\$30	\$30
Total			\$684	\$850	\$1,534

2021-22 Circular Economy Package
(\$ in millions)

Total						
			2021-22		2022-23	
Program	BU	Department	GF	Special Fund	GF	Total Funding
Food Waste Prevention and Rescue Program	3970	Cal Recycle	\$3		\$2	\$5
Community Composting	3970	Cal Recycle	\$5		\$0	\$5
Circular Economy Development	3970	Cal Recycle	\$2		\$13	\$15
Co-digestion at Waste Water Treatment Plants	3970	Cal Recycle	\$10		\$10	\$20
Organics Grants	3970	Cal Recycle	\$20		\$15	\$35
RMDZ Loan Program	3970	Cal Recycle	\$25		\$25	\$50
QIP for Plastic Thermoforms	3970	Cal Recycle	\$0	\$10	\$0	\$10
Total			\$65	\$10	\$65	\$140

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Update Request for Qualifications: SB 1383 Data Collection, Monitoring and Reporting

SUMMARY STATEMENT

The Board approved issuing a Request for Qualifications to provide SB 1383 data collection, monitoring and reporting services at its August 2021 meeting. However, prior to issuing the RFQ the Administrator learned by Burrtec was preparing to offer similar services to some of its franchised member agencies. Consequently there may not be a need for a single arrangement serving all the agencies.

The Authority Agreement provides for project committees with only those members sharing project costs. The Authority might negotiate an agreement allowing members to engage directly with a single vendor, although local procurement policies might limit this option. Or the Authority still could cover all members under a master agreement utilized selectively once Burrtec's arrangements are known as some of the information records are jurisdiction generated.

Despite the delay, we plan to issue the RFQ and negotiate service details and pricing for the Board's consideration with involvement by the member agency staff.

CalRecycle's SB 1383 regulations require extensive detailed data collection, monitoring and reporting by local agencies. The information tracking requirements of the new regulations are myriad. Jurisdictions will be required to monitor and report on:

- A copy of all ordinances or other similarly enforceable mechanisms, contracts, and agreements
- A written description of the jurisdiction's inspection and enforcement program
- The waste hauler's organic collection services
- The results of the waste hauler's contamination monitoring
- The number and nature of waivers granted to waste generators
- The extent and type of customer outreach
- The adequacy of edible food recovery programs
- Organic product procurement records
- Recycled paper procurement records
- The available capacity of recycling facilities for organics
- All inspection, route review, and compliance review documents
- The results of waste generator compliance reviews, complaints and notices of violation

CalRecycle will evaluate the success of each jurisdiction based on the information they collect and report.

RECOMMENDED ACTION

Authorize Request for Qualifications to provide SB 1383 data collection, monitoring and reporting services

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	Unknown; funds available in budget	November 4, 2021	5

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

California Recycling and Plastic Pollution Reduction Act

SUMMARY STATEMENT

The California Recycling and Plastic Pollution Reduction Act qualified for the November 2022 General Election through the initiative process. The Act was originally intended for the 2020 ballot, but Covid restrictions halted signature gathering.

The measure is a comprehensive approach to plastic waste management including product manufacturing and use, disposal and recycling, polluted habitat restoration and neighborhood clean-up. Through a maximum one-cent per item fee on manufacturers of plastic packaging and foodware, the measure would fund plastic waste prevention, recycling and clean-up. These investments include:

- **Reducing waste:** Funding for a variety of activities to reduce waste, including through design changes, composting, and other proven strategies.
- **Updating recycling:** Shifting the cost of handling non-recyclable packaging from residential ratepayers to the companies that make single-use products.
- **Cleaning up polluted communities and the environment:** Litter clean-up in neighborhoods and habitat restoration in rivers, streams, beaches, and parks.
- **Re-introducing recycled materials into the California economy:** Increasing access to recycled materials for California's manufacturers creating jobs and a more circular economy.

The Legislative Analyst estimates that the Act would generate billions of dollars annually based on current plastic packaging and foodware levels. Twenty percent (20%) of the funds would go to local governments, including set-a-sides for low-income and disadvantaged communities. Funding may be used to maintain and increase local recycling and composting programs; educate and provide outreach on waste reduction, recycling and composting; prevent and clean up litter; and protect groundwater and local drinking water from plastic pollution impacts.

Fifty percent (50%) of the funds would go to statewide reduction, recycling and composting efforts, including manufacturing using recycled materials, through a Plastic Pollution Reduction Fee Investment Plan. The Investment Plan would include plastic, glass, fiber and organics market development programs; and a Circular Economy Grant Program supporting recycling and composting infrastructure, edible food recovery, compost use and single-use product replacement. The remaining 30% would be used for grants to restore habitat and wildlife, and improve public access to natural areas.

RECOMMENDED ACTION

Information and discussion on the 2022 Plastic Initiative

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	Potential significant local revenue	November 4, 2021	6

CALIFORNIA RECYCLING AND PLASTIC POLLUTION REDUCTION ACT OF 2020

SEC.1. Title.

This measure shall be known and may be cited as the "California Recycling and Plastic Pollution Reduction Act of 2020."

SEC.2. Findings and Declarations

The People of the State of California find and declare all of the following:

(a) Annual global production of plastic has reached 335 million tons and continues to rise. In part due to increased availability of and reliance on fossil fuel resources, global plastic production is projected to more than triple by 2050, which would account for 20 percent of all fossil fuel consumption.

(b) Nearly 9 million tons of plastic enters the ocean each year globally. Without action, the amount of plastic entering the ocean each year will double by 2025. Researchers have found deadly levels of plastic pollution in the guts of seabirds, sea turtles, and marine mammals, including whales and dolphins.

(c) Most plastics are petrochemicals made from hydrocarbons derived from fossil fuels. Production of these materials contributes to climate change and furthers our reliance on nonrenewable resources. Litter of these plastics constitutes a form of oil pollution spilling into our oceans and contaminating our environment.

(d) Local taxpayers in California annually spend in excess of four hundred twenty million dollars (\$420,000,000) in ongoing efforts to clean up and prevent plastic and other litter from entering our rivers and streams and polluting our beaches and oceans.

(e) Large and small plastic particles are increasingly found in streams, rivers and coastal ecosystems degrading habitat conditions for wildlife and contaminating fish, plants and other organisms. Plastic particles have also been found in drinking water, bottled water, table salt, and fish and shellfish from local California fish markets.

(f) Disadvantaged and low-income communities are disproportionately impacted by the human health and environmental impacts of plastic pollution and fossil fuel extraction.

(g) California's commitment to recycling has created 125,000 jobs and provides the raw materials necessary to support manufacturing businesses.

(h) As the fifth largest economy in the world and a global center of innovation, California has a responsibility and ability to lead on solutions to the growing plastic pollution crisis and waste reduction generally.

(i) Further, businesses selling products in and into California have a responsibility to minimize waste and ensure their products and packaging are reusable, recyclable, or compostable and do not enter the environment.

SEC.3. Purpose and Intent.

It is the intent of the People of the State of California to do all of the following with this measure:

- (a) Reduce the sources of plastic pollution and its impacts on the state's ocean, coastal and freshwater environments and communities.
- (b) Reduce the amount of single-use plastic packaging and single-use plastic foodware waste generated in the state.
- (c) Reduce our reliance on fossil fuels and move towards renewable materials, including biobased products.
- (d) Develop long term incentives to maintain and increase recycling, composting, reuse, and remanufacturing infrastructure.
- (e) Reduce the cost to local governments, ratepayers, and the state to achieve the state's recycling and composting goals.
- (f) Promote the design and deployment of reusable and refillable systems and other innovations for packaging and single-use plastic foodware.
- (g) Increase the use of recycled and renewable materials in the production of single-use foodware and single-use plastic packaging.
- (h) Mitigate and abate the impacts of plastic pollution, solid waste disposal, and litter on the state's natural environment and communities.
- (i) Restore and protect streams, rivers, beaches, coastal and ocean environments impacted by plastic pollution and other toxins associated with plastic materials.
- (j) Increase the recycling of food scraps, yard trimmings and other organic waste, recover edible food for human consumption, increase the production and use of compost, and provide financial incentives and technical assistance to deploy a diversity of healthy soils and water-smart practices, including compost applications, which increase carbon sequestration, reduce greenhouse gas emissions and provide multiple air and water quality benefits.
- (k) Producers shall be responsible for ensuring that, to the maximum extent possible, single-use plastic packaging and single-use foodware pollution and waste is reduced,

recycled, or composted, and by the year 2030, the amount of California-generated single-use plastic packaging and single-use foodware waste that is disposed shall be reduced by 80 percent compared to 2020 levels, as determined by the Department.

(l) Require the producers of single-use plastic packaging to pay for cleanup of plastic pollution and management of plastic waste by imposing a fee on single-use plastic packaging and single-use plastic foodware.

(m) Relieve local governments and taxpayers from the costs of single-use plastic packaging waste by establishing a California Plastic Pollution Reduction Fund, which would support local public works infrastructure and litter abatement activities, composting, recycling, reuse, and environmental restoration.

(n) Nothing in this initiative is intended to impose new increased costs to state or local governments.

SEC. 4. Chapter 6.1 (Commencing with Section 42380) is added to Part 3 of Division 30 of the Public Resources Code, to read:

42380 For purposes of this Act, the following definitions apply:

(a) "California Plastic Pollution Reduction Fee" means the fee imposed pursuant to Section 42382(a).

(b) "Department" shall mean the California Department of Resources Recycling and Recovery.

(c) "Disadvantaged community" means a community identified as disadvantaged pursuant to Health and Safety Code Section 39711.

(d) "Expanded polystyrene food service container" means a container made primarily of expanded polystyrene and used in the restaurant and food service industry for serving or transporting prepared, ready-to-consume food or beverages, including, but not limited to, plates, cups, bowls, trays, and hinged containers. "Expanded polystyrene food service container" does not include packaging for unprepared foods.

(e) "Food vendor" means an establishment that provides prepared food for public consumption on or off its premises, and includes, but is not limited to, a store, shop, sales outlet, restaurant, grocery store, supermarket, delicatessen, catering truck or vehicle, any other person who prepares prepared food, and any organization, group, or individual that provides food as part of its services.

(f) "Low-income communities" are census tracts with median household incomes at or below 80 percent of the statewide median income or with median household incomes at or below the threshold established pursuant to Health and Safety Section 50093.

(g) "Low-income households" are those with household incomes at or below 80 percent of the statewide median income or with household incomes at or below the threshold established pursuant to Health and Safety Code Section 50093.

(h) "Person" means a natural person, corporation, government or governmental subdivision or agency, business trust, estate, trust, partnership, limited liability company, association, or other entity.

(i) "Plastic" means a synthetic material chemically formed by the polymerization of organic substances that can be molded or extruded at high heat into various solid forms that may be solid, porous, flexible, or rigid, including elastomers, fibers, adhesives, and surface coatings, as those terms are defined by the Department.

(j) "Priority population" means disadvantaged communities, low-income households, and low-income communities.

(k) (1) "Producer" means the person who manufactures the single-use plastic packaging or single-use plastic foodware items under that person's own name or brand or who sells or offers for sale the single-use plastic packaging or single-use plastic foodware item.

(2) If there is no person who is the producer of the single-use plastic packaging or single-use plastic foodware for purposes of paragraph (1) of this subdivision, the producer is the person who imports the single-use plastic packaging or single-use plastic foodware as the owner or licensee of a trademark or brand under which the single-use plastic packaging or single-use plastic foodware is sold or distributed in the state.

(3) If there is no person who is the producer for purposes of paragraphs (1) and (2) of this subdivision, the producer is the person that offers for sale, sells, or distributes the single-use plastic packaging or single-use plastic foodware in the state.

(l) "Single-use plastic foodware" means single-use food service ware, made partially or entirely of plastic, such as plates, hinged containers, bowls, cups, utensils, stirrers, straws and lids, and similar products as determined by the Department.

(m) "Single-use plastic packaging" means the packaging or components of packaging material, made partially or entirely of plastic, including plastic coated paper, plastic coated paperboard, and multi-layer flexible packaging containing plastic used for the containment, protection, handling, delivery, or presentation of goods by the producer for the user or consumer, ranging from raw materials to processed goods. Packaging includes, but is not limited to, all of the following:

(1) Sales packaging or primary packaging intended to constitute a sales unit to the consumer at the point of purchase and most closely contains the product, food, or beverage.

(2) Grouped packaging or secondary packaging intended to brand or display the product.

(3) Transport packaging or tertiary packaging intended to protect the product during transport.

(4) Single-use plastic packaging shall not include material used for the containment of medical devices and prescription drugs as specified in the federal Food, Drug, and Cosmetic Act (21 U.S.C. Secs. 321(h) and (g), and Sec. 353(b)(1)), infant formula, as defined in 21 U.S.C. Section 321(z), on-farm tertiary single-use plastic packaging, or reusable plastic packaging, as defined by the Department.

42381(a) The Department, in consultation with the California Environmental Protection Agency, the California Natural Resources Agency, the Ocean Protection Council, and the California Department of Tax and Finance Administration shall adopt regulations to implement and enforce this Act. Such regulations shall do all of the following:

(1) Place requirements on producers to ensure single-use plastic packaging and single-use plastic foodware is reusable, refillable, recyclable, or compostable by 2030. The Department shall, by regulation, define the terms reusable, recyclable, or compostable for purposes of this Act. In determining recyclability, the Department shall, at a minimum, consider whether a material type and form is regularly collected for recycling, sorted, and aggregated into defined streams, prior to being verifiably used in the production of new products. Combustion, fuel production, and other forms of disposal shall not constitute recycling of single-use plastic packaging and single-use plastic foodware.

(2) Place requirements on producers to reduce or prohibit single-use plastic packaging and single-use plastic foodware that the Department determines to be unnecessary for the delivery of a product or food item.

(3) Place requirements on producers to source reduce, by both weight and number of items, single-use plastic packaging and single-use plastic foodware sold in or into California to the maximum extent possible, and by no less than twenty-five percent (25%) by 2030. Source reduction shall not result in replacing a recyclable or compostable material with a nonrecyclable or noncompostable material. The Department shall, by regulation, develop a baseline by 2023 and a timeline for reduction to achieve the 2030 goal.

(4) Authorize the Department to require producers to use recycled content and renewable materials, as defined by the Department, in the production of single-use plastic packaging and single-use plastic foodware while ensuring recyclability or compostability.

(5) Establish mechanisms for convenient consumer access to recycling, including but not limited to take-back programs and deposits.

(6) Establish and enforce labeling standards to support the proper sorting of discarded single-use plastic packaging and single-use plastic foodware.

(7) Prohibit the distribution of an expanded polystyrene food service container by a food vendor.

(8) Consider the adoption of regulations to ensure the health and safety of all single-use plastic packaging and single-use plastic foodware, consistent with but not limited to the provisions of Chapter 6, commencing with 42370, of Part 3 of Division 30 of the Public Resources Code.

(b) Nothing in this subdivision shall be construed to impose any mandate upon a local government or local recycling provider.

(c) Producers shall register with the Department and submit data to the state that the Department deems appropriate to carrying out this chapter. Producers shall be responsible for proving compliance with these mandates.

(d) If the Department determines at any point that a single-use plastic packaging and single-use plastic foodware item cannot comply with a regulation established by the Department pursuant to section (a) due to health and safety reasons, because it is unsafe to recycle, or presents unique challenges and has no alternatives, the Department may exempt or provide an extension for that single-use plastic packaging or single-use plastic foodware from that regulatory requirement.

42382(a) The Department shall establish by January 1, 2022, and a producer shall pay, a California Plastic Pollution Reduction Fee, as determined by the Department, on all single-use plastic packaging and single-use plastic foodware destined for final sale in California. Such fee shall not exceed one cent (\$0.01) per item of single-use plastic foodware or single-use plastic packaging. Beginning January 1, 2030, the Department shall adjust annually thereafter the fee for inflation based on the California Consumer Price Index. The Department shall contract with the California Department of Tax and Fee Administration to administer, collect and enforce the fee established by the Department. Costs incurred by the California Department of Tax and Fee Administration for administering, collecting and enforcing the fee shall be paid by proceeds from the fee prior to distribution pursuant to subdivision (k).

(b) In determining the amount of the fee, the Department shall rely on the average net cost of recycling each material type and form, as determined by the Department, and the amount of each material type utilized by producers. For single-use plastic packaging and single-use plastic foodware that the Department determines is not currently recyclable or compostable, the amount of the fee shall be the equivalent of one cent (\$0.01) per item. The Department may update the amount of the fee no more than annually.

(c) Single-use plastic foodware and plastic packaging that are determined by the Department to be made wholly from plastic derived from renewable materials shall be subject to a fee that shall not exceed one-half cent (\$0.005) per item of single-use plastic packaging or single-use plastic foodware. Single-use plastic foodware and single-use plastic packaging that are made primarily from plastic derived from renewable materials shall be subject to a fee that shall not exceed three-quarters of one cent (\$0.0075) per item of single-use plastic packaging or single-use plastic foodware, as determined by the Department.

(d) A producer shall remit the fee assessed pursuant to this subdivision to the California Department of Tax and Fee Administration for deposit into the California Plastic Pollution Reduction Fund, which is hereby created in the State Treasury.

(e) The amount of the California Plastic Pollution Reduction Fee shall be paid by the producer of a single-use plastic foodware or single-use plastic packaging and shall not be passed on to consumers as a separate item on a receipt or invoice.

(f) The Department may adopt regulations for determining the amount of the fee for each material type, the schedule on which the fee is to be paid by a producer, and the methodology for adjusting the fee based on changes in the net cost of recycling, recyclability, or compostability. Regulations to adjust the fee shall be deemed to meet the description in subdivision (g) of Section 11340.9 of the Government Code and may be filed by the Department pursuant to Section 11343.8 of the Government Code.

(g) The Department of Finance may authorize one or more loans to the California Plastic Pollution Reduction Fund for cashflow purposes subject to the following conditions:

(1) The loans are to allow the departments identified in this section to begin program implementation activities, including, but not limited to, drafting program guidelines and regulations.

(2) The loans are short term, and shall be repaid within 30 days after the deposit of sufficient revenues into the California Plastic Pollution Reduction Fund.

(3) Interest charges may be waived pursuant to subdivision (e) of Section 16314 of the Government Code.

(h) The Department may impose an administrative civil penalty not to exceed fifty thousand dollars (\$50,000) per day on any producer not in compliance with this Act or any of the regulations the Department adopts to implement this Act. Funds collected pursuant to this provision shall be deposited into the California Plastic Pollution Reduction Penalty Account, which is hereby created in the State Treasury. Moneys in the California Plastic Pollution Reduction Penalty Account shall be expended upon appropriation by the Legislature in the annual Budget Act.

(i) The Department shall engage an independent firm of certified public accountants to conduct an annual audit of all accounts and transactions of the Department related to this Act. The audited financial statements shall be presented to the Department and the Controller not more than 120 days after the close of the fiscal year. The independent auditor's report shall be posted on the Department website. The Controller shall conduct quarterly and annual audits and postaudits of all accounts and transactions of the Department related to this Act and other special postaudits as the Controller deems necessary. The Controller or his or her agents conducting an audit in accordance with this Act shall have access and authority to examine any and all records of the Department, the Department's contractors or any other agency or entity receiving money from the California Plastic Pollution Reduction Fund. The Controller may issue a public report of any annual postaudit, which shall be posted on the Controller's website.

(j) A state entity that receives an appropriation or allocation from the California Plastic Pollution Reduction Fund pursuant to this chapter shall use no more than five percent (5%) of that appropriation or allocation for costs related to program administration, including costs associated with the annual independent financial audit, the State Controller's review of the annual independent financial audit, any additional State Controller audits based on findings from the independent financial audit or that the Controller deems necessary, and the allocation and reporting of revenues deposited in the California Plastic Pollution Reduction Fund. The administrative costs shall not include the Department's costs associated with development and implementation of the regulations adopted pursuant to Section 42381(a) and the repayment of loans made from the California Plastic Pollution Reduction Fund.

(k) After deducting costs of collection, administration and enforcement of the fee pursuant to subdivision(a), the revenues deposited into the California Plastic Pollution Reduction Fund shall be distributed as follows:

(1) Twenty percent (20%) of moneys deposited into the California Plastic Pollution Reduction Fund shall be transferred quarterly by the Controller to the Local Government Fund in the California Plastic Pollution Reduction Fund, which is hereby created in the State Treasury to be provided to local governments, upon appropriation by the Legislature in the annual Budget Act.

(A) The Local Government Fund shall invest in priority populations as follows:

(i) A minimum of twenty-five percent (25%) of the available moneys in the Local Government Fund shall be allocated to projects located within the boundaries of, and benefiting individuals living in, disadvantaged communities.

(ii) A minimum of five percent (5%) of the available moneys in the Local Government Fund shall be allocated to projects that benefit low-income households or to projects located within the boundaries of, and benefiting individuals living in, low-income communities located anywhere in the state.

(iii) A minimum of five percent (5%) of the available moneys in the Local Government Fund shall be allocated either to projects that benefit low-income households that are outside of, but within one-half mile of, disadvantaged communities or to projects located within the boundaries of, and benefiting individuals living in, low-income communities that are outside of, but within one-half mile of, disadvantaged communities.

(B) The Controller shall disburse these allocations as directed by the Legislature, for the following purposes:

(i) Protect groundwater and local clean drinking water supplies from the impacts of plastic pollution.

(ii) Prevent and clean up the impacts of litter and marine plastic pollution on communities and the natural environment.

(iii) Maintain local recycling and composting programs, and increase the amount of material recycled or composted.

(iv) Educate and provide outreach to residents and businesses on waste reduction, recycling, and composting

(v) Provide grants to organizations involved in litter abatement, public education, developing community recycling and composting infrastructure, or designing and deploying reusable system alternatives to single-use plastic foodware.

(2) Fifty percent (50%) of moneys deposited into the California Plastic Pollution Reduction Fund shall be transferred quarterly by the Controller to the Recycling, Composting and Reuse Fund in the California Plastic Pollution Reduction Fund, which is hereby created in the State Treasury for use by the Department to implement and enforce this Act and to specifically support statewide reduction, recycling, and composting efforts and create a supply of recycled materials to support manufacturing of products made from recycled materials. Moneys in the Recycling, Composting and Reuse Fund shall be continuously appropriated without regard to fiscal year. The Department shall develop, and regularly update, a Plastic Pollution Reduction Fee Investment Plan to allocate this funding. The plan shall do all of the following:

(A) Create, improve, and sustain markets for recyclable and compostable materials by developing:

(i) A Plastic Recycling Market Development Program to create new domestic markets for the recycling of plastics that had previously been disposed or exported, and enhance existing plastics recycling infrastructure.

(ii) A Glass Recycling Market Development Program to maintain and increase glass recycling. Not less than half of the revenue dedicated to this program shall be used to provide non-competitive market development payments for the use of recycled cullet in the manufacturing of glass container packaging.

(iii) A Fiber Recycling Market Development Program to maintain and increase the recycling of paper, cardboard and other fiber.

(iv) An Organic Waste Market Development Program to create incentives to maintain and increase the infrastructure for composting food scraps, yard trimmings and other organic waste.

(B) Establish a Circular Economy Grant Program to fund and provide technical assistance to programs that decrease reliance on single-use plastic packaging and that contribute to increased recycling and composting in the state. The Circular Economy Grant Program shall fund:

(i) Recycling and composting infrastructure.

(ii) The deployment of reusable or refillable system alternatives to packaging and single-use plastic foodware.

(iii) Practices by farmers and ranchers that establish healthy soils and water-smart practices, including the production and use of compost, that increase carbon sequestration, reduce greenhouse gas emissions, and improve the health and climate resilience of agricultural landscapes. The Department may contract with other agencies for the distribution of these funds to ensure this program complements and does not supplant existing programs.

(iv) Practices by landowners for the use of compost to support the restoration of degraded landscapes. The Department may contract with other agencies for the distribution of these funds to ensure this program complements and does not supplant existing programs.

(v) Organizations that prevent food waste, recover edible food for human consumption, or reduce food insecurity.

(vi) Organizations that undertake research, create educational and policy programs, or develop innovative solutions aimed at reducing disposal of single-use plastic packaging or mitigating the impacts of single-use plastic packaging waste on the state's natural environment, including streams, rivers, beaches and coastal and ocean environments.

(vii) The Circular Economy Grant Program shall invest in priority populations as follows:

(a) A minimum of twenty-five percent (25 %) of the Circular Economy Grant Program funds shall be allocated to projects located within the boundaries of, and benefiting individuals living in, disadvantaged communities.

(b) A minimum of five percent (5%) of the Circular Economy Grant Program funds shall be allocated to projects that benefit low-income households or to projects located within the boundaries of, and benefiting individuals living in, low-income communities located anywhere in the state.

(c) A minimum of five percent (5%) of the Circular Economy Grant Program funds shall be allocated either to projects that benefit low-income households that are outside of, but within one-half mile of, disadvantaged communities or to projects located within the boundaries of, and benefiting individuals living in, low-income communities that are outside of, but within one-half mile of, disadvantaged communities.

(3) (A) Thirty percent (30%) of the moneys deposited into the Fund shall be transferred quarterly by the Controller to the Environmental Mitigation Account, which is hereby established in the State Treasury, and shall be available to the Natural Resources Agency for grants to state and local public agencies to mitigate the impacts of plastic pollution, and to protect and restore wildlife and the environment including coastal and ocean ecosystems, streams, rivers, and beaches. Moneys in the Environmental Mitigation Account shall be continuously appropriated without regard to fiscal year. Funds allocated pursuant to this paragraph shall be used to restore habitat and wildlife and protect and improve public access to the state's natural resources.

(B) Funds allocated pursuant to this paragraph shall be used to increase and enhance activities described in subparagraph (A) and not replace allocation of other funding for those purposes. Accordingly, General Fund appropriations to the Department of Fish and Wildlife, California Coastal Conservancy, Wildlife Conservation Board, Ocean Protection Council, the Department of Parks and Recreation and the California Natural Resources Agency shall not be reduced below the levels provided in the Budget Act of 2019 (Chapter 40 of Statutes of 2019).

SEC.5. Effective Date.

This Act shall take effect upon approval by the voters of the California Recycling and Plastic Pollution Reduction Act of 2020 as provided in Article II, Sec. 10 of the California Constitution.

SEC. 6. Severability.

The provisions of this Act are severable. If any portion, section, subdivision, paragraph, clause, sentence, phrase, word or application of this Act is for any reason held to be invalid by a decision of any court of competent jurisdiction, that decision shall not affect the validity

of the remaining portions of this Act. The People of the State of California hereby declare that they would have adopted this Act and each and every portion, section, subdivisions, paragraph, clause, sentence, phrase, word, and application not declared invalid.

SEC. 7. Amendment.

The Legislature may amend the Sections 42380, 42381, and 42382 of the Public Resources Code to further the purposes of the CALIFORNIA RECYCLING AND PLASTIC POLLUTION REDUCTION ACT OF 2020 by a statute passed in each house by roll-call vote entered in the journal, two-thirds of the membership concurring.

**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Legislative Update

SUMMARY STATEMENT

The following 2021 California legislation was enacted.

SB 343 Truth in Labeling Prohibits the use of the word recyclable or the chasing arrows "recycling symbol" on products and packaging that are not likely to get recycled.

AB 1201 Better Composting Standards Act Requires that a product labeled "compostable" is third-party certified to actually breakdown into organic compost, doesn't contaminate compost (or the state's agricultural system) with toxic chemicals, and is readily identifiable to both consumers and solid waste facilities. AB 1201 also prohibits deceptive look-alike products.

AB 881 Recycling Export Reform Closes a loophole in California law enabling exported mixed plastic waste to be deemed recycled even when it is exported and landfilled or burned. It reclassifies the export of mixed plastic waste from local jurisdictions in California as disposal, and exports of mixed plastics will no longer be eligible to count towards diversion goals.

AB 1276 Foodware Accessories Upon Request AB 1276 expands the straws-upon-request law to include more single-use food accessories, more food facilities, and third-party delivery platforms - including food that is taken away, delivered, or served on-site.

AB 962 Reusable Glass Beverage Bottles AB 962 paves the way for reusable beverage bottle systems in California by allowing reusable ("returnable") glass bottles to flow through the state's Beverage Container Recycling Program. Rather than being crushed for recycling, the bottles can be preserved to be washed and refilled by beverage manufacturers.

AB 818 Disposable Wipes Defines non-flushable wipes and requires them to be clearly labeled "DO NOT FLUSH" and a universal moniker. It will also require manufacturers to conduct a comprehensive statewide consumer education and outreach campaign to inform the public.

SB 619 Organic waste: reduction regulations Authorizes a jurisdiction to submit a notification of intent to comply with SB 1383 regulations by March 1, 2022. CalRecycle would be required to waive administrative civil penalties if the local jurisdiction implements the actions.

AB 1311 Recycling: beverage containers- Bag-Drop and Reverse Vending Machines
Authorizes alternative schedules for beverage container recycling centers.

RECOMMENDED ACTION

Board update on current legislation.

PRESENTED BY
John Davis

FISCAL IMPACT:
None

MEETING DATE
November 4, 2021

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**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Public Comment

SUMMARY STATEMENT

Comments on items of interest to the Public.

RECOMMENDED ACTION

None

PRESENTED BY

Linda St. Louis

MEETING DATE

November 4, 2021

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**MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE
JOINT POWERS AUTHORITY**

AGENDA MATTER

Board Comment

SUMMARY STATEMENT

Comments by members of the Board.

RECOMMENDED ACTION

None

PRESENTED BY

Linda St. Louis

MEETING DATE

November 4, 2021

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