

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

REGULAR MEETING
THURSDAY, AUGUST 11, 2022
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://us02web.zoom.us/j/81996121755?pwd=ZWFWQTdBSjBkcGVJMTZhwUUtlNnIWQT09>

***Directions for hyperlink – highlight line above and right click, select open hyperlink and it will take you directly to the meeting. If it requires the ID or Passcode, they are below.

Meeting ID: 819 9612 1755

Passcode: JPA

One tap mobile

+16699009128,,81996121755#,,,,*766470# US (San Jose)

Questions/Issues call (760) 955-5217.

CALL TO ORDER AND ROLL CALL

PLEDGE

1. Resolution 2022-03.

Recommendation: Adopt Resolution 2022-03.

CONSENT CALENDAR

2. Request to Approve the Consent Calendar as follows:

- A. Minutes of the Board Meeting held May 12, 2022.**
- B. Warrant Ratification February 1, 2022 – April 30, 2022.**
- C. Treasurer's Report.**

Recommendation: Approve consent calendar.

PUBLIC HEARING ITEMS

None

DISCUSSION/ACTION ITEMS

3. Board Officers.

Recommendation: Board select Chair and Vice-Chair.

4. Curbside.

Recommendation: Authorize a two-year Residential Curbside Container Contamination Minimization project with ReCREATE Waste Collaborative, not to exceed \$80,000 annually, subject to budget approval.

5. SB 54.

Recommendation: Allocate \$5,000 annually, from the 2021/2022 and 2022/2023 budgets, to support edible food recovery in Needles with the funds released upon the City's direction.

6. Legislation.

Recommendation: Board update on California legislation.

PUBLIC COMMENTS

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

BOARD MEMBERS COMMENTS

8. Comments by members of the Board of Directors.

DATE OF NEXT MEETING

THURSDAY, NOVEMBER 10, 2022

ADJOURNMENT

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

AGENDA MATTER

Resolution 2022-03: 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 AUGUST 11 THROUGH SEPTEMBER 10, 2022 PURSUANT TO 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 2022-03 addresses AB 361 provisions allowing continued teleconferencing during the proclaimed emergency.

RECOMMENDED ACTION

Adopt Resolution 2022-03

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	Reduced Board mileage payments	August 11, 2022	1

RESOLUTION NO. 2022-03

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 AUGUST 11 THROUGH SEPTEMBER 10, 2022 PURSUANT TO 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, the Board of Directors does hereby find that, commencing with the August 11, 2022 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 Administrator 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 August 11, 2022 until September 10, 2022 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 Mojave Desert and Mountain Recycling Authority this 11th day of August, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Jones, Chair

Attest:

Cambria Carroll
Board Secretary

MINUTES

MOJAVE DESERT AND MOUNTAIN RECYCLING JPA BOARD MEETING

10:00 A.M., THURSDAY, MAY 12, 2022

VICTOR VALLEY MATERIALS RECOVERY FACILITY (VIRTUAL MEETING)

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

Others Present: John Davis (Administrator), Cambria Carroll (Secretary), Krys Golly (San Bernardino County), Julie Ryan (Apple Valley), Jess Reed (Barstow), Guy Eisenbrey (Apple Valley), Frank Forbes (San Bernardino County), Richard Crockett (Burrtec), Dana Armstrong (Victorville), Sydnie Harris (Apple Valley), Alleeah Aguilera (FIND).

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

Board member CJ Porter led the pledge of allegiance.

1. **Resolution 2022-02.** Resolution 2022-02 was approved on a roll call vote following a motion from Board Member Larry Cusack and a second from Board Member Joy Jeannette. This item was approved via roll call vote by all attending Board Members present. After its passage, Board Member CJ Porter expressed interest in returning to in person meetings at the next meeting in August and Board Chair Debra Jones agreed and articulated that it would be addressed later in the meeting.
2. **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 Bynette Mote to approve the minutes of the Board Meeting.
3. **Audited Financial Statements for the Year Ended June 30, 2021.** The JPA Administrator John Davis presented materials to provide information to receive and file the Financial Statements for the year ended June 30, 2021. Motion to approve this was submitted by Board Member McArthur Wright and seconded by Board Member Bynette Mote. This item was approved via roll call vote by all attending Board Members present.
4. **2022/2023 Budget.** Approval of the 2022/2023 Recycling Authority Budget, to include \$40,000 from the 2021/2022 marketing funds. Board Member Ellen Campbell explained that in Needles, they do not have recycling and expressed interest in Needles putting a reverse machine on their property. Board Chair Debra

Jones explained that this could be re-visited later in the meeting. The item was provided with a motion for approval submitted by Board Member Ellen Campbell and seconded by Board Member Larry Cusack. This item was approved via roll call vote by all attending Board Members present.

5. **Needles Edible Food Recovery.** Authorization was given allocate \$5,000 annually from the 2021/2022 and 2022/2023 budgets to support edible food recovery in Needles with funds released upon the City's direction via a motion submitted by Board Member McArthur Wright and seconded by Board Member Larry Cusack. This item was approved via roll call vote by all attending Board Members present.
6. **Public Participation in Recycling Authority Board Meetings.** The board engaged in a discussion about methods to integrate the public into meetings with Board Member Joy Jeannette explaining that her interest is to engage the public in the meetings being held by providing a team with a speaker providing face to face interactions in an effort engage the public in these meetings. Board Chair Debra Jones asked for clarification about the desire for community forums during these JPA meetings and Board Member Joy Jeannette clarified that she is interested in having a table set up with giveaways to educate the members of the public attending the meetings. Board Chair Debra Jones asked if there was agreement from any other Board Members. Board Member Larry Cusack added that if we return to face-to-face meetings that this could happen at his City, Apple Valley. Board Member Ellen Campbell explained that in Needles, they do not have bottle and can buy-back recycling, so it was her preference to promote recycling via social media and provided additional information on the success of her recent involvement with training at a local school using the information provided by the JPA. Board Member McArthur Wright expressed interested in a hybrid meeting for those not able to attend all locations and agreeing that public involvement could be a positive opportunity to talk with the community while adding that his city experienced great results distributing literature about recycling and green waste at their Earth Day celebration. Board Chair Debra Jones asked Board Member Larry Cusack if Apple Valley was meeting via in person and Zoom meetings to which he replied in the affirmative. Board Chair Debra Jones then stated her understanding of a consensus that Board Members were interested in hybrid meeting participations for the next meeting and asked Board Administrator John Davis to add to the discussion on this. Board Administrator John Davis explained that all participating cities do their own outreach via their in-person events with the JPA providing social media assistance; that the JPA had attempted face-to-face previously with volunteers unsuccessfully. Board Chair Debra Jones voiced that there was not objection to continue the social media outreach but to continue the discussion of face-to-face. Board Administrator John Davis agreed and affirmed that the JPA would reach out to member cities to discuss face-to-face interactions.
7. **Recyclist Agreement to provide SB 1383 Program Tracking Software.** Board Administrator John Davis provided the Board with an update on the status of the agreement with Recyclist to provide services to provide compliance software as being stalled because of participant uncertainty. Burrtec has offered access to their data, but terms of use and cost have not been established.

8. **Legislation.** Board Administrator John Davis provided the Board with a legislative update covering AB 2784, SB 983, AB 1013, and SB 1215/AB 2440. Board Member Ellen Campbell asked the question of whether there was a possibility of lithium being removed from the batteries as an item being discussed via pending legislation to which Board Administrator John Davis confirmed that properly managing the disposal of batteries was being addressed. Direction was given to John Davis to submit a letter of support for each of these items via a motion submitted by Board Member Larry Cusack and seconded by Board Member Ellen Campbell. This item was approved via roll call vote by all attending Board Members present.

8A.**Plastics:** Board Administrator John Davis provided the Board with a update on significant plastics issues with the increased attention on plastic production and pollution receiving increased attention. Recent announcements describing actions focused on plastic management came from actions taken by the United Nations Environmental Assembly, California's Attorney General and via the California Recycling and Plastics Pollution Reduction Act remaining on November's General Election ballot.

8B.**Public Comment on items of interest to the public:** None.

9. **Board Comments:** Board Chair Debra Jones affirmed that Board Administrator John Davis would be working on having the next meeting in Victorville or Apple Valley via a hybrid model with in-person and Zoom communication abilities.

The Chair confirmed the date of the next meeting for August 11, 2022 with the possibility that it would be held at Victorville or Apple Valley. The meeting was adjourned at 11:02 AM.

Debra Jones
Chair

Cambria Carroll
Secretary

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

AGENDA MATTER

Commercial Warrants Schedule

SUMMARY STATEMENT

Commercial warrants were issued from February 1, 2022, through April 30, 2022, in the amount of \$235,069.56 net of voids covering issued warrant numbers 2424 to 2452.

The claims and/or demands covered by the attached list of warrants were audited as to the accuracy and availability of funds for payment thereof and said claims and/or demands are accurate, and the funds were available for payment thereof.

RECOMMENDED ACTION

Receive, ratify, and file the commercial warrants as presented.

PRESENTED BY		MEETING DATE	ITEM NUMBER
Sydney Harris		August 11, 2022	2B

MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE JPA
Warrant Listing: Feb 1, 2022 - Apr 30, 2022

Check #	Check Date	Payee	Description	Check Amount
2424	2/2/2022	John Davis	JPA & MRF Admin Services January 2022	10,961.00
2425	2/3/2022	Victorville	Burrtec Rent through 10/1/21-12/31/21 Split to part. Agencies	12,044.96
2426	2/3/2022	Town of Apple Valley	Burrtec Rent through 10/1/21-12/31/21 Split to part. Agencies	12,044.96
2427	2/3/2022	Erin Duckhorn	Marketing Services January 2021, Inv 5020222	2,532.50
2428	2/23/2022	VOIDED CHECK	VOIDED CHECK	-
2429	2/23/2022	Town of Apple Valley	December MRF payment inv 1723	22,637.99
2430	2/23/2022	Victorville	December MRF payment inv 1724	13,260.38
2431	2/23/2022	High Desert Second Chance	Edible Food Recovery Program January Inv #0026	2,500.00
2432	2/23/2022	Mobius Intelligent Systems, LLC	INVOICE 1996	1,537.50
2433	2/23/2022	ReCREATE Waste Collaborative LLC	Task 7 Pre-planning & Coordination invoice 1015	5,820.00
2434	2/23/2022	CPSC (California Product Stewardship Council)	Marketing Services November- December 2021 Inv #020	343.60
2435	2/23/2022	Marilyn Kruse	JPA Bd Meeting February 2022	75.00
2436	2/23/2022	McArthur Wright	JPA Bd Meeting February 2022	75.00
2437	2/23/2022	Debra Jones	JPA Bd Meeting February 2022	75.00
2438	2/23/2022	Bynette Mote	JPA Bd Meeting February 2022	75.00
2439	2/23/2022	Jeff Drozd	JPA Bd Meeting February 2022	75.00
2440	2/23/2022	Larry Cusack	JPA Bd Meeting February 2022	75.00
2441	2/23/2022	Joy Jeannette	JPA Bd Meeting February 2022	75.00
2442	3/1/2022	John Davis	JPA & MRF Admin Services February 2022	11,034.95
2443	3/10/2022	CPSC (California Product Stewardship Council)	Marketing Services November- january 2022 Inv #021	1,254.52
2444	3/10/2022	High Desert Second Chance	Edible Food Recovery Program February Inv #0027	2,500.00
2445	3/10/2022	Erin Duckhorn	Marketing Services February 2022, Inv 5030222	2,532.50
2446	3/31/2022	Victorville	Jan MRF payment inv 1726	52,871.16
2447	3/31/2022	Town of Apple Valley	Jan MRF payment inv 1725	61,962.88
2448	3/31/2022	CPSC (California Product Stewardship Council)	Marketing Services November-February 2021 Inv #022	1,558.73
2449	4/6/2022	John Davis	JPA & MRF Admin Services March 2022	11,960.88
2450	4/21/2022	High Desert Second Chance	Edible Food Recovery Program March Inv #0028	2,500.00
2451	4/21/2022	Erin Duckhorn	Marketing Services March 2022, Inv 5040122	2,532.50
2452	4/27/2022	Art Bishop	JPA Bd Meetings REISSUE CHECKS 2075 & 2226	153.55
Total				235,069.56

MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE JOINT POWERS AUTHORITY

Treasurer's Report

As of April 30, 2022

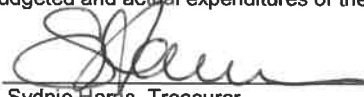
Institution/Investment Type	Carrying Amount	Market Value		Interest Rate Yield	Maturity Date	Quarterly Comparisons of Carrying Amounts			
						Jan-22	Oct-21	Jul-21	Apr-21
Funds under control of the Authority:									
Checking Account:									
JPA Administration	211,752.10	211,752.10	(1)	0.30%	On Demand	147,809.37	129,567.35	184,324.41	141,740.39
JPA Organics	0.00	0.00	(1)	0.30%	On Demand	0.00	0.00	0.00	0.00
MRF Administration	70,932.58	70,932.58	(1)	0.30%	On Demand	70,057.58	65,608.34	455,782.22	540,254.65
MRF Operations	48,810.45	48,810.45	(1)	0.30%	On Demand	(319.01)	(49,236.61)	(216,746.94)	(281,266.67)
Total funds under control of Authority	331,495.13	331,495.13				217,547.94	145,939.08	423,359.69	400,728.37

Source of Market Value Information:

(1) Desert Community Bank

I hereby certify that the investment activity for this reporting period conforms with the investment policy of the California Government Code Section 53601.

I also certify that there are adequate funds available to meet the budgeted and actual expenditures of the Mojave Desert & Mountain Integrated Waste Joint Powers Authority for the next six months.



 Sydnie Harris, Treasurer

Prepared by: Sara Ogunde

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

AGENDA MATTER

JPA Board Chair and Vice-Chair

SUMMARY STATEMENT

JPA Board elections are held the first meeting in each new fiscal year, in accordance with the Joint Powers Agreement Creating the Authority. The Board last selected officers at its August 2021 meeting.

Debra Jones was chosen as Chair, and Larry Cusack as Vice-Chair.

RECOMMENDED ACTION

Board select Chair and Vice-Chair

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	None	August 11, 2022	3

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

AGENDA MATTER

Residential Curbside Container Contamination Minimization

SUMMARY STATEMENT

Member agencies are changing their residential curbside collection programs, including separated food and landscape materials in compliance with SB 1383. Most residents will receive a new green organics cart, and some will see replacement color lids or carts for landfill (gray) and recycling (blue). Although the new service includes outreach materials, experience shows that behavior change is enhanced with continual reinforcement. SB 1383 regulations also require continual organics container contamination monitoring and outreach.

The Authority and ReCREATE Waste Collaborative conducted a pilot study, concluded in November 2021, to identify and reduce residential commingled recycling contamination. ReCREATE was selected following a procurement process. They completed the project within budget despite Covid delays and modifications. They also gained experience and awareness working with other Authority contractors, member agencies, haulers, and residents. ReCREATE is uniquely qualified to undertake a new and expanded residential container contamination minimization program focusing on all three containers.

The goal of the pilot study was to determine the most effective communication mediums and messages for reducing contamination in single-family curbside recycling stream. ReCREATE provided in-person, door-to-door outreach ("direct contact") and cart tagging. The study used waste characterizations to compare impacts of each outreach strategy. The reduction was greater for tagging. Since "Oops Tags" are also less time consuming ReCREATE can reach more single family homes than going door to door.

ReCREATE will carry out a two-year contamination minimization project using Oops Tags:

- Identifying and tagging organics (green) carts that include recycling and/or trash
- Identifying and tagging recycling (blue) carts that include organics and/or trash
- Identifying and tagging trash (gray) carts that include organics and/or recycling

ReCREATE will not log addresses tagged, but will keep count of the tags by cart type.

They will work in communities that have distributed new green organics carts. Barstow is expected to be first, followed by Apple Valley. Some communities may not add green carts until next fiscal year. ReCREATE will focus on blue and black carts in Needles. The number of households for each agency will reflect its Authority budgetary contribution, with high contaminated routes prioritized. Pricing varies by region, and by staffing arrangements. ReCREATE will endeavor to hire and train local people to reduce their travel costs and increase household outreach; and may reduce its cost per households following initial outreach work.

RECOMMENDED ACTION

Authorize a two-year Residential Curbside Container Contamination Minimization project with ReCREATE Waste Collaborative, not to exceed \$80,000 annually subject to budget approval

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	\$80,000 annually for two years	August 11, 2022	4

MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE MANAGEMENT AUTHORITY
CONTRACT NUMBER: CC22-01
FOR
CURBSIDE RECYCLING CONTAMINATION SUPPORT SERVICES

THIS CONTRACT (the "Contract"), is made and entered into this day of August, 2022, by and between the **MOJAVE DESERT AND MOUNTAIN RECYCLING AUTHORITY**, a legal entity, organized and existing in the County of San Bernardino under and by virtue of the laws of the State of California (hereinafter referred to as "JPA"), and Recreate Waste Collaborative, LLC (hereinafter referred to as "Consultant"), for consulting services.

NOW, THEREFORE, in consideration of the mutual promises and obligations set forth herein, the parties agree as follows:

- I. **PROJECT MANAGER ASSIGNMENT:** All technical direction related to this Contract shall come from the designated Project Manager. Details of the JPA's assignment are listed below.

Project Manager: John Davis
Administrator
Address: 14343 Civic Drive, Victorville, CA 92392
Telephone: (909) 797-7717
Facsimile: (760) 269-0040
Email: recyclingjpa@gmail.com

- II. **CONSULTANT ASSIGNMENT:** Special inquiries related to this Contract and the effects of this Contract shall be referred to the following:

Consultant: Kirk Kunihiro
Address: 419 East 6th Street, Unit 100, Long Beach CA 90802
Telephone: (714) 723-1647
Email: kirk@recreatecollab.com

- III. **SCOPE OF WORK AND SERVICES:** Contractor will provide professional services to JPA needed to carry out residential curbside container contamination reduction activities through JPA territory.

1. ReCREATE will carry out a two-year contamination minimization project using Oops Tags:
 - a. Identifying and tagging organics (green) carts that include recycling and/or trash
 - b. Identifying and tagging recycling (blue) carts that include organics and/or trash
 - c. Identifying and tagging trash (gray) carts that include organics and/or recycling
2. ReCREATE will not log addresses tagged, but will keep count of the tags by cart type on each route.
3. ReCREATE will work in communities that have distributed new green organics carts, following a start-up period. Barstow is expected to be first, followed by Apple Valley. Some communities may not add green carts until the second fiscal year.
4. Needles is exempt from organics collection, so ReCREATE will focus on blue and black carts there.
5. The number of households for each agency will reflect its Authority budgetary contribution, with high contaminated routes prioritized.
6. Pricing varies by region, and by staffing arrangements. ReCREATE will endeavor to hire and train local people to reduce their travel costs and increase household outreach. ReCREATE may reduce its cost per households following initial outreach work.

Contractor will coordinate work with local recycling coordinators, haulers, and the JPA Administrator to assure that it is responsive to their needs and reasonably consistent throughout the JPA.

IV. **TERM:** The term of this Contract shall extend from September 1, 2022, and terminate on June 30, 2024. Consultant and JPA agree that continuing work after June 30, 2023 depends on adoption of JPA budget including funds for this work.

V. **COMPENSATION AND EXPENSES:** The JPA shall pay Consultant's properly executed invoice approved by the Project Manager within thirty (30) days following receipt of the invoice. Payment will be withheld for any service which does not meet or exceed JPA requirements or have proven unacceptable until such service is revised, resubmitted, and accepted by the Project Manager.

In compensation for the work represented by this Contract, the JPA shall pay Consultant NOT-TO-EXCEED a maximum total of \$160,000 during the Term payable upon completion of the tasks and availability of funding after June 30, 2023, as follows.

Cost/100 Houses	ReCREATE + 2 Local	ReCREATE + 1 Local	All ReCREATE
Victor Valley & Barstow	\$ 375	\$ 510	\$ 565
Morongo Basin & Big Bear Lake	\$ 475	\$ 625	\$ 750
Needles	\$ 600	\$ 915	\$ 1,175

Costs are the maximum allowable by area and staffing levels, and may be reduced following initial outreach work. Any direct reimbursable expenses must be pre-approved by the Project Manager.

VI. **MINIMUM SCOPE AND LIMIT OF INSURANCE.** Coverage shall be at least as broad as:

- **Commercial General Liability (CGL):** Insurance Services Office Form CG 00 01 covering CGL on an "occurrence" basis, including products and completed operations, property damage, bodily injury and personal & advertising injury with limits no less than **\$1,000,000** per occurrence. If a general aggregate limit applies, either the general aggregate limit shall apply separately to this project/location (ISO CG 25 03 or 25 04) or the general aggregate limit shall be twice the required occurrence limit.
- **Automobile Liability:** ISO Form Number CA 00 01 covering Code 1 (any auto), or if Consultant has no owned autos, Code 8 (hired) and 9 (non-owned), with limit no less than \$300,000 per accident for bodily injury and property damage.
- **Workers' Compensation:** As required by the State of California, with Statutory Limits, and Employer's Liability Insurance with limit of no less than \$1,000,000 per accident for bodily injury or disease. (Not required if consultant provides written verification it has no employees)
- If the Consultant maintains higher limits than the minimums shown above, the JPA requires and shall be entitled to coverage for the higher limits maintained by the contractor.

VII. **OTHER INSURANCE PROVISIONS:** The insurance policies are to contain, or be endorsed to contain, the following provisions:

- **Notice of Cancellation.** Each insurance policy required above shall state that coverage shall not be canceled, except with notice to the JPA.
- **Waiver of Subrogation.** Consultant hereby grants to JPA a waiver of any right to subrogation which any insurer of said Consultant may acquire against the JPA by virtue of the payment of any loss under such insurance. Consultant agrees to obtain any endorsement that may be necessary to effect this waiver of subrogation, but this provision applies regardless of whether or not the JPA has received a waiver of subrogation endorsement from the insurer.

- Deductibles and Self-Insured Retentions. Any deductibles or self-insured retentions must be declared to and approved by the JPA. The JPA may require the Consultant to provide proof of ability to pay losses and related investigations, claim administration, and defense expenses within the retention.
- Acceptability of Insurers. Insurance is to be placed with insurers with a current A.M. Best's rating of no less than A: VII, unless otherwise acceptable to the JPA.
- Claims Made Policies. If any of the required policies provide coverage on a claims-made basis:
 - The Retroactive Date must be shown and must be before the date of the contract or the beginning of contract work.
 - If coverage is canceled or non-renewed, and not replaced with another claims-made policy form with a Retroactive Date prior to the contract effective date, the Consultant must purchase "extended reporting" coverage for a minimum of five (5) years after completion of contract work.
- Verification of Coverage. Consultant shall furnish the JPA with original certificates and amendatory endorsements or copies of the applicable policy language effecting coverage required by this clause. All certificates and endorsements are to be received and approved by the JPA before work or services commences. However, failure to obtain the required documents prior to the work beginning shall not waive the Consultant's obligation to provide them. The JPA reserves the right to require complete, certified copies of all required insurance policies, including endorsements required by these specifications, at any time.
- Subcontractors. Consultant shall require and verify that all subcontractors maintain insurance meeting all the requirements stated herein.
- Special Risks or Circumstances. JPA reserves the right to modify these requirements, including limits, based on the nature of the risk, prior experience, insurer, coverage, or other special circumstances.

VIII. LEGAL RELATIONS AND RESPONSIBILITIES

- Professional Responsibility: The Consultant shall be responsible, to the level of competency presently maintained by other practicing professionals performing the same or similar type of work.
- Status of Consultant: The Consultant is retained as an independent Consultant only, for the sole purpose of rendering the services described herein, and is not an employee of the JPA.
- Observing Laws and Ordinances: The Consultant shall keep itself fully informed of all existing and future state and federal laws and all JPA, county and city ordinances and regulations which in any manner affect the conduct of any services or tasks performed under this Contract, and of all such orders and decrees of bodies or tribunals having any jurisdiction or authority over the same. The Consultant shall at all times observe and comply with all such existing and future laws, ordinances, regulations, orders and decrees, and shall protect and indemnify, as required herein, the JPA, its officers, employees and agents against any claim or liability arising from or based on the violation of any such law, ordinance, regulation, order or decree, whether by the Consultant or its employees.
- Subcontract Services: Any subcontracts for the performance of any services under this Contract shall be subject to the written approval of the Project Manager.
- Hours of Labor: The Consultant shall comply with all applicable provisions of California Labor Code Sections 1810 to 1817 relating to working hours. The Consultant shall, as a penalty to the

JPA, forfeit \$25.00 for each worker employed in the execution of the Contract by the Consultant or by any subcontractor for each calendar day during which such worker is required or permitted to work more than eight hours in any one calendar day and forty (40) hours in any one calendar week in violation of the provisions of the Labor Code.

- Travel and Subsistence Pay: The Consultant shall make payment to each worker for travel and subsistence payments which are needed to execute the work and/or service, as such travel and subsistence payments are defined in the applicable collective bargaining agreements with the worker.
- Liens: Consultant shall pay all sums of money that become due from any labor, services, materials or equipment furnished to Consultant on account of said services to be rendered or said materials to be furnished under this Contract and that may be secured by any lien against the JPA. Consultant shall fully discharge each such lien at the time performance of the obligation secured matures and becomes due.
- Indemnification/Hold Harmless: To the fullest extent permitted by law, Consultant shall hold harmless, defend at its own expense, and indemnify JPA, its officers, officials, agents, employees and volunteers, against any and all liability, claims, losses, damages, or expenses, including reasonable attorneys' fees and costs, arising for all acts or omissions of Consultant or its officers, directors, agents, employees, independent contractors, subcontractors, or volunteers, in rendering services or work under this contract, excluding liabilities, losses, damages or expenses caused by the JPA's sole negligence or willful acts. Upon notice of a claim or loss to Consultant, Consultant shall immediately notify its applicable insurers according to the requirements of the applicable policy language, investigate, handle, respond to, and provide a defense to the JPA with counsel acceptable to JPA.
- Equal Opportunity: During the performance of this Contract, the Consultant shall not unlawfully discriminate against any employee or employment applicant because of race, color, religion, sex, age, marital status, ancestry, physical or mental disability, sexual orientation, or national origin.
- Attorneys Fees: In the event an action is commenced by a party to this Contract against the other to enforce its rights or obligations arising from this Contract, the prevailing party in such action, in addition to any other relief and recovery ordered by the court or arbitration, shall be entitled to recover all statutory costs, plus reasonable attorneys' fees.
- Disputes: Any controversy or claim arising out of or relating to the provisions of this Agreement or the breach thereof shall be settled by arbitration.

IX. **OWNERSHIP OF MATERIALS AND DOCUMENTS/CONFIDENTIALITY:** The JPA retains ownership of any and all partial or complete reports, drawings, plans, notes, computations, lists, and/or other materials, documents, information, or data prepared by the Consultant and/or the Consultant's subcontractor(s) pertaining to this Contract. The Consultant agrees that same shall not be made available to any individual or organization, private or public, without the prior written consent of the JPA except as required by law.

- X. **NOTICES:** Any notice may be served upon either party by delivering it in person, or by depositing it in a United States Mail deposit box with the postage thereon fully prepaid, and addressed to the party at the address set forth below:

JPA: John Davis
Mojave Desert and Mountain Recycling Authority
P.O. Box 5001
Victorville, California 92393-5001

Consultant: Kirk Kunihiro
419 East 6th Street, Unit 100, Long Beach CA 90802

Any notice given hereunder shall be deemed effective in the case of personal delivery, upon receipt thereof, or, in the case of mailing, that the mailing is first class and that the mailing is deemed received three (3) days after deposit in the course of transmission with the United States Postal Service.

- XI. **SUCCESSORS AND ASSIGNS:** All of the terms, conditions and provisions of this Contract shall inure to the benefit of and be binding upon the JPA, the Consultant, and their respective successors and assigns. Notwithstanding the foregoing, no assignment of the duties or benefits of the Consultant under this Contract may be assigned, transferred or otherwise disposed of without the prior written consent of the JPA; and any such purported or attempted assignment, transfer or disposal without the prior written consent of the JPA shall be null, void and of no legal effect whatsoever.
- XII. **INTEGRATION:** The Contract Documents represent the entire Contract of the JPA and the Consultant as to those matters contained herein. No prior oral or written understanding shall be of any force or effect with respect to those matters covered by the Contract Documents. This Contract may not be modified, altered or amended except by written mutual agreement by the JPA and the Consultant. No waiver of any term or condition of this agreement shall be considered a continuing waiver thereof.
- XIII. **GOVERNING LAW:** This Contract is to be governed by and constructed in accordance with the laws of the State of California.
- XIV. **TERMINATION FOR CONVENIENCE:** The JPA reserves and has the right to immediately suspend, cancel or terminate this Contract without cause at any time upon written notice to the Consultant. In the event of such termination, the JPA shall pay Consultant for all authorized and Consultant-invoiced services up to the date of such termination.
- XV. **TERMINATION FOR DEFAULT:** JPA, may, by written notice of default to the Consultant, terminate this contract in whole or in part if the Consultant fails to:
- a. perform the service within the time specified in this contract or any extension; or
 - b. make progress, so as to endanger performance of this contract; or
 - c. perform any of the other provisions of this contract.
- The JPA's right to terminate this contract may be exercised if the Consultant does not cure such failure within five (5) working days, after receipt of the written notice from the JPA.
- Upon termination of the contract with the successful bidder, the JPA may award the contract to another consultant, if it is deemed to be in the best interests of the JPA.
- XVI. **FORCE MAJEURE:** Neither party shall hold the other responsible for the effects of acts occurring beyond their control; e.g., war, riots, strikes, acts of God, etc.

XVII. **NOTICE TO PROCEED**: No services shall be performed or furnished under this Contract unless and until this document has been properly signed by all responsible parties and a Notice to Proceed order has been issued to the Consultant.

IN WITNESS WHEREOF, the parties hereto have caused the Contract to be entered as of the day and year written above.

The Mojave Desert and Mountain
Recycling Authority:

Consultant:

By: _____

By: _____

Title: _____

Title: _____

ATTACHMENT A

INSURANCE

INSURANCE REQUIREMENTS INSTRUCTION FORM

Contractor shall provide its insurance broker(s)/agent(s) with a copy of the attached insurance requirements and request that they provide Certificates of Insurance complete with copies of all required endorsements and/or applicable policy language to:

Name: Mojave Desert and Mountain Integrated Waste Management Authority

Address: 14343 Civic Drive, Victorville CA 92392

Contact person: John Davis

Phone number: (909) 797-7717

Email: recyclingjpa@gmail.com

Description of Operations/Location(s)/Vehicles:

Dates of required coverage: _____

Special Instructions: _____

**FRONT of
TRASH**



These DO NOT go in trash:
Estos no van a la basura:



Recyclables

Reciclables

rigid plastic, cardboard, paper, glass, metal
plástico rígido, cartón y cartulina, papel, vidrio, metal



Food Waste

Desechos de Comida

food scraps, leftovers
Desechos de comida, sobras



Yard Waste

Desechos de Jardín

grass, leaves, plant trimmings
hierba, hojas, recortes de plantas



Household Hazardous

Hogar peligroso

flammables, paint, batteries, oil, cleaners
inflamables, pintar, baterías, aceite, limpiadores



Electronic Waste

Desechos Peligrosos del Hogar

electronics, appliances, devices
electrónicos, electrodomésticos, dispositivos



Other

Otro

See other side for trash instructions or visit
Consulte el otro lado para obtener instrucciones o visite

www.urecycle.org

**BACK of
TRASH**



Please Bag All Trash

BLACK BARREL GUIDE

YES

- ✓ Clothing
- ✓ Diapers
- ✓ Dishware
- ✓ Flower pots
- ✓ Hoses
- ✓ Plastic bags
- ✓ Pet waste
- ✓ Plastic toys
- ✓ Plastic utensils
- ✓ Shrink wrap
- ✓ Straws
- ✓ Window glass
- ✓ Wipes

NO

- ✗ Batteries
- ✗ Electronic waste
- ✗ Hazardous waste
- ✗ Hot ashes
- ✗ Infectious waste
- ✗ Flammables
- ✗ Fluorescent bulbs
- ✗ Machinery
- ✗ Paint
- ✗ Pesticides
- ✗ Oil
- ✗ Sharps
- ✗ Tires

Por Favor Embolse Toda La Basura

GUÍA DE BARRIL NEGRO

SÍ

- ✓ Ropa
- ✓ Pañales
- ✓ Vajilla
- ✓ Macetas
- ✓ Mangueras
- ✓ Bolsas de plástico
- ✓ Residuos de mascotas
- ✓ Juguetes de plástico
- ✓ Utensilios de plástico
- ✓ Envoltura retráctil
- ✓ Pajitas
- ✓ Vidrios de ventana
- ✓ Toallitas

NO

- ✗ Baterías
- ✗ Residuos electrónicos
- ✗ Residuos peligrosos
- ✗ Cenizas calientes
- ✗ Residuos infecciosos
- ✗ Inflamables
- ✗ Bombillas fluorescentes
- ✗ Maquinaria
- ✗ Pintura
- ✗ Pesticidas
- ✗ Aceite
- ✗ Objetos punzocortantes
- ✗ Neumáticos

For more information visit
Para más información visite
www.urecycle.org

**FRONT of
RECYCLE**



These DO NOT go in recycling:
Estos artículos no se reciclan:



Stretchy Plastic

Plástico elástico

bubble wrap, bags, wrappers
plástico de burbujas, bolsas, envoltorios



Food Waste

Desechos de Comida

food scraps, leftovers
Desechos de comida, sobras



Yard Waste

Desechos de Jardín

grass, leaves, plant trimmings
hierba, hojas, recortes de plantas



Textiles / Clothing

Textiles / prendas de vestir

fabric, towels, shoes, purses
tela, toallas, zapatos, carteras



Electronic Waste / HHW

Desechos Peligrosos del Hogar / HHW

electronics, batteries, oil, cleaners
electrónicos, baterías, aceite, limpiadores



Other

Otro

**See other side for instructions
on how to recycle correctly or visit**
Consulte otra página para obtener instrucciones
sobre cómo reciclar correctamente o visite
www.urecycle.org

**BACK of
RECYCLE**



**Please Do Not Bag Recyclables
Recyclables Must Be Clean & Dry**

BLUE BARREL GUIDE

YES

- ✓ Aerosol cans
- ✓ Aluminum cans
- ✓ Cardboard
- ✓ Catalogs
- ✓ Envelopes
- ✓ Glass bottles & jars
- ✓ Junk mail
- ✓ Newspaper
- ✓ Paper
- ✓ Plastic bottles & jugs
- ✓ Tin cans
- ✓ Tissue boxes
- ✓ Wrapping paper

NO

- ✗ Bubble wrap
- ✗ Carpet
- ✗ Ceramic dishes
- ✗ Clothing
- ✗ Diapers
- ✗ Electronic waste
- ✗ Hoses
- ✗ Mirrors
- ✗ Pet food bags
- ✗ Pizza boxes, soiled
- ✗ Plastic toys
- ✗ Used paper products
- ✗ Window glass

**Por Favor No Embolse
Los Materiales Reciclables
Los Reciclables Deben Estar Limpios y Secos**

GUÍA BARRIL AZUL

SÍ

- ✓ Latas de aerosol
- ✓ Latas de aluminio
- ✓ Cartulina
- ✓ Catálogos
- ✓ Sobres
- ✓ Botellas y frascos de vidrio
- ✓ Correo no deseado
- ✓ Periódico
- ✓ Papel
- ✓ Botellas y jarras de plástico
- ✓ Latas
- ✓ Cajas de pañuelos
- ✓ Papel de regalo

NO

- ✗ Plástico de burbujas
- ✗ Alfombra
- ✗ Platos de cerámica
- ✗ Ropa
- ✗ Pañales
- ✗ Residuos electrónicos
- ✗ Mangueras
- ✗ Espejos
- ✗ Bolsas de comida para mascotas
- ✗ Cajas de pizza, sucias
- ✗ Juguetes de plástico
- ✗ Papel encerado
- ✗ Vidrios de ventana

**For more information visit
Para más información visite
www.urecycle.org**

**FRONT of
COMPOST**



These DO NOT go in organics recycling:
Estos no van en el reciclaje de orgánicos:



Empty Stretchy Plastic

Plástico elástico vacío
bubble wrap, bags*, wrappers
plástico de burbujas, bolsas*, envoltorios



Food Waste - UNBAGGED

Desechos de comida - SIN EMBOLSAR

*food scraps must be bagged
*los restos de alimentos deben embolsarse



Recyclables

Reciclables

rigid plastic, cardboard, paper, glass, metal
plástico rígido, cartón y papel, papel, vidrio, metal



Diapers

Pañales



Dirt / Rock / Cactus / Yucca

Tierra / Rocas / Cactus / Yucca



Other

Otro

**See other side for instructions
on how to recycle correctly or visit**
Consulte otra página para obtener instrucciones
sobre cómo reciclar correctamente o visite
www.urecycle.org

**BACK of
COMPOST**



**Please Bag Food Waste
Do Not Bag Green Waste**

GREEN BARREL GUIDE

YES

- ✓ Bagged food waste
- ✓ Birds of Paradise
- ✓ Dead plants
- ✓ Flowers
- ✓ Grass clippings
- ✓ Leaves
- ✓ Prunings
- ✓ Shrub trimmings
- ✓ Small branches
- ✓ Twigs
- ✓ Untreated wood
- ✓ Weeds

NO

- ✗ Animal waste
- ✗ Batteries
- ✗ Cactus
- ✗ Concrete
- ✗ Dirt
- ✗ Electronic waste
- ✗ Flammables
- ✗ Glass
- ✗ Hazardous waste
- ✗ Liquids
- ✗ Metal
- ✗ Plastic
- ✗ Rocks

**Empaque Los Desechos De Alimentos
No Embolsar Residuos Verdes**

GUÍA BARRIL VERDE

SÍ

- ✓ Desechos de comida en bolsas
- ✓ Pájaros del paraíso
- ✓ Plantas muertas
- ✓ Flores
- ✓ Rescortes de césped
- ✓ Hojas
- ✓ Podas
- ✓ Recortes de arbustos
- ✓ Ramas pequeñas
- ✓ Leña menuda
- ✓ Madera sin tratar
- ✓ Malas hierbas

NO

- ✗ Residuos de mascotas
- ✗ Baterías
- ✗ Cactus
- ✗ Concreto
- ✗ Tierra
- ✗ Residuos electrónicos
- ✗ Inflamables
- ✗ Vidrio
- ✗ Residuos peligrosos
- ✗ Líquidos
- ✗ Metal
- ✗ Plástico
- ✗ Rocas

**For more information visit
Para más información visite
www.urecycle.org**

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

AGENDA MATTER

SB 54: The Plastic Pollution Prevention and Packaging Producer Responsibility Act

SUMMARY STATEMENT

The May Authority Board agenda included an update on plastics initiative, including the negotiations around the November statewide ballot initiative, the California Recycling and Plastics Pollution Reduction Act, and SB 54. June 30 was the deadline to withdraw the initiative and negotiations ultimately succeeded in bringing together plastics industry, local government, haulers and environmental organizations around SB 54. The bill passed its last Assembly committee and floor vote on June 29, received Senate concurrence, initiative withdrawal and Governor's signature on June 30.

The bill:

- Requires producers of plastic packaging and food service ware to reduce the amount of single-use plastic they put on the market by 25 percent by 2032 with interim targets for 2027 and 2030
- Includes requirements for producers to shift a portion of material to reuse or refill and invest in infrastructure to enable consumers to conveniently reuse or refill the package or product
- Requires producers to use only single-use packaging or food service ware that is actually reusable, recyclable, or compostable
- Requires material to reach a 30 percent recycling rate by 2028 and 65 percent by 2032
- Producers of all single-use packaging (including glass, paper, and metal) and plastic food service ware will form a Producer Responsibility Organization (PRO) to collectively fund the collection, processing, and remanufacturing of material to meet the requirements of the bill
- The PRO and CalRecycle will conduct a needs assessment to inform the development of strategic investment plan and the PRO will develop an implementation plan
- The PRO will cover the full costs borne by local governments and CalRecycle or other state agencies associated with implementing the bill
- Establishes a California Plastic Pollution Mitigation Fund designed to mitigate the environmental and public health impacts of plastic through a surcharge on producers of plastic single-use packaging and food service ware. The revenue will be appropriated by the Legislature with at least 60 percent focused on low-income, disadvantaged, and rural communities
- CalRecycle may levy penalties up to \$50,000 per day for non-compliance

RECOMMENDED ACTION

Report and discussion of SB 54

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	Unknown future revenue offset	August 11, 2022	5

SB 54 – Plastic Pollution Producer Responsibility Act

SENATOR BEN ALLEN

Fact Sheet

SUMMARY

SB 54 will ensure California is on the forefront of tackling plastic pollution and the ratepayer costs associated with single-use, disposable packaging and food service ware. The bill requires producers of plastic packaging and food ware to reduce the amount of disposable material they are putting on the market and to ensure what remains is fully reusable, recyclable, or compostable. SB 54 also creates a framework to transfer the costs of managing this material from our cities and counties – and ultimately local ratepayers – to the producers who are responsible for deciding which material types are sold into California.

BACKGROUND

Every day, single-use packaging and food service ware such as forks, spoons, cups, and lids generate tons of non-recyclable and non-compostable waste with impacts on public health, the natural environment, and city and county budgets.

Eight million tons of plastic pollution enters the ocean each year, much of it coming from Southeast Asian countries that long served as a dumping ground for global waste. Before 2017, the United States was sending 4,000 shipping containers full of waste to China each day, including two-thirds of California's potentially recyclable materials. Bales of mixed plastics and other waste were sent to China with the expectation that the recyclable material would be sorted and processed into new packaging and products.

However, the system was broken. By February 2017, China banned imports of mixed bales of waste. Other countries soon followed. With the collapse of international recycling markets, this material is now either piling up in recycling centers, being landfilled, or being shipped to illegal facilities in Southeast Asia. Exporting material overseas had allowed cities and counties to keep it out of landfills and even generate revenue to help local government budgets, although much of this waste was and still is incinerated or simply dumped in impoverished areas and waterways, including into the ocean.

Since the 1980s, state and local governments in California have tried to reduce the burden of disposable packaging, yet taxpayers still spend more than \$420 million annually in efforts to clear and prevent litter in streets, storm drains, parks, and waterways. Cleanup is not only expensive; it cannot keep pace with global production, which is expected to increase four fold by 2050. A survey released last year by the League of California Cities found more than seven out of 10 cities anticipate having to increase waste collection rates by as much as 20 percent to cover the cost of managing this waste.

The European Union and other major purchasers of consumer goods are implementing comprehensive frameworks for producers to share responsibility for reducing waste and designing products to be reusable, recyclable, and/or compostable. As the world's fifth-largest economy, California must take the lead on finding a solutions to the growing plastic pollution crisis.

SOLUTION

SB 54 establishes the most comprehensive and environmentally ambitious producer responsibility program for single-use, disposable packaging material and plastic food service ware to date. The bill:

- Requires producers of plastic packaging and food service ware to reduce the amount of single-use plastic they put on the market by 25 percent by 2032 with interim targets for 2027 and 2030.
- Includes requirements for these producers to shift a portion of material to reuse or refill and invest in the needed infrastructure to enable consumers to conveniently reuse or refill the package or product.
- Enables CalRecycle to require greater source reduction, including increased reuse and refill requirements, if plastic use continues to grow after 2032.
- Requires producers to use only single-use packaging or food service ware that is actually reusable, recyclable, or compostable. The material would be



SB 54 – Plastic Pollution Producer Responsibility Act

SENATOR BEN ALLEN

Fact Sheet

required to meet the definition of recyclable contained in SB 343 from 2021 or the compostable definition in AB 1201 from 2021. These two landmark laws close previous loopholes that allowed producers to claim material was recyclable or compostable when in real world conditions the material was being landfilled.

- To ensure the development of robust end markets for material collected through the recycling or composting systems, the bill sets high recycling and composting rates requiring material to reach a 65 percent rate by 2032.
- Requires producers of all single-use packaging (including glass, paper, and metal) and plastic food service ware to form a Producer Responsibility Organization (PRO), similar to the consortiums formed in the European Union, Canada, and other states, to collectively fund the collection, processing, and remanufacturing of material to meet the requirements of the bill.
- The PRO, jointly with CalRecycle, would conduct a needs assessment to inform the development of strategic investment plan designed to identify opportunities to shift single-use packaging and food service ware to reusable, refillable, and recyclable alternatives, to advance end market development for these materials, and to bolster the state's recycling and composting infrastructure.
- The PRO is also charged with developing an implementation plan, which would require final approval by CalRecycle and be regularly updated, that includes the strategic investment plan, protocols to ensure producers comply with the plan, and an "eco-modulated" fee designed to incentivize more sustainable packaging and product decisions.
- Requires the PRO to cover the full costs borne by local governments and CalRecycle or other state agencies associated with implementing the bill.
- Gives CalRecycle broad authority to oversee and enforce the program. Under this framework, CalRecycle is given discretion to approve or alter the PRO implementation plan, including key elements

such as investments planned for needed recycling or composting infrastructure.

- CalRecycle is also given authority to enforce the Act, including the ability to assess penalties of up to \$50,000 on the PRO or individual producer out of compliance. Steep penalties will ensure no producer views simply paying a penalty as the cost of doing business in California.
- Establishes an advisory board made up of diverse stakeholders to help guide implementation of the program and to advise both the PRO and CalRecycle. This advisory board will also serve as a venue to continue public participation as the program matures and will review and provide comments on the needs assessment and associated investment plan as well as the implementation plan.
- Establishes a California Plastic Pollution Mitigation Fund designed to mitigate the environmental and public health impacts of plastic through a surcharge on producers of plastic single-use packaging and food service ware. The revenue will be appropriated by the Legislature with at least 60 percent focused on low-income, disadvantaged, and rural communities.
- The funding will start at \$500 million a year and can be adjusted by CalRecycle based on the amount of plastic packaging and food ware used and adjusted for inflation.

CONTACT

Tina Andolina
Office of Senator Ben Allen
tina.andolina@sen.ca.gov
(916) 651-4026



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

AGENDA MATTER

Legislative Update

SUMMARY STATEMENT

The Board conveyed support for these bills at its May meeting.

AB 2440: The Responsible Battery Recycling Act passed the Assembly on May 23 (58-7) and has cleared the Senate Environmental Quality and Judiciary Committees. It will be heard in Appropriations next.

SB 1215: Split from AB 2440, and now addresses expansion of the state's electronics waste recycling program to include battery-embedded devices.

SB 1013: Adding wine and distilled spirits to the California Beverage Container Recycling Program passed the Senate 39-0 and Assembly Natural Resources 10-0; to Assembly Appropriations next.

AB 2784 Setting thermoform plastic minimum recycled content standards was approved by the Assembly (44-19) and cleared the Senate Environmental Quality and Judiciary Committees. Now at Senate Appropriations.

SB 983 Right-to-Repair held in Senate Appropriations Committee after passing out of Judiciary. Failed to advance.

RECOMMENDED ACTION

Board update on California legislation

PRESENTED BY

John Davis

FISCAL IMPACT:

Unknown increased value and reduced costs

MEETING DATE

August 11, 2022

ITEM NUMBER

6