

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

REGULAR MEETING
THURSDAY, NOVEMBER 10, 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=ZWFWQTdBSjBkcGVJmzhwUUtlNnIwQT09>

***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 2022-04: 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 10 THROUGH DECEMBER 9, 2022, PURSUANT TO BROWN ACT PROVISIONS

Recommendation: Adopt Resolution 2022-04.

CONSENT CALENDAR

2. Request to Approve the Consent Calendar as follows:

A. Minutes of the Board Meeting held August 11, 2022.

B. Warrant Ratification August 1, 2022 – October 31, 2022.

C. Treasurer's Report.

Recommendation: Approve consent calendar.

PUBLIC HEARING ITEMS

None

DISCUSSION/ACTION ITEMS

3. Thermoforms.

Recommendation: Authorize the Authority Administrator to pursue corrections to CalRecycle's PET commingled rate.

4. 1383 Barstow.

Recommendation: Presentation and discussion about Barstow's organics material collection program.

5. 1383 Contamination.

Recommendation: Update and discussion about the contamination minimization project.

6. Prior Board Members.

Recommendation: Discussion of recognition for prior Authority Board members.

7. State Budget.

Recommendation: Update and discussion about the State Budget.

8. Supported Legislation.

Recommendation: Information about Authority supported legislation.

9. Legislation.

Recommendation: Updated information on 2022 legislation.

PUBLIC COMMENTS

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

BOARD MEMBERS COMMENTS

11. Comments by members of the Board of Directors.

DATE OF NEXT MEETING

THURSDAY, FEBRUARY 9, 2023

ADJOURNMENT

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

AGENDA MATTER

Resolution 2022-04: 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 10 THROUGH DECEMBER 9, 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 appropriate 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 2022-04 addresses AB 361 provisions allowing continued teleconferencing during the proclaimed emergency.

RECOMMENDED ACTION

Adopt Resolution 2022-04

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	Reduced Board mileage payments	November 10, 2022	1

RESOLUTION NO. 2022-04

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 10 THROUGH DECEMBER 9, 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 November 10, 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 November 10, 2022 until December 9, 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 10th day of November, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Debra Jones, Chair

Attest:

Cambria Carroll
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 11, 2022.
- B. Warrant Ratification for August 1, 2022 – October 31, 2022.
- C. Treasurer's Report.

RECOMMENDED ACTION

Approve consent calendar

PRESENTED BY		MEETING DATE	ITEM NUMBER
Cambria Carroll		November 10, 2022	2

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

AGENDA MATTER

Board Meeting Minutes

SUMMARY STATEMENT

Attached is a report of the Board Meeting minutes from the August 11, 2022, meeting.

Staff remains available for any questions or comments you may have.

RECOMMENDED ACTION

Approve as part of the consent calendar.

PRESENTED BY

Cambria Carroll

MEETING DATE

November 10, 2022

ITEM NUMBER

2A

MINUTES

MOJAVE DESERT AND MOUNTAIN RECYCLING JPA BOARD MEETING

10:00 A.M., THURSDAY, AUGUST 11, 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), 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, Richard Crockett (Burrtec), Dana Armstrong (Victorville), Sydnie Harris (Apple Valley), Ari Lewis (San Bernardino County), Margaret Demauro (Apple Valley), Natalie Lessa (ReCreate), and Craig Schneider (Helendale CSD).

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

Board member McArthur Wright led the pledge of allegiance.

1. **Resolution 2022-03.** Resolution 2022-03 was approved on a roll call vote following a motion from Board Member Larry Cusack and a second from Board Member Marilyn Kruse.
2. **Consent Calendar.** The Consent Calendar was approved on a roll call vote following a motion from Board Member Joy Jeannette and a second from Board Member Marilyn Kruse.
3. **Board Officers.** 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 McArthur Wright.
4. **Curbside.** Authorization was given for a two-year Residential Curbside Container Contamination Minimization project with ReCREATE Waste Collaborative, not to exceed \$80,000 annually, subject to budget approval via a motion submitted by Board Member Larry Cusack and seconded by Board Member Bynette Mote. This item was approved via roll call vote by all attending Board Members present.

5. **SB 54.** Board Administrator John Davis provided the Board with a report and discussion of the recent passing of SB 54. In the last Assembly committee and floor vote from June 29, the bill passed the Governor's signature was provided on June 30. This bill addresses producers of plastic packaging reducing single-use plastics distributed and included multiple requirements for these producers to address the over usage of single use plastics with enforcement mechanisms provided through CalRecycle for non-compliance,
6. **Legislation.** Board Administrator John Davis provided the Board with a legislative update covering AB 2784, SB 983, SB 1013, SB 1215 and AB 2440.
7. **Public Comment on items of interest to the public:** None
8. **Board Comments:** Board Chair Debra Jones introduced Board Member Joy Jeannette with a special request to be able to provide the update regarding the cancellation of the Adelanto Stadium performance on August 20th, with refund being handled through Eventbrite. The event will be re-schedule for a performance in October.

Board Chair Debra Jones confirmed the date of the next meeting for November 10, 2022, with the confirmation that it would be held in a conference room located at Victorville's City Hall. Board Administrator John Davis added that the meeting would be a hybrid meeting with Zoom being utilized to manage the meeting electronically. The meeting was adjourned at 10:34 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 August 1, 2022 through October 31, 2022 in the amount of \$428,834.71 net of voids covering issued warrant numbers 2488 to 2526.

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		November 10, 2022	2B

MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE JPA
Warrant Listing: August 1, 2022 - October 31, 2022

Check #	Check Date	Payee	Description	Check Amount
2488	8/3/2022	John Davis	JPA & MRF Admin Services July 2022	11,951.48
2489	8/8/2022	Erin Duckhorn	Marketing Services JULY 2022, Inv 5060122	2,785.75
2490	8/8/2022	FIND Food Bank	SB 1383 Services for July 2022	1,250.00
2491	8/8/2022	Burrtec	Interior Offices Painting	7,000.00
2492	8/12/2022	High Desert Second Chance	Edible Food Recovery Program July Inv #0032	2,500.00
2493	8/17/2022	Jeff Drozd	JPA Bd Meeting August 2022	75.00
2494	8/17/2022	McArthur Wright	JPA Bd Meeting August 2022	75.00
2495	8/17/2022	Marilyn Kruse	JPA Bd Meeting August 2022	75.00
2496	8/17/2022	Larry Cusack	JPA Bd Meeting August 2022	75.00
2497	8/17/2022	Debra Jones	JPA Bd Meeting August 2022	75.00
2498	8/17/2022	Bynette Mote	JPA Bd Meeting August 2022	75.00
2499	8/17/2022	Joy Jeannette	JPA Bd Meeting August 2022	75.00
2500	8/17/2022	Victorville	Burrtec Rent through 1/1/22-3/31/22 Split to part. Agencies	12,119.11
2501	8/17/2022	Town of Apple Valley	Burrtec Rent through 1/1/22-3/31/22 Split to part. Agencies	12,119.12
2502	8/25/2022	Burrtec	CARPET REPLACEMENT	25,590.00
2503	8/25/2022	CRRA	CONFERENCE REGISTRATION #MOJAVE2022	6,505.00
2504	8/25/2022	Mobius Intelligent Systems, LLC	INVOICE 2114- JULY	1,358.75
2505	9/1/2022	John Davis	JPA & MRF Admin Services Aug 2022	12,791.75
2506	9/9/2022	CPSC (California Product Stewardship Council)	JULY SERVICES INV 026	493.35
2507	9/9/2022	Erin Duckhorn	Marketing Services AUGUST 2022, Inv 5083122	2,785.75
2508	9/9/2022	High Desert Second Chance	Edible Food Recovery Program AUGUST Inv #0033	2,500.00
2509	9/9/2022	FIND Food Bank	SB 1383 Services for AUGUST 2022	1,250.00
2510	9/22/2022	Joe Lara	CRRA REIMBURSEMENTS	292.25
2511	9/22/2022	Pamela Quick	CRRA REIMBURSEMENTS	246.00
2512	9/22/2022	CITY OF 29 PALMS	CRRA REIMBURSEMENTS	1,081.76
2513	9/22/2022	ARIELLA LEWIS	CRRA REIMBURSEMENTS	1,037.64
2514	9/22/2022	CAMBRIA CARROLL	CRRA REIMBURSEMENTS	1,071.22
2515	9/22/2022	CITY OF NEEDLES	FOOD RECOVERY PROGRAM	5,000.00
2516	9/22/2022	Mobius Intelligent Systems, LLC	INVOICE 2137- AUGUST	1,212.50
2517	10/3/2022	John Davis	JPA & MRF Admin Services Sep 2022	13,183.90
2518	10/5/2022	CPSC (California Product Stewardship Council)	JUNE SERVICES INV 025	332.56
2519	10/5/2022	Erin Duckhorn	Marketing Services SEPTEMBER 2022, Inv 5100322	2,785.75
2520	10/5/2022	Public Entity Risk Management Authority	2022-2023 Insurance & 2020-2021 Assessment	36,228.00
2521	10/5/2022	Harshwal & Company LLP	Audit Services	145.00
2522	10/5/2022	Victorville	July MRF revenues exceed expenses inv 1746	38,659.37
2523	10/5/2022	Apple Valley	July MRF revenues exceed expenses inv 1747	47,493.82
2524	10/20/2022	FIND Food Bank	SB 1383 Services for Septmeber 2022	1,250.00
2525	10/20/2022	High Desert Second Chance	Edible Food Recovery Program September Inv #0034	2,500.00
2526	10/20/2022	Burrtec	Burrtec August 2022 MRF Activirty	172,789.88
Total				428,834.71

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

AGENDA MATTER

Treasurer's Report

SUMMARY STATEMENT

Attached is a report of Cash and Investments of the Authority as of September 30, 2022.

Staff remains available for any questions or comments you may have.

RECOMMENDED ACTION

Receive, ratify, and file the September 30, 2022 Treasurer's Report as presented.

PRESENTED BY

Sydney Harris

MEETING DATE

November 10, 2022

ITEM NUMBER

2C

MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE JOINT POWERS AUTHORITY
Treasurer's Report
As of September 30, 2022

	Carrying Amount	Market Value		Interest Rate Yield	Maturity Date	Quarterly Comparisons of Carrying Amounts			
Institution/Investment Type						Jun-22	Mar-22	Dec-21	Sep-21
Funds under control of the Authority:									
Checking Account:									
JPA Administration	236,299.65	236,299.65	(1)	0.30%	On Demand	183,400.13	204,876.14	137,639.75	171,675.15
JPA Organics	0.00	0.00	(1)	0.30%	On Demand	0.00	0.00	0.00	0.00
MRF Administration	71,467.58	71,467.58	(1)	0.30%	On Demand	68,161.58	73,071.58	68,550.58	67,747.34
MRF Operations	(2,280.27)	(2,280.27)	(1)	0.30%	On Demand	(47,764.03)	17,592.86	17,444.57	17,148.03
Total funds under control of Authority	305,486.96	305,486.96				203,797.68	295,540.58	223,634.90	256,570.52

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.

Prepared by: Sara Ogunde

Sydney Harris, Treasurer

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

AGENDA MATTER

Thermoform Containers

SUMMARY STATEMENT

The Authority Board supported AB 2784 that would have required recycled content for thermoform containers (clamshells) sold in California. The Governor vetoed the legislation as inconsistent with SB 54, the recently enacted packaging and plastic producer responsibility legislation. AB 2784 would have enhanced demand for PET plastic thermoform containers that are recovered along with PET bottles at materials recovery facilities (MRFs). Thermoforms are a different formulation than bottles, and cannot be recycled into bottles. MRFs shipping PET bottles and thermoforms together typically are selling for textile use (clothing and carpet).

However some MRFs, including the Victor Valley MRF, separate thermoform containers from bottles. Their bales can be used by PET bottle manufacturers who are meeting California requirements for recycled content plastic bottles. CalRecycle pays the container refund value (CRV) to MRFs for PET shipments. But that CRV value is based on a single statewide commingled rate formula, assuming that 61% of PET (including thermoforms) are CRV bottles.

When thermoforms are separated from bottles, there likely are 20% to 30% more CRV bottles remaining. Since CRV pays nearly \$3000 per ton of PET, and non-thermoform bales contain higher percentages of CRV bottles, MRFs are underpaid for making cleaner bottle bales, with estimate ranging from \$550 to \$1100 per ton.

The California budget does include \$180 per ton quality incentive payments (QIP) to MRFs that successfully separate PET thermoforms from bottles. Those payments were set in a 2007 statute, which if adjusted for Consumer Price Index changes would equate to \$255 today – still short of the lost CRV revenue.

The Plastic Recycling Corporation of California (PRCC) is the main buyer of PET from MRFs. They are asking that CalRecycle set a second commingled rate for MRFs producing bottle bales free of thermoforms. Another option is that CalRecycle renew individual commingled rates based on shipped material, so that MRFs separating thermoform containers are paid appropriately. Increasing the QIP statutory limit is another option to incentivize separation.

The Authority administers Burrtec's Victor Valley MRF operations agreement, which includes revenue sharing arrangements for sold material. Those revenues are distributed to members using the MRF. The current CRV underpayment means lost agency revenue of \$125,000 to \$185,000 annually.

RECOMMENDED ACTION

Authorize the Authority Administrator to pursue corrections to CalRecycle's PET commingled rate

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	\$125,000 to \$185,000 annually	November 10, 2022	3



OFFICE OF THE GOVERNOR

SEP 19 2022

To the Members of the California State Assembly:

I am returning Assembly Bill 2784 without my signature. This bill establishes minimum recycled content requirements for thermoform plastic containers and allows CalRecycle to collect administrative penalties if a producer does not meet the minimum content requirements.

I strongly support efforts to advance California's transition to a circular economy. Earlier this year, I signed SB 54, which is the most significant overhaul of California's plastic and packaging recycling policy in state history, and goes further than any other state on cutting plastics production at the source. However, I am concerned this bill imposes confusing requirements in conflict with some of SB 54's key provisions, which could unfairly result in duplicative fees and penalties for the same material.

SB 54 was specifically designed to create a comprehensive regulatory framework for all recycled materials, in lieu of piecemeal approaches for individual products. With this objective in mind, we should allow CalRecycle to begin its work to implement the reforms required by SB 54 before contemplating any new recycling requirements for individual materials.

For these reasons, I am returning this bill without my signature.

Sincerely,

A handwritten signature in black ink, appearing to read "Gavin Newsom". The signature is stylized with long, sweeping strokes. Below the signature, the name "Gavin Newsom" is printed in a small, sans-serif font.

GOVERNOR GAVIN NEWSOM • SACRAMENTO, CA 95814 • (916) 445-2841



California dangles cash carrot for cleaner PET bales, but few bite

Published: November 1, 2022

Updated: November 1, 2022

by [Jared Paben](#)

<https://resource-recycling.com/recycling/2022/11/01/california-dangles-cash-carrot-for-cleaner-pet-bales-but-few-bite/>

California last year started a unique program of providing cash payments to MRFs that produce ultra-clean PET bottle bales. Recently released data suggest the payments aren't juicy enough morsels.

Only 14 recycling facilities were able to qualify for plastic quality incentive payments (QIP). In total, they collected only about one-tenth of what the state had budgeted for the program.

"It's not a high enough payment to motivate anyone to change their process," said Mark Murray, executive director of advocacy group Californians Against Waste (CAW).

Meanwhile, a top state official acknowledged her department may need to talk with stakeholders about ways to tweak the QIP program so it encourages a greater number of clean PET bales.

"It wasn't widely popular. There's money being left on the table, and the question is why," Mindy McIntyre, chief deputy director of the California Department of Resources Recycling and Recovery (CalRecycle), told Resource Recycling.

Over \$1 million payments awarded

A year ago, [lawmakers authorized](#) state regulators to extend the QIP program, which previously covered post-consumer glass, to PET bottle bales. Curbside recycling programs could receive up to \$180 per ton for producing bales that contained 2% or less PET thermoforms and other contaminants.

That's an incredibly difficult contamination limit for curbside material, but 14 sorting facilities were able to achieve it and qualify for payments during the 2021-22 fiscal year, which ended June 30, 2022, according to CalRecycle data provided to Resource Recycling.

The 14 were Allan Company facilities in San Diego, Baldwin Park and Glendale; Athens Services in the City of Industry; Better Earth LLC of Fremont; Blue Line Transfer of South San Francisco; Burbank Recycle Center of Burbank; Burrtec Waste Industries-East Valley Recycling & Transfer of San Bernardino; GreenWaste Recovery of San Jose; Marin Recycling and Resource Recovery Association of San Rafael; Recology Sonoma Marin of Santa Rosa; Recology Eel River of Samoa; Recology Vallejo of Vallejo; and **Victor Valley Materials Recovery Facility of Victorville**.

Together, these facilities produced 5,900 short tons of PET bottle bales that qualified for QIP.

CalRecycle spokesperson Lance Klug said the 14 participants received a total of \$1.06 million in plastic QIP. That's about one-tenth of the \$10 million available for the QIP program last year.

Senate Bill 170, signed by Gov. Gavin Newsom on Sept. 23, authorized the QIP issuances starting as early as July 1, 2021. But first-year participation may have been somewhat reduced because recycling companies wouldn't have expected plastic QIP until fall 2021.

Too small of a carrot?

Murray of CAW said his organization has long been supportive of the QIP concept, but he was critical of how the program is performing so far.

In an interview with Resource Recycling, he said the MRFs that qualified for the QIP are rural facilities that are hand-sorting bottles and are already producing ultra-clean bales. By and large, the urban, automated MRFs aren't meeting the 2% contamination limit, he said.

"The policy is not motivating anyone new to enter into the game," he said in an interview.

He noted that current subscription levels would have CalRecycle spending a fraction of the millions of dollars legislators have budgeted for the program. The [2022 budget bill](#), which was signed by Newsom in September, set aside tens of millions of dollars more for the QIP program.

"It's a good thing the administration sought/legislature approved an additional \$90 million for QIPs," Murray wrote in an email to Resource Recycling. "At the current rate, the original \$10 million authorization could be exhausted by 2030!"

The Golden State's bottle bill, called the California Redemption Program (CRV), brings in a substantial amount of clean PET bottles outside of curbside channels. The material typically makes up Grade A bales, which are used in food and drink packaging.

But because California has long struggled to ensure ample redemption opportunities, leaving many residents without convenient bottle and can return locations, many residents choose to forgo their deposits and drop their PET bottles in curbside recycling bins instead. After sorting at a MRF, those bottles will go into a Grade B bale. The goal of the QIP program is to encourage MRFs to produce curbside bales clean enough to be used in new beverage containers.

Klug noted that encouraging clean bales helps beverage producers meet their [mandatory PCR minimums under state law](#), which requires at least 15% PCR in bottles covered by the state's deposit program by the end of this year.

But Murray wrote that his organization projects California curbside programs collected about 23,000 tons of CRV PET during the 2021-22 fiscal year.

"So even if 100% of curbside programs were able to meet the '2% or less' standard, the maximum amount of PET QIP that might be expended would total less than \$5 million," he said.

He argued that CalRecycle should increase the payment amount north of \$180 a ton.

Big bale buyer suggests fixes

The Plastic Recycling Corporation of California (PRCC) buys and sells post-consumer PET bales, trading about 230 million pounds of PET last year.

Sally Houghton, executive director of PRCC, told Resource Recycling the \$180 per ton incentive isn't enough to encourage MRFs to remove thermoforms from bottle bales.

She described a situation in which one arm of CalRecycle is working against the other. In California's bottle bill, MRFs can receive CRV redemption payments for PET bottle bales, with the payments based on weights and a formula estimating the percentage of weight that's made up of deposit material. Through that commingled rate, as it's called, CalRecycle is currently paying MRFs \$1,240 per ton for PET bales.

That provides an incentive for MRFs to leave thermoforms in the PET bottle bales. It's a greater incentive than the \$180 QIP provides to remove them, Houghton argued.

"You can see that a \$180 per ton QIP is insignificant in comparison. Especially when you consider that in CA, most of the MRFs utilize optical sorters, which naturally results in a high percentage of thermoforms in the bales," she said.

Thermoforms and other non-CRV PET (think mayonnaise jars, mouthwash bottles, glass cleaner spray bottles, etc.) can make up a sizable percentage of a MRF's PET bale. PRCC's 2022 bale sort shows that, on average, deposit bottles make up about 47% of a PET bale, non-deposit PET makes up 23%, PET thermoforms make up 18% and other contaminants make up the remainder.

But the percentages vary based on sorting technology, with MRFs that employ a secondary hand or robotic sort producing bales with the highest percentages of CRV material, she noted. That extra sorting comes with a cost, however.

"Further sortation is costly and the value of thermoforms is only pennies per pound," she said. "The commingled rate does not reward better quality, in fact it is financially beneficial to do a first sort and leave the thermoforms and any other contaminants in the bale."

PRCC estimates the current commingled rate is over-paying MRFs, because it assumes there is more CRV material in PET bales than there actually is. She argued CalRecycle should create a second commingled rate that pays MRFs more in CRV funds when they achieve a 2% contamination limit or less.

“The current commingled rate structure is rewarding poor practice,” Houghton said. “This is one of the reasons PRCC supports a dual commingled rate along with the QIP, so that good-quality bales are rewarded and MRFs that cannot do a secondary sort still receive a commingled payment.”

CalRecycle open to a dialogue

In some ways, California is already starting from a good place. Greg Johnson, vice president of operations for nationwide PET reclaimer Evergreen, recently told Resource Recycling that curbside PET bales from California are already considerably cleaner than those from Ohio, where Evergreen is headquartered and has recycled PET bottles from MRFs for decades.

Evergreen mostly recycles Grade A bales at its Riverside, Calif. plant, but the company is looking more at purchasing and processing Grade B bales there, too, Johnson said.

Still, McIntyre of CalRecycle suggested CalRecycle will talk with stakeholders about ways to improve the QIP program to further clean-up curbside bales and enable bottle-to-bottle recycling.

“I think we need to have more of a conversation about how we get there,” McIntyre said.

However, McIntyre noted that CalRecycle lacks the authority to unilaterally increase the QIP above \$180, because that dollar amount was set in the statute. CalRecycle spokesperson Maria West confirmed that CalRecycle is authorized by statute to provide payments up to \$180 but no higher.

McIntyre said the conversation isn’t just about cleaner bottle bales, it’s also about enabling thermoform separation at MRFs so they can be recycled better. That separation isn’t something CalRecycle can require via regulation, however, she said.

Still, the authorization of the plastic QIP program shows that the legislature understands the need to clean up curbside bale quality, and that lawmakers are willing to experiment to incentivize greater sorting.

“I think what we’re seeing is an indication that there’s a heightened understanding and appreciation of the need to create clean recycling streams,” she said.

She suggested the state will need to fine-tune its efforts to figure out the best incentives, however.

“It’s now time to go back and say, ‘OK, let’s recalibrate,’” she said.

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

AGENDA MATTER

SB 1383 Implementation: Barstow Roll-Out

SUMMARY STATEMENT

California's Short Lived Climate Pollutants Strategy (SB 1383) mandates organic materials collection and composting from residential customers, with small size exceptions for some communities. The Recycling Authority supports member agencies' organics collection roll-out by preparing outreach materials, targeting social media posts, and conducting contamination minimization reviews.

Barstow was the first agency to roll-out service. Burrtec began distributing and collecting 35-gallon automated organics barrels in July 2022. Material is delivered to the Victor Valley Compost Facility.

Between July 1 and Oct 31 the Authority shared 21 social media posts about Barstow organics collection, reaching 2,408 people with 84 reactions (likes, shares, comments). ReCREATE Collaborative's team visited 2,425 Barstow households in August, using Oops Tags to let residents know when their barrels include unwanted materials.

Jessica Reed will provide an overview of the steps Barstow took to initiate its organics collection.

RECOMMENDED ACTION

Presentation and discussion about Barstow's organics material collection program

PRESENTED BY
Jessica Reed and
John Davis

FISCAL IMPACT:
\$2.82/month
residential rate
increase

MEETING DATE
November 10, 2022

ITEM NUMBER
4

CITY OF BARSTOW SB 1383 RESIDENTIAL ORGANICS RECYCLING PROGRAM

Everything You Do Can **MAKE A DIFFERENCE!**



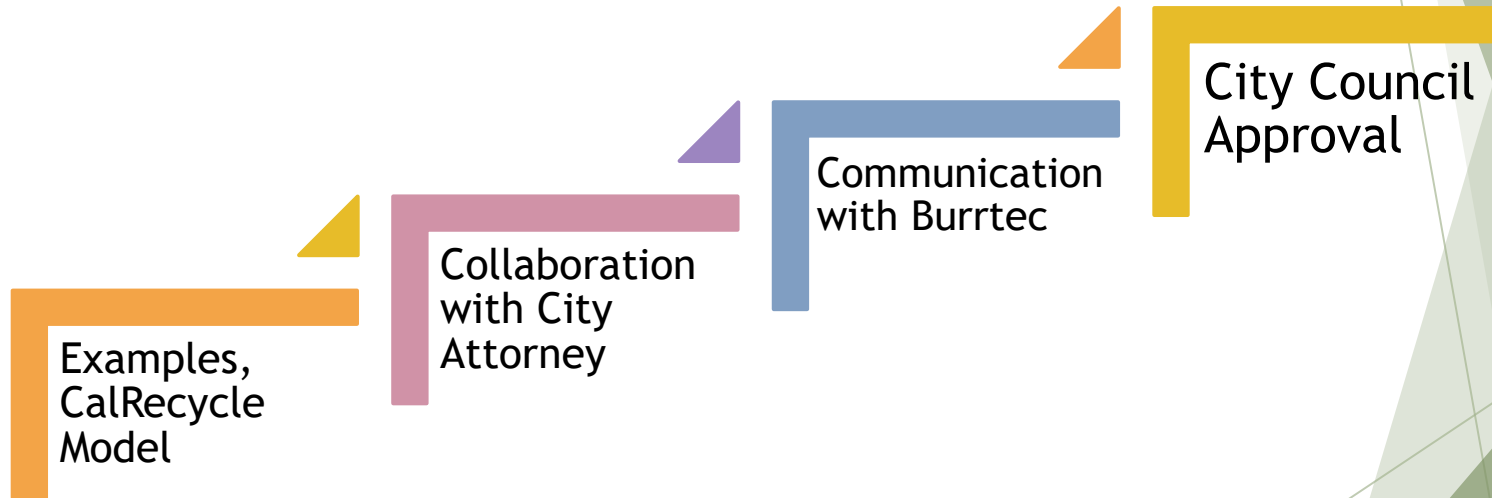
Jessica Reed
*Administrative Analyst
Solid Waste & Recycling
Department*

Program Implementation

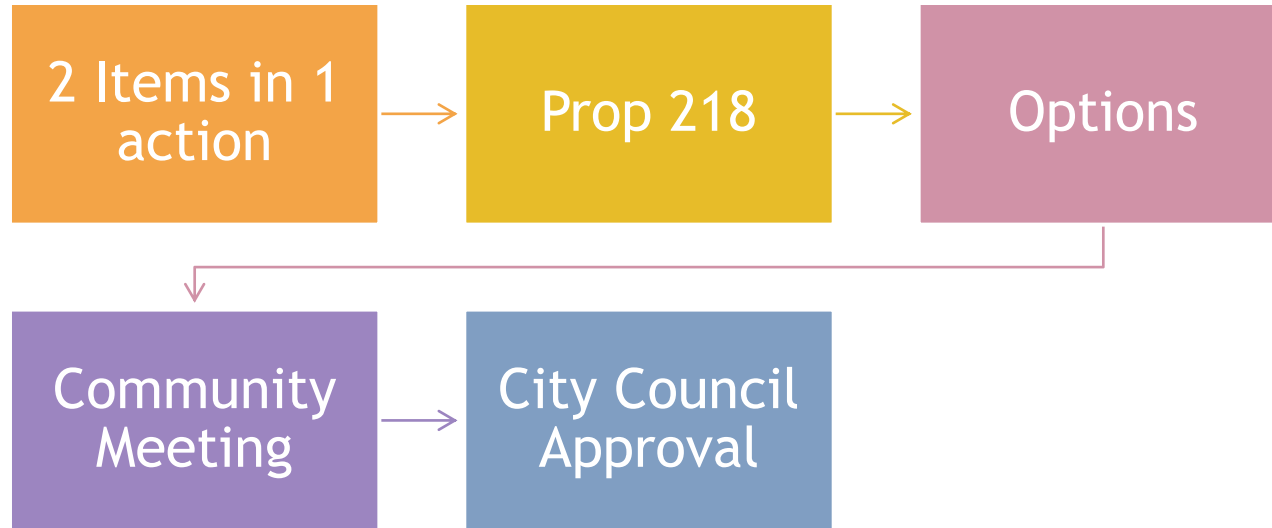
1. Ordinance Adoption
2. Franchise Amendment and Rate Increase
3. Mixed Organics (Green Barrel) Collection Roll-Out
4. Outreach and Education
5. Status Update – How It's Going...
6. Questions



Ordinance Adoption



Franchise Amendment and Rate Update



Green Barrel Collection Roll-Out

Delivery Notice

- Postcards
- Council Meeting Announcement
- Electronic

Program Basics

- 35-Gallon Barrel Standard
- Mixed Organics
- Weekly Pickup

Recycling Guides

- Barrel Guide
- FAQ
- How to Tips



Education & Outreach

Print

- Newsletter Bill Inserts
- Flyers
- Postcards

Electronic

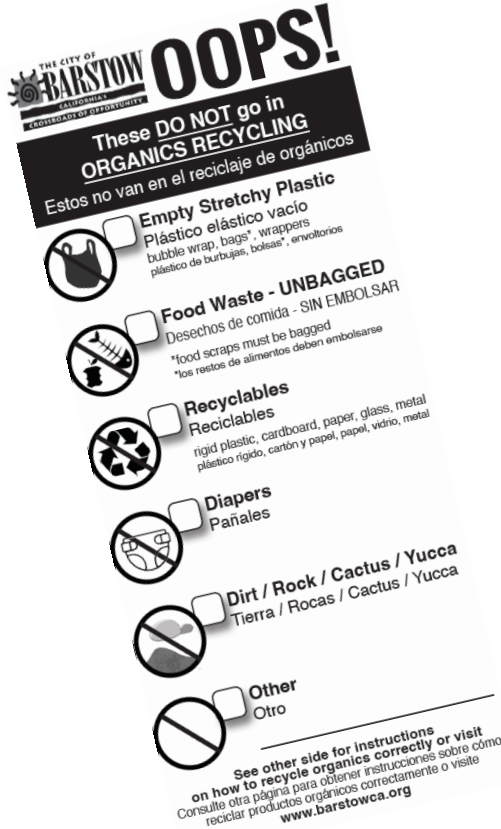
- Web Page
- Social Media
- Local Cable
- Geofencing

In-Person

- Meetings
- Events



Status Update - How It's Going...



- ▶ Current 40% Participation Rate
- ▶ Average 15% Contamination Rate
- ▶ Educational Lid Flipping Project
- ▶ Public Engagement on Social Media
- ▶ Grant Projects



Questions?

Thank you!



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Email: jreed@barstowca.org

Phone: 760.255.5126

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

AGENDA MATTER

SB 1383 Implementation: Contamination Minimization

SUMMARY STATEMENT

The Authority Board approved an agreement with ReCREATE Waste Collaborative at its August 2022 meeting. ReCREATE will visit communities through June 2024, lifting cart lids, identifying contamination and leaving cart hangars noting what shouldn't be in the carts. Their work is timed to support the initial roll-out of three container service. The intent is to minimize contamination in the new organics materials carts to assure compliance with CalRecycle's container monitoring requirements, to minimize the cost to remove contamination from recycling and organic barrels, and to avoid landfilling recycling and organics materials.

ReCREATE's work is allocated on a pro-rata basis based on members' budget contributions. It appears that only Barstow and Apple Valley will begin residential organics collection in the current fiscal year, although Victorville is carrying out a pilot program and Needles' two containers will be included this year. ReCREATE visited 2,425 Barstow households and are underway with 4,600 in Apple Valley. Any unexpended funds should be carried over into next year's Authority budget.

Natalie Lessa and Kirk Kunihiro from ReCREATE Waste Collaborative will provide an overview of their Barstow and Apple Valley work.

RECOMMENDED ACTION

Update and discussion about the contamination minimization project

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
Natalie Lessa, Kirk Kunihiro and John Davis	\$160,000 over two years from Marketing	November 10, 2022	5

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

AGENDA MATTER

Prior Board Member Recognition

SUMMARY STATEMENT

The Authority has recognized prior Board Members, initially with a framed and engraved photograph and then a commemorative recycled glass piece from Fire and Light, a partnership with Arcata Community Recycling Center. However Fire and Light closed in 2019.

Piece by Piece, a Los Angeles non-profit uses recycled mosaic tile pieces to make certificate frames <https://www.piecebypiece.org/> Piece by Piece provides low-income and formerly homeless people free mosaic art workshops using recycled materials to develop marketable skills, self-confidence, earned income and an improved quality of life. Artists who continue through the certification program can produce pieces for sale and receive liveable wages for their work.

Piece by Piece is preparing framed certificates for Board members who regularly attended meetings, and who left in 2020. The frames incorporate the Authority logo.

- Art Bishop, Apple Valley
- Carmen Hernandez, Barstow
- Randall Putz, Big Bear Lake
- Gloria Garcia, Victorville
- Rick Denison, Yucca Valley

Piece by Piece will ship the certificates to agency recycling coordinators for distribution. Board members may want to arrange presentations at Council meetings.

RECOMMENDED ACTION

Discussion of recognition for prior Authority Board members

PRESENTED BY

John Davis

FISCAL IMPACT:

\$625 from Marketing

MEETING DATE

November 10, 2020

ITEM NUMBER

6

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

AGENDA MATTER

State Budget

SUMMARY STATEMENT

The Budget (AB 179) includes \$180,000,000 of Greenhouse Gas Reductions Funds for local agency grants to implement SB 1383. This is a 300% increase over last year's funding.

Eligible uses include:

- Capacity Planning
- Collection
- Edible Food Recovery
- Education and outreach (includes organic waste & edible food recovery)
- Enforcement and Inspection
- Program Evaluation/Gap Analysis
- Procurement Requirements
- Record Keeping

The Budget also includes \$73,300,000 for start-up bottle and can redemption programs. This includes start-up costs grants and loans for recycling programs using reverse vending machines, bag drop and mobile recycling.

Another \$25,000,000 was approved to support deposit return programs for reusable beverage containers.

RECOMMENDED ACTION

Update and Discussion about the State Budget

PRESENTED BY

John Davis

FISCAL IMPACT:

Increased Local
Agency 1383 Grants

MEETING DATE

November 10, 2022

ITEM NUMBER

7

SEC. 127.

Item 3970-101-0133 of Section 2.00 of the Budget Act of 2022 is amended to read:

3970-101-0133—For local assistance, Department of Resources Recycling and Recovery, payable from the California Beverage Container Recycling Fund 233,333,000

Schedule:

(1) 3715-Beverage Container Recycling and Litter Reduction 233,333,000

Provisions:

1. Of the amount appropriated in this item, \$73,333,000 is available to award grants, loans, payments or contracts to support start-up costs for recycling programs, which shall be limited to recycling centers, mobile recycling, reverse-vending machines, or bag drop programs. These funds are also available to existing recycling centers for purposes of establishing mobile recycling to expand outreach. No more than 50 percent of these funds shall be used for any one type of program from the following list: mobile recycling, reverse-vending machines, or bag drops.
2. Of the amount appropriated in this item, \$50,000,000 is available to support grants in the Quality Incentive Payment Program, pursuant to Section 14549.1 of the Public Resources Code.
3. Of the amount appropriated in this item, \$40,000,000 is available to support the Quality Incentive Payment Program pursuant to Section 14549.1 of the Public Resources Code, or for grants related to thermoform material.
4. Of the amount appropriated in this item, \$30,000,000 is available to support startup loans for processors and recyclers.
5. Of the amount appropriated in this item, \$5,000,000 is available to award grants, loans, payments or contracts to support workforce development.
6. Of the amount appropriated in this item, \$10,000,000 is available to support Plastic Market Development Payments consistent with Section 14549.2 of the Public Resources Code.
7. Of the amount appropriated in this item, \$25,000,000 is available to award grants, loans, payments or contracts to support a deposit-return system for reusable containers consistent with Section 14539 of the Public Resources Code.
8. The Department of Resources Recycling and Recovery may adopt guidelines to implement this item. Those guidelines are not subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.
9. The funds appropriated in this item shall be available for encumbrance or expenditure until June 30, 2025, for support and local assistance. Not more than five percent of the amount appropriated in this item may be used for administrative costs.

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

AGENDA MATTER

Authority Supported Legislation

SUMMARY STATEMENT

Three Authority supported bills cleared the Legislature and were signed by the Governor.

AB 2440 Requires producers to establish a stewardship program for most batteries. CalRecycle must adopt regulations by April 2025, and stewardship plans must be approved with 24 months thereafter.

Retail take-back programs, similar to paint and motor oil, are likely options. Public costs to manage household hazardous waste battery collection should be reduced, and ongoing costs reimbursed. Fewer batteries should be received by recycling facilities, reducing handling costs are fire risks.

SB 1215 Adds battery-embedded products to the state's e-waste program by October 2025. "Covered battery-embedded product" means a product containing a battery from which the battery is not designed to be easily removed from the product by the user of the product with no more than commonly used household tools.

CalRecycle will adopt consumer fees, similar to existing electronics fees, to cover the programs recycling costs. Manufacturers must provide information to consumers describing where and how to recycle the devices.

Battery-embedded products are another explosive cause of fires at recycling facilities.

SB 1013 Expands container redemption program to include wine and distilled spirits beginning January 1, 2024. This includes boxes, pouches, small "nips", cans and bottles.

The bill eliminates the option for retailers to opt-out of redemption by paying a fee, and instead requires formation of "dealer cooperatives" to handle redemption when recycling centers are not serving their locations. Small dealers (less than \$1.5 million in sales or 5,000 square feet size) are exempt from the in-store and cooperative requirement.

Glass is difficult and expensive to handle in curbside recycling programs – it breaks, colors are mixed together, and small pieces must be screened out as residue. SB 1013 should result in more glass bottles being redeemed for deposits, providing clean and color separated glass for recycling, while reducing curbside volume and handling costs. The glass that is recovered curbside will yield a higher value by redeeming deposits.

RECOMMENDED ACTION

Information about Authority supported legislation

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	Reduced costs and improved revenues	November 10, 2022	8

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

AGENDA MATTER

Additional Legislation

SUMMARY STATEMENT

New enacted legislation includes:

AB 661 Updates the State Agency Buy Recycled Campaign with new recycled content standards for materials purchased by the state of California. Local agencies are able to utilize State purchasing contracts and bid specifications.

AB 1857 Repeals provision of law that allows jurisdictions to count up to 10% of the waste sent to waste-to-energy facilities toward their 50% diversion requirement. California has enacted other laws clarifying that energy recovery is not recycling, except for anaerobic digestion of organic materials.

AB 1985 Reduces local organics procurement goals to 30% of target amount in 2023; 65% in 2024; 100% thereafter. This provides some immediate relief while supply of organic products ramps up around SB 1383 roll outs.

SB 54 Creates an EPR program for printed paper and plastic packaging and sets recycling rates and reductions for plastics. This major program will begin with a CalRecycle needs assessment and culminate in producer financial and performance responsibility for plastic and packaging recycling, working with local agencies and haulers. Regulations are due by 2025. Requires producers to meet recycling rates for covered materials: 30% by 2028, 40% by 2030, and 65% by 2032. Expanded Polystyrene is required to meet a recycling rate of 25% by 2025.

SB 1046 Bans plastic produce bags and other pre-checkout plastic bags. Only compostable or paper bags can be offered beginning 2025.

Vetoed legislation included:

SB 1256 Prohibits sale of disposal propane cylinders beginning 2028. The veto message cited lack of a plan to assure that refillable cylinders would be widely available. The Authority received a CalRecycle grant to promote one gallon refillable cylinders, but work was delayed because of the pandemic and subsequent supply chain delays.

RECOMMENDED ACTION

Updated information on 2022 legislation

PRESENTED BY	FISCAL IMPACT:	MEETING DATE	ITEM NUMBER
John Davis	Substantial local cost reduction in SB 54	November 10, 2022	9

MOJAVE DESERT AND MOUNTAIN INTEGRATED WASTE JOINT POWERS AUTHORITY

AGENDA MATTER

Public Comment

SUMMARY STATEMENT

Comments on items of interest to the Public.
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RECOMMENDED ACTION

None

PRESENTED BY

Cambria Carroll

MEETING DATE

November 10, 2022

ITEM NUMBER

10

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

Cambria Carroll

MEETING DATE

November 10, 2022

ITEM NUMBER

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