



CENTRAL CONTRA COSTA
SOLID WASTE AUTHORITY

Agenda Report

TO: CCCSWA BOARD OF DIRECTORS
FROM: BART CARR, SENIOR PROGRAM MANAGER
KENT ALM, LEGAL COUNSEL
DATE: OCTOBER 29, 2009

**SUBJECT: PROPOSED REVISIONS TO PERMITTING OF COMMERCIAL RECYCLERS
ORDINANCE (NO. 96-1)**

SUMMARY

The “Permitting of Commercial Recyclers” Ordinance (No. 96-1) currently allows permitted commercial recyclers (“recyclers”) to designate food waste for collection on their annual permit application. Due to CCCSWA plans to formalize and expand commercial food waste collection using Allied Waste Service (AWS) as the program’s commercial food waste collector, staff is proposing to amend Ordinance 96-1 to remove commercial food waste from permit service collection. The effect of this will be to remove “Food Waste” from future commercial recycler permit applications until the proposed cessation of the permitted recycler program in 2012, unless extended by Board action.

Staff’s proposed revision will also allow the CCCSWA Executive Director the authority to grant a special permit to a recycler allowing food waste collection in areas not served by the commercial food waste program. This will permit the CCCSWA to fill “gaps” in the commercial food waste program by allowing a special permittee to collect from specified generators not serviced by the commercial program.

RECOMMENDED ACTION

1. Introduce Ordinance 96-2, amending Ordinance No. 96-1, Permitting of Commercial Recyclers, dated 6/1/05, and waive reading.

DISCUSSION

The permitting of Commercial Recyclers Ordinance (No. 96-1) currently allows recyclers to designate commercial food waste as a material for collection on their annual permit application. At the time that Ord. No. 96-1 was adopted, emphasis was placed on encouraging commercial recycling permittees to include and collect as many recyclable materials as possible, including food waste. However, with CCCSWA plans to formalize and expand commercial food waste collection, use of a larger collection company with the equipment and resources capable of collecting large quantities of commercial food waste was required. Allied Waste Service (AWS) has been selected as the program’s service provider, and staff is proposing to amend Ordinance 96-1 to remove commercial food waste as a material type for permit service collection. Section V. of the “Permitted Commercial Recyclers” Ordinance (No. 96-1) currently reads:

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“Permitted Commercial Recyclers may collect Source Separated Recyclable Materials, Organic Recyclable Materials¹, Construction and Demolition Recyclable Materials and Electronic Waste Recyclable Materials and any other Commercially Generated Recyclable Materials for recycling and transport of such materials to a Recycling Facility provided that both the Commercial Recycler and the Recycling Facility have obtained any and all necessary permits or licenses required by this Ordinance and/or by any other regulatory agency having jurisdiction.”

The proposed changes for Section V. removes “Organic Recyclable Materials,” which includes food waste from the section, resulting in the following (additions are underlined):

“Permitted Commercial Recyclers may collect Source Separated Recyclable Materials, ~~Organic Recyclable Materials~~, Construction and Demolition Recyclable materials and Electronic Waste Recyclable Materials and any other Commercially Generated Recyclable Materials except Organic Recyclable Materials for recycling and transport of such materials to a Recycling Facility provided that both the Commercial Recycler and the Recycling Facility have obtained any and all necessary permits or licenses required by this Ordinance and/or by any other regulatory agency having jurisdiction.”

The effect of this change will be to remove the “Food Waste” option from future commercial recycler permit applications.

Additionally, staff is proposing additional language for Section V. that will read:

“In addition, the Executive Director or his or her designee may issue Permits to Commercial Recyclers to collect Organic Recyclable Materials from those locations not included in any other CCCSWA residential or commercial food waste recycling program.”

This will provide the CCCSWA Executive Director, or his or her designee, the authority to grant a special permit to a permitted recycling service allowing commercial food waste collection and recycling in areas or to buildings not served by the commercial food waste program.

Article 6 of the Third Amended Joint Exercise of Powers Agreement provides that CCCSWA will exercise its powers “in the same manner and subject to the same restrictions as . . . a general law city.” General law cities must adopt or amend ordinances (except urgency ordinances) via a two-step process, conducting both a first reading (introduction) and a second reading (adoption) at least five days later. (Govt. Code § 36934.) The second reading of Ordinance 96-2 will take place at the December meeting, and the Ordinance will be effective on the 31st day after adoption.

Impact on Current Permitted Commercial Recyclers

Currently, there are no permitted recyclers who have included food waste in their 2009-10 permit application. Historically, only one recycler, Biagini Waste Reduction Systems, Inc., had identified food waste for collection in its 2008-09 Commercial Recyclers Permit Application. At the time of application submission, this request was modified to only include food waste generated within office buildings, complexes, or office parks. This would primarily serve employee break rooms within these building or complexes. This modification was acceptable to Biagini Waste Reduction Systems. Staff determined that this would not conflict with the food waste pilot or the expanded food waste collection program. On the contrary, Biagini Waste Systems could act to fill in a “gap” by servicing specified generators, such as those found in complexes or office parks, that would not normally be serviced by the food waste program.

Additional Changes to Allied Waste Services & Waste Management Franchise Agreements will be proposed in December.

Staff will return Ordinance No. 96-2, amending Ordinance 96-1 to the Board at your December meeting for a second reading. At that time, staff will also propose changing the AWS and WM franchise agreement's definitions of "Solid Waste" and "Food Waste" and language in the "Grant & Acceptance of Franchise" section of each agreement to establish commercial food waste and residential food scraps as residing exclusively within the scope of each franchise agreement. This will clearly identify AWS as the Authority's franchised collector of commercially generated food waste and WM as the Authority's franchised collector of residential food scraps within the CCCSWA services area.

ATTACHMENT

- A. Ordinance No. 96-2, amending Ordinance 96-1 - "Permitting of Commercial Recyclers"

¹ *Definition of "Organic Recyclable Materials" means organic materials (excluding Green Waste) such as vegetable, fruit, grain, dairy, meat, fish and non-recyclable paper discards that are separated, handled, packaged or offered by a Waste Generator for collection in a manner different from Solid Waste (e.g. garbage or refuse), and separated from Recyclable Materials for the purpose of being processed and then returned to the economic mainstream in the form of commodities such as, but not limited to, compost, soil amendment, mulch, animal feed, and fertilizer.*