

**INTEGRATED WASTE MANAGEMENT AUTHORITY (IWMA)
BOARD MEETING**

**March 12, 2008
1:30 p.m.**

AGENDA

**San Luis Obispo Board of Supervisor's Chambers
County Government Center
San Luis Obispo, CA 93408**

1. Call to Order and Roll Call.

2. Public Comments.

Note: Any member of the public may address the Board for a period not to exceed three minutes. Any item not on the agenda, within the jurisdiction of the Board, may be presented. The Board will listen to all communication, however, in compliance with the Brown Act, no action can be taken at this time.

Americans With Disabilities Act Compliance. In compliance with the Americans with Disabilities Act (ADA), the IWMA is committed to including the disabled in all of its services, programs, and activities. If you need special assistance to participate in this meeting, please contact the IWMA clerk at least 72 hours prior to the meeting to enable the IWMA to make reasonable arrangements to insure accessibility to the meeting.

- 3. Manager's Report.** Oral report by Bill Worrell.
Municipal Program Update
California Integrated Waste Management Board Members
PG&E Request for Information

CONSENT CALENDAR

The following items listed below are scheduled for consideration as a group. After public comment, any member of the Board or the Manager may request an item be withdrawn from the Consent Calendar to allow discussion.

- 4. Draft Minutes of the January 9, 2008 IWMA Board Meeting (Action Item - Voice Vote)**
- 5. Draft Minutes of the February 27, 2008 Executive Committee Meeting (Receive and File)**

PUBLIC HEARING

- 6. Proposed Battery and Fluorescent Tube Ordinance (Action Item - Roll Call Vote)**
Consider approving the proposed battery and fluorescent tube mandatory take back ordinance.

REGULAR CALENDAR

7. **Introduction of a Proposed Home-generated Sharps Waste Management Ordinance (Action Item - Roll Call Vote)** Consider introducing the proposed home-generated sharps waste mandatory take back ordinance and setting a public hearing at your May 14, 2008 Board Meeting.
8. **2006 Annual Report (Receive and File)** Receive and file the 2006 annual report.
9. **IWMA Water Bottle and Styrofoam Container Policy and City of Morro Bay Model Ordinance (Action Item - Roll Call Vote)** Consider adopting a water bottle and Styrofoam container policy.
10. **Conceptual Ordinances (Action Item - Voice Vote)** Consider approving in concept two ordinances.
11. **Grant Applications (Action Item - Roll Call Vote)** Consider approving grant applications to the California Integrated Waste Management Board and Department of Conservation.
12. **Proposed FY 08/09 Program Goals and Status of FY 07/08 Goals (Review and Comment)** Review the proposed program objectives for FY 08/09 and review the current status of FY 07/08 objectives.
13. **IWMA Correspondence (Receive and File)** Copies of IWMA correspondence.
14. **Member Comments and Future Agenda Items** Discussion by Members regarding future agenda items.
15. **Closed Session.** The manager's annual performance review will be discussed. (Government Code Section 54957).
16. **Amendment to the Manager's Contract (Action Item - Roll Call Vote)** Consider amending the Manager's Contract.
17. **Adjournment** The next meeting is scheduled for **May 14, 2008**, at 1:30 p.m. in San Luis Obispo Board of Supervisor's Chambers, County Government Center, San Luis Obispo, CA 93408.

DATE: March 12, 2008 ITEM: 4

Approve Deny
 Continue to _____

TO: Integrated Waste Management Authority

FROM: William A. Worrell, Manager

RE: Draft Minutes of the January 9, 2008 IWMA Board Meetings (Action Item - Voice Vote)

RECOMMENDATION

Approve minutes

ATTACHMENT: Draft Minutes of the January 9, 2008 IWMA Board Meetings

**SAN LUIS OBISPO COUNTY
INTEGRATED WASTE MANAGEMENT AUTHORITY
BOARD MEETING**

MINUTES OF JANUARY 9, 2008

1. Call to Order/Roll Call.

Board Members Present:

Chuck Ashton, City of Grover Beach
Ellen Beraud, City of Atascadero
Dave Brooks, Authorized Districts
Ted Ehring, City of Pismo Beach
Melody DeMeritt, City of Morro Bay
Bruce Gibson, County Supervisor
John Hamon, City of Paso Robles
Jerry Lenthall, County Supervisor
Christine Mulholland, City of San Luis Obispo
Harry Ovitt, County Supervisor
Jim Patterson, County Supervisor

Board Members Absent:

Katcho Achadjian, County Supervisor
Ed Arnold, City of Arroyo Grande

Staff Members Present:

William A. Worrell, Manager
Carolyn Goodrich, Board Secretary
Ray Biering, IWMA Counsel

2. Public Comments. None.

3. Manager's Report. Bill Worrell reported on municipal programs and IWMA grants.

CONSENT CALENDAR

Motion was made, seconded and unanimously passed to approve the Consent Calendar.

Those items approved are as follows:

4. **Draft Minutes of the October 31, 2007 IWMA Board Meetings (approved).**

PRESENTATION

5. **Zero Waste Presentation.** Mike Hoover, General Manager of Chicago Grade Landfill, provided a Zero Waste Presentation.

REGULAR CALENDAR

6. **Introduction of a Proposed Battery and Fluorescent Tube Ordinance.** Bill Worrell advised that the Board directed staff to prepare a draft take back universal waste ordinance for the board to consider. Ray Biering reviewed the draft ordinance. Questions centered on participation and enforcement. There were no comments from the public, either written or oral, and public discussion was closed.

It was moved by Board Member Hamon, seconded by Board Member Ovitt to introduce Ordinance No. 2008-1 and set a public hearing for March 12, 2008. Motion passed on the following roll call vote:

AYES: Ashton, Beraud, Brooks, DeMeritt, Ehring, Gibson, Hamon, Mulholland, Ovitt, Patterson and Lenthall
NOES: None
ABSTAIN: None
ABSENT: Achadjian and Arnold

7. **Letter of Support for CIWMB Rosalie Mule's Reappointment.** Bill Worrell reported that Rosalie Mule's term expired at the end of 2007 and staff recommends the IWMA support her reappointment. There were no comments from the public, either written or oral, and public discussion was closed. **Motion was made by Board Member Mulholland, seconded by Board Member Ashton and passed 11-0-2 absent (Achadjian and Arnold) to authorize the IWMA President to send a letter of support for Rosalie Mule's reappointment to the CIWMB Board of Directors.**

8. **Grant Application.** Bill Worrell reported the CIWMB has approved \$1.4 million for the used oil opportunity grant program and grant applications must be submitted before the February 21, 2008 deadline. There were no comments from the public, either written or oral, and public discussion was closed.

Motion was made by Board Member Ehring, seconded by Board Member Mulholland and passed 11-0-2 absent (Achadjian and Arnold) authorizing the Manager to submit a grant application to the California Integrated Waste Management Board, and authorize the Manager to execute the subsequent grant agreement.

9. IWMA Correspondence. Motion was made, seconded and passed to receive and file the IWMA correspondence.

10. Member Comments and Future Agenda Items. Board Member Mulholland requested the IWMA Board discuss an ordinance for plastic bags. Board Member Patterson added discussion should include a ban on styrofoam packaging. Board Member DeMeritt requested a discussion about Zero Waste at a future meeting.

11. Adjournment. The meeting was adjourned to the next regular meeting of the IWMA scheduled for **March 12, 2008, at 1:30 p.m. in the San Luis Obispo Board of Supervisor's Chambers, County Government Center, San Luis Obispo, CA.**

THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE RECORD UNTIL APPROVED BY THE IWMA AT THE NEXT REGULAR MEETING.

DATE: March 12, 2008 ITEM: 5

Approve Deny

Continue to _____

TO: Integrated Waste Management Authority

FROM: William A. Worrell, Manager

RE: Draft Minutes of the February 27, 2008 Executive Committee Meeting (Receive and File)

RECOMMENDATION

Receive and File

ATTACHMENT: Draft Minutes of the February 27, 2008 Executive Committee Meeting

**San Luis Obispo County
INTEGRATED WASTE MANAGEMENT AUTHORITY MEETING
Executive Committee
MINUTES OF FEBRUARY 27, 2008**

1. **Call to Order/Roll Call.** The meeting was called to order by President Jerry Lenthall.

Executive Committee

Members Present:

Harry Ovitt, San Luis Obispo County
Jerry Lenthall, San Luis Obispo County
Ron Munds, SWTAC Representative (non-voting)

Executive Committee

Members Absent:

Christine Mulholland, City of San Luis Obispo

IWMA Staff:

Ray Biering, IWMA Counsel
William A. Worrell, Manager
Carolyn Goodrich, Board Secretary

2. **Public Comments.** None.
3. **Manager's Report.** None.
4. **Minutes of the October 24, 2007 Executive Committee Meeting.** The minutes of the October 24, 2007 Executive Committee Meeting were unanimously approved, together with recommendations and findings as set forth therein.
5. **Draft Minutes of the January 9, 2008 IWMA Board Meeting (receive and file).**
6. **March 12, 2008 IWMA Board Meeting Agenda.** The Executive Committee reviewed and approved the tentative agenda for the March 12, 2008 IWMA Board Meeting.
7. **Member Comments and Future Agenda Items.** None.
8. **Closed Session.** The Executive Committee adjourned to a closed session to conduct the manager's annual performance review (Government Code Section 54957).
9. **Report on Closed Session.** No final action was taken; no report.

10. Adjournment. There being no further business, the meeting was adjourned to **April 23, 2008** at 12:00 p.m. in the San Luis Obispo County Integrated Waste Management Authority Office, 870 Osos Street, San Luis Obispo, CA 93401.

THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE RECORD UNTIL APPROVED BY THE IWMA EXECUTIVE COMMITTEE AT THE NEXT REGULAR MEETING.

DATE: March 12, 2008 ITEM: 6

Approve Deny
 Continue to_____

TO: Integrated Waste Management Authority

FROM: William A. Worrell, Manager

RE: Proposed Battery and Fluorescent Tube Ordinance (Action Item - Roll Call Vote)
Consider approving the proposed battery and fluorescent tube mandatory take back ordinance

RECOMMENDATION

1. Hold a public hearing to receive testimony on the proposed Ordinance Number 2008-1 An Ordinance Establishing a Household Batteries and Fluorescent Tubes Management Program.
2. Approve adoption of the proposed Ordinance Number 2008-1 An Ordinance Establishing a Household Batteries and Fluorescent Tubes Management Program.
3. Direct staff to send a sample resolution to member jurisdiction for their adoption supporting the ordinance.

DISCUSSION

At the January 9, 2008 the Board introduced this proposed ordinance and set the matter for public hearing at this meeting.

On January 9, 2008 one minor change was requested to the proposed ordinance. That change has been made. No other requests for change have been received since the January 9, 2008 meeting.

As previously discussed, in February 2006, the Universal Waste Exemption for households and small businesses expired. Batteries, fluorescent tubes and certain electronic waste must now be managed as universal waste. At the March 8, 2006 Board Meeting, staff was directed by the Board to develop a model universal waste ordinance. Staff developed a draft ordinance and presented it to the Board at the May 10, 2006 Board Meeting. The Board approved in concept the draft model ordinance. On May 26, 2006, the IWMA submitted a grant application to the CIWMB to fund a battery and fluorescent tube take back program.

On March 14, 2007, staff reported back on the draft ordinance and reported that the CIWMB had

selected the IWMA grant and that staff was beginning to implement the grant. This 3-year grant paid for the establishment and servicing of battery and fluorescent tube retail take back. Almost all local retailers are participating in the program with the exception of some large national chains such as Target and Home Depot.

At the October 31, 2007 Board Meeting staff indicated that an ordinance would be brought to the Board at the next meeting. Staff also indicated that instead of a model ordinance for each jurisdiction to consider, staff would bring back an IWMA ordinance that would cover the region.

The proposed ordinance requires retailers who sell batteries and/or fluorescent tubes to take back these items under the following conditions:

1. From a consumer that buys batteries and/or fluorescent tubes (maximum amount equal to number of batteries and fluorescent tubes being purchased).
2. From a consumer who documents the previous purchase of batteries and/or fluorescent tubes (maximum amount limited to the number of batteries and fluorescent tubes previously purchased).
3. From a consumer who lives in the jurisdiction (maximum amount limited to 15 batteries and 8 fluorescent tubes per week).

Unlike the draft ordinance, this ordinance would be adopted by the IWMA and apply to the IWMA region. In addition enforcement would be the responsibility of either the IWMA or the local jurisdiction.

FISCAL IMPACT

None.

ATTACHMENT: Proposed Ordinance Number 2008-1 An Ordinance Establishing a Household Batteries and Fluorescent Tubes Management Program

San Luis Obispo County Integrated Waste Management Authority ORDINANCE NO. 2008-1

AN ORDINANCE ESTABLISHING A HOUSEHOLD BATTERIES AND FLUORESCENT TUBES MANAGEMENT PROGRAM

The Board of Directors of the San Luis Obispo County Integrated Waste Management Authority ordains as follows:

Section 1. General Provisions

The San Luis Obispo County Integrated Waste Management Authority (IWMA) finds and declares all of the following:

(a) The purpose of this Ordinance is to have the IWMA, a joint powers agency established pursuant to Government Code Section 6500 and empowered by its member jurisdictions to exercise the members' common powers to achieve the mandates imposed by the Integrated Waste Management Act of 1989 (AB 939) on a regional basis, enact a comprehensive and innovative system for the proper and legal management of used household batteries and fluorescent tubes in San Luis Obispo County.

(b) The purpose of this Ordinance is to enact a law that establishes a program that is convenient for consumers and the public to return and ensure the safe and environmentally sound disposal of used household batteries and fluorescent tubes, and to provide a "no-cost" system for consumers for the return of used batteries and fluorescent tubes.

(c) The purpose of this Ordinance is to assure that the costs associated with the handling and disposal of used household batteries and fluorescent tubes are the responsibility of the producers and retailers of household batteries and fluorescent tubes, and not local governments or their service providers, state government, or taxpayers.

(d) The purpose of this Ordinance is to reduce the likelihood of the illegal disposal of hazardous materials, and it is the intent of this Ordinance to ensure that all costs associated with the proper management of used household batteries and fluorescent tubes are internalized by the producers and consumers of household batteries and fluorescent tubes at or before the point of purchase, and not at the point of discard.

(e) The purpose of this Ordinance is to assure that manufacturers and retailers of household batteries and fluorescent tubes, while working to achieve the goals and objectives of this Ordinance, should have the flexibility to partner with each other and with those private and nonprofit business enterprises that currently provide collection and processing services to develop and promote a safe and effective used household batteries and fluorescent tubes recycling system.

(f) The purpose of this Ordinance is to provide for the safe and convenient collection, reuse, and recycling of 100 percent of the used household batteries and fluorescent tubes discarded in the IWMA Region at no cost to the consumer.

(g) The purpose of this Ordinance is to recognize that there are significant environmental and human health impacts associated with household products that contain toxic ingredients, including mercury, lead, cadmium and other toxic chemicals, that when disposed of improperly, can contaminate the IWMA Region's environment.

Section 2. Definitions

For the purposes of this Ordinance, the following terms have the following meanings, unless the context clearly requires otherwise:

(a) "Household Batteries" means batteries used primarily for household and personal uses, including nickel-cadmium, alkaline, carbon-zinc, Li Ion, NiMH and other batteries generated as non-RCRA waste similar in size to those typically generated as household waste. "Household Batteries" does not include lead-acid batteries such as motor vehicle batteries.

(b) "Consumer" means a purchaser or owner of household batteries and fluorescent tubes. "Consumer" also includes a business, corporation, limited partnership, nonprofit organization, or governmental entity, but does not include an entity involved in a wholesale transaction between a distributor and retailer.

(c) "IWMA Region" means the geographic area that includes the unincorporated area of San Luis Obispo County, California and the seven incorporated cities within San Luis Obispo County.

(d) "Retailer" means any entity, including but not limited to, a person or business, of whatever form of organization, which sells to the general public household batteries, fluorescent tubes, or both, in the IWMA Region to a consumer, including a manufacturer of household batteries and fluorescent tubes who sells household batteries and fluorescent tubes directly to a consumer.

(e) "Distributor" means a person who sells household batteries and fluorescent tubes to a retailer.

(f) "Fluorescent tubes" (also referred to as "universal waste lamp") means the bulb or tube portion of an electric lighting device. A lamp is specifically designed to produce radiant energy, most often in the ultraviolet, visible, and infra-red regions of the electromagnetic spectrum. Examples of common universal waste lamps include, but are not limited to, fluorescent tubes, compact fluorescent lamps (cfl), high intensity discharge, neon, mercury vapor, high pressure sodium, and metal halide lamps.

Section 3. Household batteries and fluorescent tubes management

(a) Every retailer of household batteries, fluorescent tubes, or both, sold in this IWMA Region shall establish within the retail outlet a system for the acceptance and collection of used household batteries, fluorescent tubes, or both, for recycling or proper disposal. A retailer who sells household batteries is required to accept, collect and dispose of household batteries. A retailer who sells fluorescent tubes is required to accept, collect and dispose of fluorescent tubes. A retailer who sells household batteries and fluorescent tubes is required to accept, collect and dispose of household batteries and fluorescent tubes.

(b) A system established by a retailer for the acceptance and collection of used household batteries, fluorescent tubes, or both, during the retailer's normal hours of operation, for recycling or proper disposal shall, at a minimum, include all of the following elements:

(1) A convenient location within the retail establishment for the "take-back" from the consumer of used household batteries, fluorescent tubes or both at no cost to that consumer.

(2) Appropriate signage, prominently displayed within 5 feet of any entrance to the retail

establishment and easily visible to the consumer, indicating that the retail establishment accepts and collects used household batteries, fluorescent tubes, or both, from consumers. In the alternative, the retail establishment may place the recycling receptacle within 5 feet of any entrance to the retail establishment with appropriate signage indicating its location for consumer disposal of batteries and/or fluorescent tubes.

(3) An appropriate receptacle or receptacles for the collection of used household batteries, fluorescent tubes, or both, within the retail establishment.

(c) A retailer who is required to accept used household batteries shall at a minimum provide the following take back services:

(1) The take-back from the consumer of used household batteries that the retailer sold or previously sold to the consumer, at no cost to that consumer. In that event, the retailer may require proof of purchase of the prior sales. The retailer shall only be required to accept household batteries in an amount not to exceed the amount previously sold to the consumer.

(2) The take-back of used household batteries from a consumer purchasing batteries from the retailer, at no cost to the consumer. In that event, the retailer shall only be required to accept household batteries in an amount not to exceed the amount being purchased.

(3) The take-back from the consumer of used household batteries that the retailer did not sell or previously sell to the consumer, at no cost to that consumer. The retailer shall only be required to accept household batteries in an amount not to exceed 15 batteries per week per consumer from any consumer who resides in the IWMA Region.

(d) A retailer who is required to accept fluorescent tubes shall, at a minimum, provide the following take-back services.

(1) The take-back from the consumer of used fluorescent tubes that the retailer sold or previously sold to the consumer, at no cost to that consumer. The retailer may require proof of purchase. The retailer shall only be required to accept fluorescent tubes in an amount not to exceed the amount previously sold to the consumer.

(2) The take-back of used fluorescent tubes from a consumer who is purchasing new fluorescent tubes from that retailer, at no cost to that consumer. The retailer shall only be required to accept fluorescent tubes in an amount not to exceed the amount being purchased.

(3) The take-back from the consumer of used fluorescent tubes that the retailer did not sell or previously sell to the consumer, at no cost to that consumer. The retailer shall only be required to accept fluorescent tubes in an amount not to exceed 8 fluorescent tubes per week per consumer from any consumer who resides in the IWMA Region.

Section 4. Enforcement

(a) The IWMA may enforce the provisions of this Ordinance through a civil action for civil penalties in the amounts established herein, and any other civil remedy, including prohibitory and mandatory injunctive relief, filed in the Superior Court for the County of San Luis Obispo to compel and enforce the provisions herein against any retailer within San Luis Obispo County who sells batteries, fluorescent tubes, or both, in violation of this Ordinance. In addition to any relief available to IWMA to enforce this Ordinance, the IWMA shall also be entitled to recover its reasonable attorneys' fees and costs incurred in enforcing this Ordinance.

(b) For any violation of this Ordinance, the IWMA may sue to recover civil penalties in the amount of \$1,000.00 per day for every day on which a violation exists. For purposes of calculating the civil penalties to be established hereunder, each day on which the retailer fails to comply with

the requirements of this Ordinance, after having received a written notice of violation issued by the IWMA, shall constitute a separate offense.

(c) In addition to the civil relief available to the IWMA set forth above, any violation of this Ordinance shall also constitute a misdemeanor punishable under the laws of the State of California. The District Attorney, the County Counsel, or any City Attorney shall be authorized to enforce the provisions of this Ordinance within their respective jurisdictions. In the event of such criminal enforcement, the following criminal penalties apply to violations of this Ordinance:

(1) Violation as Misdemeanor. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.

(2) The San Luis Obispo County Sheriff's Department and/or any other police department or law enforcement agencies located within the IWMA's jurisdiction may issue a Notice to Appear Citation for any misdemeanor pursuant to California Penal Code Section 853.6 for any violation of this Ordinance.

(3) Penalty for Misdemeanor. Any retailer found to be in violation of any provision of this Ordinance, or who fails to comply with any of its requirements, shall upon conviction thereof be punished by imprisonment in the county jail for not more than six months, or be fined not more than one thousand dollars (\$1,000.00), or by both. Each day such violation continues shall be considered a separate offense.

(d) To the extent that the County of San Luis Obispo, the incorporated cities, and the districts within said County have adopted code enforcement ordinances applicable to their jurisdictions, this Ordinance shall be enforceable by said governmental entities under said ordinances as land-use or code-enforcement violations consistent with said ordinances.

Section 5. CEQA Findings

The Board of Directors of the IWMA finds that this Ordinance is exempt from the California Environmental Quality Act pursuant to CEQA Guidelines § 15061(b)(3) because "it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment." In addition, the Ordinance is subject to a Class 1 categorical exemption pursuant to CEQA Guidelines § 15301 in that the activities mandated by the ordinance will occur at existing retail establishments and, therefore, consist "of the operation, repair, maintenance, permitting, leasing, licensing or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination.... The key consideration is whether the project involves negligible or no expansion of an existing use." The IWMA Manager is directed to prepare and file an appropriate notice of exemption.

Section 6. Severance Clause

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the IWMA hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsection, sentence, clause or phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

Section 7. Effect of Headings in Ordinance.

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

This Ordinance was introduced and the title thereof read at the regular meeting of the IWMA Board of Directors on _____ and further reading was waived by a majority vote of those Directors present.

This Ordinance shall take effect and be in full force on and after thirty (30) days from the date of its passage, and before the expiration of fifteen (15) days from the date of its passage it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of San Luis Obispo.

On a motion by Director _____, seconded by Director _____, the foregoing Ordinance was passed and adopted by the Board of Directors of the San Luis Obispo County Integrated Waste Authority, this (insert date), by the following vote:

AYES:

NOES:

ABSENT:

Jerry Lenthall, President of the San Luis Obispo County
Integrated Waste Management Authority

ATTEST:

Carolyn Goodrich, IWMA Board Secretary

ORDINANCE CODE PROVISION APPROVED
AS TO FORM AND CODIFICATION:

RAYMOND A. BIERING
IWMA Counsel

Date: _____