

SOLID WASTE MANAGEMENT ADVISORY COMMITTEE & LOCAL TASK FORCE MEETING MINUTES

December 2, 2022

The meeting was called to order at 9:05 a.m.

Committee Members Present

Michael Geyer, Joshua Mann, Maxwell Goossen, Orchel Krier, Ken Weir, and Tim Prado

Committee Members Not Present

Phillip Peters, Leticia Perez, Cathy Prout, Eric Arias, and David Couch

Agenda Item #1: Welcome & Rollcall

The Chairman, Mr. Michael Geyer, welcomed all members and guest present. Mr. Geyer stated typically the second item on the agenda is the approval of the minutes, however, he finds the minutes for item 9 on the October 7th meeting omitted both dialogues he had regarding the ordinance and the other items that went in front of the Board of Supervisors but did not come in front of the Committee. Due to this, he did not ask for approval of the minutes until they have been corrected.

Agenda Item #2: Discussion of Ordinance G-9091 Approval – Chairman Geyer

Chairman Geyer asked Deputy County Counsel, Phill Hall, if in fact County Counsel had approved the changes to Ordinance G-9091 and if he was the one who made the approval. Mr. Hall responded stating that was incorrect, County Counsel only approved the ordinance as to form. He then explained that this refers to ensuring that the ordinance meets the legal requirements of an ordinance. As for the operational component of the ordinance, Counsel leaves that to the respective operations department.

Mr. Geyer stated that the role of this committee is to help and advise the Board of Supervisors regarding solid waste issues. He also stated that the committee should have been given the opportunity to provide input on the ordinance and asked Mr. Hall if County Counsel advised the Public Works Department to follow protocol.

Mr. Hall explained that the Solid Waste Management Advisory Committee does not have the type of purview that Mr. Geyer is assuming it has. The Committee would need to be structured like a planning commission instead and in that case, Mr. Hall stated as a hypothetical, Mr. Mann would have a financial conflict of interest and would not be able to sit on the Committee board. As a full advisory body for the Board of Supervisors, everyone would have to file Form 700's and there would be multiple conflicts of interest based on what you do.

Mr. Geyer stated he understood this and reiterated that the committee was not given the opportunity to provide an opinion or to provide value to the Board of Supervisors as the changes made to this ordinance were not submitted to the committee. Vice-Chair Mann reiterated from the last committee meeting, specific to this ordinance, it became time sensitive based on the County's need to file their notice to comply.

SOLID WASTE MANAGEMENT ADVISORY COMMITTEE & LOCAL TASK FORCE MEETING MINUTES – (CONTINUED)

December 2, 2022

Agenda Item #2: Discussion of Ordinance G-9091 Approval – Chairman Geyer (Cont'd)

Furthermore, based on the time constraints Public Works (PW) staff and the Board of Supervisors were under to make the deadline, Mr. Mann fully understands why the ordinance was not presented. Mr. Weir stated he understands there may have been an issue with the deadline, however, it would have been courteous to notify the committee after the fact. Mr. Geyer stated the Solid Waste Enterprise Fund is funded by the taxpayers and a role of the committee and task force is to answer to those taxpayers. He also stated, as members of the committee, they are stewards of these decisions and not being able to provide input is due to a lack of planning on staff's behalf.

Mr. Hall responded that these arguments also apply to the City of Bakersfield, which passed a similar ordinance that also didn't come through the committee. He then explained that the committee should be looking at the county in a holistic manner and not the County of Kern as an entity. The Solid Waste Management Advisory Committee is not a County of Kern committee, it is a committee that deals with all of the county. Therefore, under the same argument, the City of Bakersfield and the other cities' ordinances should have come through as well. Mr. Hall concluded by stating that legally, the ordinance did not have to come before the committee.

Agenda Item #3: Universal Collection Area (UCA) Expansion – Ms. Lisa Shreder

Ms. Shreder presented the Universal Collection Area map to the committee and explained what areas are currently in existence as well as the expansions that are a direct result of SB 1383. These expansion requirements affect several areas based on population density. Three cart service will need to be provided to all areas. Mr. Mann took a moment to give a brief overview of what exactly a Universal Collection Area is. He stated they are established by geographical boundaries of unincorporated county communities. In response to SB 1383, the county has determined a minimum set of services that will be provided and said services are paid for by the residential property owner via their property taxes. The residential parcels in the areas outlying the existing UCA are already paying for a certain level of services and now with SB 1383 requirements, there is a need for expansion to ensure residential parcels that need to comply with SB 1383 are included.

Mr. Geyer asked how the boundaries for the UCA are determined. Ms. Shreder stated the boundaries are determined by census tract and this expansion was created using the 2020 census tracts. Mr. Krier inquired about a cost analysis for SB 1383. Ms. Shreder replied the county is currently in the process of working with the franchise haulers and is hopeful that the benefit will be the same value as the cost or in the very near vicinity. Mr. Geyer followed up with asking if the state is mandating this service level regardless of the effort and cost it may take to collect the waste in remote areas. Ms. Shreder answered further out areas may require different fees, but at this time staff is still working on the structure of the fees.

SOLID WASTE MANAGEMENT ADVISORY COMMITTEE & LOCAL TASK FORCE MEETING MINUTES – (CONTINUED)

December 2, 2022

Agenda Item #3: Universal Collection Area (UCA) Expansion – Ms. Shreder (Cont'd)

Mr. Krier asked whether comments were made by staff to CalRecycle on the SB 1383 mandate. PW Manager, Tony Bonanno, responded that comments were provided to CalRecycle, however, it was very difficult to get them to accept changes. The County was successful in getting the population density requirement increased to 75 persons per square mile. Mr. Mann added that the State did change the fine structure, allowing jurisdictions to set their own enforceable mechanism, in terms of whether they choose to fine and how much. In response, Mr. Geyer stated since this appears to be going down the path of trash cop/police, how does the department plan on enforcing and fining residents. Mr. Bonanno stated the County wrote an ordinance, the department will not be collecting fines from residential sources, instead the plan is to continue providing education to residents and notifications to either specific generators or a particular route.

Mr. Krier mentioned in the City of Taft, Westside Waste gives notices to residents. Mr. Geyer then asked for Mr. Goossen to speak on the enforcement in Taft. Mr. Goossen stated Westside Waste will provide two courtesy dumps, where they tag the bins to explain the contamination issue. On the third instance, they will “red tag” the bin and state non-collection. At this point, the customer must remove the contaminant and contact them for collection. Mr. Geyer asked what happens if residents dump their waste on the curb? Mr. Goossen responded that it would then be considered an illegal dumping situation and code enforcement would need to be involved. Mr. Geyer then asked if it is going down the path of fining and citing individual homeowners, if they have a plastic bag in their greenwaste? Mr. Goossen stated through the City, yes. Ms. Shreder stated she did not think the City of Taft had a fine in place. Mr. Goossen said he would need to double check. Ms. Shreder stated the County follows a similar practice, where the haulers will not service contaminated loads until the resident cleans it and if it gets to a situation where an additional pick up is needed, then the resident will have to pay for the additional pick up.

Agenda Item #4: Countywide Integrated Waste Management Plan, 5yr Review – Mr. Bonanno

Mr. Bonanno stated the County Integrated Waste Management Plan contains five separate parts, and the County had to conduct a five-year review of those separate parts and receive comments from this committee regarding the reports to be sent to the State. He then indicated that Mr. Dave Lee, Waste Management Supervisor, will provide a background on what is required, what the state looks for, and how the process transpired. Mr. Lee reiterated that the five-year review requires for the Local Task Force to review and provide comment. He then stated that the last time the committee has seen a five-year review would have been in 2018. This state requirement dates back to 1989, when the Integrated Waste Management Plan or AB 939 was passed to preserve landfill capacity. Throughout the years, the county is required to review and revise the five planning documents – Source Reduction and Recycling Element, Household Hazardous Waste Element, Non-Disposal Facility Element, Countywide Siting Element, and Summary Plan.

SOLID WASTE MANAGEMENT ADVISORY COMMITTEE & LOCAL TASK FORCE MEETING MINUTES – (CONTINUED)

December 2, 2022

Agenda Item #4: Countywide Integrated Waste Management Plan, 5yr Review – Mr. Bonanno

CalRecycle has a five-year review template that Mr. Lee provided to the committee. In this review, the County looked at demographic information, waste generation, compared how programs from 1990 that were implemented with programs throughout various jurisdictions. Dating back to 1998, the committee has reviewed these reports and the LTF has concurred that no changes were required to these documents based on the findings of these reports and CalRecycle has subsequently approved the reports. Mr. Krier inquired how staff gathers their information for CalRecycle and maintains compliance. Mr. Lee stated we are in compliance with CalRecycle. There are various staff members who are constantly reviewing data, incoming information from our gatehouses, and database system to crosscheck, correct mistakes, track and supply information on an annual basis based on diversion rates, several programs, and waste generation.

The County has evaluated the aforementioned and determined a revision to the elements of the KCIWMP is not warranted. Mr. Mann stated that after looking over the changes, the elements are all still viable and there doesn't appear to be any changes suggested by the County. He then questioned what is needed from the Committee upon review.

Mr. Lee stated that there is a draft cover letter prepared and the Committee Chairman will need to, upon consensus, sign the letter and direct county staff to submit the report as it is to CalRecycle. Furthermore, he stated that the County has 45 days to submit the report to CalRecycle, which is around January 16th. Mr. Geyer asked if there are plans to have another sizable landfill on the westside of Kern County, similar to the size of the Mojave landfill. Mr. Lee responded stating that there are no plans for creating a new landfill, however, the County still has sizable acreage at the Bena Landfill as well as multiple modules planned for the Shafter landfill. Mr. Mann added that creating a new landfill would be an arduous process, so what we would see in the future are enhanced transfer operations. Mr. Lee clarified that the County is not looking at creating a new landfill in the Westside of Kern. Ms. Shreder added that there are various new technologies and process that need to be looked at as well. Mr. Geyer ended the item, stating that he would like the Committee members to review the report and if everyone is okay with it, then he will sign the letter.

Public Comment:

Shari Rightmer, Executive Director of Laborers of the Harvest, introduced herself and the local nonprofit that she represents. They specialize in the handling of the edible food recovery process and she would like to support everyone anyway she can through SB 1383 with edible food recovery. She stated that most nonprofits are completely run by volunteers and get zero funding. They would like to partner up with the waste haulers. They feed about 11,000 people per month and rescue about 118,000 pounds of food per month. She also has business cards available to share with those present.

SOLID WASTE MANAGEMENT ADVISORY COMMITTEE & LOCAL TASK FORCE MEETING MINUTES – (CONTINUED)

December 2, 2022

Committee Member Comment:

Mr. Mann addressed the current vacancy on the committee board and encouraged for a Metro-Bakersfield representative to apply. He also mentioned funding from the EPA in two opportunities that covers several SB 1383 elements like outreach, education, and equipment. He encouraged all jurisdictions to submit applications for federal funding.

Agenda Item #5: Adjourning of the December 2, 2022 Meeting

MOTION: *Adjourn meeting.*

Motion stated by Orchel Krier; seconded by Max Goossen. Committee unanimously approved. Meeting adjourned at 10:06 a.m.

Next Meeting:

March 10, 2023 | 9:00 A.M. | PSB Public Meeting Room