

SOLID WASTE MANAGEMENT ADVISORY COMMITTEE & LOCAL TASK FORCE MEETING MINUTES

June 16, 2023

The meeting was called to order at 9:00 a.m.

Committee Members Present

Michael Geyer, Joshua Mann, Maxwell Goossen, Orchel Krier, Tim Prado, and Jacob Panero

Committee Members Not Present

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

Agenda Item #1: Welcome & Rollcall

The Chairman, Mr. Michael Geyer, welcomed all members and guest present.

Agenda Item #2: Approval of Minutes

MOTION: *Approve minutes for the meeting held on December 2, 2022.*

Motion stated by Max Goossen; seconded by Tim Prado. Motion was approved.

MOTION: *Approve minutes for the meeting held on March 10, 2023.*

Motion stated by Max Goossen; seconded by Jacob Panero. Motion was approved.

Agenda Item #3: Presentation of SWEF – Reserves – Ms. Lisa Shreder

Ms. Shreder provided a brief presentation on the Solid Waste Enterprise Fund's (SWEF) reserves. She stated the State has a minimum deposit requirement to have in the reserves for landfill closures. The first slide detailed a summary of all the facilities, their current fund balances, minimum required fund balance, and indicated whether there was sufficient money or any deficiencies. Ms. Shreder pointed out that the department currently is over the minimum required by \$1.5 million. The subsequent slides individually detailed each facility's current and minimum fund balances from 2010 to 2022. Lastly, Ms. Shreder added that unfortunately the numbers are small to read on the projection, however, she can share the presentation with anyone who would like a copy of it.

Mr. Geyer stated he had some concerns about the reserves because he is aware of the mandated requirements by the State and the EPA for accommodating closure costs. He also stated that he wanted to ensure that the reserves were at least above the minimums. Mr. Geyer then asked if the current balances were reasonable numbers to close one of the sites. For example, he asked, if Bena were to be closed today, would the minimum be close enough for closure. Mr. Brandon Fontes stated staff run these calculations on an annual basis using a spreadsheet from the State and they look at current construction costs to ensure there is sufficient money. Mr. Panero then asked how many closed facilities are there currently. Mr. Dave Lee stated there are eight closed landfills that are owned and operated by the department. Mr. Panero followed up, asking if these facilities have a similar fund for each of them. Mr. Lee stated they have a different mechanism as the closure has been completed, however the State does require a pledge of revenue for post closure maintenance and for corrective action. He detailed that the post closure maintenance is related to environmental monitoring for landfill gas, groundwater, and general maintenance of the facility. The corrective action is in the event that there has been an over release of groundwater or a non-water event, such as an earthquake or fire. He explained the pledge is basically an agreement between the County and CalRecycle stating that there are enough funds available for post closure or for corrective action steps in the case of an event.

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Agenda Item #4: Hauler Rates – Ms. Lisa Shreder

Mr. Geyer asked Ms. Shreder if she could present what was the proposal for the universal collection areas and what it was changed to and approved at the Board of Supervisors meeting. Ms. Shreder responded, stating she has updated the presentation that was done for the Board of Supervisors to include the final protest counts, and will provide an overview. She began her presentation with doing an overview of the Universal Collection Area (UCA) map. The map indicated what the current UCA boundaries are and what was proposed to be added. The proposal included setting up three Universal Collection Areas: Metro-Bakersfield UCA, Western Kern UCA, and Eastern Kern UCA.

The Metro-Bakersfield UCA was proposed to expand in the areas of Oildale, Northeast, West, and Arvin with a rate increase to \$368.64 as of July 1, 2023. The resolution was to add these areas and set a new three cart service level (or 240 gal/unit) for all residential units. The Board of Supervisors (BoS) requested the additional areas be removed; however, the proposed rate and service level were approved. Therefore, effective July 1st, the existing Metro-Bakersfield UCA will have the rate of \$368.64 with the new three cart service level.

The Western Kern UCA was proposed to combine the existing UCAs: Lost Hills, Buttonwillow, Unincorporated Taft, and South Shafter. It also included expansions to the Delano, McFarland, Wasco, Shafter, and Taft areas with a rate increase to \$528.96 as of July 1, 2023. The resolution was proposing the combination of the existing UCAs, adding in additional areas, and setting a new three cart service level (or 240 gal/unit) for all residential units. The Board of Supervisors (BoS) removed the additional areas; however, they approved the combination of the existing UCAs, proposed rate and service level with an effective date of January 1, 2024. The unified Western Kern UCA will have the existing rate plus the 9% rate adjustment factor for six months, then as of January 1st, will have the new rate of \$528.96.

The Eastern Kern UCA currently only contains small portions of Rosamond. However, the proposal was to expand that area and include areas in Frazier Park, Tehachapi, Mojave, Boron, Kern Valley and Ridgecrest with a rate increase to \$559.80 as of July 1, 2023. The resolution was to add in these additional areas and set a new three cart service level (or 240 gal/unit) for all residential units. The Board of Supervisors (BoS) removed the additional areas, but the proposed rate and service level were approved, effective January 1, 2024. The existing Eastern Kern UCA will have the existing rate plus the 9% rate adjustment factor for six months and as of January 1st, will have the new rate of \$559.80.

Ms. Shreder then discussed what happened with the commercial zones. For commercial properties within a UCA, a hauler must be used to provide SB 1383 services. She stated the commercial properties that are in a mandated census tract, but outside of a UCA have the option of self-hauling or utilizing a hauler. These rates are slightly different for each zone, but they have a 9.1% rate adjustment factor plus an SB 1383 rate included. The next group of items are for the Residential Non-Tax Roll Bill, which is everyone not in a universal collection area. Residents may choose to voluntarily use a hauler's services. The new rates were the current rates plus the rate adjustment factor of 9.1%. Mr. Mann added that the hauler invoices for these rates instead of the County.

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Agenda Item #4: Hauler Rates – Ms. Lisa Shreder (cont'd)

The hauler admin fee did not change from last year, it will remain at the same rate. For the Keene Alternate UCA, there was a resolution proposed because some of the area overlapped with the mandated census tracts of the proposed Eastern Kern UCA. However, this resolution was removed since the Eastern Kern UCA was not expanded. The Randsburg Alternate UCA also remained the same at no charge for the residents who self-haul to the facility.

Mr. Geyer stated that when looking at this presentation, for the Metro-Bakersfield UCA slide, the first thing that popped out was the numbers are all the same. He also stated it is well known that single-family residences put out quite a bit more trash and require a higher level of service than apartments or multi-family residences. Mr. Geyer then asked why it is a one-size fits all, knowing that the level of trash service is different on a per unit basis. Ms. Shreder responded stating that not all of them had the same level of services as what is now required with the three-cart service. Mr. Geyer restated his question and reiterated that single family residences produce significantly more volume and weight. Mr. Mann clarified that the County is setting a minimum level of service for everyone. He said mobile homes, apartments, or condos are handled in gallons, so they can choose a combination of those gallons, such as more organic, more trash, or more recycling service. Ms. Shreder gave an example, stating an apartment complex, can set their service level by having more containers for recycling or trash and one small green cart. She stated they can modify their level of service as long as it does not fall below the 240 gallon per unit limit.

Mr. Geyer stated he wanted to understand whether it is a one size fits all due to administrative convenience or because it is based on everybody getting the same level of service. He said this does not reflect reality with respect to whether they need that level of service. Ms. Shreder responded that there is not a way to do several different rates on a tax roll collection. She added that you would not be able to make that sort of judgement as a single-family home could have one person living in it and an apartment could have six people living in it, so there would not be a way to determine the different rates. Also, she said the County likes to be as consistent as possible and uses the same rate level across every type of different unit. Mr. Geyer stated it is based on convenience and not on what the consumer needs or wants. Mr. Mann pointed out that when it comes to establishing universal collection, its about compliance with SB 1383, which assures that every generator that is required to comply has three container service. Ms. Shreder stated when the rates are placed on the tax rolls, it has to be done this way unless the County were to change back to direct billing everywhere and that would be a very costly nightmare.

Mr. Panero then asked what the next steps are with CalRecycle and if we are out of compliance with the corrective action plans. Ms. Shreder stated the County is not currently out of compliance, and CalRecycle watched the board meeting, so they are aware of what happened. There has been a meeting with them and another one is coming up soon to discuss the possible extension and to get them up to date on where the County is. Mr. Lee stated there are bi-monthly meetings with CalRecycle that are required for corrective action updates. Ms. Shreder added that the compliance plan currently goes to the end of the year, and that is why the Western and Eastern Kern UCA's have the January 1 dates, so that they remain in compliance. She stated the only items that will be out of compliance are the mandated areas outside of the approved UCA's.

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Agenda Item #4: Hauler Rates – Ms. Lisa Shreder (cont'd)

Furthermore, she stated that the County has until March 1, 2024 to comply. Staff asked for an extension to July 1, 2024, but CalRecycle denied that extension. Ms. Shreder stated this information has been shared with the BoS, so they know that the County could be out of compliance if there is not something worked out on any of the other mandated areas or if there is a successful Prop 218 protest. She said the County could then be in jeopardy of paying fines from the State.

Mr. Geyer stated this was shared with the BoS, but he asked for this to come in front of the Committee and LTF because they did not get to see it prior to it going to the Supervisors. He asked for a commitment from staff to be more open about what is going on so that the Committee does not find these kinds of things happening after it goes to the Board of Supervisors. Ms. Shreder responded stating a presentation was made at the committee's December meeting to show how the items would be split up. However, she said the only thing that was not shared were the rates because those had yet to be finalized with the haulers. Mr. Mann added that the rates went to BoS initially with approval of the new hauler agreements in February.

Mr. Geyer stated he has an understanding that SB 1383 has some exemptions and waivers for small communities and communities with high elevations. He said he did not recall those being offered to the Board of Supervisors as a way out for some of these communities. Ms. Shreder stated the County already has all of them, the low population density waivers and high elevation waivers. Mr. Mann added that this is why the whole map is not coral, all the white spaces were exempted. Ms. Shreder added that some of the coral areas were also exempted out, but they were added in to help reduce rates. She said since the BoS asked for these areas to be removed, when the department goes back to the Board, everything that is a non-mandated area will come out and the only things that will remain are the mandated areas. She gave an example of the Kern Valley area, there is a census tract that covers Lake Isabella and parts of Bodfish, that will be the only thing that remains, all of the other areas have a low population density waiver. Mr. Lee also clarified that the high elevation waiver only exempts an area from food waste collection. Ms. Shreder added that the only area to have a high elevation waiver was Frazier Park. Mr. Panero asked for clarification on if the exemptions do not apply for other waste such as the blue and gray carts. Ms. Shreder stated that was correct.

Mr. Geyer stated Josh Champlin mentioned a letter that was authored by the SWMAC to CalRecycle specifically regarding SB 1383. He asked that staff provide a copy of the letter and bring it to the committee so that everyone is aware of what was done back in 2018. Ms. Shreder stated several organizations sent in 317 different comments on behalf of the County to CalRecycle concerning the legislation and how we did not like it, did not want it, or thought it did not apply. She said those are all recorded in CalRecycle's log of comments and she could also provide a copy of that log. Mr. Geyer stated another thing he would like to do is invite Kevin Barnes to come in front of the committee with his protest letter. He stated he also wrote a letter and was not aware of CalRecycle responding to everybody's comments as Mr. Champlin had stated. He said he did not receive a response and Mr. Barnes told him he got no response either. Mr. Geyer then asked if the County received responses from CalRecycle regarding the comments.

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

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Agenda Item #4: Hauler Rates – Ms. Lisa Shreder (cont'd)

Ms. Shreder responded stating CalRecycle's responses were on their log of all the comments received. They took the County's comments under advisement, and there were some changes, but not many were made. Ms. Shreder stated there is an overabundance of jurisdictions within the state that are still not 100% compliant with SB 1383. Mr. Lee added stating he thinks there were 134 out of around 600 jurisdictions that are on CalRecycle's list of those on corrective action plans. He clarified that this did not mean the other jurisdictions are in compliance, they simply chose not to go the notice of compliance and corrective action routes.

Agenda Item #5: CIWMP 5 Year Review Completeness – Mr. Dave Lee

Mr. Lee followed up with the committee on the status of the department's five-year review of the County's Integrated Waste Management Plan (IWMP). He stated as of March 24th, CalRecycle had sent in a letter stating that the report was adequate and complies with Title 14. Furthermore, based on the department and committee's recommendation, CalRecycle approved the report and finding, so there is no need for any updates to the IWMP. Mr. Lee also stated the updated Non-Disposal Facility Element was completed in April and included in the five-year report application. He stated both findings from CalRecycle in March and April demonstrated that the IWMP is still consistent with regulations and all processes are being followed.

Agenda Item #6: City Issues

Ms. Luda Fishman, new director of City of Bakersfield's Solid Waste Division introduced herself and the Assistant Solid Waste Director, James Leonard. Ms. Fishman stated she is new to the title; however, she is not new to solid waste as she has been with the City for almost 25 years. She also worked alongside Mr. Kevin Barnes for over 13 years. Lastly, Ms. Fishman stated they are planning on attending the committee meetings every time one occurs.

Agenda Item #7: Public Comment

None

Agenda Item #8: Committee Member Comment

Mr. Geyer stated he had noticed three items from the Public Works Department listed on the Board of Supervisor's consent agenda for the meeting on June 13, 2023 involving the SWEF. He has concerns with one of them, regarding the new processing technology, after Kevin Barnes gave him a call. It was an increased compensation by \$3.4 million for design work. He stated he heard from Kevin about how this is unproven \$100 million type of technology. Mr. Geyer stated he is concerned whether that was a smart move for the County, and he took exception with the BoS keeping this item on the consent agenda. He believes that abuses the consent agenda because there was comment there that it should have gone to debate, but it did not. Therefore, Mr. Geyer asked that staff at the next SWMAC meeting, provide information on what is being done and why the County is spending another \$3.4 million to design a potentially \$100 million transformation technology. He would like to ensure that the taxpayer money coming out of the SWEF is well directed.

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Agenda Item #8: Committee Member Comment (cont'd)

Mr. Chuck Magee stated the facility and what is being done has been under review by the department since 2018. SWANA presented it as a premier facility in their 2018 WasteCon Conference and held a field trip, which staff was in attendance and saw an operational plant. They have been running one in Tennessee for 20 years and other plants are under construction. He stated that many people seem to be unfamiliar with the project, and he believes a large presentation, similar to the one done at the October committee meeting needs to be planned, so that everyone can be brought up to speed on what it is, why it is important, how it works, and what the benefits would be. Ms. Shreder added that the Grand Jury did a report, published in December 2022, and recommended that the County move forward with this project. It was decided that staff would have a new presentation ready by the next meeting date, September 29th, and would present it to the Committee then.

Agenda Item #9: Adjourning of the June 16, 2023 Meeting

MOTION: *Adjourn meeting.*

Motion stated by Jacob Panero; seconded by Max Goossen. Committee unanimously approved.

Meeting adjourned at 10:03 a.m.

Next Meeting:

September 29, 2023 | 9:00 A.M. | PSB Public Meeting Room