



January 10, 2020

Marin County Board of Supervisors  
3501 Civic Center Drive, Suite 329  
San Rafael, CA 94903  
*Via electronic mail*

Re. Board of Supervisors Agenda Item 13: *Consideration of approval of a Recology Sonoma Marin rate increase of 30.27% for West Marin Franchise Area No. 1*

Dear Supervisors,

The Environmental Action Committee of West Marin (EAC) and Surfrider Foundation, Marin County (Surfrider Marin) jointly submit this letter regarding Marin County Board of Supervisors (Board) Agenda Item 13.

EAC was established in 1971 and its mission is to protect and sustain West Marin's lands, waters, and biodiversity. Surfrider Marin has been an active steward of the coastal environment since 1998. EAC regularly attends the Zero Waste Marin JPA Task Force meetings, partners annually with Recology Sonoma Marin (Recology) for California Coastal Clean Up Day removing thousands of pounds of trash from our watershed, and appreciates Marin County's zero waste efforts to reach 75% landfill diversion by 2025.

We would like to express our support of Recology as western Marin County's waste management provider and their dedication to Marin's zero waste goals, community outreach, improvements to waste collection, and our appreciation for their willingness to participate in dialogue.

The Board is considering a proposed rate increase of Recology's services which provides an opportunity for public review of the proposed rate increase against Marin County and California zero waste goals. We have detailed our questions, concerns, and comments below.

**1) Does the proposed rate increase provide adequate funding to comply with the mandates of SB 1383, *Short-lived climate pollutants: methane emissions: dairy and livestock: organic waste: landfills?***

In September 2016, California finalized legislation to set goals to reduce emissions of short-lived climate pollutants in various sectors of California's economy. Ultimately, this law requires local jurisdictions to meet goals to reduce organic waste from landfills by reducing the amount of food waste and diverting organic waste to compost facilities. The legislation is in the final rule-making stage and outlines targets for 50% reductions of statewide disposal of organic waste by January 1, 2020 and a 75% reduction by January 1, 2025.<sup>1</sup>

To meet these targets, California anticipates local jurisdictions and waste haulers will need to make major updates to infrastructure and update or construct new composting facilities. We understand the Zero Waste Marin Local Task Force and Marin County waste haulers have been reviewing the implications of SB 1383 to plan for implementation requirements that will go into effect by 2022.

In April 2018, Recology included a 3.3% increase to fund a Regulatory Compliance Fee. The Department of Public Works Memo detailed that this fee was: “to cover the cost of the County’s compliance with newer State laws and mandates that included AB 341 (mandatory commercial recycling), AB 1826 (mandatory organics collection), **and SB 1383 (methane mitigation, food waste reduction, etc.)**.”<sup>2</sup>

It is unclear whether additional rate increases will be needed to cover the costs of compliance with SB 1383 and how current allocations are being spent. The proposed rate increase will meet the color requirements of SB 1383 with the updates to the three-cart system. Other SB 1383 compliance measures are not specified. If the rate increase before your Board on January 14, 2020 does not include provisions to fully meet the objectives of SB 1383, what are the plans for additional rate increases over the next two years?

According to a Point Reyes Light article dated January 1, 2020, Mr. Stemmler stated that “he doesn’t foresee asking for another rate increase until Recology’s contract with the county expires in 2029.”<sup>3</sup> This information conflicts with page 2 of the Staff Report, which discusses an anticipated rate increase in 2024.

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<sup>1</sup> CalRecycle, *Short-Lived Climate Pollutants (SLCP): Organic Waste Methane Emissions Reductions*, April 16, 2019, available at: <https://www.calrecycle.ca.gov/climate/slcp>

<sup>2</sup> Marin County Department of Public Works, April 18, 2018, *emphasis added*, available at: <https://www.marincounty.org/-/media/files/maringov/board-actions/2018/april/18041011dpwrecologyltr.pdf?la=en>

<sup>3</sup> Point Reyes Light, *Recology seeks large rate increase to replace non-compliant trucks, aging bins*, January 1, 2020, available at: <https://www.ptreyeslight.com/article/recology-seeks-large-rate-increase-replace-non-compliant-trucks-aging-bins>

For the public to better understand and be involved with the implementation of SB 1383, we recommend an organics task force be formed under the Zero Waste Marin JPA to assist with compliance and public education.

It would be helpful if additional information was included regarding SB 1383 on Marin County websites, Zero Waste Marin, and on Recology's website for California service areas to raise awareness about the upcoming mandates.<sup>4</sup> The CalRecycle website has ample information available to provide information to the public about the law<sup>5</sup>. Given the complexity of the law, it would be helpful to begin education as soon as possible.

**2) CalRecycle SB 1383 education materials highlight January 2020 as the year that jurisdictions are required to provide organic waste recycling services to small businesses<sup>6</sup>. When will Recology be providing compost services for all businesses and schools in West Marin?**

With the anticipated Marin County ordinance banning single use plastics, it is critical to have composting facilities for restaurants that serve the West Marin tourists and local residents in to-go containers that end up in landfills.

To proactively plan for the upcoming waste diversion goals, we recommend businesses in West Marin move towards the SB 1383 three cart model (organics/compost, recycling, and landfill) to reduce the amount of organic material ending up in our landfills. This will help meet both goals of Marin County Zero Waste and SB 1383 75% reduction by 2025.

**3) We understand the proposed rate increase is needed to update aging infrastructure including to retrofit/replace trucks, provide residents with new carts, and debris boxes, etc.**

While we understand all curbside carts and dumpsters will be replaced and recycled through this proposed rate increase, to reduce the environmental impact of this portion of the plan, we recommend phasing in the replacement of plastic carts (prioritizing older and damaged carts).

In addition, to support the recent Marin County Board resolution 2019-147 adopted by the Supervisors on December 17, 2019 *Recognizing Climate Change Threat from Auto Emissions and Adopting Alignment of*

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<sup>4</sup> Information could be included here for example: <https://www.recology.com/recology-sonoma-marin/legislation/>

<sup>5</sup> CalRecycle, *SB 1383 Education and Outreach Resources*, November 1, 2019, available at: <https://www.calrecycle.ca.gov/organics/slcp/education>

<sup>6</sup> CalRecycle, *California's Climate Strategy: Waste Sector Goals (DRRR-2019-1650)*, April 18, 2019, available at: <https://www2.calrecycle.ca.gov/Publications/Details/1650>

*New Vehicle Purchasing Policies with the State of California*<sup>7</sup>, we would like to see investments in new trucks that are energy efficient, have low greenhouse gas emissions, and where possible have the ability to run on methane or from electric sources.

**4) The proposed rate increase may create financial hardship for low income individuals.**

EAC spoke with a representative from Recology about this concern and learned Recology does have a low-income discount modeled off the Pacific Gas and Electric program. From our review of the Recology website, we were not able to locate information for equity exemptions for seniors and low-income individuals in the website menus. With this proposed rate increase, information should be easily accessible about the program, including made available online and by mail if not already included on statements and notices.

**5) Increases in General Fund Franchise revenues should designate funding to assist with reduction of organic waste and assist with implementation and compliance of the anticipated single-use plastics ordinance.**

The April 2018 rate increase included a \$27,500 increase to the General Fund franchise fees<sup>8</sup> and the Staff Report states the proposed rate increase will generate an additional \$97,000 in General Fund franchise fees where 97 % of that will be deposited to a Waste Reduction Public Outreach Project.

We request increased public transparency in understanding where General Fund franchise fees are being allocated. There is not any public information on what the Waste Reduction Public Outreach Project and which department will manage allocation of these funds.

To improve community outreach and provide support to interconnected Marin County programs, we recommend a portion of the General Fund franchise fee allocation be applied to assist with organic waste reduction goals of SB 1383 and to support the implementation and compliance of the anticipated Marin County ordinance banning single use plastics.

We thank your Board for your consideration of our comments, and we are hopeful that Recology will continue to provide services that compliment Marin County's commitment to meet our zero waste goals

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<sup>7</sup> Marin County Board of Supervisors, Resolution 2019-147, December 17, 2019, *available at*: <https://pav.marincounty.org/publicaccessbosrecords/>

<sup>8</sup> Marin County Department of Public Works, April 10, 2018, *available at*: <https://www.marincounty.org/-/media/files/maringov/board-actions/2018/april/18041011dpwrecologyltr.pdf?la=en>

and cope with the threats of our climate crisis. We look forward to working collaboratively towards these goals.

Sincerely,

Morgan Patton, Executive Director  
Environmental Action Committee of West Marin

Scott Tye, Chairperson  
Surfrider Foundation, Marin County

cc: Fred Stemmler, Recology Sonoma Marin  
Garen Kazanjian, Recology Sonoma Marin