



## PUBLIC WORKS DEPARTMENT

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### CITY COUNCIL STAFF REPORT

Meeting: May 2, 2023

#### Subject

Consider approval of a second amendment to the Countywide Household Hazardous Waste (HHW) Collection Program agreement between the City of Cupertino and the County of Santa Clara (County) to augment funding up to an additional \$90,705 to the Countywide HHW Program during Fiscal Year (FY) 2023/24 using earmarked funds within the Resource Recovery Fund 520.

#### Recommended Action

Authorize the City Manager to execute a second amendment to the Countywide HHW Collection Program agreement between the City of Cupertino and the County of Santa Clara to augment funding up to an additional \$90,705 to the Countywide HHW Program during FY 2023/24 for the purpose of attaining or increasing household participation, raising the not to exceed amount of the three-year 2022 – 2024 agreement to \$198,885.

#### Reasons for Recommendation

The City, along with the other cities in the County, have an agreement with the County of Santa Clara (the Agreement for Countywide Assembly Bill (AB) 939 Implementation Fee, attached as Exhibit A) to collect landfill tonnage disposal fees to pay for the costs of preparing, adopting, and implementing integrated waste management plans and programs, including HHW elements. The fee is \$4.10 per ton of material disposed at any landfill in the County and is collected by the County from the landfills on behalf of the jurisdictions. The agreement specifies that the \$4.10 per ton fee is divided into two parts: \$1.50 per ton assists in funding an integrated Waste Management Plan, and \$2.60 per ton provides funding to implement the Countywide HHW Program. The current agreement was signed in 2021 for FY's 2021-2022, 2022-2023, and 2023-2024; this agreement runs through 6/30/2024.

The City also has Agreements for Countywide Household Hazardous Waste Collection Program (Attachment B) between the County and each city individually, which spells out the desire to use the collected \$2.60 per ton fee to fund the Countywide HHW Program. This arrangement provides operational efficiency to jurisdictions as they do not each have to run their own HHW collection programs. The County HHW Program

includes two permanent drop-off facilities for HHW as well as temporary events at various locations in the County periodically throughout the year.

Cupertino residents (1,160 in FY 2021-22) use this drop-off service for responsible disposal of unwanted HHW materials. Cupertino's portion of the fee is based on tons of material being disposed of that originated in Cupertino, including both regular accounts and construction and demolition debris. The County keeps track of the tonnage originating in Cupertino and the fees collected on that tonnage and keeps records on the jurisdiction of residence of each person who drops materials off at a HHW Program event. The County also tracks and reports on all the associated expenses for the Program. If the cost to serve Cupertino's participating residents exceeds the funds collected via the per ton disposal fee, Cupertino is invoiced for the difference. Each year the County provides each jurisdiction an estimate of the anticipated shortfall between collected fees and participation cost for the next fiscal year, which they call augmented funds.

To assure payment of the shortfall from each jurisdiction, each year the County creates an amendment to the agreement to identify the expected need for augmented funds. After the end of each fiscal year the County tallies up actual attendance and issues an invoice (or refund) as appropriate.

While this amendment and augmentation process happens annually, in past years (due to lower costs and lower participation in the program) the amounts for the augmentations and overall agreement amounts did not reach the level to require Council approval.

The deadline to return the signed Amendment to the County is May 26, 2023.

#### Sustainability Impact

Responsible management of solid waste, including HHW, is a requirement under Assembly Bill (AB) 939, the California Integrated Waste Management Act, and is part of section ten of the City's Climate Action Plan 2.0. The AB 939 and HHW Agreements approve the countywide collection of fees to facilitate safe and appropriate disposal or re-purposing of all wastes. Additionally, the countywide HHW Agreement is designed to reduce and eventually eliminate the residential hazardous waste that is still sent to landfill countywide and to capture some of the hazardous waste that might otherwise be illegally dumped.

#### Fiscal Impact

There is no impact to the General Fund for this item. For approximately seven years, the City received a refund from the County every year due to the At-Your-Door Pickup Program which limited residential participation in the County HHW Program. The money that was refunded arrived earmarked for HHW collection purposes but went into the larger Resource Recovery Fund 520 330-301. The At-Your-Door Program ended abruptly in early 2018 (the service was no longer available) and the City pivoted to using

the County program to the full extent. In order to separate earmarked HHW funds from the Resource Recovery Fund, a new fund was created. The AB 939 HHW Fund 520 330-312 now holds previously refunded funds earmarked for use on HHW that can fund augmentation amounts. The County supplies invoices for use of the HHW program well into the following fiscal year, so this augmented amount for FY 2023-2024 will be part of the FY 2024-2025 Base Budget under 520-81-801 750-041.

California Environmental Quality Act (CEQA)

Execution of the contract amendment is exempt from the California Environmental Quality Act under CEQA Guidelines section 15301 (operation of existing facilities and programs).

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Prepared by: Ursula Syrova, Environmental Programs Manager

Reviewed by: Chad Mosley, Interim Director of Public Works

Reviewed by: Matt Morley, Assistant City Manager

Approved for Submission by: Pamela Wu, City Manager

Attachments:

A – Agreement for Countywide AB939 Implementation Fee

B – Agreement for Countywide HHW Collection Program with 1<sup>st</sup> Amdmt

C – 2<sup>nd</sup> Amendment for Countywide HHW Collection Program