



PUBLIC WORKS DEPARTMENT

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CITY COUNCIL STAFF REPORT

Meeting: May 1, 2018

Subject

Approval of the Santa Clara County Countywide AB939 Implementation Fee Agreement and the Santa Clara County Countywide Household Hazardous Waste Collection Program Agreement, both for Fiscal Years 2019 to 2021.

Recommended Action

- a. Adopt a Resolution of the City Council of the City of Cupertino authorizing execution of the Agreement with Santa Clara County for Countywide AB 939 Implementation Fee for Fiscal Years 2019 to 2021, including the delegation of authority to the City Manager, or designee, to execute amendments and future agreements as long as the fee remains the same.
- b. Adopt a Resolution of the City Council of the City of Cupertino authorizing execution of the Agreement with the County of Santa Clara for Countywide Household Hazardous Waste Collection Program for Fiscal Years 2019 to 2021, including the delegation of authority to the City Manager, or designee, to execute amendments and future agreements as long as the fee remains the same.

Description

AB 939 Agreement

Since 1992, the County of Santa Clara has been collecting a Countywide AB 939 Implementation Fee on each ton of waste delivered to landfills. The current total AB 939 Fee, set at \$4.10 per ton, includes two components. The first is the Implementation Fee portion, set at \$1.50 per ton, which is collected as a straight pass-through by the County to the cities in Santa Clara County to fund city-specific programs required to meet AB 939 waste diversion goals. Cupertino received \$67,313 in AB 939 Implementation Fees collected by the County on tonnage disposed at landfills in FY 2017. The second portion of the Fee (discussed below) funds the Countywide HHW program, in which all

jurisdictions in the County, with the exception of the City of Palo Alto, participate. Palo Alto has its own HHW facility which it operates to serve its residents.

The approval of the AB 939 Agreement is required in order for any of the Santa Clara County jurisdictions to receive the AB 939 funds from the County. The County, the City of Cupertino, and each of the fourteen other municipalities in Santa Clara County, must execute the Agreement for Countywide AB 939 Implementation Fee for FY's 2019-2021 for the Implementation Fee to be collected by the County on behalf of the cities. If not approved by all Santa Clara County jurisdictions, the County will not collect the AB 939 Fee (\$1.50/ton) and the money that is currently collected and distributed to fund municipal AB 939 (diversion) programs will not be available to the jurisdictions.

HHW Agreement

Household hazardous waste (HHW) disposal services are directly mandated under AB 939 and therefore are included as a component of the AB 939 Fee collected by the County. The HHW component of the AB 939 Fee (\$2.60 per ton) has been set to provide countywide HHW collection and safe, legal disposal for the next three years. HHW includes but is not limited to common household products such as paint, pesticides, cleansers, fertilizers, automotive fluids, antifreeze, solvents, etc.

If a municipality does not participate by contributing to the fixed costs of the countywide program, its residents will not be eligible to participate in the County's drive-through drop-off events, nor will the jurisdiction be included in countywide efforts with other jurisdictions to reduce government costs by participating in countywide grants, setting up take-back programs in local stores, and many outreach programs.

Discussion

Participation in the Countywide HHW Program is optional. Currently, all jurisdictions other than the City of Palo Alto participate and share the fixed costs to run the program. Additionally, each city, with the exception of Cupertino, pays a projected \$62 per car disposal fee to serve a minimum of 4% of its households. In 2010, the City of Cupertino began supplementing the County's HHW program with a unique door-to-door collection service for Cupertino residents provided by Waste Management, Inc. (WM). A fifty-four cent per month charge is included on all residential garbage bills and paid to WM to fund this service. The County, recognizing that Cupertino's implementation of a door-to-door collection program, meant that very few Cupertino residents would continue to need the countywide drop-off service, eliminated the minimum 4% (of total households) participation charge for the City of Cupertino.

In 2015, the City Council agreed to maintain the City's participation in the countywide program by continuing to share the fixed costs and pay only the per car cost for each Cupertino resident that actually uses the drop-off service. The balance of the HHW fee collected for Cupertino's participation in the countywide program is currently passed through to the City to fund the administration of its supplemental HHW services. In FY 2017 the City received \$66,647 from the County in HHW funding.

Although the door-to door collection service provided by WM is a convenience that is not currently offered to other residents in the County, and while most Cupertino residents are pleased to use a service that does not require them to be at home during collection, some residents have special circumstances or specific hazardous materials that make the County's drop-off program preferable and necessary. For example, WM's door-to-door collection truck is not permitted to haul asbestos, leaking or unknown/unlabeled materials, or pressurized gas cylinders; all of which are accepted at the County-run facilities. Appointments for the collection truck must be made at least a week to two weeks in advance, whereas the County's drop-off events are available almost every Friday and Saturday. To ensure that Cupertino residents are provided with the opportunity to dispose of all types of household hazardous waste at a time when disposal is needed, the City has provided its residents with access to two programs, the County-wide drop off and Waste Management's door-to-door collection.

Both the Agreement for Countywide AB 939 Implementation Fee for FY's 2019-2021 and the Agreement for Countywide Household Hazardous Waste Collection Program for FY's 2019-2021 must be considered for approval with the terms specified for each. However, as noted in item 28 of the HHW Agreement, the HHW Agreement may be terminated by either the County or the City upon thirty (30) days written notice given by the terminating party.

The attached Resolutions authorize the City Manager, or designee to execute, amend, and take necessary actions to these current Agreements and all subsequent Agreements as needed as long as the AB 939 and HHW fee remain the same.

Sustainability Impact

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

The two components of the AB 939 Fee have been set at the appropriate level to fund each municipality's waste stream diversion goals and the countywide HHW program. There is no additional cost to the City to enact these Agreements. However, if any jurisdiction in Santa Clara County does not approve the Agreement for Countywide AB 939 Implementation Fee for FY's 2019-2021, the Agreement will not be approved and the other cities in Santa Clara County will not receive County-collected AB 939 funding for jurisdictional recycling and waste reduction programs.

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Reviewed by: Timm Borden, Director of Public Works

Approved for Submission by: David Brandt, City Manager

Attachments:

A – Draft Resolution - Countywide AB 939 Implementation Fee for FY's 2019-2021

B – Draft Resolution - Countywide HHW Collection Program for FY's 2019-2021

C - Agreement for Countywide AB 939 Implementation Fee

D - Agreement for Countywide HHW Collection Program