



1850 Mt. Diablo Blvd., Ste. 320
Walnut Creek, CA 94596

Telephone: 925.906.1801 Fax: 925.906.1805
Email: authority@recyclesmart.org
Website: www.recyclesmart.org
Facebook: www.facebook.com/CCCSWA

BOARD OF DIRECTORS REGULAR MEETING

AGENDA

OCTOBER 23, 2025 – 3:00 P.M.

Walnut Creek City Hall, 3rd Floor Conference Room
(Use elevator by City Council Chambers)
1666 North Main Street, Walnut Creek

1. **CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE**
2. **PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA**

When addressing the Board, please state your name, company and/or address for the record. There is a three-minute limit to present your information. (The Board Chair may direct questions to any member of the audience as appropriate at any time during the meeting.)

3. **CONSENT ITEMS**

All items listed in the Consent Calendar may be acted upon in one motion. However, any item may be removed from the Consent Calendar by request by a member of the Board, public, or staff, and considered separately.

- a. Approve Minutes of the CCCSWA Board Meeting on September 25, 2025*
- b. Approve Adjustment to the Capital Furnishing/Equipment Budget line item from \$20,000 to \$45,000*

4. **ACTION ITEMS**

- a. 2025 Waste Characterization and Waste Capture Study Results*
 1. Review the results from Phase 1 of the Study.
 2. Amend HDR Engineering's on-call consulting contract to add \$115,000 to the not-to-exceed amount and extend the term by one year (from June 30, 2026 to June 30, 2027) in order to complete Phase 2 of the Study.

b. Updating the List of Accepted Recyclables*

1. Direct the staff to keep the current list of accepted recyclable materials in RecycleSmart outreach materials the same until 2027,
2. Update the list of accepted recyclable materials and related outreach materials in 2027, and
3. Enter into a letter agreement with Mt. Diablo Resource Recovery (MDRR) clarifying which recyclable materials they are required to accept and process until 2027, which recyclable materials they are required to market and divert until 2027, and how both parties will communicate this to the public.

5. INFORMATION ITEMS

These reports are provided for information only. No Board action is required.

- a. Executive Director's Monthly Report*
- b. 2025 Final Legislation*
- c. Future Agenda Items*
- d. Articles of Interest*

6. BOARD COMMUNICATIONS AND ANNOUNCEMENTS

7. ADJOURNMENT

**Corresponding Agenda Report or Attachment is included in this Board packet.*

ADDRESSING THE BOARD ON AN ITEM ON THE AGENDA

Persons wishing to speak on PUBLIC HEARINGS and OTHER MATTERS listed on the agenda will be heard when the Chair calls for comments from the audience, except on public hearing items previously heard and closed to public comment. The Chair may specify the number of minutes each person will be permitted to speak based on the number of persons wishing to speak and the time available. After the public has commented, the item is closed to further public comment and brought to the Board for discussion and action. There is no further comment permitted from the audience unless invited by the Board.

ADDRESSING THE BOARD ON AN ITEM NOT ON THE AGENDA

In accordance with State law, the Board is prohibited from discussing items not calendared on the agenda. For that reason, members of the public wishing to discuss or present a matter to the Board other than a matter which is on the Agenda are requested to present the matter in writing to RecycleSmart Board Secretary at least one week prior to a regularly scheduled Board meeting date. If you are unable to do this, you may make an announcement to the Board of your concern under PUBLIC COMMENTS. Matters brought up which are not on the agenda may be referred to staff for action or calendared on a future agenda.

AMERICANS WITH DISABILITIES ACT

In accordance with the Americans With Disabilities Act and California Law, it is the policy of the Central Contra Costa Solid Waste Authority dba RecycleSmart to offer its public meetings in a manner that is readily accessible to everyone, including those with disabilities. If you are disabled and require special accommodations to participate, please contact RecycleSmart Board Secretary at least 48 hours in advance of the meeting at (925) 906-1801.

**REGULAR BOARD MEETING OF THE
CENTRAL CONTRA COSTA SOLID WASTE AUTHORITY
HELD ON SEPTEMBER 25, 2025**

The regular Board Meeting of the Central Contra Costa Solid Waste Authority's (CCCSWA's), aka RecycleSmart, Board of Directors convened at Walnut Creek City Hall, 3rd Floor Conference Room, 1666 North Main Street, City of Walnut Creek, Contra Costa County, State of California, on September 25, 2025. Chair Candace Andersen called the meeting to order at 3:01 P.M.

PRESENT: Board Members: Candace Andersen, Chair
Newell Arnerich
Ken Carlson
Matt Francois
Darlene Gee
John McCormick
Renee Morgan, Vice Chair
Cindy Silva
Steve Woehleke
Stella Wotherspoon

ABSENT: Board Members: Lisa Maglio
Janet Riley

Staff members present: David Krueger, Executive Director; Janna McKay, Board Secretary/Program Manager; Grace Comas, Senior Accountant; Judith Silver, Senior Program Manager; Ashley Louisiana, Program Manager; Jennifer Fought, Program Manager; and Deborah L. Miller, CCCSWA Counsel.

1. CALL TO ORDER, ROLL CALL, AND PLEDGE OF ALLEGIANCE

2. PUBLIC COMMENT ON ITEMS NOT ON THIS AGENDA

No written comments were submitted, or oral comments made, by any member of the public.

3. WELCOME NEW BOARD MEMBER STELLA WOTHERSPOON, LAFAYETTE

Chair Andersen and the RecycleSmart Board of Directors formally welcomed Stella Wotherspoon, the newest member of the Lafayette City Council, to the Board.

Board Member Wotherspoon introduced herself, described her background with the City of Lafayette, and as a rabid recycler she looked forward to serving on the RecycleSmart Board of Directors and learning a lot more about solid waste management.

4. CONSENT ITEMS

Board Member Arnerich requested the removal of Item b on the Consent Calendar to be able to make the required public statement with respect to that item.

- a. Approve Minutes of the Regular Board Meeting on July 24, 2025
- b. Approve Amended and Restated Executive Director David Krueger's Employment Agreement, Extending Term and Approving Cost of Living Adjustment to Salary (ITEM REMOVED FROM CONSENT)
- c. Approve Second Amendment to HF&H Consultants, LLC Agreement for Franchise Procurement Services

MOTION by Board Member Silva to approve Consent Items a and c, as submitted, with the request that the July 24, 2025 minutes regarding the award of the Collection Services Agreement, along with the relevant slides presented that day, be archived for use during the process of developing the new Franchise Agreement. SECOND by Board Member Arnerich.

MOTION PASSED unanimously by a voice vote.

The following item was removed from Consent.

- b. Approve Amended and Restated Executive Director David Krueger's Employment Agreement, Extending Term and Approving Cost of Living Adjustment to Salary

Deborah L. Miller, CCCSWA Counsel, reported that pursuant to Government Code Section 54953(c)(3), the legislative body was required to orally report a summary of recommendation for final action on the salaries of the agency executives during an open meeting in which the final action is to be taken. She offered the following oral report. The proposed contract amendment included a Cost-of-Living Adjustment (COLA) allowance of 4 percent for the Executive Director effective July 1, 2025; a 4 percent increase in the current annual salary of the Executive Director leading to an increase of \$9,108, for a total annual amount of \$236,808.

No written comments were submitted, or oral comments made, by any member of the public.

MOTION by Board Member Arnerich to approve Amended and Restated Executive Director David Krueger's Employment Agreement, Extending Term and Approving Cost of Living Adjustment to Salary. SECOND by Board Member Francois.

MOTION PASSED unanimously by a voice vote.

5. PRESENTATION ITEMS

- a. 2024-2025 Annual Schools Program Report
Ruth Abbe, Schools Program Contractor

RUTH ABBE, Abbe & Associates, introduced her colleagues Nancy Deming and Jennifer Abbe to present the 2024-2025 Annual Schools Program Report. She commended the schools and the students involved for their leadership, academics and their focus on doing the right thing for the environment. The Schools Program had won awards from the Solid Waste Association of North America and the California Resource Recovery Association. She was proud of the investment the Board of Directors had made to the schools. Ms. Abbe highlighted some of the statistics involved and reported that in 2024-2025, 55 assemblies and classroom presentations had been provided and over 6,189 students had been reached. Twenty schools were at 75 percent diversion or greater and 36 schools were at 50 percent diversion plus; 2,517 tons had been diverted from disposal to the landfill and over 4,558 metric tons of greenhouse gases (GHGs) had been reduced. The Schools Program was a 25-year program that had started in 2000. She identified the diversion rate increases since the 2000-01 baseline, provided service levels by school district, stated the schools overall had been doing well with diversion based on service levels, identified the overall diversion rates by school and by community and highlighted those schools that had received the Wastebusters Awards for a 75 percent diversion or more. She also called out the honorable mentions.

NANCY DEMING, Abbe & Associates, spoke to the district-wide, school-wide food share and food donation aspect of the program and the importance of the relationship with White Pony Express, since one of the challenges was having a pickup partner. She identified the food donations by district for the last three years and stated that all were doing well.

For reusable food ware expansion, Ms. Deming reported that some schools in the three Lamorinda school districts were using stainless steel reusables and were renovating their kitchens. She described some of the changes being made to reduce food waste, such as the use of milk dispensers instead of individual milk cartons. She also identified the RecycleSmart sponsored 2025 Scholarship Program, this year's winners, and commented that the scholarship recipients would bring what they had learned about recycling in high school to their college experience.

Ms. Deming responded to comments and described some of the particulars related to the food that could be reused and would be donated to White Pony Express as opposed to food that could not be saved. She also mentioned that the diversion rates could be raised, particularly where there was cooperation with the district administration and custodial staff.

Ms. Abbe concurred that the enthusiasm from the elementary grades exceeded those on the high school level, although while there had been a dip during COVID, the high school enthusiasm was increasing in that the messaging and proper sorting had already been produced at the elementary school level. She suggested that at the high school level, making sorting a positive thing could help with the social aspect, but it was more important to have the backing of the school administration to embrace the program. She suggested it was all about setting expectations.

Ms. Abbe invited the members of the Board who were interested to help present the Wastebusters Awards to the schools they represented.

b. Base Rate Application for Rate Year 12
David Krueger, Executive Director, RecycleSmart

Executive Director David Krueger presented the rate setting for Rate Year 12 (March 1, 2026 through February 28, 2027) using the index-based method. He reported that this would be the last year of the current Franchise Agreement. He identified the schedule involved, noted that RecycleSmart staff would meet with the individual member agencies during the months of October and November to set the individual rates, the draft rates would be reviewed by the Board on December 11, 2025, the rates would be adopted on January 22, 2026, and those rates would take effect on March 1, 2026.

Mr. Krueger explained that Republic Services' compensation represented approximately 75 percent of the rates; the Rate Year 12 index-based adjustment to Republic Services' compensation would be 1.32 percent; and Republic qualified for the special rate adjustment of 3.98 percent, producing a total change in Republic Services' compensation of 5.30 percent. He responded to questions from the Board on the special rate adjustment for meeting service quality standards and how Republic Services had qualified for that adjustment, described some of the challenges involved in that qualification due to missed residential collections, and pointed out some of the reasons for missed collections such as the availability of drivers and the availability of vehicles, particularly given the 12th year of the current Franchise Agreement where vehicles intended to last for 10 years were requiring more maintenance. Even with that, he reported that there had been noted improvements in vehicle maintenance and availability and better management overall.

Mr. Krueger also identified the other rate components representing 25 percent of the rates related to the payment to Mt. Diablo Resource Recovery (MDRR) for recyclables processing, the payment to MDRR for the Reuse Program, the Joint Powers Authority (JPA) administrative costs and the member agency fees.

Mr. Krueger also pointed out that the individual meetings with the member agencies would discuss not only Rate Year 12 but the first three years of the new Franchise Agreement as well, in order to develop a strategy for each member agency to phase in the 2027 rate increase, which is estimated to be 26% unless offset by the use of member agency reserves.

c. 2024 CalRecycle Electronic Annual Report (EAR) and SB 1383 Compliance
Judith Silver, Senior Program Manager, RecycleSmart
Ashley Louisiana, Program Manager II, RecycleSmart

Judith Silver, Senior Waste Prevention and Recycling Manager, presented the 2024 CalRecycle Electronic Annual Report (EAR) as the mechanism for reporting to CalRecycle on various compliance and diversion successes for both AB 939 and SB 1383, submitted each year on August 1. The current report covered 2024 and had been submitted on behalf of all member agencies with the exception of Contra Costa County, which does its own reporting because not all of unincorporated Contra Costa County is included in the Authority's service area.

Ms. Silver reported that AB 939 required every jurisdiction in California to divert at least 50 percent each calendar year. RecycleSmart's per capita disposal in 2024 was 3.3 pounds per person per day, which meant that it exceeded the AB 939 50 percent annual diversion requirement with a diversion equivalent of 65 percent for 2024. She noted that the overall service area diversion rate

has hovered between 60 – 65 percent throughout the current franchise period that began in 2015.

With respect to SB 1383, Ms. Silver explained that the goals of the law were very lofty and the program implementation requirements were very specific. The goals were statewide, a 75 percent organics diversion from landfill using the 2014 baseline in 2025, and also to rescue for people to eat 20 percent of currently disposed surplus food. She noted the specific requirements related to SB 1383 and identified the actions taken by RecycleSmart to comply with those specific requirements.

Ms. Silver reported that RecycleSmart was doing quite well in meeting the requirements including the contamination route reviews where in 2024, over 2,000 cart lid flips had been conducted for 49 residential routes, with information also gathered on another 20 commercial routes to further educate those accounts. She stated that route reviews had still found “too much good stuff in the trash, too much food scraps in the trash, and some contamination in the recycling along with too much plastic in the organics,” which all helped to identify what follow up education is needed.

Ashley Louisiana, Waste Prevention and Recycling Manager II, identified the actions taken to fulfill the outreach and education requirements under SB 1383 with a fully updated website, with member agency websites, route reviews, a quarterly residential newsletter discussing composting, and working with Republic Services on various outreach and education mailers and posters to highlight the requirements under SB 1383. She added that staff was trying to transition to videos, attended member agency events, and produced social media and advertising. She spoke to the edible food recovery requirements of Tier 1 and Tier 2 covered generators where Tier 1 generators were the larger grocery stores and Tier 2 generators were the larger restaurants of 250 seats or more. School districts also required inspection, education, contracts, and education of staff to save edible food to feed people as opposed to being used for composting. She explained that enforcement, through notices only at this point, had been started in 2024.

Ms. Louisiana added that an Implementation Record had to be maintained for inspection, outreach and procurement, to be audited by CalRecycle once every four years. A consultant had been hired to ensure that RecycleSmart was complying with the records requirements. She clarified there were some requirements that RecycleSmart could not do for the member agencies and staff had been working with member agency staff so that the member agencies could meet their own requirements, particularly related to tracking recycled content paper procurement.

The Board commended RecycleSmart’s website.

Both Ms. Silver and Ms. Louisiana responded to questions about compliance, the Water Efficient Landscape Ordinance (WELO), the communities’ feedback about programs and services, and clarified that there were currently no food recovery organizations physically based in the RecycleSmart service area, but White Pony Express and the Food Bank of Contra Costa and Solano and its partners were the food recovery organizations utilized by RecycleSmart to meet its food recovery requirements under SB 1383.

d. Recyclables Processing
Kish Rajan, Mt. Diablo Resource Recovery

KISH RAJAN, Chief Executive Officer (CEO), MDRR, introduced Sal Evola, Executive Director of External Affairs; Mike Scudero, Director of Business Operations; Adolpho Garcia, MRF Manager; Daniel Allen, Reuse Program Director, and Ritchie Granzella, General Manager to provide information related to MDRR's recyclables processing.

RITCHIE GRANZELLA, General Manager, MDRR, presented the status of recycling operations and reported that the total inbound volume was trending flat year over year with Fiscal Year 2024-2025 receiving 38,192 tons of material from all different agencies. He presented a chart showing the percentage of commodity revenue from the sale of each commodity. Revenue from the sale of cardboard represented the largest percentage at 28%. He reported that the recovery rate (percentage of inbound tonnage that was sold) was 74 percent and MDRR was considering new technology and new equipment for installation next year to boost the recovery rate. For FY 2024-2025, the average commodity sales value was \$91.69 per ton, although the current fiscal year was down to \$85.59 per ton due to the current market conditions where most everything was declining. He identified the commodities involved and reported that the Fiscal Year 2024-2025 revenue share back to RecycleSmart was \$907,735.32 (about \$32,000 more than last year), and he presented a check to staff. He also thanked RecycleSmart staff for their recent visit to the site.

DANIEL ALLEN, Reuse Program Director, MDRR, reported that the total inbound volume was 1,200 tons for 2024-2025, which had gone up 2.27 percent from the prior year, collecting 38,900 pounds of batteries in 2025 versus 38,650 pounds in 2024. The Reuse Program was working with over 20 non-profit organizations such as Hospice of the East Bay, Contra Costa Health, and various schools. He noted that MDRR was always looking for more organizations to continue finding homes for the reuse items picked up. MDRR was also finding ways to give back to the community and was working with the Village Bike Project (and retired RecycleSmart Senior Waste Prevention and Recycling Manager Bart Carr) to collect 500 bicycles to send to Africa. MDRR also conducted special events and school giveaways, and a Halloween event scheduled for September 27, 2025, was expected to be attended by 500 individuals.

MDRR staff responded to comments and explained how through a partnership with Halo Glass in Modesto, MDRR sent two loads of glass material daily that was collected, cleaned, separated by colors, and processed by one of its partners Gallo Glass, and then repurposed into wine bottles and other products.

When asked if there were any trends that the RecycleSmart Board should know about, SAL EVOLA, Director of External Affairs, MDRR, explained that trends and forecasts in the global commodities markets were tracked carefully and the broader trend was flat or down in pricing for the rest of the calendar year because of the Asian and U.S. economies and forecasting as well as the products already committed to the holiday season. There was not a concern for such a decline that there would be no market for a certain commodity. He did not see any reason for alarm in the market at this time.

As to the Reuse and Clean-up Days, MDRR staff stated that on average pickups for reuse were about half the size of clean-up days, in the area of 100 to 250 tons a month, although it varied summer and winter. Clean-up days were more popular than reuse days, and some reasons for items

not picked up were noted.

In response to a question as to the relationship of Sustainable Contra Costa to RecycleSmart, it was explained that Sustainable Contra Costa was a private non-profit that RecycleSmart partnered with sometimes through various programs and events.

When asked what MDRR did not want residents to place in recycle bins, Mr. Evola stated that plastic bags are not desirable because there was no market for them to be sold and they created problems with MDRR's machinery. He explained that MDRR would continue to work around the plastic bag situation to create a solution and work with RecycleSmart to create the appropriate messaging. It was also noted that batteries were also a huge problem in recycling and in the transfer station given the propensity for batteries to create fires anywhere in MDRR's facility. It was emphasized that batteries did not belong in any of the containers in the three-cart system.

The Board urged that information be provided to the City Managers and Town Managers for better messaging through newsletters and other means to alert residents to the problems with respect to batteries.

Mr. Krueger advised that the outreach had not changed since 2015, and since then the markets had changed considerably. He mentioned that at the Board retreat in January 2035 the Board had expressed an interest in updating outreach materials to match current recycling markets. Mr. Krueger stated that SB 54 will require all jurisdictions to collect a minimum list of recyclables starting in 2027. Mr. Krueger clarified that 2027 would also be the start of a new contract and a new processing agreement with MDRR along with new containers. As such, he recommended keeping the outreach as is until 2027, when the necessary changes and new messaging could be made all at once.

Chair Andersen agreed with the need for a deeper discussion but stressed the need to promote the battery message that batteries could still be put in a plastic bag and placed on the top of the cart for pickup. Chair Andersen asked staff to present findings and recommendations at the October Board Meeting on needed changes to the Authority's outreach regarding acceptable recyclable materials.

A. INFORMATION ITEMS

- a. Executive Director's Monthly Report
- b. Future Agenda Items
- c. 2025 "Eco Heroes" Summer Camps
- d. Correspondence to the Authority
- e. New Article of Interest

Executive Director Krueger identified coming attractions where the next meeting would include a report on the Waste Characterization Study. He stated there would be no meeting in November. The December meeting would also include the rates along with the RecycleSmart financial audit.

Ashley Louisiana, Waste Prevention and Recycling Manager II, reported that the State of California had passed legislation starting January 1, 2026, that retailers and grocery stores could not have plastic bags at checkout. With respect to the “Eco Heroes” Summer Camps, she stated the camps had been held in Orinda and Danville this year and next year four jurisdictions would be involved. The camps were weeklong, 9:00 A.M. to noon, with everything discussed from composting, recycling, reusing, reducing, healthy soils, growing healthy food, farm to table, and a bit of energy and water. The participants were 5 to 12 years old. She managed the coordination with the member agencies and two other passionate educators taught the kids. She thanked the City of Orinda for nominating the Eco Hero Camp for the California Park and Recreation Society Bay Area District “Best Program” where the Camp did receive the award. The Camp must be provided for two years to apply for the statewide award.

B. BOARD COMMUNICATIONS AND ANNOUNCEMENTS

There were no Board communications or announcements.

C. ADJOURNMENT

The Board adjourned at approximately 4:48 P.M. to the regular meeting scheduled for Thursday, October 23, 2025, at 3:00 P.M. in the Walnut Creek Offices at Walnut Creek City Hall.

Respectfully submitted by:

Janna McKay, Board Secretary
Central Contra Costa Solid Waste Authority,
County of Contra Costa, State of California



Agenda Report

TO: CCCSWA BOARD OF DIRECTORS
FROM: DAVID KRUEGER, EXECUTIVE DIRECTOR
DATE: OCTOBER 23, 2025
SUBJECT: REQUEST FOR INCREASE IN FLOORING BUDGET

RECOMMENDED ACTION

1. Adjust the FY 2025-26 Capital Furnishing/Equipment budget line item from \$20,000 to \$45,000.

DISCUSSION

The 15-year-old carpet in the office suite needs replacing and the FY 2025-26 budget includes \$20,000 for that purpose. However, staff believes actual costs will be much higher. Because this improvement is a public works project under the Public Contract Code, the Authority must bid out the work, ensure that prevailing wages are paid, and require certified payroll reports to be submitted to the Labor Commissioner. In addition, the building management requires qualified furniture movers to move the furniture in and out of the suite outside of normal working hours for safety reasons. These elements will increase the final cost of the project. Based on estimates received from multiple contractors, staff believes that the total project cost will be at least twice the budgeted amount, and requests an increase in the budget line item to \$45,000. Alternatively, this work could be postponed to a future year. Because funds in our budget do not carry over from year to year, the Authority would need to budget the full amount in whichever fiscal year the work is completed.

The Authority's lease for office space will expire on July 31, 2030, and the new flooring will last at least through the end of the lease period. The proposed new flooring is modular so it can be replaced in small sections whereas the existing carpet was rolled out in large continuous pieces. Staff researched multiple types and brands of flooring and will specify in the bid process flooring that is recyclable, made with recycled content, and LEED compliant.



Agenda Report

TO: CCCSWA BOARD OF DIRECTORS
FROM: JUDITH SILVER, SENIOR PROGRAM MANAGER
DATE: OCTOBER 23, 2025

SUBJECT: 2025 WASTE CHARACTERIZATION AND WASTE CAPTURE STUDY RESULTS

SUMMARY

Using SB 1383 Local Assistance Grant Program funding provided by CalRecycle, the Authority contracted with one of its on-call consultants, HDR Engineering, to conduct a Waste Characterization and Waste Capture Study (Study) in 2025. The purpose of the Study was to determine statistically valid composition data regarding the discarded materials from the single-family, multi-family and commercial sectors within the Authority's service area.

The final report is available on the Authority's website: <https://www.recyclesmart.org/wp-content/uploads/2025/10/RecycleSmart-Waste-Characterization-Study-and-Capture-Rate-Study-Report-FINAL-10172025-2.pdf>.

The report includes details on route and account selection, sorting and weighing methodologies, analysis and recommendations. Findings from the Study will inform future programs and outreach and education initiatives.

The Authority appreciates Republic Services for their cooperation and especially for the use of their Contra Costa Transfer and Recovery Station in Martinez (Transfer Station) during the Study.

Staff recommends performing additional waste characterization work in FY 2025-26 and FY 2026-27 (Phase 2 of the Study) in order to provide information to CalRecycle that would reduce the Authority's SB 1383 procurement requirement. Phase 2 would cost an additional \$115,000, requiring an amendment to HDR Engineering's contract. This \$115,000 could be accommodated under the current FY 2025-26 SB 1383 Compliance budget. No budget modification would be necessary. The entire cost of Phase 2 could be offset by future reductions in the cost to comply with SB 1383 purchasing requirements.

RECOMMENDED ACTION

1. Review the results from Phase 1 of the Study.

2. Amend HDR Engineering's on-call consulting contract to add \$115,000 to the not-to-exceed amount and extend the term by one year (from June 30, 2026 to June 30, 2027) in order to complete Phase 2 of the Study.

DISCUSSION

The Authority used two approaches to characterize the waste stream. For the single-family sector, a “waste capture” approach was utilized. Waste capture studies have become more common in recent years. A capture rate study collects samples from the containers at the curb before they are emptied into the hauler's collection vehicles. It also looks at each stream (landfill, recycling and organics) while traditional waste characterization studies analyze only the landfill stream. The “landfill” stream is the material that customers placed in the black or gray containers that is then transferred directly to a landfill for disposal. After determining the correct proportionality based on population for each member agency, the Authority's contractor, HDR, collected landfill, recycling and organics samples from randomly selected homes, placed the selected samples in tarps, and brought the samples to the Transfer Station for sorting.

For the commercial and multi-family sectors, samples from the landfill stream (only) were pulled from garbage collection vehicles as they arrived at the Transfer Station. For clarity, see the definitions below:

- **Capture Rate Study:** A capture rate study collects samples from the source (in this case the carts set out at the curb in front of single-family homes) from each type of cart (Recycle, Landfill, Organics). The individual cart samples are placed separately into tarps, bags, or boxes, collected in a box truck or moving van, brought to a transfer or disposal facility, sorted into categories, and weighed. The samples are not compacted in the truck. A capture rate study determines the composition of each stream/cart type. For example, 21.1% of the contents of the samples from single-family recycling carts was corrugated cardboard. A capture rate study also determines the percentage of a specific material that was placed in each type of cart. For example, 90% of the corrugated cardboard found in the Study was found in the recycling cart samples. The percentage that was placed in the correct cart is considered to be “captured”. Since 90% of the corrugated cardboard found in the Study was found in the recycling carts, and that is the correct cart for corrugated cardboard, then corrugated cardboard has a 90% capture rate.
- **Waste Characterization Study:** A waste characterization study collects landfill stream samples from the hauler's incoming vehicles arriving at a transfer or disposal facility. A waste characterization study determines the percent composition of the materials in the landfill stream only. In a Waste Characterization Study, the contents of the carts or other collection containers have been emptied into the collection vehicle, mixed together, and (in most cases) compacted in the vehicle before being sorted for the study.

All the samples were hand sorted at the Transfer Station using the ASTM procedure D5231- 92. This means that the samples were placed on a sorting table (or equivalent) and separated by hand

into pre-determined material types and then weighed.

The Study consisted of 62 unique material types which were grouped into six material categories: Paper, Plastic, Metal, Glass, Organics, and Other. The “Other” material category includes miscellaneous materials such as hazardous waste, special waste, batteries, e-waste, construction and demolition (C&D), bulky items, tangles, textiles, and pet waste. The Study provides an analysis by material type and by material category and, for the single-family sector, the Study assesses how well each material type is being captured.

Further, each material type was assigned to a “recoverability group” which provides another way of examining the results. See **Table One** below for more information about the recoverability group designations.

Table One: Recoverability Group Designations

Recoverability Group Designation	Recoverability Group Description
Compostable	Materials currently accepted in the organics bin and readily recovered
Recyclable	Materials currently accepted in the recycling bin and readily recovered
Currently Recovered through Special Programs	Materials that have existing programs/outlets for recovery other than curbside diversion programs
Potentially Recoverable	Materials that have the potential to be recovered but do not have existing programs currently
Non-recoverable	Materials that cannot be recovered through diversion programs and belong in the landfill.

FINDINGS

The section below provides Study findings for the single-family landfill, recycling and organics streams and the commercial and multi-family landfill streams. For each material type and category, the annual tons per year collected was estimated by multiplying the percentage of that material in a stream by the totals tons per year collected for that stream.

Single-Family Landfill: “Organics” was the most common material category in the single-family landfill stream at 35.4% (15,235 tons) of the overall composition, followed by “Other” at 33.7% (14,502 tons). “Paper” comprised the third most common material category at 15.8% (6,789 tons). Further, the material type, *food - not donatable non-meat* comprised 14.2% of the entire single-family landfill stream which means that wasted food was the top ranked single item found in the single-family landfill stream.

This data confirms what we are seeing in the annual route reviews: there is still “good stuff” in the single-family landfill stream. Over half could be either recycled or composted if it were put in the correct cart. There is significant opportunity to divert Organics from the landfill through the green organics cart and to increase awareness about food waste reduction strategies. Less than one-quarter of the single-family landfill stream is considered non-recoverable, meaning those materials do not currently have the potential for diversion and are meant to be destined for the landfill.

The top four material types found in the single-family landfill cart were:

1. *Food – Non Donatable non – Meat* : 14.2%, 6,129.8 tons
2. *Pet Waste*: 11.9%, 5,102.8 tons
3. *Hazardous Waste and Sharps*: 11.1%, 4,775 tons
4. *Food – inedible*: 11.0%, 4,755.5 tons

Pet waste is being correctly placed in the landfill cart. While the weight of the *Hazardous Waste and Sharps* material type is significant, we now understand that the category included “bagged bathroom waste” which included diapers, and which may explain the higher-than-expected weight of this category. However, **any** hazardous waste in any stream is cause for concern. Staff will continue to focus on education to residents - and businesses - about proper disposal of hazardous waste.

Single-Family Recycling: Recyclable materials represented 76% of the single-family recycling stream. “Paper” was the most common material category in the single-family recycling stream at 53.4% (13,684.7 tons) of the overall composition, followed by “Glass” at 15.2% (3,887.1 tons). “Plastic” comprised the third most common material category at 12.2% (3,115.3 tons). Unfortunately, *Hazardous Waste and Sharps* (739.3 tons), *Food - Potentially Donatable - Packaged Non-Perishable*, (539.9 tons) and *Bulky Items* (521.2 tons) were among the top ten items identified in the single-family recycling. Overall, the top ten contaminants collected make up nearly 18% of the overall composition of the single-family recycling stream.

From the Study, it appears that some residents are discarding packaging into the recycling cart with food still in it, rather than separating (or eating!) the food first and putting the packaging in the recycling cart.

Single-Family Organics: “Organic” materials represent most of the single-family organics stream at 92.6% (60,426.9 tons) of the overall composition. This means that contamination accounts for only about 7% of the total stream. While there is room for improvement, especially in capturing food scraps, the single-family organics carts contain mostly properly sorted materials. *Food – Inedible*, *Food – Non Donatable* and *Compostable Paper* were the fourth, fifth, and sixth most prevalent items in the organics cart after *Leaves and Grass* and *Prunings and Trimmings*. The third most prevalent item in the organics cart was *C&D/Inert Waste*. The *C&D/Inert Waste* material type included potting soil and rocks, which are typically heavy, and represented a significant proportion of the weight of the *C&D/inert waste* material type.

Capture Rates: The recycling capture rate identifies how much recyclable material is captured through curbside recycling collection and the organics capture rate identifies how much compostable material is captured through curbside organics collection.

Materials are “captured” when placed in the correct cart. As an example, the Study found 23.7 pounds of aluminum cans in recycling carts, 4.9 pounds of aluminum cans in landfill carts, and 0.35 pounds of aluminum cans in organics carts, for a total of 28.95 pounds of aluminum cans. The capture rate for aluminum cans is 82% because 82% (23.7 / 28.95 of the aluminum cans were found in the correct (recycling) cart.

- **Recyclable Materials:** The overall capture rate for recyclable materials was 76%. *CRV HDPE (#2) bottles* had the highest capture rate at 100% followed by *Corrugated Cardboard* (90%) and *High-grade recyclable paper* (86%). Recyclable materials with low capture rates included *Other Non-Ferrous Metal* (other than cans) at 37% and *PP (#5) Bottles, Jugs, Jars, and Containers* (polypropylene #5 plastic containers) at 42%.
- **Compostable Materials:** The overall capture rate for compostable materials was 80%. *Prunings and Trimmings* and *Leaves and Grass* have by far the highest capture rate (98%). The combined capture rate for all categories of food scraps was 27% and the capture rate for *Compostable Paper* was 13%.

Commercial Landfill: “Organics” was the most common material category in the commercial landfill stream at 26.9% (7,361.4 tons) of the overall composition, followed by “Other” at 25.4% (6,949.3 tons). “Paper” comprised the third most common material category at 25.2% (6,892.3 tons) in the commercial landfill stream. Compared to the other landfill streams in the Study, the commercial landfill stream had the highest percentage of recyclable materials (15%). *Hazardous waste* accounted for 9% of the commercial landfill stream, reinforcing the need to increase awareness about proper disposal channels available to businesses.

Multi-Family Landfill: “Other” was the most common material category in the multi-family landfill stream at 32.5% (3,308 tons) of the overall composition. “Other” included *C&D /Inert Waste, E-Waste* and *Small Appliances* and *Other Inorganics*. *Other Inorganics* is defined as “other inorganic items not mentioned elsewhere such as ceramics, dryer sheets, cosmetics, and toothpaste.” “Other” was closely followed by “Organics” at 31.7% (3,234 tons). (*Food not Donatable Non-Meat alone* was 11.5%, or 1,175.7 tons, of the multi-family landfill stream.) “Paper” comprised the third most common material category at 18.0% (1,835 tons).

CONCLUSION

The Study will assist the Authority to develop programs and outreach and education. The Study supports the findings of the annual route audits and reinforces outreach and education campaigns such as “We Don’t Trash Food” that the Authority has already launched.

Study Outcomes:

- **There are still excessive amounts of organics in the landfill stream in all three sectors (single-family, multi-family, commercial).**
- The single-family sector is highly successful at diverting yard trimmings into the organics cart but has not yet fully embraced food scraps diversion.

- There is a need to educate residents to empty recyclable packaging before placing the recyclable packaging into the blue cart.
- There is an ongoing need to promote opportunities for hazardous waste and household hazardous waste disposal opportunities.
- Currently, tons of recyclable materials in the recycling stream plus tons of compostable materials in the organics stream/total tons is about 64%. If all materials were placed in the correct container or recovered through available programs, the Authority's single-family diversion rate would be nearly 88%. If "potentially recoverable" materials were considered recoverable and placed in the correct containers, the Authority's single-family diversion rate would be approximately 92%.

Next Steps: Phase 2 of the Study

Staff recommends performing additional waste characterization work in FY 2025-26 and FY 2026-27 (Phase 2 of the Study) in order to reduce future costs for SB 1383 compliance. AB 2346 provides local jurisdictions with a pathway to decrease the amount of recovered organic waste products (e.g. compost) that each jurisdiction is required to purchase annually under SB 1383 by utilizing a local Waste Characterization Study to demonstrate that they are disposing of less organics than the State average.

Other jurisdictions have successfully reduced their annual procurement obligation by conducting a local Waste Characterization Study. Alameda County reduced their target from 0.08 per person per year to 0.27. San Francisco reduced its target from 0.08 to 0.37 per year. Similarly, the Authority believes its annual procurement obligation could be reduced as the composition of the Authority's waste stream is similar to both Alameda and San Francisco and all three jurisdictions have had residential and commercial organics diversion programs in place for over ten years.

Beginning in 2027, Recology's Blossom Valley Organics Facility will become the Authority's new compost facility. The Recology contract states that Recology (Contractor) "shall provide Member Agencies and/or the Authority with necessary documentation for the Authority to receive credit for SB 1383 Recovered Organic Waste procurement...Contractor shall offer Member Agencies and the Authority a price of Six Dollars (\$6.00) per Ton of Compost." The Authority's current obligation of $0.08 \times 233,385$ (population) = 18,671 (tons) $\times$ \$6.00 = \$68,283. If this can be reduced by half, that would save the Authority \$34,142 per year. AB 2346 stipulates that a target reduction is valid for five years. This means the Authority could save \$170,710 over five years.

CalRecycle did not provide specific guidelines on how to conduct Waste Characterization Studies pursuant to AB 2346 until after the Authority had completed its Study. Staff submitted the Authority's Study results to CalRecycle and was informed that to reduce our procurement target, the Authority would need to perform two additional tasks: 1) characterize the self-haul sector, and 2) characterize the single-family landfill stream using a waste characterization approach rather than a capture study approach. Staff is working with both HDR and CalRecycle to prepare Phase 2 of the Study in accordance with CalRecycle guidance.

HDR provided a proposal to complete Phase 2 of the Study for \$115,000. Phase 1 of the Study was funded entirely by an SB 1383 grant from CalRecycle. Phase 2 would be funded through a combination of the grant and the Authority's current approved FY 2025-26 SB 1383 Compliance budget. No budget modification would be necessary.

The Authority's contract with HDR has a not-to-exceed amount of \$200,000 and expires on June 30, 2026. Phase 1 of the Study will nearly exhaust the \$200,000. Staff requests permission to increase the \$200,000 not-to-exceed amount of HDR's contract by \$115,000, and to extend the term of the contract to June 30, 2027 in order to complete Phase 2 of the Study.

ATTACHMENT

- A. Waste Characterization and Capture Rate Study available on the Authority's website:
<https://www.recyclesmart.org/wp-content/uploads/2025/10/RecycleSmart-Waste-Characterization-Study-and-Capture-Rate-Study-Report-FINAL-10172025-2.pdf>



Agenda Report

TO: CCCSWA BOARD OF DIRECTORS
FROM: DAVID KRUEGER, EXECUTIVE DIRECTOR
DATE: OCTOBER 23, 2025
SUBJECT: UPDATING THE LIST OF ACCEPTED RECYCLABLES

SUMMARY

The Authority will need to change its list of accepted recyclables and related outreach materials due to: 1) current market conditions; 2) state law (SB 54), and; 3) the new recyclables processing agreement with MDRR that will take effect March 1, 2027. To reduce public confusion and Authority cost, Staff is seeking authorization from the Board to wait until 2027 to implement these changes.

RECOMMENDED ACTION

1. Direct the staff to keep the current list of accepted recyclable materials in RecycleSmart outreach materials the same until 2027,
2. Update the list of accepted recyclable materials and related outreach materials in 2027, and
3. Enter into a letter agreement with Mt. Diablo Resource Recovery (MDRR) clarifying which recyclable materials they are required to accept and process until 2027, which recyclable materials they are required to market and divert until 2027, and how both parties will communicate this to the public.

BACKGROUND

The Authority maintains a list of materials that are accepted for recycling in our recycling program. This list is used to create outreach materials to inform our customers about which materials they can place into their blue recycling containers. The accepted recyclables list is based on Exhibit E (Attachment A to this report) to our current recyclables processing agreement with MDRR.

Very few changes have been made to this list since the beginning of the agreement in 2015. Accepted scrap metal was limited to “cookie sheets, pots, and pans” in 2019. Aseptic containers (e.g. juice boxes, soup boxes) were removed from our outreach as acceptable in 2018 and gable-top cartons (e.g., milk cartons, juice cartons) were removed from our outreach as acceptable in 2021. Gable-top cartons and aseptic containers were never in Exhibit E but were listed as recyclable in the original 2015 outreach materials due to MDRR’s willingness to accept those items at the time.

There are materials on the accepted recyclables list that MDRR cannot currently find a consistent market for. At the January 30, 2025 Board retreat, staff asked the Board for guidance as to when to match our outreach materials to current market conditions. The Board directed staff to change the outreach materials prior to the beginning of the new franchise agreements on March 1, 2027. However, since the Board retreat there have been changes in state law (SB 54) and to the new franchise agreements that have caused staff to now recommend waiting until 2027 to update the list of accepted recyclables and related outreach materials.

DISCUSSION

There are three reasons driving a change to our list of accepted recyclables: current market conditions, SB 54 requirements, and our new 2027 franchise agreements.

Current Market Conditions

At this time, MDRR is unable to consistently market the following recyclables that are on our current accepted recyclables list:

- Plastic bags
- Plastic containers #3, #4, #5, #6, and #7
- Shredded paper

In addition to being hard to market, plastic bags collected curbside cause problems at MDRR's facility, wrapping around screen shafts, jamming equipment, increasing maintenance costs, and contaminating other recyclables. Plastic containers #3-#7 have typically been difficult to sell, although MDRR readily finds markets for plastic containers #1 (e.g., soda bottles) and #2 (e.g., milk jugs and detergent bottles). They are also able to sell shredded paper when they receive large amounts of it source separated from a shredding company, but not when they receive it mixed with other materials from our customers' blue containers because of its tendency to escape any bags and get lost in the process.

SB 54 Requirements

SB 54 will require all jurisdictions in California to accept in their recycling programs all of the materials listed as recyclable in a "Covered Material Categories List" published by CalRecycle. The regulations for SB 54 have still not been finalized, but this requirement is likely to take effect January 1, 2027. The list of recyclables on the Covered Material Categories List is a minimum list, and jurisdictions may accept additional materials for recycling that are not on the list. CalRecycle will update this list annually.

The CalRecycle Covered Materials List designates as recyclable the following materials that MDRR does not currently have a consistent market for:

- Plastic containers #5 (e.g. takeout containers, plastic cups, yogurt tubs)
- Gable-top cartons (e.g. milk cartons, juice cartons)
- Aseptic containers (e.g. juice boxes, soup boxes)

Plastic containers #5 are included in the 2025 published “recyclable” list, and we have been informed that gable-top cartons and aseptic containers will be added to the list that will be published in 2026. Although we do not expect more materials to make the list, it is possible the list will change further on January 1, 2026, and January 1, 2027.

New 2027 Franchise Agreements

The Authority’s new recyclables processing agreement will begin on March 1, 2027. It requires MDRR to accept all of the materials currently listed as recyclable on the CalRecycle Covered Material Categories List except for gable-top cartons and aseptic containers. That is because those two materials were not yet added to the CalRecycle list when the agreement was executed. The agreement allows the Authority to add materials, which would be a Change in Scope, for which MDRR could ask for additional compensation. However, the intent of SB 54 is for the producers (manufacturers) of the Covered Materials to pay for any additional costs for jurisdictions to accept and recycle them. MDRR and/or the Authority could seek funding from the Producer Responsibility Organization (PRO) for any additional costs required to start accepting gable-top cartons, aseptic packaging, and plastic containers #5.

The Authority’s new collection services franchise agreement with Republic Services will also begin March 1, 2027. One of the requirements of this agreement will be for Republic Services to re-label all customer containers. The re-labeling will take place between March 1, 2027 and June 30, 2028. The container labels show customers which items to place in each container. The Authority decided to re-label all containers in 2027-28 in order to comply with the SB 54 requirement to accept specified recyclables. The Authority intends to seek reimbursement from the PRO for the cost of the re-labeling. Republic is not required or compensated to re-label containers prior to March 1, 2027.

In the new 2027 collection services franchise agreement, Republic Services also offered to provide two paper shredding events per year during which our customers would bring their confidential documents to a mobile shredding truck for destruction and recycling. This should decrease the need for residents to place shredded paper in the blue containers.

Summary Table

The table below summarizes the potential changes in accepted recyclables.

Material	Currently Accepted in Authority Recycling Program	Currently Marketed by MDRR	Anticipated to be required by SB 54 in January 2027	Required by the New Recyclables Processing Agreement in March 2027
Plastic bags	Yes	No	No	No
Plastic containers #3, #4, #6, and #7	Yes	No	No	No
Plastic containers #5	Yes	No	Yes	Yes
Shredded paper	Yes	No	No	No
Gable-top cartons	No	No	Yes	No
Aseptic containers	No	No	Yes	No

Percentage of Waste Stream

The materials in question make up a relatively small percentage of the waste stream.

The following quantities were estimated using data from the 2025 RecycleSmart Waste Characterization and Capture Rate Study, using the capture rates for single-family materials in each of the three containers (Landfill, Recycle, Organics) and the total tons of each stream collected from single-family homes in 2024.

Material	Estimated Tons Collected Per Year				% of Total Collected Single-Family Materials
	Landfill	Recycle	Organics	Total	
Gable-Top Cartons & Aseptic Containers	121.4	238	0.7	360	0.27%
Plastic Containers #5	500.6	380.9	7	889	0.67%
Plastic Containers #3, #4, #6, #7	237.5	75.5	7.7	321	0.24%
Plastic Bags & Film Plastic	1,952	648.7	47.6	2,648	2.00%
All Collected Single-Family Materials	41,717	25,393	65,256	132,366	100%

Note that starting January 1, 2026, California will implement a ban on most single-use plastic checkout bags at retail stores, requiring consumers to use reusable bags or pay for recycled paper bags. Since January 1, 2025, pre-checkout bags (e.g. produce bags) in California must be made of recycled paper or compostable plastic. ([Bag Requirements - CalRecycle Home Page](#)) This will likely reduce the amount of plastic bags in the waste stream.

Outreach

Attachment B lists all of the outreach materials that would have to be changed in order to update our list of accepted recyclables. Of particular note are the service guides (single-family, multi-family, commercial, and schools), which are mailed out to all customers each year. Staff and Republic Services are waiting to distribute the 2025 service guides pending Board direction on the recommendation above. The final draft 2025 single-family service guide is provided as Attachment C. It contains the same accepted recyclables list as the 2024 guide. If staff's recommendation is approved, the 2025 service guides would be distributed without change to the list. The 2026 service guides would be mailed in December of 2026 and would contain the updated list. The 2027 service guides would be mailed in June of 2027 and would contain the updated list.

One change (unrelated to the list of accepted recyclables) that staff recommends making to all the 2025 service guides is to specify that recyclables are no longer accepted contained in clear plastic bags. Previous service guides stated that recyclables could be bagged in untied, clear, plastic bags. We have since learned from MDRR that they are not able to divert recyclables received in clear plastic bags, so staff recommends changing that instruction as soon as possible.

When we do make changes to our accepted recyclables list, in addition to updating our outreach materials, we need to make sure that the following people who provide recycling information to the public about our programs are trained on the new accepted recyclables list:

- Republic Sustainability Advisors
- Republic Customer Service Representatives

- Republic Drivers
- MDRR recycling facility tour guides
- MDRR Customer Service Representatives
- Abbe and Associates Schools Recycling Team
- SCS Consultants Route Auditors
- Various other contractors providing customers with technical assistance (e.g. Food Shift, County inspectors)

Letter Agreement

The current recyclables processing agreement with MDRR requires them to accept, process, market and divert all of the materials listed in Exhibit E (Attachment A to this report). However, this is not possible given current market conditions. If the recommendation is approved, staff will draft and enter into a letter agreement with MDRR requiring them to continue to accept and process all of materials in Exhibit E, but no longer requiring them to market and divert those materials that do not currently have a consistent market. The letter agreement would specify how both parties will communicate this to the public. The letter agreement would not change MDRR's compensation or the recyclables revenue sharing arrangement with the Authority. The new 2027 recyclables processing agreement already addresses these issues. The letter agreement would document the understanding between MDRR and the Authority until the new agreement begins March 1, 2027.

CONCLUSION

Staff recommends waiting to change the Authority's accepted recyclables list until 2027 for the following reasons:

- The list may need to change again in 2027 due to SB 54
- We will be re-labeling our customer containers in 2027
- Frequently changing the list could be confusing to our customers
- Updating the outreach materials is costly and time consuming

ATTACHMENTS

- A. Exhibit E to the Current Recyclables Processing Agreement with MDRR
- B. List of Affected Outreach Materials
- C. Final Draft 2025 Single-Family Services Guide

EXHIBIT E

LIST OF RECYCLABLE MATERIALS

Paper

Paperback books
Boxes, packages
Carbonless paper
Cardboard (must fit in cart)
Catalogs
Colored & construction paper
Computer paper
Copy paper
Coupons
Detergent boxes
Egg cartons (paper only-no Styrofoam)
Envelopes with metal clasps
Envelopes (plastic windows OK)
Gift wrap (non-metallic)
Junk mail
Magazines
Manila folders
Newspapers and inserts
Office paper
Paper bags
Paper packaging with remnant tape
Paperboard boxes (cereal & shoe boxes)
Paper towel and toilet paper tubes
Pet food bags
Post-its
Shredded paper (placed in a paper bag)
Telephone books
Tissue paper (gift type)

Metal

Aluminum cans
Aluminum foil (clean)
Aluminum pie plates
Cookie sheets
CRV beverage cans
Food cans (clean)
Pet food cans
Steel cans
Scrap metal

Glass

Rinsed; all colors; lids, caps
Bottles
CRV beverage containers
Jars

Plastic

Containers only; empty; rinsed
Plastics #1 to #7
Rigid plastics
Plastic bags
Baby wipes containers
Bleach bottles
Buckets without handles
CRV beverage containers (soda, water, juice)
Detergent bottles
Food containers (no Styrofoam)
Household cleaning containers (empty)
Lids and caps
Milk jugs
Prescription bottles (empty)
Salad dressing bottles (rinsed)
Shampoo and conditioning bottles
Tub containers
Water jugs

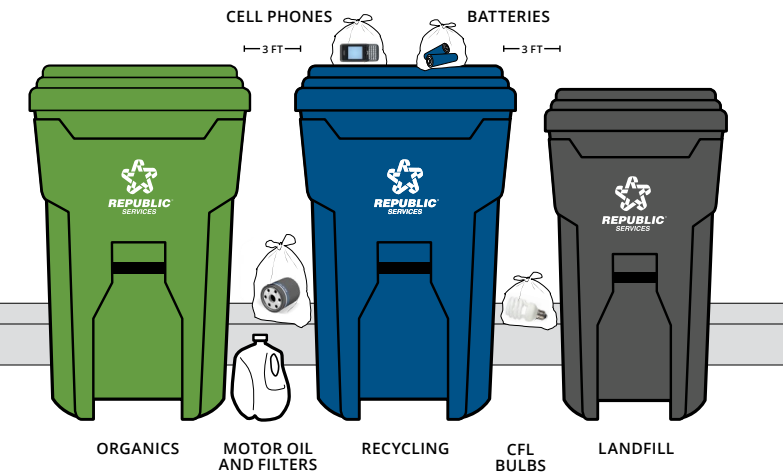
Outreach and Education

Pending Board direction, the following brochures, websites and other resources may need to be updated to reflect changes in the acceptable recyclables list. All other outreach, including the RecycleSmart quarterly newsletter and social media, are already updated on a regular basis and will have any new information moving forward.

1. Service Guides (x3 Languages)
 - Single Family
 - Multifamily
 - Commercial
 - Schools
2. Cart/Bin Labels (for new/replacement carts)
3. Commercial and Multifamily Enclosure and Site Posters (Multiple Sizes and Languages)
4. Outreach Videos
 - Restaurants
 - Commercial and Office
 - Multifamily
5. Republic Services Cart Tags
6. Authority Route Review Tags
7. Republic Services Website
8. Mt. Diablo Resource Recovery Website
9. Authority Website
10. Member Agency Webpages
11. Hello Recycling Bin Texting Sorting Tool: Text “Hello Recycling Bin” to (925) 940-5795
12. ReSource Online Guide: <https://resource.stopwaste.org/>
13. Multifamily Reusable Recycling Tote Bag
14. Multifamily Move In/Out Guide
15. Community Events Guide

Cart Setout Instructions

Place carts out by 6am on your collection day. Set carts next to the curb and 3 feet away from other carts and vehicles. Cart lids should be completely closed. Cart weight limit is 150 lbs. Drivers have until 6pm to service.



Place all household batteries, cell phones, compact fluorescent bulbs (CFL's) and motor oil filters in a sealed plastic bag(s). Tape the ends of lithium-ion batteries. **Please refer to the set-out image above for guidelines on weekly placement at the curb.** Call Republic Services for more info or for a free motor oil disposal container. **On-property service is available for customers with disabilities for free, and for those customers who would prefer on-property service for a fee.**

Recycle Smart. Landfill Less.

You can upsize your 64-gallon blue recycling cart and/or green organics cart to a larger 96-gallon size at no extra cost!

Free Extra Collection Services

- 1 on-call landfill collection annually
- 4 on-call collections annually for yard trimmings (in paper or compostable bags; NO black bags) and/or extra recyclables

Size and weight restrictions apply. There is a fee for large items. Call Republic Services to schedule an extra collection.

Reuse & Cleanup Days Program

Twice a year, residents can place a variety of items at the curb for reuse, e-waste recycling, and disposal. Reuse Day (Day 1) items are picked up by Mt. Diablo Resource Recovery and Cleanup Day (Day 2) materials are picked up by Republic Services.

Most materials collected during your Reuse Day go to local charities. A brochure will be mailed with your Reuse Days dates at least two weeks in advance. **For more information and to use our easy search function for your upcoming dates visit RecycleSmart.org/Cleanup.**

Empty, Clean, and Dry Recycling

If your recycling or organics cart/bin is contaminated with unacceptable materials, it may not be serviced and your property may be charged a go-back fee.



It's ILLEGAL to put these items in your carts

Please visit RecycleSmart.org/HHW or use the QR code to see free, local drop off locations and program information for the following materials:



- **Medical Needles (Sharps).** Free, local drop off locations. California residents can also request a free mail-back box at SharpsTakebackCalifornia.org
- **Motor oil.** Call Republic Services at 925.685.4711 to request a free motor oil/filter disposal container. Then simply place your sealed container and oil filters next to your carts on your collection day.
- **Unused medications.** Free, local drop off locations (including inhalers, pet and liquid medications).
- **E-waste.** Recycle electronics curbside on your twice a year Reuse Day for free, or call Republic Services to schedule an e-waste pickup at the curb for a fee.
- **Paint and hazardous waste.** Take paint, pesticides, cleaning products, personal care products, and other household chemicals FREE OF CHARGE to Central San's Household Hazardous Waste Facility. Visit CentralSan.org/hhw for information.



A Note About Observed Holidays

Only Christmas Day and New Year's Day affect service. If the holiday falls on a week day, all collection on and after the holiday will be pushed one day later that week.

PRESORTED
STANDARD
US POSTAGE PAID
CONCORD, CA
PERMIT NO. 122

Republic Services of Contra Costa County
441 N. Buchanan Circle, Pacheco, CA 94553
925.685.4711 | RepublicServices.com/RecycleSmartCA



Escanee este
Código QR para
traducción al
español



Agenda Item No. 4b
Attachment C



Residential
Services
Guide



Landfill

Recycling

Organics

Senate Bill 1383: Composting organics is now the law!

Organic material accounts for more than half of the material in California's waste stream. Greenhouse gas emissions caused by the decomposition of organic material in landfills contribute to climate change. Residents are required to separate organics, including all food scraps, uncoated food-soiled paper, and yard trimmings for composting. Visit RecycleSmart.org/1383 or use the QR code below for more information.

Residents can participate by:

- Preventing/reducing food waste (reducing food waste generation)
- Backyard composting
- Using the curbside green organics cart



SB 1383 also requires local jurisdictions to monitor contamination and proper sorting of organics by performing annual route audits. RecycleSmart or its contractor may be in your neighborhood throughout the year assessing your carts.

Organics Programs

Residents can compost organics at home and/or use the curbside green organics cart.



Backyard composting is an easy process that turns yard trimmings and food scraps into a natural soil amendment to help grow healthy food. Visit RecycleSmart.org/Composting for information on quarterly savings on your Republic Services bill, workshops and discounted compost bins.

Or, let Republic Services compost for you! Place organics in your green cart. A free food scrap pail is available to collect your scraps. Pails can be lined with newspaper, paper towels, paper bags, or BPI-Certified compostable bags. Call Republic Services at 925.685.4711 to request a pail. For green cart information and tips visit RecycleSmart.org/GreenCartSmart



Important: Compostable plastics such as cold cups and utensils **do not break down** in our compost process. These should go in your **black landfill cart**. BPI-Certified compostable bags are the only compostable plastic material allowed in the green cart.

Yes

- Plastic Utensils
- Plastic Packaging
- Compostable & Biodegradable Plastic Food Service Ware
- Juice Pouches
- Chip Bags
- Snack Wrappers
- Broken Dishware
- Expanded Polystyrene Foam
- Diapers
- Pet Waste
- Receipts
- Coated Paper Food Cartons
- Plastic (Without a Recycling Number)
- Non-Usable Textiles
- Mixed Materials (two or more different materials combined together)

No

- Food Scraps
- Uncoated Food Soiled Paper
- Landscape Trimmings
- Recyclables
- Electronics
- Medicine
- Medical Needles/Sharps
- Batteries
- Fluorescent Bulbs
- Motor Oil/Filters
- Hazardous Waste
- Hot Ash
- Chemicals



Yes

- Empty, Clean, and Dry™
- (#1-7) Plastic Containers
- Bundled Plastic Bags
- Metal Containers
- Aluminum Foil
- Glass Bottles and Jars
- Clean Paper (If shredded, put in clear bag)
- Dry and Broken Down Cardboard

No

- Food Scraps
- Food-Soiled Paper and Containers
- Garbage
- Paper Towels
- Paper Plates
- Organics
- Wood
- Expanded Polystyrene Foam
- Hazardous Waste
- Batteries
- Electronics
- Plastic Utensils



Recyclables should be loose (no bags) or in paper bags

Yes

- Small Twigs and Branches (less than 4' in length and 6" in diameter)
- Yard Trimmings
- Uncoated Food-Soiled Paper (including napkins, paper towels, paper plates, pizza boxes)
- Raw and Cooked Food, Leftovers, To-Go Food
- Fruits and Vegetables (raw and cooked)
- Dairy Products
- Breads
- Meat and Seafood (including bones and shells)
- Clean Wood (no paint, stain, or coating. Lumber, chop sticks, skewers)

No

- Plastic
- Glass
- Metal
- Dirt
- Pet Waste
- Diapers
- Plastic Food Containers
- Compostable & Biodegradable Plastic
- Expanded Polystyrene Foam
- Treated or Painted Wood
- Coated Food-Soiled Paper (including paper cups, cartons, clamshells, and takeout boxes that appear shiny)
- Palm Leaves



Organics should be loose (no bags) or in paper or BPI-certified compostable bags



Agenda Report

TO: CCCSWA BOARD OF DIRECTORS
FROM: DAVID KRUEGER, EXECUTIVE DIRECTOR
DATE: OCTOBER 23, 2025
SUBJECT: EXECUTIVE DIRECTOR'S MONTHLY REPORT

SUMMARY

Central Contra Costa Solid Waste Authority (Authority) staff performs high-level programmatic and administrative tasks each month to provide outreach and education to residents, businesses, and schools to increase diversion and instill waste prevention practices. Staff manages the franchise agreements and customer service in addition to monitoring monthly reporting by our service providers. Staff also interacts with Member Agency staff, community groups, and regional partners on a variety of topics including SB 1383, legislation, and industry best practices.

RECOMMENDED ACTION

1. This report is provided for information only. No Board action is required.

DISCUSSION

Notable Events:

- On October 6, 2025 the Authority submitted written comments (Attachment A) to CalRecycle regarding the proposed SB 54 regulations that were published by CalRecycle on August 22, 2025. The public comment period for these regulations ended on October 7 and will be the final public comment period in the SB 54 rulemaking process. SB 54, the Plastic Pollution Prevention and Packaging Producer Responsibility Act, creates an Extended Producer Responsibility (EPR) program, which requires producers (manufacturers) to ensure that by 2032: 1) 100% of single-use packaging (including packaging made from plastic or made from other materials) and single-use plastic food service ware sold in the state is recyclable or compostable; 2) 65% of single-use plastic packaging and single-use food service ware is recycled; and 3) a 25% reduction, compared to 2023, in the sale or distribution of single-use plastic packaging and single-use food service ware. The sole requirement of SB 54 on local jurisdictions is that they accept in their recycling and composting programs all materials determined by CalRecycle to be recyclable or compostable. This requirement is expected to take effect by January 1, 2027. The intent of SB

54 is that the producers of those recyclable and compostable materials, as opposed to local jurisdictions, should bear any new costs to collect and recycle or compost those materials. The Authority’s written comments focused on strengthening the regulations to ensure that the cost of compliance was not passed on to local jurisdictions and solid waste rate payers, and on eliminating the proposed penalty on local jurisdictions of up to \$50,000 per item per day for non-compliance. Executive Director Krueger also presented comments via Zoom at CalRecycle’s October 7 public hearing regarding the proposed SB 54 regulations. The Authority coordinated with other jurisdictions in commenting on the regulations, led the effort to create and submit a sign-on letter with joint comments from seven solid waste JPA’s from across the state, and signed on to additional SB 54 comments promoted by Californians Against Waste.

- As described in the Third Amendment to the Republic franchise agreement, the new service quality metric is 2,700 or fewer missed container pickups from residential subscribers on incomplete routes in a four-week period. Republic is entitled to a special rate increase in RY 12 that is based on the number of four-week periods in which they met the service quality metric. Because they met the service quality metric in 11 of the 12 four-week periods, they will receive a special rate increase of \$2,138,515.02 in RY 12 (March 2026 – February 2027). The Third Amendment also provides that \$112,553.42 of the RY12 special rate increase may be “clawed back” for each four-week period that Republic does not meet the metric between September 15, 2025, and February 26, 2027. Therefore, we are continuing to track performance through the end of the franchise.

Period	Four-Week Period Beginning	Number of Missed Residential Collections	Metric Met (2,700 or fewer)
1	September 15, 2025	2268	Yes
2	October 13, 2025		
3	November 10, 2025		
4	December 8, 2025		
5	January 5, 2026		
6	February 2, 2026		
7	March 2, 2026		
8	March 30, 2026		
9	April 27, 2026		
10	May 25, 2026		
11	June 22, 2026		
12	July 20, 2026		
13	August 17, 2026		
14	September 14, 2026		
15	October 12, 2026		
16	November 9, 2026		
17	December 7, 2026		
18	January 4, 2027		
19	February 1, 2027		

Completed and Ongoing Activities:

The October monthly **Member Agency liaison meeting** included an update on CalRecycle enforcement activities related to SB 1383 compliance and recycled-paper purchasing requirements, including a new SharePoint site that will be accessible by our liaisons to upload records; a reminder about the community grant and route reviews; and information about the Repair Café in Lafayette and the recently completed waste characterization study.

Member Agency Liaisons			
Name & Member Agency	Title	Email	Phone (925)
David Brockbank, County	Conservation Program Manager	David.Brockbank@dcd.cccounty.us	655-2911
Cat Bravo, Danville	Management Analyst	cbravo@danville.ca.gov	314-3377
Nichole Zittel	Associate Planner	nzittel@ci.lafayette.ca.us	299-3211
Darin Hughes, Orinda	Assistant Planner	dhughes@cityoforinda.org	253-4269
Cassius Carandang, Moraga	Assistant Planner	ccarandang@moraga.ca.us	888-7042
Candice Rankin Mumby, Walnut Creek	Sustainability Manager	rankinmumby@walnut-creek.org	943-5899 x2304

Repair Café. Don't toss it –repair it! In partnership with the Lafayette Library Foundation, Republic Services, and Sustainable Rossmoor, the Authority hosted its fourth Repair Café at the Don Tatzin Community Hall at the Lafayette Library on Saturday, September 27th. Roughly 144 items were brought in for repair, and 101 were repaired. It was another fun and successful event!





Annual Route Audits. The Authority's contractor, SCS Engineers, conducted cart and bin audits at accounts along our 69 residential and commercial/multifamily routes as required by SB 1383. The audits took place during the week of October 13.

Staff participated in or attended the following meetings in October 2025

- California Organics Recycling Council Annual Retreat, October 10
- Orinda Community Meeting, October 14
- BayROC [Bay Area Recycling Outreach Coalition](#) meeting, October 14
- California Product Stewardship Council (CPSC) Associates call, October 15
- Moraga Community Meeting, October 17
- Quarterly AB 939 meeting of countywide jurisdictions, haulers and consultants, October 21
- Tour of Ridwell www.ridwell.com, October 22
- Lafayette Environmental Task Force, October 23



October 6, 2025

Csilla Richmond
SB 54 Plastic Pollution Prevention and Packaging Producer Responsibility Act
Permanent Regulations Department of Resources Recycling and Recovery, Regulations Unit
1001 "I" St., MS-24B
Sacramento, CA 95814

Submitted via Public Comment Form

Re: Comments on Proposed SB 54 ("Plastic Pollution Prevention and Packaging Producer Responsibility Act") Regulations, Published August 22, 2025

Dear CalRecycle,

RecycleSmart (the Central Contra Costa Solid Waste Authority) submits the following comments regarding the proposed SB 54 regulations. RecycleSmart is a joint powers authority that manages the solid waste and recycling programs for the cities and towns of Danville, Lafayette, Moraga, Orinda, Walnut Creek, and surrounding portions of unincorporated Contra Costa County. This letter is in response to the formal draft of the SB 54 regulations published on August 22, 2025.

Despite the unanticipated delays in adopting the regulations, RecycleSmart appreciates CalRecycle's work to provide a robust set of regulations so that SB 54 can achieve its potential to accelerate a shift to a more circular economy for California. We very much appreciate the changes CalRecycle has made that are responsive to comments that we and other local agencies have raised. We strongly support the intentions of the law to slow the flow of materials entering our communities, keeping materials in circulation through reuse and refill, and by creating packaging that is designed for recycling or composting at end of life. We also strongly support the EPR intent of the law – to shift the responsibility for the costs of collecting and processing covered materials from jurisdictions and ratepayers to the producers of the materials themselves.

Topic #1: Funding Sources for Implementation

Chapter 3, Article 1 of SB 54 states that:

Local jurisdictions are the backbone of the solid waste management and recycling efforts in California. The new statewide comprehensive circular economy framework

established by this chapter is intended to shift the burden of costs to collect, process, and recycle materials from the local jurisdictions to the producers of plastic products.

It is the intent of the Legislature in enacting this chapter to ensure that local jurisdictions will be made financially whole for any new costs incurred associated with the implementation of this chapter and its implementing regulations.

However, the proposed regulations lack language that specifically: 1) requires service providers to request funding from the PRO for any new costs incurred associated with the implementation of SB 54, and; 2) prohibits service providers from obtaining funding from local jurisdictions, ratepayers, and taxpayers for any new costs incurred associated with the implementation of SB 54; and 3) prohibits service providers from receiving cost reimbursements from the PRO and then also recovering those same costs from ratepayers, taxpayers, or local jurisdictions (“double-dipping”). Without those protections in the regulations, the requirements of Section 42060.5 of the Public Resources Code and Article 11 of the draft regulations could become an unfunded mandate on local jurisdictions, with the costs of SB 54 ultimately being incurred by ratepayers and taxpayers instead of by the producers.

We appreciate the addition to section 18980.8 of the proposed regulations regarding reimbursable costs which requires that the PRO or Independent Producer “first” notify the local jurisdiction when costs are deemed covered for a recycling service provider. However, while this will be a helpful tool to enhance transparency, it is not a mandate or prohibition under law from including reimbursed costs in ratepayers’ rates. We believe that such a prohibition is necessary. The proposed regulations place the burden of enforcement against “double-dipping” on local jurisdictions. We believe this enforcement should be the responsibility of CalRecycle. Below we have provided suggested draft language. We request that this language or similar be incorporated into the adopted regulations in order to ensure the intent of SB 54.

- *Recycling service providers shall request reimbursement from a PRO for any new costs incurred in order to comply with Section 42060.5 of the Public Resources Code.*
- *Recycling service providers shall not request, accept, or obtain funds from Ratepayers, taxpayers, or local jurisdictions for new costs incurred by the recycling service providers in order to comply with Section 42060.5 of the Public Resources Code.*
- *If a service provider receives reimbursement from a PRO for costs incurred in order to implement Section 42060.5 of the Public Resources Code, that service provider shall not request, accept, or obtain funds from Ratepayers, taxpayers or local jurisdictions for reimbursement of the same costs for which they were reimbursed by a PRO.*
- *If a service provider receives funds from a PRO and also receives funds for reimbursement of those same costs from Ratepayers, taxpayers, or local jurisdictions,*

either before or after being reimbursed by the PRO, that service provider shall refund all such funds to the Ratepayers, taxpayers, or local jurisdictions. The Department shall enforce this requirement, shall investigate related complaints from Ratepayers, taxpayers and local jurisdictions, and may assess penalties on recycling service providers equal to the amount of any funds not refunded to the Ratepayers, taxpayers, or local jurisdictions plus 10%.

Topic #2: Enforcement Oversight by the Department - Section 18980.13

As discussed in our comments dated November 4, 2024, we continue to believe that penalties of up to \$50,000 per item per day for violations by local jurisdictions for failure to include covered materials in their collection programs is illogical and unreasonable. **SB 54 does not authorize these penalties.** The law authorizes monetary penalties for only PROs, producers, retailers, and wholesalers. (Public Resources Code sections 42080-42084.) This is an error in the draft regulations that needs to be corrected.

References to “PRO” and “producer” appear repeatedly in sections 42080-42084 of the Public Resources Code, the SB 54 enforcement statutory provisions. There is no reference to local jurisdictions. In section 42080, “entity” is used to refer to PRO, producer, wholesaler, and retailer. When in section 42081 there is a reference to “any entity,” the statute goes on to provide a single exception for small producers, retailers, and wholesalers that are listed in section 42060(a)(5) – with no mention of an exception or extension for certain local jurisdictions or recycling service providers (as in 42060.5(b)), or rural counties/jurisdictions (as in 42060.5(c)), which one would expect to see if they were among the types of “entities” that could be penalized under that section. Producers and PROs are the only specific types of entities mentioned in section 42081. Therefore, “any entity” in section 42081, and all the enforcement provisions of that Article 5, are intended to refer only to producers, PROs, retailers, and wholesalers. There are no other enforcement provisions in the SB 54 statutes. Again, this error should be corrected.

Topic #3: Categorically Excluded Materials – Section 18980.2

The May 2025 version of the draft regulations added for the first time in the rulemaking process a new pathway for packaging components to be excluded from the law if it is “necessary to comply with rules, guidance, or other standards issued by the [USDA] or [FDA] ... to prevent microbial contamination or to maintain the safety or structural integrity of packaging....”

We appreciate the revisions made in section 18980.2(a)(2) of the current version of the draft regulations to clarify these exclusions apply only “if it is not reasonably possible to use other packaging or packaging components...” and requiring that entities must provide rationale to the Department including the conflicting federal regulation and explanation as to why no reasonably possible alternative packaging is available. We also support the addition requiring the Department to review exclusion requests and maintain a public list of determinations.

We understand that this new categorical exclusion is intended to provide further clarity to statute section 42060(b), which, in summary, states that SB 54's regulations should not conflict with other federal packaging requirements. We believe that should such a conflict arise, producers can utilize the exemption pathway within section 18980.2.4(c)(4), under, for example, (A) unique challenges, (C) health and safety reasons, or (D) materials determined unsafe to recycle.

Unlike categorically excluded materials, exempted materials remain covered under the law, meaning regulated producers must still report and pay fees into the system with a required phase-in plan to ultimately achieve compliance. Exemptions are also limited to two to five years, while excluded materials are permanently removed from the law's purview. Care must be taken when excluding materials so as not to unintentionally weaken SB 54.

Recommendation:

We urge CalRecycle to remove section 18980.2(a)(2) from the draft regulations and instead rely on the existing exemption process (18980.2.4) for packaging or packaging components used by food or agricultural commodities that are unable to comply with SB 54 due to conflicting federal regulations.

Should the Department determine that section 18980.2(a)(2) must remain in the regulations, we would like to offer the following revisions to improve the current approach:

- Entities should be required to explain why an exemption under section 18980.2.4 does not apply in their case, providing the statutory basis to exclude their packaging or component from the law entirely rather than request an exemption based on unique challenges or health and safety reasons.

The Department must be able to evaluate the basis for applying an exclusion versus an exemption, and redirect requests to a more appropriate pathway when applicable.

Suggested revisions to section 18980.2(a)(2)(A):

“The basis shall identify the specific provision of this Chapter that causes a conflict, cite the conflicting federal regulations or rules, ~~or guidelines~~, and explain why no reasonably possible alternative packaging or packaging component is available and why the exemption pathways outlined in section 18980.2.4 do not apply.”

Note: We also recommend removing “guidelines” because federal guidelines are not always compulsory.

- Time limits – Packaging design and recyclability are shifting rapidly as a result of SB 54. As such, materials excluded under section 18980.2(a)(2) should be limited to 2-5 years, just as exemptions are (18980.2.4(g)) and a phase-in plan or rationale for why a phase-in plan is not feasible should be required, similar to section 18980.2.4(c)(4)(A)viii for exemptions.

Innovation and development of responsible end markets will likely create new compliance pathways for materials that are currently unable to meet the requirements of the law. Excluding currently challenged materials from the law indefinitely goes beyond statutory intent, and should future conditions change, there must be a pathway to integrate excluded material back into the law.

We are also opposed to the addition of language that exempts packaging used for over-the-counter drugs (18980(a)(6)). As we understand it, the inclusion of over-the-counter drugs into the list of categorically excluded materials conflicts with the legislature's intent when it enacted SB 54. Over-the-counter drugs already use packaging that is well-suited for source reduction, packaging material changes, and reuse and refill.

Furthermore, we strongly oppose the regulatory change that exempts the secondary and tertiary packaging of excluded materials (18980.2(b)). We believe that these changes are unnecessary and go beyond the intent of the authors and many stakeholders that negotiated this bill.

Topic #4: Methodology for Recycling Rate Determination – Section 18980.3.2

For new covered material categories with a *pending* recycling rate, it is more rational to presume that they do NOT achieve the required recycling rate under Public Resources Code section 42050(c), rather than that they do meet the rate. Without this presumption, producers could avoid the recyclability requirements by changing to a new form of packaging every year, circumventing the law and unintentionally disadvantaging other producers. It is challenging to determine, and to meet, the recyclability requirements of SB 54, and new items should not be exempt from going through the process that all the other covered items that have met the required recycling rate have had to go through.

Topic #5 – Eligibility for Being Labeled “Compostable” – 18980.3.3(c)(5)

AB 1201 prohibits materials from being labeled “compostable” unless they meet specific criteria, including the requirement to be “designed to be associated with the recovery of desirable organic wastes, such as food scraps and yard trimmings, that are collected for composting, unless the product complies with the department’s regulations pursuant to subparagraph (B), to the extent the department elects to adopt such regulations.” (PRC § 42357(g)(1)(E).)

Section 18980.3.3(c)(5) of the draft SB 54 regulations clarifies that an item is designed to be associated with the recovery of desirable organic waste “if it is desirable organic waste itself or is marketed, labeled, or otherwise sold or distributed in a manner that directs or otherwise causes users of the item to use and discard it with desirable organic waste.” This language is too broad. Marketing and labeling can be misleading and are not even mentioned in PRC section 42357(g)(1)(E).

Recommendation:

A potential fix for this issue would be to simply delete the second sentence of section 18980.3.3(c)(5), as follows:

They must satisfy the requirement set forth in subparagraph (E) of paragraph (1) of subdivision (g) of section 42357 of the Public Resources Code concerning association with the recovery of desirable organic wastes. ~~For purposes of this requirement an item is designed to be associated with the recovery of desirable organic waste if it is desirable organic waste itself or is marketed, labeled, or otherwise sold or distributed in a manner that directs or otherwise causes users of the item to use and discard it with desirable organic waste.~~

Topic #6: Definition of Hazardous Waste

The regulations reference the *federal* definition of hazardous waste, and not the California state definition, which is far more protective of public health and the environment. This problematically opens the door to the generation of hazardous wastes that are not considered federally hazardous but should otherwise be considered ‘California Hazardous.’ This includes more protective toxicity tests, lower thresholds for heavy metals (e.g., lead, copper, zinc), lower thresholds for ignitability, lower thresholds for reactivity and corrosion, and prohibitions on certain chemical products and pharmaceuticals.

A more appropriate definition is the one already existing in Public Resources Code Section 40141, which defines “hazardous waste” for all of Division 30 of the Public Resources Code except where “the context requires otherwise.” That section defines “hazardous waste” to include, but does not limit the definition to, RCRA hazardous waste. It also cross-references Health and Safety Code 25117, which includes any wastes that meet criteria adopted by the Department of Toxic Substances Control (DTSC).

The legislature has repeatedly stated, and the courts have upheld, that “it is in the interest of the health and safety of all Californians...to establish a regulatory program that is more stringent than federal law” (Health & Safety Code 25100) when it comes to hazardous waste. In the absence of other statutory direction, the Department must default to California statutory and regulatory definitions when implementing state laws, like SB 54.

Thank you for your consideration of these comments.

Sincerely,



David Krueger
Executive Director, RecycleSmart



Agenda Report

TO: CCCSWA BOARD OF DIRECTORS
FROM: JENNIFER FAUGHT, PROGRAM MANAGER
DATE: OCTOBER 23, 2025
SUBJECT: 2025 FINAL LEGISLATION

SUMMARY

The 2025 legislative year, the first year of a two-year session, has come to an end. This year, the Authority tracked a total of eleven bills. Nearly all of them became two-year bills, with the technical ability (if not the likelihood) to be revived in January. More detail on the bills is below.

RECOMMENDED ACTION

1. This report is for information only. No Board action is required.

DISCUSSION

This year, 917 bills passed both houses to make it to the Governor's desk. The Governor vetoed 123 bills, and signed 794 into law, for a 13.4% veto rate. In March and April this year, following the Legislative Committee's recommendations, the Board authorized supporting, or supporting in concept, seven bills, opposing one bill, and watching three bills. This report describes the outcome of these bills. Red shading indicates the bill is dead, yellow a two-year bill, and green means the bill was passed and signed by the governor.

SUPPORTED BILLS

1.	AB 80 (Aguiar-Curry) – Carpet Recycling <i>Outcome: Two-year bill; eligible to move in 2026</i> AB 80 would make several technical clean-ups to the existing product stewardship program for carpet. It would exempt covered materials from the transportation requirement if they were being transported back to the manufacturer. It would also expand approved collection sites to include certain carpet recycling centers, municipal facilities, and retailers. This bill also changes the non-voting appointed seat on the Carpet Advisory Board from a circular economy organization to an environmental protection organization. It would also require the stewardship plan to include information on stamps/product markings to convey manufacturer and material information on the back of covered products. This bill would also authorize a civil penalty of \$25,000 per day if the violation is intentional or knowing (not merely negligent). Policy Platform: Extended Producer Responsibility
----	--

2.	AB 337 (Bennett) – Greenhouse Gas Reduction Fund: grant program: edible food <i>Outcome: Two-year bill; eligible to move in 2026</i> Would expand the types of activities eligible for CalRecycle’s edible food recovery grant program to include transportation and technology subscriptions/software. Policy Platform: Diversion Funding, Food Waste Reduction and Recovery
3.	AB 436 (Ransom) – Composting Facilities: zoning <i>Outcome: Two-year bill; eligible to move in 2026</i> Would require the Office of Land Use and Climate Innovation, in consultation with the Department of Resources Recycling and Recovery, to develop and post on the office’s internet website, a technical advisory, as provided, reflecting best practices to facilitate the siting of composting facilities to meet the organic waste reduction goals. The bill would require the office to consult with specified entities throughout the development of the technical advisory. In addition, this bill, upon a substantive revision of the land use element, as specified, on or after January 1, 2029, would require a city, county, or city and county to consider, among other things, the best practices, sample general plan, and model ordinance reflected in the technical advisory and to consider updating the land use element to identify areas where composting facilities may be appropriate as an allowable use. By increasing duties on a city, county, or city and county, the bill would impose a state-mandated local program. Policy Platform: Recycling and Organics Processing Infrastructure
4.	AB 762 (Irwin & Wilson) – Single-use Vaping Devices Sales Ban <i>Outcome: Two- year bill; eligible to move in 2026</i> Would prohibit, beginning January 1, 2026, a person from selling, distributing, or offering for sale a new or refurbished disposable, battery-embedded vapor inhalation device in this state. The bill would define a “disposable, battery-embedded vapor inhalation device” to mean a vaporization device that is not designed or intended to be reused, as specified. Policy Platform: Waste Reduction, Toxics Reduction/Household Hazardous Waste
5.	SB 45 (Min) – Recycling: beverage containers: tethered plastic caps <i>Outcome: Two- year bill; eligible to move in 2026 (but unlikely)</i> Would require plastic beverage container manufacturers with more than 16 million annual units sold to have caps that remain tethered to bottles up to 2 liters in size from initial manufacturing to eventual resource recovery. Policy Platform: Waste Diversion, Packaging Reduction/Plastic Pollution

6.	SB 501 (Allen) – Household Hazardous Waste Producer Responsibility Act <i>Outcome: Two- year bill; eligible to move in 2026</i> This bill would create a producer responsibility program for products containing household hazardous waste and would require a producer responsibility organization (PRO) to ensure the safe and convenient collection and management of covered products at no cost to consumers or local governments. The bill would define “covered product” to mean a consumer product that is ignitable, toxic, corrosive, or reactive, or that meets other specified criteria. The bill would require a producer of a covered product to register with the PRO, which would be required to develop and implement a producer responsibility plan for the collection, transportation, and the safe and proper management of covered products. The bill would require DTSC to adopt regulations to implement the program with an effective date no earlier than July 1, 2028. Policy Platform: Extended Producer Responsibility, Toxics Reduction/Household Hazardous Waste
----	---

SUPPORTED IN CONCEPT

7.	AB 864 (Ward) – Hazardous Waste: solar photovoltaic modules <i>Outcome: Two- year bill; eligible to move in 2026</i> This bill would make the universal waste designation applicable to a solar photovoltaic module that is intended for recycling and cannot otherwise be resold, reused, or refurbished only until the department adopts regulations implementing alternative management standards for solar photovoltaic modules. The bill would require the department to institute a rulemaking to develop alternative management standards for solar photovoltaic modules that facilitate greater material recovery. The bill would require the department to adopt the federal transfer-based exclusion regulation for solar photovoltaic modules. The bill would also designate a solar photovoltaic module that can be resold, reused, or refurbished as surplus material. Policy Platform: Waste Diversion; Toxics Reduction/Household Hazardous Waste
----	---

OPPOSED BILLS

8.	AB 473 (Wilson) Environmental Advertising: recyclability <i>Outcome: Two- year bill; eligible to move in 2026</i> On or after January 1, 2027, and before January 1, 2032, the bill would require, notwithstanding specified provisions, that a product or packaging that is a covered material be considered recyclable in the state if the producer is, among other things, in compliance with the requirements of the Plastic Pollution Prevention and Packaging Producer Responsibility Act. This bill is considered to weaken the SB 343 “truth in labeling” law by allowing the use of a recyclable label based on a producer’s participation in a producer responsibility organization and its compliance with other provisions of SB 54, rather than on the material actually meeting
----	---

	the criteria for recyclability set by SB 343. It did not get out of the first house and might not have much remaining momentum but is still technically able to move in January. Policy Platform: Waste Diversion, Packaging Reduction/Plastic Pollution
--	--

WATCHED BILLS

9.	SB 279 (McNerney) – Solid Waste: compostable materials <i>Outcome: Signed into law</i> This bill would require a composting operation to be included in the enforcement agency notification tier and authorize the operation to accept up to 10% food material by volume for a period not to exceed 5 years before applying for a full solid waste facility permit, if specified conditions are met. Existing regulations prohibit a composting operation from giving away or selling more than 1,000 cubic yards of compost product annually if it is in the excluded tier or if it is an agricultural material composting operation in the enforcement agency notification tier, its feedstock is both green material and agricultural material, and the operation is located on land zoned for agricultural uses. This bill would authorize those composting operations to give away or sell up to 5,000 cubic yards of compost product annually. Policy Platform: Recycling and Organics Processing Infrastructure
10.	SB 615 (Allen) – Electric Vehicle Traction Batteries <i>Outcome: Dead</i> Would require EV battery suppliers to ensure the responsible end-of-life management, repurposing, and recycling of lithium-ion vehicle traction batteries. Would also establish reporting requirements, a state fund for oversight, and penalties for non-compliance to prevent environmental and safety hazards from abandoned batteries. Policy Platform: Waste Diversion; Toxics Reduction/Household Hazardous Waste
11.	AB 666 (Rogers) – State Cryptid <i>Outcome: Two- year bill; eligible to move in 2026</i> Would establish Bigfoot as the official state cryptid. Policy Platform: None; for information only.

Future Agenda Items

TYPE	BOARD MEETING: 12/11/2025
C	Approve 10/23/2025 Minutes
C	Approve 2026 Board of Directors Meeting Schedule
A	Distribution of Funds in Excess of the Reserve
I	Receive Annual Financial Audit for FY 2024-25
I	Executive Director's Monthly Report
P	Solid Waste Collection Rates for Rate Year 12

TYPE	BOARD MEETING: 1/22/2026 – Board Retreat
C	Approve 12/11/2025 Minutes
A	Adoption of Solid Waste Collection Rates for Rate Year 12
I	Executive Director's Monthly Report

TYPE	BOARD MEETING: 2/26/2026
C	Approve 01/22/2026 Minutes
C	Mid-Year 2026 Budget Actuals
I	Executive Director's Monthly Report

TYPE

- C – Consent Item
- A – Action Item
- I – Information Item
- P – Presentation

Inside the fight over the recycling label on your milk carton



LA Times

By Susanne Rust
Aug. 27, 2025

- Milk, juice, broth and wine containers made of carton can now wear the recycling insignia in California
- Critics say the state's tough laws on waste and plastic should have prohibited that

Lodi — A battle has been waging in Sacramento over whether beverage cartons — the ones used for milk, juice, broth, wine, even egg whites — should get the coveted chasing arrows recycling label.

Earlier this year, the state agency in charge of recycling, CalRecycle, determined the cartons were probably not eligible, because they weren't being sorted and recycled by the vast majority of the state's waste haulers, a requirement of the state's "Truth in Recycling" law, Senate Bill 343.

Three months later, the agency reversed course.

The label is critical for product and packaging companies to keep selling in California as the state's single-use packaging law goes fully into effect. It calls for all single-use packaging products to be recyclable or compostable by 2032. If they're not, they can't be sold or distributed in the state.

According to internal agency emails, documents and industry news releases, the change was prompted by data from the carton packaging industry's trade group, the Carton Council of North America. The council had also announced it was investing in a carton recycling facility in Lodi.

The waste agency's reversal incensed several waste experts, anti-plastic activists and environmentalists, who say cartons have limited, if any, value or recycling potential. They say the new industry-backed facility in Lodi is nothing more than a facade — one of several similar operations that have failed across the country. CalRecycle's revised determination about the recyclability of the material, they say, is based on flawed methods that are easy to exploit.

Some say it's just the [latest example](#) of [Gov. Gavin Newsom](#) and [CalRecycle retreating](#) from the state's landmark single-use plastic law, and other ambitious anti-waste and anti-plastic laws that he and the waste agency once touted.

“The big picture here is that the governor and CalRecycle are creating loopholes,” said Jan Dell, a chemical engineer and founder of Last Beach Cleanup, an anti-plastic organization. “What we've got here is this Kingdom of California that wants to tell the world that ‘we're the best in recycling, that recycling works, that we're going to lead the way in recycling and build a circular economy.’ But, the reality on the ground is that this stuff's not recyclable. It just isn't.”

Yet others say what's happened with carton material is exactly what the laws were designed to do: motivate plastic and packaging companies to make their packaging recyclable, or develop technologies and markets that will.

“We are gratified to see the Carton Council making these investments and demonstrating that recycling can work with a sincere commitment from industry,” said Sen. Ben Allen (D-Santa Monica), who authored both California's truth in labeling and single-use plastic laws. “For decades,

Californians have been misled into believing that the tons of packaging we consume can be cleanly and effectively recycled if only we put it into the blue bin. Sadly, that is too often untrue.”

Melanie Turner, a CalRecycle spokeswoman, said the agency does not decide what products can get the recycling label; that is a decision made by the manufacturer. The agency’s role is to provide information to the manufacturer about the recyclability of the product in California.

The chasing arrows label has not only become increasingly important as the state’s single-use plastic law comes into effect, but it also provides comfort to consumers who are trying to minimize their environmental footprint.

Although at first glance most milk cartons appear to be primarily made of paper, they are actually comprised of alternating layers of paper, plastic and sometimes aluminum — a laminated sandwich of materials that extends a product’s shelf life, but also makes it hard to recycle.

The material is a challenge for commercial and residential waste haulers, said Robert Reed, a spokesman for Recology, a large waste hauling company in the Bay Area, Northern California, Oregon and Washington.

Not only are there few buyers for the milk-sodden cartons themselves (data show they currently fetch \$0 in the recycling market), they risk contaminating other valuable items. For example, if [more than 2% of a bale of mixed paper](#) contains cartons, the bale is considered worthless.

In 2024, [more than 106,000 tons \(220 million pounds\) of the old milk, juice and broth containers were dumped in landfills.](#)

According to the Carton Council of North America, there are [five facilities in North America](#) that take cartons and try to give them new life. Four of them, in Wisconsin, Alabama, Canada, and Mexico, say they can harvest the paper fibers out of the containers and resell them to tissue and toilet paper manufacturers. All are more than 2,000 miles from downtown Los Angeles.

The fifth, [a facility based in Waterbury, Conn.](#), chops the blended material up, heats it so the plastic layer melts and turns into an adhesive, then presses it

between two layers of fire-resistant material to create a gypsum-like roofing material.

It's not clear if any of these facilities are paying for used cartons from waste operators, or taking them for free. None of the companies that operate these facilities responded to requests from The Times.

The carton council has [announced it is investing in two new facilities](#) (including the one in Lodi) where soiled cartons will be turned into roofing material.

But similar operations have either failed in the past, or never materialized. In 2022, the nationwide garbage operator Waste Management invested in a carton-to-roofing-material facility in Des Moines, Iowa. Two years later, [it shut down with no explanation](#). Similar facilities in [Colorado](#) and [Pennsylvania](#) that were touted in news releases never materialized.

Waste Management did not respond to requests for comment.

In February, a consortium called ReCB, made up of the carton council and two corporate partners, purchased the abandoned Des Moines plant. According to Jan Rayman, ReCB managing director, the facility has been running 24/7 since June.

The two other partners include Elof Hansson USA, a global trading company, and the Upcycling Group, a construction material production company co-founded by Rayman.

“We don’t use any glues or chemicals during the process. We don’t use any water in our manufacturing process. So we basically borrow the properties of the carton, and convert this composite package into a high-performance composite-building material,” he said.

He said the facility in Iowa pays for used cartons, rather than accepting them for free, indicating they have some value, a key point for the industry in establishing recyclability. Yet regional data from RecyclingMarkets.net shows

the material's value in the Midwest at \$0 since January. There is no indication in regional data going back to 2013 that anyone will pay for used cartons.

A showcase facility

The consortium's Lodi facility is in a rented warehouse on the northern edge of the city, not yet operating. Rayman said it is waiting on permits from the city.

On a recent weekday afternoon, it contained two new, bright blue state-of-the-art processing lines imported from the Czech Republic. They'll be used to chop, heat and press the cartons. On the floor nearby, a bale of old milk, juice and soup cartons was attracting flies.

According to the [carton council](#), when the facility is fully operational, it will be able to process 9,000 tons of cartons per year — or about 8.4% of what currently goes to state landfills every year. Rayman said that's just the beginning; it will scale up as demand for his roofing product increases.

But even if it does, which Dell and others doubt, considering the track record of past operations, it's the way that CalRecycle granted the recycling label that she says is most problematic.

Under California law, CalRecycle is supposed to find out whether the state's waste operators are sorting a material at waste facilities. If they're doing so for less than 60% of the state's population, the material isn't eligible for a recycling label.

In April, CalRecycle determined that only 47% of the state's population, across 16 counties, had access to facilities that accepted cartons for recycling and sorted them out of the waste stream.

The state considers people to have access if a single waste hauler in their county accepts a material for recycling.

In other words, according to CalRecycle's methodology, if one of Los Angeles' 17 mechanical recycling facilities separates out food and beverage cartons, the

county's entire 9.8 million population — or nearly 25% of the state's population — is served.

“It's like saying that because you have air conditioning in one of L.A.'s 1,000 or more schools, then all the schools are air conditioned, said Dell. “It doesn't make sense,” Dell said.

In fact, the state's own Recycling and Disposal Reporting System shows that only one of the state's 74 waste sorting operations sends carton bales off for recycling.

The state estimate of 47% meant the cartons were ineligible for the recycling label.

In the weeks that followed, however, the carton council provided the agency with new data, indicating more than 70% of Californians, across 23 counties, have access. That higher percentage came in part from recycling operations that received new sorting machinery, called optical sorters, from the carton council.

“The endorsement or promotion of false recycling labels drives up costs for consumers because it ultimately leads to more contamination in curbside bins,” said Susan Keefe, the Southern California director for Beyond Plastics, an anti-plastic group based in Bennington, Vermont. “Granting an unearned, false recycling label to the carton packaging companies disrespects California taxpayers, who have seen their recycling costs continue to climb year after year due to contamination and false promises of recyclability.”

Why plastic bags will be gone from California grocery stores by the end of the year



AG Rob Bonta announces settlement with bag makers

In 2016 California voters banned supermarkets and retail stores from providing most plastic bags to shoppers as a way to reduce litter and ocean pollution. But the law provided an exception for thicker 'resuable' plastic bags. Now under a settlement announced Friday Oct. 17, 2025 by Attorney General Rob Bonta, and a new state law that takes effect Jan. 1, 2026, those also are on the way out. (Photo: Paul Rogers, Bay Area News Group)

The Mercury News

By [Paul Rogers](#) | progers@bayareanewsgroup.com | Bay Area News Group

UPDATED: October 20, 2025 at 4:18 AM PDT

“Paper or plastic?” Your days are numbered.

The question that millions of shoppers have heard for years when they roll up to the checkout aisle at grocery stores will soon be a thing of the past.

On Friday, California Attorney General Rob Bonta announced a legal settlement with four major plastic bag manufacturing companies to stop selling such bags in California.

State law already mandates that retailers stop using the plastic bags on Jan. 1. Friday's settlement hits the manufacturers with \$1.7 million in penalties, establishes that they violated state law by selling unrecyclable bags for years, and will result in many of the bags being removed from the market early, before the end of this year.

"Billions of plastic carryout bags end up in landfills, incinerators, and the environment instead of being recycled as the bags proclaim," Bonta said. "Our legal actions today make it clear: No corporation is above the law."

Bonta had charged that the companies were violating a California law — first signed by former Gov. Jerry Brown in 2014 and then reaffirmed after an industry challenge by voters in a statewide ballot measure, Proposition 67, in 2016. That law banned the flimsy single-use bags at supermarkets and retail stores as a way to reduce litter and ocean pollution. It allowed an exception, however, for thicker plastic bags as long as they were "reusable" and recyclable. Bonta said Friday that the thicker bags are actually not recyclable in California, and the companies were knowingly breaking the law by selling them.

For many shoppers, the settlement was largely moot, however.

Some store chains, including Whole Foods and Trader Joe's, only provide paper bags at the checkout counter. All stores allow shoppers to bring their own reusable bags.

And under [a law signed by Gov. Gavin Newsom last year](#), the thicker plastic bags were required to be phased out anyway at all California supermarkets and retail stores, effective Jan. 1, 2026.

That law, [SB 1053](#), by Sen. Catherine Blakespear, D-Encinitas, came after investigations showed the thicker plastic bags weren't being recycled, as their manufacturers claimed.

An [investigation by ABC News](#) in 2023 found that when journalists put electronic tracking tags on 46 bundles of plastic bags left in recycling bins in WalMart and Target stores around the country, only four ended up at recycling centers. Half went to landfills and waste incinerators, seven stopped pinging at transfer stations that don't recycle or sort plastic bags, six last pinged at the store where they were dropped off, and three ended up in Indonesia and Malaysia.

Although the bags were on the way out in less than three months anyway, environmental groups said Friday they were pleased with Bonta's settlement.

"It doesn't make sense for something you use for minutes to last for centuries," said Nick Lapis, director of advocacy for Californians Against Waste, a non-profit group based in Sacramento. "Plastic bags end up in the environment. They are eaten by marine mammals. They cause litter. They are so lightweight they float out of garbage trucks."

Under Friday's announcement, four plastic bag producers — Revolution Sustainable Solutions, Metro Poly, PreZero US Packaging, and Advance Polybag — agreed to stop selling the thicker plastic bags in California, and agreed to collectively pay \$1.7 million in penalties to the state.

Three other large plastic bag makers did not settle. On Friday, Bonta sued them. [The lawsuit](#) accuses Novolex Holdings, Inteplast Group, and Mettler Packaging of violating state law.

After being subpoenaed by Bonta's office, the lawsuit notes, the companies were unable to produce any documents showing how many of the plastic bags they make are recycled at their own facilities; or to provide any evidence that recycling facilities in California recycle plastic bags, including facilities the companies identified as those they believe recycle their bags. Nor could they identify the percentage of plastic bags they sold to stores in California that were recycled.

The attorney general's office surveyed 69 waste processing and recycling facilities as part of the investigation. Only two claimed to accept plastic bags, Bonta said. But even they could not confirm the bags were actually recycled.

"These bags are not recyclable at any meaningful scale anywhere in California," he said. "The only thing being recycled are the false claims of the manufacturers."

A leading plastic bag industry trade association, the American Recyclable Plastic Bag Alliance, did not respond Friday to requests for comment.

After Jan. 1, there will still be some plastic bags left. They are allowed under state law in retail stores that don't sell food. And very thin bags — often presented in large rolls that shoppers tear off — are still legal for use in supermarkets for produce and meat.

But those bags, under [another law signed by Newsom in 2022](#), must be made of compostable plastic.

Republicans and some retail and grocery industry associations have described the various plastic bag laws as overkill and the latest example of California behaving like a "nanny state."

"There are too many mandates on what people can and can't do," Assembly Republican Leader James Gallagher, R-Chico, said last year after the Legislature passed the ban on the thicker plastic bags. "I don't see there's a big need for it. Let people make the decisions they want to make."

Environmental groups and coastal advocates say the laws are helping reduce litter and harm to fish, birds, marine mammals, and other wildlife, which can eat the plastic, or become entangled in it and die.

In 2009, plastic grocery bags made up 8.7% of the pieces of litter found in California by volunteers during the annual Coastal Cleanup Day. Last year, they totaled just 1.6%.

“If anyone ever tells you plastic bag bans don’t work this proves them wrong,” said Eben Schwartz, marine debris program manager at the California Coastal Commission. “It’s a huge success story.”