



SONOMA COUNTY WASTE MANAGEMENT AGENCY

Meeting of the Board of Directors

February 15, 2024
REGULAR MEETING

Regular Session begins at 9:00 a.m.

Estimated Ending Time 11:30 a.m.

City of Santa Rosa Council Chambers
100 Santa Rosa Avenue
Santa Rosa, CA

Meeting will also streamed via Zoom:

<https://sonomacounty.zoom.us/j/92248855470?pwd=OFFVNUIiWVh5Wk5SSzVyWWdWbndjdz09>

Webinar ID: 922 4885 5470
US: +1 669 444 9171
Passcode: 157476

Meeting Agenda and Documents

ZERO WASTE SONOMA

Meeting of the Board of Directors

February 15, 2024

REGULAR MEETING

Regular Session begins at 9:00 a.m.

Table of Contents

<u>Description</u>	<u>Page</u>
Agenda	1
Agenda Notes	4
Item 4.1: Minutes of the January 18, 2024 Regular Meeting	5
Item 4.2: January, February, and March 2024 Outreach Calendar	10
Item 5: Public Hearing for the Consideration of Organics Disposal Fee and Agency Surcharge Fee Increases	12
Item 6: Approval of the Fiscal Year 2024-25 ZWS Final Budget	18
Item 7: Discussion and Possible Action for Sponsorship of Marine Flare Producer Responsibility Senate Bill	30
Item 8: Discussion and Possible Action for an HHW EPR Model Ordinance	64

Note: This packet is 81 pages total



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PUBLIC COMMENT:

Public Comment may be submitted via recorded voice message or email. Public comment may also be made by “raising your hand” using the Zoom platform.

Voice recorded public comment: To submit public comment via recorded message, please call 707-565-4432 by 5:00 pm Wednesday, February 14th. State your name and the item number(s) on which you wish to speak. The recordings will be limited to two minutes. These comments may be played or read at the appropriate time during the board meeting.

Email public comment: To submit an emailed public comment to the Board please email leslie.lukacs@sonoma-county.org and provide your name, the number(s) on which you wish to speak, and your comment. These comments will be emailed to all Board members and can be provided anytime leading up to and throughout the meeting.

COMMITMENT TO CIVILITY: The ZWS Board of Directors has a commitment to civility. To assure civility in its public meetings, the public is encouraged to engage in respectful dialog that supports freedom of speech and values diversity of opinion. Board Members, staff, and members of the public are expected to establish and maintain a cordial and respectful atmosphere during discussions; and foster meaningful dialogue free of personal attacks. Members of the public must also adhere to the speaking time limit. Any commenters in violation of civility standards will be disconnected.



Agenda

Item

1. Call to Order
2. Agenda Approval
3. Public Comments (items not on the agenda)

Consent (w/attachments)

- 4.1 Minutes of the January 18, 2024 Meeting
- 4.2 January, February, and March 2024 Outreach Calendar

Regular Calendar

5. Public Hearing for the Consideration of Organics Disposal Fee and Agency Surcharge Fee Increases [Collard]
6. Approval of the Fiscal Year 2024-25 ZWS Final Budget [Collard]
7. Discussion and Possible Action for Sponsorship of Marine Flare Producer Responsibility Senate Bill [Scott]
8. Discussion and Possible Action for an HHW EPR Model Ordinance [Scott]
9. Boardmember Comments – NO ACTION
10. Executive Director Report – VERBAL REPORT
11. Staff Comments – NO ACTION
12. Next ZWS meeting: March 21, 2024
13. Adjourn

Consent Calendar: These matters include routine financial and administrative actions and are usually approved by a single majority vote. Any Boardmember may remove an item from the consent calendar.

Regular Calendar: These items include significant and administrative actions of special interest and are classified by program area. The regular calendar also includes "Set Matters," which are noticed hearings, work sessions and public hearings.

Public Comments: Pursuant to Rule 6, Rules of Governance of the Sonoma County Waste Management Agency/Zero Waste Sonoma, members of the public desiring to speak on items that are within the jurisdiction of the Agency shall have an opportunity at the beginning and during each regular meeting of the Agency. When recognized by the Chair, each person should give his/her name and address and limit comments to 3 minutes. Public comments will follow the staff report and subsequent Boardmember questions on that Agenda item and before Boardmembers propose a motion to vote on any item.



Disabled Accommodation: If you have a disability that requires the agenda materials to be in an alternative format or requires an interpreter or other person to assist you while attending this meeting, please contact the Zero Waste Sonoma Office at 2300 County Center Drive, Suite B100, Santa Rosa, (707) 565-3788, at least 72 hours prior to the meeting, to ensure arrangements for accommodation by the Agency.

Noticing: This notice is posted 72 hours prior to the meeting on the internet at www.zerowastesonoma.gov



To: Zero Waste Sonoma Board Members
From: Leslie Lukacs, Executive Director
Subject: February 15, 2024 Board Meeting Agenda Notes

Consent Calendar

These items include routine financial, informational and administrative items and **staff recommends that they be approved en masse by a single vote.** Any Board member may remove an item from the consent calendar for further discussion or a separate vote by bringing it to the attention of the Chair.

- 4.1 Minutes of the January 18, 2024 Meeting
- 4.2 January, February and March 2024 Outreach Calendar

5. Public Hearing for the Consideration of Organics Disposal Fee and Agency Surcharge Fee Increases.

Zero Waste Sonoma Board of Directors sets the Surcharge and disposal fees for organic materials collected at the landfill and transfer stations owned by Sonoma County and operated by Republic Services. **Staff recommends opening the public hearing on the increase of the Sonoma County Waste Management Agency surcharge (the “Waste Management Agency Fee” or “Surcharge”) and tipping fees related to wood waste and yard debris (collectively the “disposal fees for organic materials”), receiving public comment, closing the public hearing, and providing direction to staff regarding the amount of the tipping fee increases, if any.**

6. Approval of the Fiscal Year 2024-25 ZWS Final Budget. The Board gave staff direction regarding the Work Plan at the January 18, 2024 meeting. In addition, the Board reviewed the Draft Budget, which includes establishing funding guidelines and other parameters necessary to integrate the ZWS’s annu budget with the County’s budget, accounting, and audit process. The final step is the Board’s approve with a required supermajority vote, of the Final Budget. **Staff recommends the Board approve the FY 24-25 Zero Waste Sonoma Final Budget. As this item is a budget item, it requires a super-majority (8/10) vote for approva**

7 Discussion and Possible Action for Sponsorship of Marine Flare Producer Responsibility Senate Bill

California Senator Catherine Blakespear (D-San Diego & Orange Counties) has partnered with the National Stewardship Action Council to introduce the Marine Flare Producer Responsibility Act (Senate Bill number SB 1066). The bill will establish a producer responsibility program for pyrotechnic marine flares, a first of its kind in the United States. **Staff recommends the Board approve Zero Waste Sonoma’s co-sponsorship of California Senator Blakespear’s Marine Flare Producer Responsibility Act and direct the Executive Director and staff to execute a co-sponsorship letter and prepare any necessary documents or correspondence in connection with ZWS’s sponsorship of the proposed legislation.**

8. Discussion and Possible Action for an HHW EPR Model Ordinance. Implementing a full HHW EPR program would be a faster approach to covering costs for ZWS and ratepayers. **Staff recommends the Board provide direction and authorization for staff to explore the possibility of developing a model ordinance for extended producer responsibility of household hazardous waste.**



Minutes of the January 18, 2024 Meeting

Zero Waste Sonoma met on January 18, 2024, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Ave., Santa Rosa, California.

Board Members Present:

City of Cloverdale – David Kelley
City of Cotati – Susan Harvey
City of Healdsburg – Larry Zimmer
City of Petaluma – Patrick Carter
City of Rohnert Park – Emily Sanborn

City of Santa Rosa – Renae Gundy
City of Sebastopol – Sandra Maurer
City of Sonoma – Ron Wellander
County of Sonoma – Trish Pisenti
Town of Windsor – Debora Fudge

Staff Present:

Executive Director: Leslie Lukacs
Counsel: Ethan Walsh
Staff: Thora Collard, Kristen Sales, Katherine Cushwa, Courtney Scott, Sloane Pagal, Amber Johnson
Agency Clerk: Amber Johnson

1. Call to Order Closed Session 8:32 a.m.

CONFERENCE WITH REAL PROPERTY NEGOTIATORS (Sec. 54956.8)

Property: 5885 Pruitt Avenue Windsor, CA 95492
Agency Negotiators: Leslie Lukacs, Ethan Walsh
Negotiating Parties: David M. Carroll, John M. Shea II
Under Negotiation: Price and terms of payment

2. Adjourn Closed Session at 8:58 a.m.

3. Call to Order Regular Meeting

Regular session was called to order at 9:07 a.m.
Introductions

4. Agenda Approval

5. Public Comments (items not on the agenda)

Allan Tose – Wanted to address the board with the status of the Stage Gulch Organics compost facility project.

6. Election of Officers

Motion: For the appointment of Officers for the 2024 term as follows:

Chair: City of Healdsburg

Vice Chair: City of Petaluma
Chair Pro Tempore: City of Rohnert Park

First: City of Cloverdale – David Kelley
Second: Town of Windsor – Debora Fudge

Vote Count:

City of Cloverdale	AYE	City of Santa Rosa	AYE
City of Cotati	AYE	City of Sebastopol	AYE
City of Healdsburg	AYE	City of Sonoma	AYE
City of Petaluma	AYE	County of Sonoma	AYE
City of Rohnert Park	AYE	Town of Windsor	AYE

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-
Motion passed.

7. Consent (w/attachments)

- 7.1 Minutes of the November 16, 2023 Regular Meeting
- 7.2 November and December 2023, January and February 2024 Outreach Calendar
- 7.3 Annual Review of the ZWS Rules of Governance
- 7.4 Budget Adjustment Contingency – Property Purchase
- 7.5 Careit Agreement Renewal

Board Comment:

- Highlighting that item 7.4 is a budget adjustment that requires a super majority vote.

Public Comments:

None

Motion: For approval of the consent calendar.

First: City of Petaluma – Patrick Carter
Second: City of Cotati –Susan Harvey

Vote Count:

City of Cloverdale	AYE	City of Santa Rosa	AYE
City of Cotati	AYE	City of Sebastopol	AYE
City of Healdsburg	AYE	City of Sonoma	AYE
City of Petaluma	AYE	County of Sonoma	AYE
City of Rohnert Park	AYE	Town of Windsor	AYE

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-
Motion passed.

Regular Calendar

8. Green Halo Agreement

Board Comments/Action Items:

- What are the steps if the agreement is amended?
- What will the administrative position be doing in addition to Green Halo?

Public Comments:

None

Motion: To approve the agreements included as part of this Board item for jurisdictions to implement waste management tracking software in support of the Zero Waste Sonoma Model Ordinance for Building Project Materials Management, Deconstruction, Reuse, and Recycling Requirements. The Board authorizes the Executive Director to amend the agreement to allow for the addition of additional member agencies if needed.

First: City of Petaluma – Patrick Carter

Second: City of Cotati – Susan Harvey

Vote Count:

City of Cloverdale	AYE	City of Santa Rosa	AYE
City of Cotati	AYE	City of Sebastopol	AYE
City of Healdsburg	AYE	City of Sonoma	AYE
City of Petaluma	AYE	County of Sonoma	AYE
City of Rohnert Park	AYE	Town of Windsor	AYE

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

Motion passed.

9. Draft FY 24/25 Work Plan

Board Comments/Action Items:

- Where in the organics section does it talk about moving forward with new composting?
- Why is the full time Administrative Aide position sought and what will their ongoing support function be?
- Why Administrative Aide over Waste Management Specialist?
- Does the office need to be reconfigured to accommodate the new position?
- What is included in item 2.8, the Technical Assistance Grant for Polystyrene?
- Please explain the cost for the NAHMMA Conference.
- Glad to see the Reuse/Repair Workshop Mini Grants included.

Public Comments:

None

Motion: To approve the FY 24-25 Work Plan.

First: City of Cotati – Susan Harvey

Second: City of Sebastopol – Sandra Maurer

Vote Count:

City of Cloverdale	AYE	City of Santa Rosa	AYE
City of Cotati	AYE	City of Sebastopol	AYE
City of Healdsburg	AYE	City of Sonoma	AYE
City of Petaluma	AYE	County of Sonoma	AYE
City of Rohnert Park	AYE	Town of Windsor	AYE

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-
Motion passed.

10. Draft FY 24/25 Budget

Board Comments/Action Items:

- How do you address the contamination in organics?
- What are the current gate rates and are they projected to change for next year?
- Are the contingency fund balances going up due to anticipated increase in revenues, decrease in revenues, or both?
- Does the agency have a reserve policy? Would be great to highlight that in the budget report.
- Appreciate the explanation for items above \$10,000 with a 5% change.
- Are you coming back for a future meeting to show the impact to the rate payers for these increases?

Public Comments:

None

11. CalVolunteers Grant Year End Presentation

Board Comments/Action Items:

- How competitive is the bidding process for the second round?
- Is how successful we have been showed in the grant application process?
- If there is an opportunity to seek additional funding, recommends staff does that to support this program.
- Excited to see the career advancement opportunities in this.
- Are we recovering food from larger assisted living facilities?
- Want to advice staff to look at electric vehicle opportunities for the added vehicle purchasing.

Public Comments:

None

12. Board Member Comments – NO ACTION

13. Executive Director Report – VERBAL REPORT

14. Staff Comments – NO ACTION

15. Next ZWS meeting: February 15, 2024

16. Adjourn: 10:12 a.m.

Submitted by: Amber Johnson

DRAFT



Agenda Item #: 4.2
 Agenda Date: 2/15/2024

ITEM: January, February, March 2024 Outreach Calendar

January 2024 OUTREACH

Start date	End date	Start time	End time	Event
1/2/24	1/2/24	4:00 PM	8:00 PM	HHW Collection Event (Santa Rosa, E)
1/9/24	1/9/24	4:00 PM	8:00 PM	HHW Collection Event (Sebastopol)
1/10/24	1/10/24	8:00 AM	11:00 AM	Petalma DMV
1/12/24	1/14/24	9:00 AM	5:00 PM	E-Waste Recycling Event (Luther Burbank Center)
1/16/24	1/16/24	4:00 PM	8:00 PM	HHW Collection Event (Healdsburg)
1/17/24	1/17/24	5:30 PM	7:00 PM	ZWS Presentation to Kenwood - Glen Ellen Rotary
1/20/24	1/21/24	9:00 AM	5:00 PM	E-Waste Recycling Event (Oakmont)
1/23/24	1/23/24	4:00 PM	8:00 PM	HHW Collection Event (Larkfield)
1/30/24	1/30/24	4:00 PM	8:00 PM	HHW Collection Event (Cotati)

February 2024 OUTREACH

Start date	End date	Start time	End time	Event
2/1/24	2/10/24	10:00 AM	4:00 PM	14th Annual Steelhead Lake Sonoma Festival (Unincorporated)
2/6/24	2/6/24	4:00 PM	8:00 PM	HHW Collection Event (Kenwood)
2/7/24	2/7/24	8:00 AM	11:00 AM	Santa Rosa DMV
2/13/24	2/13/24	4:00 PM	8:00 PM	HHW Collection Event (Rincon Valley)
2/16/24	2/19/24	12:00 PM	9:00 PM	Cloverdale Citrus Fair (Cloverdale)
2/20/24	2/20/24	3:00 PM	8:00 PM	HHW Collection Event (Cloverdale)
2/23/24	2/25/24	9:00 AM	5:00 PM	E-Waste Recycling Event (Cloverdale)
2/27/24	2/27/24	4:00 PM	8:00 PM	HHW Collection Event (Santa Rosa, W)

March 2024 OUTREACH

Start date	End date	Start time	End time	Event
3/5/24	3/5/24	4:00 PM	8:00 PM	HHW Collection Event (Guerneville)
3/7/24	3/7/24	1:00 PM	2:00 PM	Plastics: Reduce, Reuse, Recycle and Research (SSU Webinar)
3/8/24	3/10/24	9:00 AM	5:00 PM	E-Waste Recycling Event (Graton)
3/9/24	3/9/24	10:00 AM	4:00 PM	North Bay Science Discovery Day (Santa Rosa)
3/12/24	3/12/24	4:00 PM	8:00 PM	HHW Collection Event (Sonoma)
3/19/24	3/19/24	3:00 PM	8:00 PM	HHW Collection Event (Windsor)
3/26/24	3/26/24	2:00 PM	7:00 PM	HHW Collection Event (Oakmont)



Agenda Item #: 5
Cost Center: All
Staff Contact: Collard
Agenda Date: 2/15/2024
Approved By: LL

ITEM: Public Hearing for the Consideration of Organics Disposal Fee and Agency Surcharge Fee Increases

I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends opening the public hearing on the increase of the Sonoma County Waste Management Agency surcharge (the “Waste Management Agency Fee” or “Surcharge”) and tipping fees related to wood waste and yard debris (collectively the “disposal fees for organic materials”), receiving public comment, closing the public hearing, and providing direction to staff regarding the amount of the tipping fee increases, if any. If the Board adjusts the tipping fees, staff recommends the adoption of the Resolution making the fee adjustments effective April 1, 2024. **Approval of this item requires a supermajority (8/10) vote.**

II. BACKGROUND

The Sonoma County Waste Management Agency (“Zero Waste Sonoma” or “ZWS”) Board of Directors sets the Surcharge and disposal fees for organic materials collected at the landfill and transfer stations owned by Sonoma County (“County”) and operated by Republic Services of Sonoma County, Inc. (“Republic”).

Waste Management Agency Fee or Surcharge (“Zero Waste Sonoma Fee”)

The ZWS Fee is charged on waste delivered to the County landfill or transfer stations. Republic collects the Waste Management Agency Fee revenues, remits them to the County, which in turn, deposits the revenues with ZWS.

The ZWS Fee covers the costs of programs, including but not limited to: recycling and disposal of Household Hazardous Waste (HHW) from the member agencies (“Members”) jurisdictions (“HHW Program”); education regarding recycling, composting and other methods of waste diversion to Members and the public (the “Education Program”); and, ZWS operations.

- The HHW Program provides the following services: HHW collection, E-waste collection and disposal, E-waste sorting and recycling, E-waste recycling events, oil and filter recycling, promotion of the use and sale of refillable propane cylinders, HHW education and outreach, and HHW reporting.
- The Education Program provides the following services: publication of the recycling guide in English and Spanish, the Eco-Desk hotline, outreach to Spanish-speaking residents in Members’ jurisdictions, Zero Waste Sonoma website maintenance, outreach and marketing, food recovery education, repair and reuse workshops, and AB 939 reporting requirements.

The current Waste Management Agency Fee is \$8.60 per ton.

Disposal Fees for Organic Materials

The disposal fees for organic materials are levied against yard waste and wood waste delivered to the County landfill or transfer stations for composting. Republic collects these revenues, remits them to the County, which in turn, deposits the revenues with ZWS.

The disposal fees for organic materials cover the costs of the Organic Materials Program. The Organic Materials Program provides the following services: municipal composting, composting education and outreach, and implementation of SB 1383 regulations related to organic waste diversion.

The disposal fees for organic materials are \$82.00 per ton. ZWS proposes increasing the disposal fees for organic materials by \$7.75 per ton to \$89.75 per ton to adequately fund the Organic Materials Program and the implementation of SB 1383 regulations.

III. DISCUSSION

Need for Fee Increases:

Staff is requesting an increase of \$7.75/ton to the Organics tipping fee (new rate \$89.75/ton) to cover the annual price increases to organics processing and hauling fees.

ZWS is working towards the addition of a second HHW facility in the northern portion of the County. In order to meet the financing needs for this project, debt-servicing reserve contributions are continuing. The planned increase for this project plus the addition of a new full-time staff person require an increase to the tipping fee.

Ratepayer Impact Analysis:

The proposed increase to the organics disposal fees is \$7.75/ton and an increase of \$0.92/ton to the ZWS Fee. For customers receiving solid waste collection services by a solid waste hauler, this will have a very small impact on residential rates, estimated to be an average increase of \$0.41 per month per customer (for a 32 gallon cart), this number will vary by can size and jurisdiction based on current rates.

The proposed fee changes are summarized below:

Fee Descriptions	Existing ZWS Fees	Fee Increase	New Rate
Organic Tipping Fee	\$82.00/ton	\$7.75/ton	\$89.75/ton
Agency Surcharge	\$8.60/ton	\$0.92/ton	\$9.52/ton

IV. FUNDING IMPACT

Organics Revenue

Current Tipping Fee \$82.00/ton	\$7,205,340
<u>Proposed Tipping Fee \$89.75/ton</u>	<u>\$7,886,333</u>
Increased organics revenue	\$ 680,993

Surcharge increase

Current Surcharge \$8.60/ton	\$3,395,245
Proposed Surcharge \$9.52/ton	<u>\$3,758,457</u>
Increase surcharge revenue	\$ 363,212

The impact of SB1383 regulations, the addition of a new HHW facility, and the costs of managing out of county composting contribute to the need for these increases. Failing to increase fees above current levels would result in inadequate monitoring of compliance efforts and could lead to financial penalties to the Members for non-compliance.

V. ATTACHMENTS

Resolution

DATED: February 15, 2024

RESOLUTION OF SONOMA COUNTY WASTE MANAGEMENT AGENCY (ALSO KNOWN AS ZERO WASTE SONOMA)
INCREASING DISPOSAL FEES FOR WOOD WASTE AND YARD DEBRIS, AND INCREASING THE WASTE
MANAGEMENT AGENCY FEE

WHEREAS, the Amended and Restated Joint Exercise of Powers Agreement for the Sonoma County Waste Management Agency (“Agreement”) was approved by all members on April 18, 2017 to allow member agencies (“Members”) to jointly exercise their powers to address issues related to the management of wood waste, yard waste, and household hazardous waste (“HHW”) and to provide public education related to waste diversion within the Members’ jurisdictions; and

WHEREAS, under the Agreement, the Sonoma County Waste Management Agency (“Zero Waste Sonoma”) has the authority to: (1) provide recycling and disposal of Household HHW from the Members’ jurisdictions (the “HHW Program”); (2) provide services and programs to divert organic material, including but not limited to yard waste and wood waste, from landfills (the “Organic Materials Program”); (3) provide education regarding recycling, composting and other methods of waste diversion to Members and the public (the “Education Program”); (4) conduct, prepare and submit all monitoring and reporting as a Regional Agency as required pursuant to the Integrated Waste Management Act (the “Reporting Program”); and, (5) conduct additional activities and programs to further increase waste diversion; and

WHEREAS, under the Organic Materials Program, yard waste (including residential food waste) and wood waste is collected and processed from Members’ jurisdictions (the “Composting Program”) and funded by a tonnage disposal fee or tip fee levied against yard waste and wood waste received at the Central Landfill and transfer stations; and

WHEREAS, this Agreement requires the County to collect and remit to Zero Waste Sonoma the above revenues collected from the tonnage disposal fees to fund the Organics Materials Program; and

WHEREAS, the Organic Materials Program provides the following services: municipal composting, tree recycling, composting education and outreach, and implementation of SB 1383 regulations related to organic waste diversion; and

WHEREAS, Zero Waste Sonoma’s programs are funded in part through a tip fee charge on waste entering the County of Sonoma’s (“County’s”) waste disposal system (the “Waste Management Agency Fee” or “Surcharge”); and

WHEREAS, this Agreement requires the County to collect and remit to Zero Waste Sonoma the revenues collected from the Waste Management Agency Fee to fund the HHW Program and the Education Program, and to defray the costs of capital improvements, operations, and maintenance for the Zero Waste Sonoma’s programs; and

WHEREAS, the HHW Program provides the following services: HHW collection, E-waste collection and disposal, E-waste sorting and recycling, E-waste recycling events, oil and filter recycling, promotion of the use and sale of refillable propane cylinders, HHW education and outreach, and HHW reporting; and

WHEREAS, the Education Program provides the following services: publication of the recycling guide in English and Spanish, the Eco-Desk hotline, outreach to Spanish-speaking residents in Members’ jurisdictions, Zero Waste Sonoma website maintenance, outreach and marketing, food recovery education, repair and reuse

workshops, and AB 939 reporting requirements; and

WHEREAS, existing disposal fees for wood waste and yard debris, and the Waste Management Agency Fee, are insufficient to defray future costs Zero Waste Sonoma’s programs; and

WHEREAS, in order for the fees to cover the costs of providing services or regulatory programs for which the fees are imposed, the fees must be adjusted to reflect reasonable estimated costs of service; and

WHEREAS, the fees are subject to the adoption procedures set forth in Government Code section 66018; and

WHEREAS, in accordance with Government Code section 66018, the Board of Directors called a public hearing for February 15, 2024, for the purpose of receiving public comments to the proposed fees. Notice of the public hearing was given by publication in a newspaper of general circulation within the County once a week for two weeks commencing at least 10 days prior to the public hearing, with at least 5 days intervening between the first and last publication. On February 15, 2024, at the time and place set for the public hearing, the Board heard and considered all oral and written presentations and comments made regarding the proposed fees; and

WHEREAS, the Board now wishes to adopt the new or increased Fees

NOW THEREFORE, BE IT RESOLVED the Board of Directors of the Sonoma County Waste Management Agency hereby finds, determines, and resolves as follows:

SECTION 1. The above Recitals are true and correct and by this reference incorporated herein.

SECTION 2. The Board hereby directs the County to increase the amount of disposal fees collected by the County and remitted to Zero Waste Sonoma by the amounts listed below, effective April 1, 2023:

Disposal Fee Type	All County of Sonoma-Owned Solid Waste Facilities Current Fee	All County of Sonoma-Owned Solid Waste Facilities Proposed Fee
Wood/Yard Waste	\$82.00 per ton	\$89.75 per ton
Surcharge	\$8.60 per ton	\$9.52 per ton

SECTION 3. The Board called a public hearing on February 15, 2024, for the purpose of receiving public comments to the proposed fees. Notice of the public hearing was given by publication in a newspaper of general circulation within the County once a week for two weeks commencing at least 10 days prior to the public hearing, with at least 5 days intervening between the first and last publication. On February 15, 2024, at the time and place set for the public hearing, the Board heard and considered all oral and written presentations and comments made regarding the proposed fees.

SECTION 4. The Board finds and determines that:

(a) The fees established by this resolution:

(1) are imposed for a specific government service provided directly to the payor, or for reasonable regulatory costs of the Member Agencies or other rules or ordinances;

(2) are no more than necessary to cover the reasonable costs of the governmental activity for which the fee is imposed; and

(3) the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor's burdens on, or benefits received from, the governmental activity for which the fee is imposed; and

(b) The fees are not taxes within the meaning of California Constitution article XIII C, section 1(e).

SECTION 5. The Board finds and determines that the proposed fees are not subject to environmental review under the California Environmental Quality Act ("CEQA"). First, the proposed fees, in and of themselves, do not have potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and therefore are not considered a "project" under CEQA. (Pub. Resources Code, § 21065, 14 Cal. Code Regs., § 15378, subd. (a).) Second, the fees are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; here, there is no possibility that the proposed fees, in and of themselves, may have a significant effect on the environment. (14 Cal. Code Regs., § 15061, subd. (b)(3).)

SECTION 6. If any section, subsection, clause or phrase in this Resolution or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the application of such provision to other persons or circumstances shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

PASSED, APPROVED, and ADOPTED, by the Board of Directors of the Sonoma County Waste Management Agency, on this 15th day of February, 2024.

MEMBERS:

- - Cloverdale	- - Cotati	- - County	- - Healdsburg	- - Petaluma
- - Rohnert Park	- - Santa Rosa	- - Sebastopol	- - Sonoma	- - Windsor

AYES: - - NOES: - - ABSENT: - - ABSTAIN: - -

SO ORDERED

The within instrument is a correct copy of the original on file with this office.

ATTEST: DATE:

Clerk the Sonoma County Waste Management Agency of the State of California in and for the County of Sonoma



Agenda Item #: 6
 Cost Center: All
 Staff Contact: Collard
 Agenda Date: 2/15/2024
 Approved By: LL

ITEM: Approval of the Fiscal Year 2024-25 ZWS Final Budget

I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends the Board approve the FY 24-25 Zero Waste Sonoma Final Budget. As this item is a budget item, it requires a super-majority (8/10) vote for approval.

II. BACKGROUND

The approval of the Work Plan outlining contractor and staff costs for individual programs and planned projects is the first step in the budget development process. The Board gave staff direction regarding the Work Plan at the January 18, 2024 meeting. In addition, the Board reviewed the Draft Budget, which includes establishing funding guidelines and other parameters necessary to integrate the ZWS’s annual budget with the County’s budget, accounting, and audit process. The final step is the Board’s approval, with a required supermajority vote, of the Final Budget.

III. DISCUSSION

The FY 24-25 Draft Budget is similar to the FY 23-24 Budget. This draft budget is focused on maintaining core ZWS programs and additional programs related to the implementation of SB1383.

Included in this budget is an increase to the ZWS surcharge and organics tipping fee. Staff had anticipated increasing the ZWS Fee in the current fiscal year. In February 2021, staff reported to the Board a financial strategy for financing of a new HHW facility. At that time, R3 Consulting prepared a fifteen-year fee schedule to achieve those goals. Staff recommends increasing the ZWS Fee \$.92/ton (new rate \$9.52/ton) to stay in line with the scheduled increases and make a full contribution to the Debt Servicing Reserve Fund. Staff is requesting an increase of \$7.75/ton to the Organics tipping fee (new rate \$89.75/ton) to cover the annual price increases to organics processing fees. The new fee increase will be effective starting April 1, 2024.

Rate Type	Current ZWS Surcharge Rate FY 23/24	Proposed ZWS Surcharge Rate FY 24/25	Difference
Gate Rate	\$8.60	\$9.52	\$0.92
Organics Tip Fee	\$82.00	\$89.75	\$7.75

Explanation of Notable Differences Between FY 2023-24 and FY 2024-25

County of Sonoma

In the past tonnage amounts have increased steadily over the years. The draft budget tries to predict the annual tonnage amounts for projecting revenue from tipping fees and the Agency surcharge. The past two years tonnage has come in under projected amounts. This year's budget is being proposed based on actual tonnage from FY 22/23 plus 1%.

State Grant Revenue

The auditor's office has requested we use account 42360 for State Grant Revenue, so the budget numbers shift to this new account. There was a decrease in this account due to the grant ending.

Operating Transfers

Last year's budget contained year-end OT cleanup transfers. We are requesting to increase the annual contribution (from \$745,000 to \$900,000) to debt servicing for the HHW facility funding.

Administration Services

This past fiscal year the unions approved increases to staff salaries. We are also requesting the addition of an Administrative Aide position for the administration of the CD&D ordinance and grants.

Hazardous Waste Disposal

In the past, ZWS has reimbursed Mendo Recycle for the Sonoma County residents who participate in their HHW disposal events. Mendo Recycle has suspended their disposal events leaving our residents with no local options for disposal. The increase on this line item will allow for two disposal events in The Sea Ranch. Our last event was very well attended.

Special Department Expense

ZWS has been offering micro grants to the community to increase capacity for waste diversion programs over the past couple of years. We currently are offering micro grants to assist food establishments implement reusable practices, Food Recovery Organizations to increase capacity, and are requesting to add a micro grant to foster communities to host more repair/reuse fairs.

Conclusion

This budget reflects the changes needed to implement the programs outlined in the FY24/25 Work Plan. Between all funds, staff estimates a negative net cost (increase to the reserves) of (\$1,013) for the Fiscal Year. There is a proposed draw down to the Organics Reserves [\$7,409] and Contingency [276,624] fund balances for one-time contingency fund projects. This budget also plans for an increased recommended contribution to the debt servicing reserve fund. Education and HHW core programs are projected to operate within the budget with no draw down to reserves. Staff believes it is a sensible budget which reflects the direction given to staff.

IV. ATTACHMENTS

Final FY 2024-25 Budget
History and Fund Balances
Resolution

Zero Waste Sonoma
FY 24-25 Final Budget Summary

	Organics 78111	H H W 78104	Ed & Outreach 78110	Organics Res. 78103	Contin. Res. 78109	Unfund Liab 78112	Debt Srv.R	Total All Divisions
REVENUES								
42358 State Other Funding	258,500	117,472	1,936,579	-	-			2,312,551
42601 County of Sonoma	7,886,333	2,781,258	977,199	-	-			11,644,790
44002 Interest on Pooled Cash	-	15,100	-	29,289	48,000	16,000		108,389
46029 Donations/Contributions	-	214,617	69,433	-	-			284,049
47101 Transfers In - w/in Fund	-	-	3,981	-	-		900,000	903,981
TOTAL REVENUES	8,144,833	3,128,447	2,987,192	29,289	48,000	16,000	900,000	15,253,760
EXPENDITURES								
51041 Insurance - Liability	10,319	1,916	2,506	-	-			14,742
51071 Maintenance		10,000						10,000
51201 Administration Services	457,633	267,118	681,080	24,318	201,407			1,631,556
51205 Ad/Marketing Svc	25,000	17,500	2,500	-	-			45,000
51206 Accounting/Auditing Service	14,084	2,616	3,420	1,000	1,000	1,000	1,000	24,120
51207 Client Accounting Services	25,900	4,810	6,290	-	-			37,000
51212 Legal Services	5,000	2,000	15,000	10,000	20,000			52,000
51213 Engineer Services	-	-	-	-	-			-
51214 Temp Services								
51225 Training Services	-	1,600	-	-	-			1,600
51229 Hazardous Waste Disposal		47,000						47,000
51241 Outside Printing			3,500					3,500
51249 Other Professional Services	278,500	85,709	1,915,883	-	-			2,280,092
51401 Rents / Leases - Equipment	2,192	407	532	-	-			3,132
51421 Rents / Leases - Bldg/Land	3,008	15,559	4,480	-	-			23,047
51507 Special Departmental Exp.		105,000						105,000
51803 Other Contract Services	7,236,076	1,612,737	35,000	-	45,000			8,928,813
51805 Sponsorships			5,000					5,000
51901 Telecommunication Data L	1,080	1,032	11,550	-	-			13,662
51902 Telecommunication Usage	24	24	1,185	-	-			1,233
51904 ISD - Baseline Services	24,334	8,046	16,568	-	-			48,948
51906 ISD - Supplemental Project	-	-	400	-	-			400
51909 Telecommunication Wirele	900	2,040	6,600	-	-			9,540
51911 Mail Services	250	100	500	-	-			850
51915 ISD - Reprographics Service	-	-	-	-	-			-
51916 County Services	32,347	10,274	11,695	379	217			54,911
51919 EFS Charges	-	-	-	-	-			-
51922 County Car Expense	484	90	118	-	-			692
51923 Unclaimable County Car Ex	-	-	50					50
52091 Memberships/Certification	12,570	8,833	34,016	-	-			55,419
52111 Office Supplies	2,000	2,500	11,920	1,000	1,000			18,420
52114 Freight/Postage	-		10,000					10,000
52115 Subscriptions	6,336	1,177	1,539					9,051
52118 Print Supplies (Zero Waste Gd)			12,400					12,400
52162 Special Departmental Expe	1,400	260	167,840	-	56,000	-	-	225,500
52163 Professional Development	4,500	13,100	25,620	-	-			43,220
52191 Utilities Expense	-	2,900	-					2,900
SUBTOTAL	8,143,937	2,224,348	2,987,192	36,697	324,624	1,000	1,000	13,718,798
OTHER CHARGES								
57011 Transfers Out - within a Fu	-	903,981	-	-	-			903,981
57015 Transfers Out - All Others	-	-	-	-	-			-
SUBTOTAL	-	903,981	-	-	-			903,981
TOTAL EXPENDITURES	8,143,937	3,128,329	2,987,192	36,697	324,624	1,000	1,000	14,622,779
NET COST	(896)	(118)	0	7,409	276,624	(15,000)	(899,000)	(630,981)

FY 24-25 FINAL BUDGET
ZERO WASTE SONOMA
REVENUE, EXPENDITURE, AND FUND BALANCE HISTORY
Summary

	Actual FY 20-21	Actual FY 21-22	Actual FY 22-23	Budgeted FY 23-24	Estimated FY 23-24	Requested FY 24-25	Difference	% Change
REVENUES								
42358 State Other Funding	323,080	570,367	840,126	2,352,060	1,152,060			
42360 State Grant Revenue			509,461			2,312,551	(39,509)	-2%
42601 County of Sonoma	8,962,064	9,632,164	10,111,042	10,910,850	10,910,850	11,644,790	733,940	6%
44002 Interest on Pooled Cash	65,394	50,563	159,793	90,106	56,792	108,389	18,283	17%
44050 Unrealized Gains and Losses	(45,119)	(320,191)	(31,614)	0	0	0	0	0%
46029 Donations/Contributions	202,950	234,302	285,339	293,674	293,674	284,049	(9,625)	-3%
46050 Cancelled/Stale Dated Warrants	0	144	163	0	0	0	0	0%
46200 Revenue Appl PY Misc Revenue	7,287	86,336	99,328	0	0	0	0	0%
46210 Refunds	0	0	0	0	0	0	0	0%
SUBTOTAL	9,515,657	10,253,685	11,973,637	13,646,690	12,413,376	14,349,779	703,089	5%
47101 Transfers In - Within a Fund	0	0	745,000	2,332,657	1,285,700	903,981	(1,428,676)	0%
48004 Residual Equity Transfers	0	0	0	0	0	0	0	0%
SUBTOTAL	0	0	745,000	2,332,657	1,285,700	903,981	(1,428,676)	0%
TOTAL REVENUES	9,515,657	10,253,685	12,718,637	15,979,347	13,699,076	15,253,760	(725,587)	-5%
EXPENDITURES								
51041 Insurance - Liability	11,632	12,562	13,229	13,500	13,454	14,742	1,242	8%
51071 Maintenance - Bldg	2,241	2,923	2,348	15,000	0	10,000	(5,000)	-50%
51201 Administration Services	1,080,769	1,055,760	1,220,829	1,378,448	1,378,448	1,631,556	253,108	16%
51205 Advertising/Marketing Svc	8,651	15,174	4,443	19,500	19,500	45,000	25,500	57%
51206 Accounting/Auditing Services	18,800	17,000	0	19,000	19,000	24,120	5,120	21%
51207 Client Accounting Services	19,329	22,511	34,880	30,000	30,000	37,000	7,000	19%
51212 Outside Counsel-Legal Advice	46,676	22,186	19,087	54,000	34,000	52,000	(2,000)	-4%
51214 Agency Extra/Temp Help	0	0	0	0	0	0	0	0%
51225 Training Services	783	900	0	1,600	1,600	1,600	0	0%
52119 Hazardous Waste Disposal	27,283	8,567	4,000	30,000	30,000	47,000	17,000	36%
51241 Outside Printing	0	727	4,948	3,500	30,000	3,500	0	0%
51249 Other Professional Services	266,259	481,622	1,349,186	2,300,475	1,100,475	2,280,092	(20,383)	-1%
51401 Rents and Leases - Equipment	2,812	2,568	3,163	3,000	3,000	3,132	132	4%
51421 Rents and Leases - Bldg/Land	4,815	6,435	12,712	21,842	21,842	23,047	1,205	5%
51507 Special Departmental Expense	43,413	117,043	77,025	174,300	174,300	105,000	(69,300)	-66%
51801 Other Services	3,379	7,265	9,734	0	0	0	0	0%
51803 Other Contract Services	7,338,257	7,334,199	7,971,878	9,133,035	9,108,035	8,928,813	(204,222)	-2%
51805 County Sponsorships	0	3,935	4,700	5,000	5,000	5,000	0	0%
51901 Telecommunication Data Lines	7,948	7,989	7,337	16,800	16,800	13,662	(3,138)	-23%
51902 Telecommunication Usage	1,134	1,256	1,198	1,367	1,367	1,233	(134)	-11%
51903 Telecommunication Installation	0	1	0	0	0	0	0	0%
51904 ISD - Baseline Services	36,478	37,445	35,740	40,500	40,500	48,948	8,448	17%
51905 ISD - Improvement Projects	526	42	2,085	0	0	0	0	0%
51906 ISD - Supplemental Projects	150	0	0	0	0	400	400	0%
51907 ISD - Device Modernization	12,242	0	2,037	0	1,938	0	0	0%
51909 Telecommunication Wireless Svc	7,706	8,649	9,751	7,740	7,740	9,540	1,800	19%
51911 Mail Services	9	808	117	850	850	850	0	0%
51912 Records Services	0	1	0	0	0	0	0	0%
51916 County Services	32,285	31,196	7,204	54,911	54,911	54,911	(0)	0%
51922 County Car Expense	1,936	(1,604)	1,364	1,500	1,500	692	(808)	-117%
51923 Unclaimable County Car Expense	7	7	18	50	50	50	0	0%
52091 Memberships/Certifications	10,728	38,720	47,080	52,359	52,359	55,419	3,060	6%
52111 Office Supplies	2,579	17,090	14,677	21,720	21,720	18,420	(3,300)	-18%
52114 Freight/Postage	11,063	3,037	1,733	15,000	15,000	10,000	(5,000)	-50%
52115 Subscriptions (web)	4,920	7,263	5,547	925	925	9,051	8,126	90%
52118 Printing and Binding Supplies	1,542	5,311	11,228	6,400	6,400	12,400	6,000	48%
52162 Special Departmental Expense	7,281	134,069	26,362	209,440	209,440	225,500	16,060	7%
52163 Professional Development	1,039	12,088	37,650	41,020	43,520	43,220	2,200	5%
52191 Utilities	2,575	2,630	2,798	6,132	6,132	2,900	(3,232)	-111%
53402 Depreciation Expense	8,692	8,692	5,167	0	0	0	0	0%
SUBTOTAL	9,025,941	9,426,067	10,951,258	13,678,914	12,449,806	13,718,797	39,883	0%
57011 Transfers Out - Within a Fund	0	0	745,000	2,332,657	1,654,052	903,981	(1,428,676)	-158%
57015 Transfers Out - All Others	0	0	0	0	0	0	0	0%
SUBTOTAL	0	0	745,000	2,332,657	0	903,981	(1,428,676)	0%
TOTAL EXPENDITURES	9,025,941	9,426,067	11,696,258	16,011,571	12,449,806	14,622,778	(1,388,793)	-9%
NET COST	(489,716)	(827,618)	(1,022,379)	32,224	164,109	(630,982)		
ROUNDING ERROR				2		2		
FUND BALANCE								
Beginning Fund Balance	8,576,817	6,883,992	8,781,820		8,781,820	8,617,711		
Ending Fund Balance	6,883,992	8,781,820	10,939,086		8,617,711	9,248,693		

FY 24-25 FINAL BUDGET
ZERO WASTE SONOMA
REVENUE, EXPENDITURE, AND FUND BALANCE HISTORY

Organics 78111

	Actual FY 20-21	Actual FY 21-22	Actual FY 22-23	Budgeted FY 23-24	Estimated FY 23-24	Requested FY 24-25	Difference	% Change
REVENUES								
42601 County of Sonoma	6,658,704	7,004,421	6,937,009	7,396,236	7,396,236	7,886,333	490,097	6%
42358 State Other Funding	0	347,929	60,926	818,500	818,500			
42360 State Grant Revenue			147,156			258,500	(560,000)	-217%
44002 Interest on Pooled Cash	0	0		0	0	0	0	0%
44050 Unrealized Gains and Losses	920	(50,354)	(7,118)	0	0	0	0	0%
46029 Donations/Contributions	0	0		0	0	0	0	0%
46210 Refunds	0	0		0	0	0	0	0%
46200 PY Revenue - Miscellaneous	870	67,569	(64,033)	0	0	0	0	0%
SUBTOTAL	6,660,494	7,369,565	7,073,940	8,214,736	8,214,736	8,144,833	(69,904)	-1%
47101 OT-Within Enterprise	0	65,000	0	540,700	540,700	0	(540,700)	0%
48004 Residual Equity Transfers	0	0	0	0	0	0	0	0%
SUBTOTAL	0	65,000	0	540,700	540,700	0	(540,700)	0%
TOTAL REVENUES	6,660,494	7,434,565	7,073,940	8,755,436	8,755,436	8,144,833	(610,604)	-7%
EXPENDITURES								
51041 Insurance - Liability	1,338	8,542	8,995	9,180	9,180	10,319	1,139	11%
51201 Administration Services	176,754	357,149	346,909	401,704	401,704	457,633	55,930	12%
51205 Advertising/Marketing Svc	0	0	0	0	0	25,000	25,000	0%
51206 Accounting/Auditing Services	6,000	10,200	0	10,200	10,200	14,084	3,884	28%
51207 Client Accounting Services	2,223	15,308	23,718	20,400	20,400	25,900	5,500	21%
51212 Outside Counsel-Legal Advice	12,887	5,555	308	5,000	5,000	5,000	0	0%
51241 Outside Printing			2,295					
51249 Other Professional Services	0	282,706	100,738	798,500	798,500	278,500	(520,000)	-187%
51401 Rents and Leases - Equipment	323	1,746	2,151	2,040	2,040	2,192	152	7%
51421 Rents and Leases - Bldg/Land	373	2,679	2,500	2,783	2,783	3,008	225	7%
51801 Other Services	2,036	0		0	0	0	0	0%
51803 Other Contract Services	6,071,239	6,026,176	6,654,907	7,432,095	7,432,095	7,236,076	(196,019)	-3%
51805 County Sponsorships			450			0		
51901 Telecommunication Data Lines	1,956	1,630	978	2,100	2,100	1,080	(1,020)	-94%
51902 Telecommunication Usage	17	57	3	26	26	24	(2)	-8%
51903 Telecommunication Installation	0	0	0	0	0	0	0	0%
51904 ISD - Baseline Services	13,678	21,320	11,483	20,088	20,088	24,334	4,246	17%
51907 ISD - Device Modernization	7,573	0	0	0	0	0	0	0%
51909 Telecommunication Wireless Svc	0	0	996	0	0	900	900	100%
51911 Mail Services	0	0	20	250	250	250	0	0%
51916 County Services	4,276	17,400	1,182	31,433	31,433	32,347	913	3%
51922 County Car Expense	223	3,848	831	1,020	1,020	484	(536)	-111%
52091 Memberships/Certifications	805	12,065	11,925	12,510	12,510	12,570	60	0%
52111 Office Supplies	695	11,593	17	2,000	2,000	2,000	0	0%
52114 Freight/Postage	10,134	0	0	0	0	0	0	0%
52115 Subscriptions (Web)	0	0	3,772	629	629	6,336	5,707	90%
52162 Special Departmental Expense	0	0	0	979	979	1,400	421	30%
52163 Professional Development	0	2,666	5,252	2,500	5,000	4,500	2,000	44%
52191 Utilities	0	0	0	0	0	0	0	0%
SUBTOTAL	6,312,528	6,780,639	7,179,429	8,755,436	8,757,936	8,143,937	(611,500)	-8%
57011 Transfers Out - Within a Fund	0	0	0	455,756	455,756	0	(455,756)	0%
57015 Transfers Out - All Others	0	0	0	0	0	0	0	0%
SUBTOTAL	0	0	0	455,756	455,756	0	(455,756)	0%
TOTAL EXPENDITURES	6,312,528	6,780,639	7,179,429	9,211,192	9,213,692	8,143,937	(1,067,256)	-13%
NET COST	(347,966)	(653,926)	105,489	455,756	458,256	(896)		
FUND BALANCE								
Beginning Fund Balance	1,452,606	1,799,299	2,454,498		2,349,008	1,319,613	1,966,359	645,850
Ending Fund Balance	1,799,299	2,454,498	2,349,008		1,319,613	1,320,509		

FY 24-25 FINAL BUDGET
ZERO WASTE SONOMA
REVENUE, EXPENDITURE, AND FUND BALANCE HISTORY

Household Hazardous Waste 78104

	Actual FY 20-21	Actual FY 21-22	Actual FY 22-23	Budgeted FY 23-24	Estimated FY 23-24	Requested FY 24-25	Difference	% Change
REVENUES								
42358 State Other Funding	133,234	82,563	98,300	186,560	186,560			
42360 State Grant Revenue			0			117,472	(69,088)	-59%
42601 County of Sonoma	1,785,104	2,036,501	2,388,460	2,644,747	2,644,747	2,781,258	136,511	5%
44002 Interest on Pooled Cash	16,052	9,788	15,113	9,414	9,414	15,100	5,686	38%
44050 Unrealized Gains and Losses	(11,949)	(32,692)	(25,044)	0	0	0	0	0%
46029 Donations/Contributions	161,389	185,416	218,878	221,980	221,980	214,617	(7,364)	-3%
46050 Cancelled/Stale Dated Warrants	0	0	0	0	0	0	0	0%
46200 Revenue Appl PY Misc Revenue	5,198	18,767	127,057	0	0	0	0	0%
46210 Refunds	0	0	0	0	0	0	0	0%
SUBTOTAL	2,089,028	2,300,343	2,822,764	3,062,701	3,062,701	3,128,447	65,746	2%
47101 Transfers In - Within a Fund	0	0	0	0	0	0	0	0%
SUBTOTAL	0	0	0	0	0	0	0	0%
TOTAL REVENUES	2,089,028	2,300,343	2,822,764	3,062,701	3,062,701	3,128,447	65,746	2%
EXPENDITURES								
51041 Insurance - Liability	7,677	2,261	1,984	2,025	2,025	1,916	(109)	-6%
51071 Maintenance - Bldg	2,241	2,923	2,348	15,000	5,000	10,000	(5,000)	-50%
51201 Administration Services	447,426	263,402	299,866	280,866	280,866	267,118	(13,748)	-5%
51205 Advertising/Marketing Svc	8,136	15,051	4,346	17,000	17,000	17,500	500	3%
51206 Accounting/Auditing Services	7,000	2,700	0	2,250	2,250	2,616	366	14%
51207 Client Accounting Services	12,757	4,052	5,930	4,500	4,500	4,810	310	6%
51212 Outside Counsel - Legal Advice	1,887	3,536	2,339	4,000	4,000	2,000	(2,000)	-100%
51214 Agency Extra/Temp Help	0	0	0	0	0	0	0	0%
51225 Training Services	533	900	0	1,600	1,600	1,600	0	0%
51229 Hazardous Waste Disposal	27,283	8,567	4,000	30,000	30,000	47,000	17,000	36%
51241 Outside Printing			318					
51249 Other Professional Services	115,600	63,367	92,822	176,548	176,548	85,709	(90,839)	-106%
51401 Rents and Leases - Equipment	1,856	359	474	450	450	407	(43)	-11%
51421 Rents and Leases - Bldg/Land	1,753	3,047	6,206	14,613	14,613	15,559	946	6%
51507 Special Departmental Expense	43,413	117,043	77,025	174,300	174,300	105,000	(69,300)	-66%
51801 Other Services	343	0	2,314	0	0	0	0	0%
51803 Other Contract Services	1,239,488	1,239,720	1,206,174	1,535,940	1,535,940	1,612,737	76,797	5%
51901 Telecommunication Data Lines	489	734	978	3,150	3,150	1,032	(2,118)	-205%
51902 Telecommunication Usage	8	4	4	156	156	24	(132)	-550%
51903 Telecom Installation								
51904 ISD - Baseline Services	18,443	8,589	5,583	8,640	8,640	8,046	(594)	-7%
51907 ISD - Device Modernization Pro	2,474	0	0	0	0	0	0	0%
51909 Telecommunication Wireless Svc	1,851	2,746	1,946	2,040	2,040	2,040	0	0%
51911 Mail Services	8	11	13	100	100	100	0	0%
51916 County Services	19,270	7,164	2,795	11,187	11,187	10,274	(913)	-9%
51922 County Car Expense	1,278	792	183	225	225	90	(135)	-150%
52091 Memberships/Certifications	4,650	4,850	4,850	6,333	6,333	8,833	2,500	28%
52111 Office Supplies	139	1,305	1,083	2,500	2,500	2,500	0	0%
52115 Subscriptions (Web)	0	0	832	139	139	1,177	1,038	88%
52162 Special Departmental Expense	0	0	0	216	216	260	44	17%
52163 Professional Development	658	2,810	5,271	10,900	10,900	13,100	2,200	17%
52191 Utilities	2,575	2,630	2,798	6,132	6,132	2,900	(3,232)	-111%
SUBTOTAL	1,969,238	1,758,562	1,732,484	2,310,810	2,300,810	2,224,348	(86,462)	-4%
57011 Transfers Out - Within a Fund	0	1,679,427	745,000	1,198,296	1,198,296	903,981	(294,315)	-33%
57015 Transfers Out - All Others	0	0	0	0	0	0	0	0%
SUBTOTAL	0	1,679,427	745,000	1,198,296	1,198,296	903,981	(294,315)	-33%
TOTAL EXPENDITURES	1,969,238	3,437,989	2,477,484	3,509,106	3,499,106	3,128,329	(380,777)	-12%
NET COST	(119,790)	1,137,646	(345,281)	446,405	436,405	(118)		
FUND BALANCE								
Beginning Fund Balance	1,652,088	1,334,976	634,232		634,232	634,462	534,660	(99,920)
Ending Fund Balance	1,334,976	634,232	979,513		634,462	634,580		

FY 24-25 FINAL BUDGET
ZERO WASTE SONOMA
REVENUE, EXPENDITURE, AND FUND BALANCE HISTORY

Education and Outreach 78110

	Actual FY 20-21	Actual FY 21-22	Actual FY 22-23	Budgeted FY 23-24	Estimated FY 23-24	Requested FY 24-25	Difference	% Change
REVENUES								
42358 State Other Funding	189,847	139,876	680,899	1,347,000	147,000			
42360 State Grant Revenue			362,305			1,936,579	589,579	30%
42601 County of Sonoma	518,256	591,242	785,573	869,867	869,867	977,199	107,332	11%
44002 Interest on Pooled Cash	0	0	0	0	0	0	0	0%
44050 Unrealized Gains and Losses	(4,313)	(13,238)	8,056	0	0	0	0	0%
46029 Donations/Contributions	41,560	48,885	66,461	71,694	71,694	69,433	(2,261)	-3%
46050 Cancelled/Stale Dated Warrants	0	144	163	0	0	0	0	0%
46200 Revenue Appl PY Misc Revenue	1,219	0	36,304	0	0	0	0	0%
SUBTOTAL	746,569	766,909	1,939,761	2,288,561	1,088,561	2,983,211	694,650	23%
47101 Transfers In - Within a Fund	0	0	0	0	0	3,981	3,981	0%
48004 Residual Equity Transfers	0	0	0	0	0	0	0	0%
SUBTOTAL	0	0	0	0	0	3,981	3,981	0%
TOTAL REVENUES	746,569	766,909	1,939,761	2,288,561	1,088,561	2,987,192	698,631	23%
EXPENDITURES								
51041 Insurance - Liability	2,617	1,759	2,249	2,295	2,249	2,506	211	8%
51201 Administration Services	388,063	350,203	564,483	560,538	560,538	681,080	120,542	18%
51205 Advertising/Marketing Svc	515	123	97	2,500	2,500	2,500	0	0%
51206 Accounting/Auditing Services	3,500	2,100	0	2,550	2,550	3,420	870	25%
51207 Client Accounting Services	4,349	3,152	5,232	5,100	5,100	6,290	1,190	19%
51212 Outside Counsel - Legal Advice	17,119	9,087	7,960	15,000	15,000	15,000	0	0%
51214 Agency Extra/Temp Help	0	0	0	0	0	0	0	0%
51225 Training Services	250	0	0	0	0	0	0	0%
51241 Outside Printing	0	727	2,335	3,500	30,000	3,500	0	0%
51249 Other Professional Services	150,659	135,549	1,155,626	1,325,427	125,427	1,915,883	590,456	31%
51401 Rents and Leases - Equipment	633	462	538	510	510	532	22	4%
51421 Rents and Leases - Bldg/Land	2,689	709	4,006	4,446	4,446	4,480	34	1%
51801 Other Services	1,000	0	524	0	0	0	0	0%
51803 Other Contract Services	2,785	30,000	37,443	40,000	40,000	35,000	(5,000)	-14%
51805 County Sponsorships	0	3,935	4,250	5,000	5,000	5,000	0	0%
51901 Telecommunication Data Lines	5,503	5,625	5,380	11,550	11,550	11,550	0	0%
51902 Telecommunication Usage	1,110	1,194	1,192	1,185	1,185	1,185	0	0%
51903 Telecommunication Installation	0	0	0	0	0	0	0	0%
51904 ISD - Baseline Services	4,357	7,536	18,674	11,772	11,772	16,568	4,796	29%
51905 ISD - Improvement Projects	526	42	405	0	0	0	0	0%
51906 ISD - Supplemental Projects	150	0	0	0	0	400	400	0%
51907 ISD - Device Modernization	2,195	0	2,037	0	1,938	0	0	0%
51909 Telecommunication Wireless Svc	5,854	5,903	6,809	5,700	5,700	6,600	900	14%
51911 Mail Services	1	797	84	500	500	500	0	0%
51912 Records Services	0	0	0	0	0	0	0	0%
51916 County Services	8,065	6,085	2,626	11,695	11,695	11,695	(0)	0%
51922 County Car Expense	436	(6,244)	350	255	255	118	(137)	-117%
51923 Unclaimable County Car Expense	7	7	18	50	50	50	0	0%
52091 Memberships/Certifications	5,273	21,805	30,305	33,516	33,516	34,016	500	1%
52111 Office Supplies	1,745	4,193	5,094	15,220	15,220	11,920	(3,300)	-28%
52114 Freight/Postage	929	3,037	1,733	15,000	15,000	10,000	(5,000)	-50%
52115 Subscriptions (web)	4,920	7,263	943	157	157	1,539	1,382	90%
52118 Printing and Binding Supplies	1,542	5,311	11,228	6,400	6,400	12,400	6,000	48%
52162 Special Departmental Expense	0	750	1,000	168,245	168,245	167,840	(405)	0%
52163 Professional Development	381	6,612	27,128	27,620	27,620	25,620	(2,000)	-8%
52191 Utilities	0	0	0	0	0	0	0	0%
SUBTOTAL	617,173	607,720	1,899,749	2,275,731	1,104,123	2,987,191	711,460	24%
57011 Transfers Out - Within a Fund	0	622,901	0	137,905	0	0	(137,905)	0%
SUBTOTAL	0	622,901	0	137,905	0	0	(137,905)	0%
TOTAL EXPENDITURES	617,173	1,230,621	1,899,749	1,068,560	1,104,123	2,987,191	1,918,632	64%
NET COST	(129,396)	463,712	(40,012)	1,236	15,562	(0)		
FUND BALANCE								
Beginning Fund Balance	577,587	711,026	243,271		243,271	254,865	FB Goal 90,534	Difference (164,331)
Ending Fund Balance	711,026	243,271	283,283		254,865	254,865		

FY 24-25 FINAL BUDGET
ZERO WASTE SONOMA
REVENUE, EXPENDITURE, AND FUND BALANCE HISTORY

Organics Reserve 78103

	Actual FY 20-21	Actual FY 21-22	Actual FY 22-23	Budgeted FY 23-24	Estimated FY 23-24	Requested FY 24-25	Difference	% Change
REVENUES								
44002 Interest on Pooled Cash	29,306	22,769	68,579	29,289	22,307	29,289	(0)	0%
44050 Unrealized Gains and Losses	(13,968)	(77,618)	(477)	0	0	0	0	0%
46200 Revenue Appl PY Misc Revenue	0	0	0	0	0	0	0	0%
SUBTOTAL	15,339	(54,850)	68,102	29,289	22,307	29,289	(0)	0%
47101 Transfers In - Within a Fund	0	0	0	455,756	0	0	(455,756)	0%
48004 Residual Equity Transfers	0	0	0	0	0	0	0	0%
SUBTOTAL	0	0	0	455,756	0	0	(455,756)	0%
TOTAL REVENUES	15,339	(54,850)	68,102	485,045	22,307	29,289	(455,756)	-1556%
EXPENDITURES								
51201 Administration Services	25,395	31,271	0	29,289	29,289	24,318	(4,971)	-20%
51206 Accounting/Auditing Services	1,000	1,000	0	1,000	1,000	1,000	0	0%
51212 Outside Counsel - Legal Advice	13,181	4,009	0	10,000	5,000	10,000	0	0%
51801 Other Services	0	0	0		0	0	0	0%
51803 Other Contract Services	0	0	0		0	0	0	0%
51911 Mail Services	0	0	0		0	0	0	0%
51916 County Services	116	274	188	379	379	379	0	0%
52111 Office Supplies	0	0	0	1,000	1,000	1,000	0	0%
52162 Special Departmental Expense	0	0	0	0	0	0	0	0%
52163 Professional Development	0	0	0	0	0	0	0	0%
53610 Other Charges	0	0	0	0	0	0	0	0%
SUBTOTAL	39,692	36,554	188	41,668	36,668	36,697	(4,971)	-14%
57011 Transfers Out - Within a Fund	0	0	0	540,700	0	0	(540,700)	0%
SUBTOTAL	0	0	0	582,368	0	0	(582,368)	0%
TOTAL EXPENDITURES	39,692	36,554	188	624,036	36,668	36,697	(587,339)	-1600%
NET COST	24,353	91,403	(67,914)	138,991	14,361	7,409		
FUND BALANCE								
Beginning Fund Balance	2,289,031	2,277,971	2,173,275		2,173,275	1,904,814	1,966,359	68,954
Ending Fund Balance	2,277,971	2,173,275	2,241,189		1,904,814	1,897,405		

FY 24-25 FINAL BUDGET
ZERO WASTE SONOMA
REVENUE, EXPENDITURE, AND FUND BALANCE HISTORY

Contingency Reserve 78109

	Actual FY 20-21	Actual FY 21-22	Actual FY 22-23	Budgeted FY 23-24	Estimated FY 23-24	Requested FY 24-25	Difference	% Change
REVENUES								
44002 Interest on Pooled Cash	14,882	13,247	52,186	41,565	18,485	48,000	6,435	13%
44050 Unrealized Gains and Losses	(11,769)	(108,218)	3,876	0		0	0	0%
46029 Donations/Contributions	0	0	0	0		0	0	0%
46200 Revenue Appl PY Misc Revenue	0	0	0	0		0	0	0%
SUBTOTAL	3,113	(94,971)	56,062	41,565	18,485	48,000	6,435	13%
47101 Transfers In - Within a Fund	0	1,988,858	0	591,201	0	0	0	0%
48004 Residual Equity Transfers	0	0	0	0	0	0	0	0%
SUBTOTAL	0	1,988,858	0	591,201	0	0	(591,201)	0%
TOTAL REVENUES	3,113	1,893,887	56,062	632,766	18,485	48,000	(584,766)	-1218%
EXPENDITURES								
51201 Administration Services	43,133	53,736	9,571	106,051	106,051	201,407	95,356	47%
51205 Advertising/Marketing Svc	0	0	0		0	0	0	0%
51206 Accounting/Auditing Services	1,300	1,000	0	1,000	1,000	1,000	0	0%
51212 Outside Counsel - Legal Advice	1,603	0	8,480	20,000	5,000	20,000	0	0%
51249 Other Professional Services	0	0			0	0	0	0%
51801 Other Services	0	7,265	6,896		0	0	0	0%
51803 Other Contract Services	24,745	38,303	73,354	125,000	100,000	45,000	(80,000)	-178%
51905 ISD - Improvement Projects			1,680			0	0	
51915 ISD - Reprographics Services						0	0	
51916 County Services	558	274	413	217	217	217	0	0%
52111 Office Supplies	0	0	8,482	1,000	1,000	1,000	0	0%
52162 Special Departmental Expense	7,281	133,319	25,362	40,000	40,000	56,000	16,000	29%
52163 Professional Development		0	0			0	0	0%
53402 Depreciation Expense	8,692	8,692	5,167			0	0	
SUBTOTAL	87,311	242,589	139,406	293,268	253,268	324,624	31,356	10%
57011 Transfers Out - Within a Fund	0	496,530	0	0	0	0	0	
57015 Transfers Out - All Others	0	0	0	0	0	0	0	0%
SUBTOTAL	0	496,530	0	0	0	0	0	
TOTAL EXPENDITURES	87,311	739,119	139,406	293,268	253,268	324,624	31,356	10%
NET COST	84,197	(1,154,769)	83,344	270,831	234,783	276,624		
FUND BALANCE							FB Goal	Difference
Beginning Fund Balance	1,936,993	1,886,552	3,030,115		3,030,115	1,019,398	927,127	184,353
Ending Fund Balance	1,886,552	3,030,115	2,946,771		1,019,398	742,774		

FY 24-25 FINAL BUDGET
ZERO WASTE SONOMA
REVENUE, EXPENDITURE, AND FUND BALANCE HISTORY

Unfunded Pension Liability Reserve 78112

	Actual FY 20-21	Actual FY 21-22	Actual FY 22-23	Budgeted FY 23-24	Estimated FY 23-24	Requested FY 24-25	Difference	% Change
REVENUES								
44002 Interest on Pooled Cash	5,154	3,838	11,353	9,838	6,586	16,000	6,162	39%
44050 Unrealized Gains and Losses	(4,041)	(23,108)	(29)	0	0	0	0	0%
46029 Donations/Contributions	0	0	0	0	0	0	0	0%
46200 Revenue Appl PY Misc Revenue	0	0	0	0	0	0	0	0%
SUBTOTAL	1,114	(19,271)	11,324	9,838	6,586	16,000	6,162	39%
47101 Transfers In - Within a Fund	0	0	0	0	0	0	0	0%
48004 Residual Equity Transfers	0	0	0	0	0	0	0	0%
SUBTOTAL	0	0	0	0	0	0	0	0%
TOTAL REVENUES	1,114	(19,271)	11,324	9,838	6,586	16,000	6,162	39%
EXPENDITURES								
51206 Accounting/Auditing Services	0	0	0	1,000	1,000	1,000	0	0%
SUBTOTAL				1,000	1,000	1,000		
57011 Transfers Out - Within a Fund								
SUBTOTAL	0	0	0	0	0	0	0	0%
TOTAL EXPENDITURES	0	0	0	1,000	1,000	1,000	0	0%
NET COST	(1,114)	19,271	(11,324)	(8,838)	(5,586)	(15,000)	(6,162)	
FUND BALANCE								
Beginning Fund Balance	668,512	673,467	650,355		650,355	655,941		
Ending Fund Balance	673,467	650,355	661,679		655,941	670,941		

FY 24-25 FINAL BUDGET
 ZERO WASTE SONOMA
 REVENUE, EXPENDITURE, AND FUND BALANCE HISTORY

Debt Services Reserve 78113

	Actual FY 20-21	Actual FY 21-22	Actual FY 22-23	Budgeted FY 23-24	Estimated FY 23-24	Requested FY 24-25	Difference	% Change
REVENUES								
44002 Interest on Pooled Cash	0	921	12,562	0	0	0	0	0%
44050 Unrealized Gains and Losses	0	(14,962)	(10,878)	0	0	0	0	0%
46029 Donations/Contributions	0	0		0	0	0	0	0%
46200 Revenue Appl PY Misc Revenue	0	0		0	0	0	0	0%
SUBTOTAL	0	(14,041)	1,684	0	0	0	0	0%
47101 Transfers In - Within a Fund	0	745,000	745,000	745,000	745,000	900,000	155,000	17%
48004 Residual Equity Transfers	0	0	0	0	0	0	0	0%
SUBTOTAL	0	745,000	745,000	745,000	745,000	900,000	155,000	0%
TOTAL REVENUES	0	730,959	746,684	745,000	745,000	900,000	155,000	17%
EXPENDITURES								
51206 Accounting/Auditing Services	0	0	0	1,000	1,000	1,000	0	0%
SUBTOTAL	0	0	0	1,000	1,000	1,000	0	0%
57011 Transfers Out - Within a Fund								
SUBTOTAL	0	0	0	0	0	0	0	0%
TOTAL EXPENDITURES	0	0	0	1,000	1,000	1,000	0	0%
NET COST	0	(730,959)	(746,684)	(744,000)	(744,000)	(899,000)	(155,000)	
FUND BALANCE								
Beginning Fund Balance			730,959		730,959	719,959		
Ending Fund Balance		730,959	1,477,643		719,959	1,618,959		



Agenda Item #: 7
Cost Center: HHW
Staff Contact: Scott
Agenda Date: 2/15/2024
Approved By: LL

ITEM: Discussion and Possible Action for Sponsorship of Marine Flare Producer Responsibility Senate Bill 1066

I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends the Board approve Zero Waste Sonoma’s (ZWS) co-sponsorship of California Senator Blakespear’s SB 1066 Marine Flare Producer Responsibility Act and direct the Executive Director and staff to execute a co-sponsorship letter and prepare any necessary documents or correspondence in connection with ZWS’s sponsorship of the proposed legislation.

II. BACKGROUND

Federal law requires recreational boats to carry U.S. Coast Guard (USCG) approved visual distress signals in case of emergencies to help pinpoint the boater’s exact location. Pyrotechnic marine flares have historically been what boaters use to meet this requirement, but they contain toxic metals and pollutants that render them hazardous reactive and explosive waste at end-of-life (EOL). If utilizing flares to comply with the law, the boat must be equipped with three in-service flares approved for daytime *and* nighttime use. According to USCG regulations, the average shelf life for flares is between 36 and 42 months from the manufacture date, requiring boaters to replace them approximately every three years.

The California State Parks Division of Boating and Waterways estimates 174,000 outdated flares are generated each year by recreational vessels in California. However, a lack of disposal options has created a significant EOL management problem. Like most household hazardous waste (HHW) facilities in the state, ZWS does not accept marine flares or other explosive material due to safety, cost, and a lack of explosive-proof equipment and permitting. Staff is unaware of any location in Sonoma County that will accept unwanted marine flares for disposal.

ZWS contracts with Clean Harbors Environmental Service for HHW operations and disposal. Despite their best efforts, marine flares occasionally end up at the HHW facility. In September 2023, ZWS shipped two 5-gallon buckets of marine flares through Clean Harbors for \$11,115.50, or approximately \$185.00 per flare. New flares can be purchased for as low as \$13.00 per flare. Explosives are the most expensive HHW items to dispose of due to the liability, training, and equipment required for shipment. Disposal facilities for the aerial marine flares are located in Louisiana and Missouri, while a facility in Utah will accept the less explosive flares.

III. DISCUSSION

California Senator Catherine Blakespear (D-San Diego & Orange Counties) has partnered with the National Stewardship Action Council (NSAC) to introduce the Marine Flare Producer Responsibility Act (Senate Bill number pending). The bill will establish a producer responsibility program for pyrotechnic marine flares, a first of its kind in the United States. The Senator's office has invited Zero Waste Sonoma to become a co-sponsor of the bill to provide technical assistance and testimony to the challenging disposal process. Zero Waste Sonoma was chosen for this opportunity because the agency is seen as leaders of change, Sonoma County has 76 miles of coastline, and the balance of a northern California and southern California partnership demonstrates the statewide need for solutions.

Extended Producer Responsibility (EPR) is a longstanding core value of Zero Waste Sonoma. EPR is a strategy to place responsibility for the end-of-life product management on the producers instead of local government and the general public. It also encourages product redesign that minimizes the negative impacts on human health and the environment throughout the product's lifecycle. In 2001, ZWS unanimously passed an EPR resolution in support of EPR policies and in 2008 to 2010, each individual jurisdiction passed their own resolutions in support of EPR with varying language. Similarly, the Zero Waste Resolution has been passed by 9 of the 10-member jurisdictions and contains language supporting EPR.

If ZWS becomes an official co-sponsor of the bill, staff can testify during committee hearings, meet with legislative and officials/staff, and advocate for the legislation. If approved by the ZWS Board of Directors, the ZWS Executive Director will submit a co-sponsor letter to Senator Blakespear's office for the proposed legislation.

IV. FUNDING IMPACT

Currently, staff time and legal counsel are the only fiscal impact. Staff may travel to Sacramento during committee hearings during business hours. In the long term, EPR will save the HHW program in occasional marine flare disposal costs, currently around \$185.00/flare.

V. ATTACHMENTS

1. Request to Cosponsor Marine Flare Producer Responsibility Act
2. Marine Flare Producer Responsibility Act Fact Sheet
3. SB 1066 Marine Flare Producer Responsibility Act Draft Language
4. NSAC Presentation

February 15, 2024



The Honorable Catherine Blakespear
1021 O Street, Suite 7340
Sacramento, CA 95814

Subject: SB 1066 (Blakespear): Marine Flare Producer Responsibility Act – CO-SPONSOR

Dear Senator Blakespear,

Zero Waste Sonoma is a joint powers authority (JPA) that serves and helps the residents and businesses in the unincorporated area and nine cities and towns in Sonoma County to reduce, reuse, recycle, and discard all materials in the safest and most environmentally responsible way possible. Our mission is to empower personal action in waste reduction and materials management by implementing practical solutions to protect our natural resources. **Zero Waste Sonoma is a proud partner of the National Stewardship Action Council (NSAC) which advocates for a circular and equitable economy. Zero Waste Sonoma is proud to co-sponsor SB 1066 with NSAC**, which will require producers of marine flares to fund and operate a convenient collection system to manage expired or unwanted flares, shifting the costs of managing this product from our cities and counties – and ultimately local ratepayers – to the producers/users.

Managing household hazardous waste (HHW) is one of the core responsibilities of Zero Waste Sonoma, which has one of the most comprehensive HHW programs in the country. Sonoma County is also home to 76 miles of coastline and has a large recreational boater population. Despite these facts, there are no disposal options in Sonoma County for expired marine flares. The HHW programs are not equipped to safely handle explosives. When marine flares inevitably make their way to our facility, they cost approximately \$185 per flare for disposal. Governments and rate payers should not have to carry this weight.

In 2022, the [California Commission on Recycling Markets and Curbside Recycling](#), chaired by NSAC Executive Director Heidi Sanborn, unanimously recommended that the Legislature “establish Extended Producer Responsibility programs for [specified] product categories [to] reduce known fire and operational hazards,” which included projectile or explosive marine flares.

For these reasons, we are proud to co-sponsor SB 1066. Thank you for authoring this critical measure.

Sincerely,

Leslie Lukacs
Executive Director
Zero Waste Sonoma



SB 1066 | Marine Flare Producer Responsibility Act

PURPOSE

SB 1066 will require producers of marine flares, as defined, to fund and operate a convenient collection system to manage expired or unwanted flares, shifting the costs of managing this product from our cities and counties – and ultimately local ratepayers – to the producers and users.

BACKGROUND

Subject to the federal law are recreational boats operating in U.S. Coastal Waters or the Great Lakes, or bodies of water directly connected to U.S. Coastal Waters or the Great Lakes, up to a point where those waters are less than 2 miles wide, with exceptions. Failure to comply with these requirements could result in a \$1,100 fine (33 CFR 175.125).

If utilizing flares to comply with the law, the boat must be equipped with three in-service flares approved for daytime and nighttime use. [According](#) to the U.S. Coast Guard (USCG) regulations, the average shelf life for flares is between 36 and 42 months from the manufacture date, requiring boaters to replace them approximately every three years.

[According](#) to the CA Department of Toxic Substances Control (DTSC) and the Environmental Protection Agency (EPA), flares that will no longer be used for their intended purpose are classified as hazardous waste, due to their being toxic, reactive, and ignitable. Flares must be transported as explosives then

disposed of at a facility permitted to manage explosives, making their end-of-life (EOL) management extremely costly. The excessive cost of disposal has resulted in many household hazardous waste (HWW) facilities refusing to accept flares, leaving boaters with no options for disposal.

PROBLEM

Pyrotechnic marine flares have historically been what boaters use to meet the Federal requirement to carry U.S. Coast Guard (USCG) approved visual distress signals in case of emergencies. However, these flares contain toxic metals and pollutants that render them hazardous, reactive and explosive waste at EOL.

[According](#) to the California State Parks Division of Boating and Waterways, an estimated 174,000 outdated flares are generated each year by recreational vessels in the state. However, a lack of convenient disposal options has created a significant EOL management problem, with many HWW facilities unable to accept them due to their not having the permits or proper equipment to safely handle explosives and the exorbitant costs to properly manage them.

Currently, there are no permitted facilities in California that can accept, treat, and/or dispose of non-military explosives waste streams. Collected flares must be packaged properly, transported by a licensed hazardous waste authorized driver, and stored in a

Class 4 magazine prior to shipment according to the Bureau of Alcohol, Tobacco, Firearms and Explosives. It then must be shipped out-of-state to Missouri, where the only facility still accepting high-hazard flares in the U.S. is located.

According to Zero Waste Sonoma, in 2023 it cost an estimated \$185 to properly dispose of one unwanted marine flare, when partnering with nearby jurisdictions to help share the cost of transportation. Without partnership, that cost will increase to an estimated \$493 per flare. The same flares can be purchased new for approximately \$13 each.

Boaters in coastal communities across California are frustrated due to the lack of disposal options for flares, with some stockpiling them or illegally disposing of them in trash or waterways. Flares contain toxic chemicals such as perchlorate, which is recognized as a water and health pollutant that can impact our waterways and impair thyroid function.

SOLUTION

SB 1066 will require producers to utilize an Extended Producer Responsibility (EPR) program, which will establish a free and convenient statewide collection program for the proper disposal of marine flares.

Since 2015, boaters have had the option to switch to electronic visual distress signaling devices (eVDSDs), which are approved by the USCG as an alternative and do not release toxic chemicals when used, do not expire, and save boaters and taxpayers money.

SUPPORT

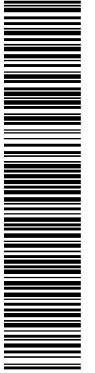
National Stewardship Action Council (Co-Sponsor)

STAFF CONTACT

Aubrey Rodríguez | Legislative Director
Office of Senator Catherine Blakespear
Aubrey.Rodriguez@sen.ca.gov | 916-651-4038

An act to add Chapter 6 (commencing with Section 25000) to Division 20 of the Health and Safety Code, relating to hazardous waste.

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THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Chapter 6 (commencing with Section 25000) is added to Division 20 of the Health and Safety Code, to read:

CHAPTER 6. MARINE FLARES

Article 1. Purpose and General Provisions

25000. (a) This chapter shall be known, and may be cited, as the Marine Flare Producer Responsibility Act of 2024.

(b) The purpose of this chapter is to provide for the safe and proper management of pyrotechnic marine flares, which pose significant threats to health and safety and may cause significant and costly damage to the environment when managed improperly.

25001. Except as provided in Section 25014, the department shall adopt, amend, or repeal, in accordance with the Administrative Procedure Act (Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code), regulations to implement this chapter. The department shall not adopt regulations pursuant to this section with an effective date earlier than January 1, 2027.

Article 2. Definitions

25005. For purposes of this chapter, the following definitions apply:

(a) (1) "Approved plan" means a producer responsibility plan that has been approved by the department pursuant to Section 25020 and that has not been revoked by the department pursuant to Section 25052.

(2) A conditionally approved plan is an approved plan, except as used in Section 25020.

(3) A partially approved plan is not an approved plan.

(b) "Brand" means a trademark, including both a registered trademark and an unregistered trademark, a logo, a name, a symbol, a word, an identifier, or a traceable mark that identifies a covered product and identifies the owner or licensee of the brand.

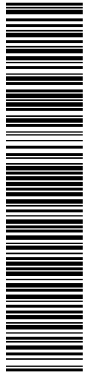
(c) "Collection site" means a permanent or temporary location where a covered product is collected and prepared for transport in accordance with the requirements of this chapter.

(d) "Consumer" means a person who owns a covered product and includes the ultimate purchaser, owner, or lessee of a covered product, who is not, as to that covered product, the distributor, importer, producer, recycler, retailer, or stewardship organization.

(e) "Contact information" means name, physical address, mailing address, email address, and telephone number.

(f) "Covered product" means a pyrotechnic device that produces a brilliant light or a plume of colorful smoke as a visual distress signal on marine vessels to attract attention and pinpoint a boater's location in an emergency.

(g) "Department" means the Department of Toxic Substances Control.



(h) “Distributor” means a person that has a contractual relationship with one or more producers to market and sell covered products to retailers.

(i) “Importer” means either of the following:

(1) A person qualifying as an importer of record for purposes of Section 1484(a)(2)(B) of Title 19 of the United States Code regarding the import of a covered product that is sold, distributed for sale, or offered for sale in or into the state that was manufactured or assembled by a company outside of the United States.

(2) A person importing into the state for sale, distributing for sale, or offering for sale in the state a covered product that was manufactured or assembled by a company physically located outside of the state.

(j) (1) “Producer” means a person who manufactures a covered product and who sells, offers for sale, or distributes a covered product into the state under the person’s own name or brand.

(2) If there is no person in the state who is the producer for purposes of paragraph (1), the producer of the covered product is the owner or licensee of a brand under which the covered product is sold or distributed into the state. For purposes of this subdivision, an exclusive licensee is a person holding the exclusive right to use a brand in the state in connection with the manufacture, sale, or distribution for sale in or into the state of the covered product.

(3) If there is no person in the state who is the producer for purposes of paragraph (1) or (2), the producer of the covered product is the person that imports the covered product into the state for sale, distribution, or installation.

(4) If there is no person in the state who is the producer for purpose of paragraph (1), (2), or (3), the producer of the covered product is the distributor, retailer, dealer, or wholesaler who sells the product in or into the state.

(5) For purposes of this chapter, the sale of a covered product shall be deemed to occur in the state if the covered product is delivered to the consumer in the state.

(k) “Producer responsibility organization” or “PRO” means an organization that is exempt from taxation under Section 501(c)(3) of the federal Internal Revenue Code of 1986 that is appointed by one or more producers to act as an agent on behalf of all producers to design, submit, and administer a producer responsibility plan pursuant to this chapter.

(l) “Producer responsibility plan” or “plan” means the plan developed by a PRO for the collection, transportation, and the safe and proper management of covered products pursuant to Article 4 (commencing with Section 25020) and submitted to the department for approval pursuant to Section 25020.

(m) “Retailer” means a person who sells or offers for sale a covered product in or into the state to a person through any means, including, but not limited to, sales outlets, catalogs, the telephone, the internet, or any electronic means.

(n) “Stewardship program” means a program established by a program operator pursuant to this chapter for free at drop off, convenient, and safe collection, transportation, and proper management of covered products.

Article 3. Producer Responsibility Organization



15377

25010. (a) All producers shall register with a single PRO to develop and implement a plan on behalf of all producers. Subject to subdivision (c) of Section 25013 and Section 25055, there shall be only one PRO.

(b) No later than 30 days after the effective date of the regulations described in Section 25001, a producer shall notify the department electronically that the producer has registered with the PRO to develop and implement a plan on its behalf and to identify the PRO.

(c) A producer shall register with the PRO in accordance with the procedures and requirements established by the PRO.

(d) A producer shall not sell, offer for sale, import, or distribute a covered product in the state unless all the following are met:

- (1) The producer has registered with the PRO.
- (2) The covered product is accounted for in the plan.
- (3) The department has approved the PRO's plan.

(e) A producer shall provide notice of its intent to comply with the requirements of this chapter to all persons through which it sells, distributes, imports, or offers for sale a covered product in or into the state. A producer shall provide this notice no later than 180 days after the effective date of this chapter.

(f) If an entity does not meet the definition of producer and is not subject to this chapter but, at any point, meets the definition of a producer, that entity shall be deemed a producer and shall register with the PRO and otherwise comply with the requirements of this chapter before beginning to sell, offer for sale, import, or distribute covered products in the state.

25011. (a) No later than 30 days after the effective date of the regulations described in Section 25001, a producer shall provide to the department, in a form and manner established by the department, the following:

- (1) The producer's contact information.
- (2) A list of covered products and brands of covered products that the producer sells, distributes for sale, imports for sale, or offers for sale in or into the state.

(b) A producer shall provide to the department updates to the information described in subdivision (a) on or before January 15 of each year, within 30 days of changes to the information, and upon the department's request.

25012. A PRO shall notify the department within 30 calendar days of any of the following:

(a) The end of a three-month period in which the PRO unsuccessfully attempted to obtain a fee, records, or information from a producer registered with the PRO.

(b) The date that a producer no longer participates in the PRO's approved plan.

(c) Any instance of noncompliance by a participant producer.

25013. (a) A PRO shall demonstrate in its plan that it has adequate financial responsibility and financial controls in place, including fraud prevention measures and an audit schedule, to ensure proper management of funds.

(b) The activities of the PRO shall be limited to carrying out the requirements of this chapter.

(c) In the event that the department determines that the PRO no longer meets the requirements of this chapter or fails to implement or administer an approved plan in a manner that effectuates the purposes of this chapter, the department may revoke



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its approval of the plan and may approve an alternative plan submitted by another PRO pursuant to Section 25055.

25014. (a) The department shall establish performance standards for the PRO.

(b) Performance standards categories shall include, but not be limited to, collection of the covered product.

(c) The performance standards shall specify dates for compliance.

(d) The department may adjust performance standards and compliance dates based on information included in the plan and annual reports, other information provided by the PRO, department waste characterization studies, economic information, and any other relevant information.

(e) Performance standards published by the department pursuant to this subdivision shall not be subject to the requirements of Chapter 3.5 (commencing with Section 11340) of Part 1 of Division 3 of Title 2 of the Government Code.

(f) The PRO shall meet the performance standards described in subdivision (a).

25015. The PRO shall implement its approved plan.

Article 4. Producer Responsibility Plans

25020. (a) Within nine months of the effective date of the regulations described in Section 25001, a PRO shall develop and submit a proposed plan to the department, in a form and manner determined by the department.

(b) The department shall review the plan for compliance with this chapter. Within 90 calendar days of receipt of the plan from the PRO, the department shall respond with an approval, disapproval, conditional approval, request for additional information, or timeline for a decision on approval or disapproval.

(c) The department shall approve, approve in part, or deny a proposed plan after providing a 30-day public comment period.

(d) If the department approves a proposed plan, a revised plan, or a conditionally approved plan, then the department shall notify the PRO of the approval. The PRO shall implement the approved plan within 90 days of receipt of the notice of approval, or as otherwise agreed to by the department.

(e) If the department conditionally approves the plan, then the department shall explain, in writing, how the plan or parts of the plan does not comply with this chapter, and the PRO shall ensure the conditions are met and resubmit a revised plan within 12 months.

(f) If the department disapproves the plan, the department shall explain, in writing, how the plan does not comply with this chapter, and the PRO shall resubmit a plan to the department. If the department finds that the plan resubmitted by the PRO does not comply with the requirements of this chapter, the PRO shall not be deemed in compliance with this chapter until the organization submits a plan that the department finds complies with the requirements of this chapter.

(g) An approved plan shall be public record published on the department's internet website, except that financial, production, or sales data reported by the PRO to the department for purposes of the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code) and shall not be open to public inspection. The department may release financial or sales data in summary form only so the information cannot be attributable to a specific entity.



15377

25021. A plan shall do all of the following:

(a) (1) Be developed to accept and manage all covered products at the end of their useful life. An expiration date on a covered product shall be determinative of its useful life.

(2) A plan shall include all covered products and shall not exclude covered products on the basis that the covered products are not from a producer registered with the PRO.

(b) Include the contact information of each producer registered with the PRO and covered by the plan.

(c) Demonstrate how the PRO will comply with Section 25030, including a five-year budget that demonstrates how the PRO will comply with subdivision (b) of Section 25030.

(d) Describe how collection sites will be managed, including all of the following:

(1) How the PRO will provide a free and convenient collection system for covered products, which shall include permanent collections sites and may include temporary collections sites.

(2) A description of how the PRO will provide to the collection sites, at no cost to consumers or other entities involved in the collection, the appropriate training, signage, safety guidance, educational materials, and any other items or information necessary for the safe collection and temporary storage of covered materials.

(3) An explanation of the process by which the PRO will provide for the transport of covered products from the collection sites.

(4) A list of all proposed rules, conditions, and requirements for collection sites and recyclers.

(5) A list of all proposed rules, conditions, and requirements for collection sites and recyclers, including a template proposed agreement for each of those types of entities as applicable.

(e) Describe how the PRO will meet performance standards with associated metrics, and the dates by which the performance standards will be achieved for the performance standards categories identified in Section 25014.

(f) Describe the process by which collected covered products will be handled and managed following collection, including all of the following:

(1) A description of how covered products will be handled and managed according to the waste management practices specified in Section 40051 of the Public Resources Code, including a description of how the PRO will use the best available management technologies.

(2) A description of the annual assessment the PRO will conduct and the metrics it will use to determine how collection, sorting, transportation, and management outcomes aligned with projections.

(3) A description of how the PRO will achieve an equitable and circular system that improves the collection, processing, and management operations for covered products, including, but not limited to, pilot programs to test new processes, methods, or equipment.

(g) Include a contingency plan in the event the plan expires or is revoked. The contingency plan shall guarantee that all the contracts, financial data, and any other necessary authority and assets to operate the program shall vest in a trustee approved by the department. The trustee shall operate the most recently approved plan, subject



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to the direction of the department, until the time a new plan is approved. Upon plan expiration or revocation of the plan, the balance of the PRO's operating reserves collected shall be transferred to the control of the trustee within five calendar days. All documents, digital records, contracts, and files related to the operation of the plan shall be transferred to the control of the trustee within five calendar days.

25022. A plan shall include a section describing a comprehensive statewide education and outreach program designed to educate consumers and promote participation in the program offered by the PRO. The comprehensive statewide education and outreach program shall do all of the following:

(a) Promote the safe and proper management of covered products and shall not promote the disposal of covered products in a manner inconsistent with the services offered by the plan.

(b) Include information for consumers on how to avoid improper disposal of covered products.

(c) Include a description of the education and outreach efforts to various audiences, including, but not limited to, consumers to promote their participation in achieving the purposes of the plan. These education and outreach materials shall include, but not be limited to, all of the following:

(1) An internet website that publicizes the entire process for collection, including collection location sites in addition to any other information necessary to consumers for the safe collection and handling of covered products.

(2) Signage at point of sale and in marinas that is prominently displayed and easily visible.

(3) All signage and material required for collection sites by the PRO, and the method by which the collection sites can access replacement materials at no cost to the collection site.

(4) Promotional materials, activities, or both that explain the purpose of the PRO and the means by which it is managing covered products.

(5) A description of strategies, goals, and metrics the PRO will use to annually assess and evaluate the efficacy of the comprehensive statewide education and outreach program.

25023. (a) The PRO shall review its approved plan at least every five years and determine whether revisions are necessary.

(b) If the PRO determines that revisions to its approved plan are necessary, the PRO shall submit to the department a revised plan for review and approval using the procedures set forth in Section 25020. The PRO shall submit the revised plan to the department pursuant to this subdivision at least 12 months before the review deadline outlined in subdivision (a). The revised plan shall include a cover letter that summarizes the revisions to the plan.

(c) If the PRO determines that no revisions to the plan are necessary, the PRO shall send a letter to the department, 12 months before the review deadline outlined in subdivision (a) explaining that the PRO has reviewed the plan and determined that no revisions are needed. The department may, after hearing public input, disapprove the PRO's determination within 30 days of receipt of the letter if the department concludes that the PRO cannot implement the objectives of this chapter without revising the plan. In the event the department disapproves the PRO's determination, the department may indicate to the PRO which sections, at minimum, of the plan need revision, and the



PRO shall submit to the department a revised plan, or plan sections, for review and approval, following the procedures set forth in Section 25020. The PRO shall submit the revised plan pursuant to this subdivision within 60 days of receipt of the department's disapproval.

(d) The department may consult with or submit the revised plan to another state agency or department if the department determines it is necessary for making its determination. The duration of time the department takes for this consultation is not included in the time allotted to the department for review pursuant to this section.

Article 5. Financial Provisions

25030. The PRO shall do all of the following:

(a) Establish a method for fully funding its plan in a manner that equitably distributes the plan's costs among participating producers that reflects sales volumes and the cost to manage the covered products the producer produces.

(b) (1) Operate on a budget that establishes a funding level sufficient to operate the PRO in a prudent and responsible manner. The budget shall demonstrate how the PRO's estimated revenues cover all the PRO's budgeted costs for each cost category. Budgeted costs shall include, but not be limited to, administrative costs, capital costs, and a reserve.

(2) Administrative costs shall include the department's actual and reasonable regulatory costs, which include full personnel costs, to implement and enforce this chapter, as the criteria for all costs are defined in the regulations described in Section 25001. For purposes of this paragraph, PRO implementation begins once the department approves the PRO's plan, except the department's costs shall include actual regulatory development costs and other startup costs incurred prior to plan submittal and approval.

(3) The reserve shall include funds to operate the PRO should there be unexpected events, losses of income, or large unbudgeted expenses. It shall also protect the infrastructure the PRO relies on in its plan during any lapse in producer participation during the life of the program. The reserve cost category shall include a reserve level amount description justifying the reserve level amount indicated. The PRO shall maintain reserve funds sufficient to operate the plan for not less than six months. In the event that a new PRO is approved by the department, the PRO shall establish its reserve and maintain the required reserve fund balance by the end of the second year of plan operation. In the event the PRO's plan expires or is revoked, the reserve balance shall be transferred to a successor PRO or a trustee pursuant to the portion of the plan described in subdivision (g) of Section 25021.

(c) On a schedule determined by the department, pay the department fees to cover the department's reasonable regulatory cost as described in Section 25032.

(d) Establish a process by which the financial activities of the PRO that are related to implementation of the plan will be subject to an independent audit consistent with generally accepted accounting principles (GAAP) and pursuant to Section 25042. Written certification by an authorized representative of the PRO that, at the time of submission to the department, all aspects of the plan are in compliance with all applicable state and federal laws and regulations.

25031. Each producer shall, through the PRO, pay all administrative and operation costs associated with establishing and implementing the PRO's approved



plan, including the cost of collection, transportation, and the safe and proper management of covered products.

25032. (a) Within four months of the effective date of the regulations described in Section 25001, the department shall notify the PRO of the estimated regulatory costs and the criteria for the costs specified in the regulations. Those costs shall include the costs associated with developing the regulations and other department activities that occur before plan submittal and approval, including, but not limited to, full personnel costs related to implementing and enforcing this chapter. The costs shall not exceed the department's reasonable regulatory costs to implement and enforce this chapter.

(b) The department shall deposit all moneys received from the PRO pursuant to this section into the Marine Flare Recovery Fund, which is hereby established in the State Treasury.

(c) Upon appropriation by the Legislature, moneys in the Marine Flare Recovery Fund shall be expended by the department to implement and enforce this chapter, as well as to reimburse any standing loans made from other funds used to finance regulation development, and startup costs of the department's activities pursuant to this chapter.

(d) The moneys in the Marine Flare Recovery Fund shall only be expended for purposes described in subdivision (c).

25033. (a) (1) A PRO, as part of its plan, shall set up a trust fund or an escrow account, into which it shall deposit all unexpended funds and ongoing consumer assessments, for use in accordance with this section in the event that the plan terminates or is revoked.

(2) For purposes of this subdivision, "unexpended funds" means assessment moneys in the PRO's accounts that the PRO is not already obligated to pay pursuant to a contract, claim, or similar mechanism.

(b) If a plan terminates or is revoked, the trustee or escrow agent of a trust fund or escrow account set up pursuant to subdivision (a) shall do both of the following, starting within 30 days:

(1) Accept payments directly from producers into the trust fund or escrow account that would have been made to the PRO prior to the plan's termination or revocation.

(2) Make payments from the trust fund or escrow account as the department shall direct, in writing, to implement the most recently approved plan.

(c) If a new plan has not been approved by the department within one year after termination or revocation, the department may make modifications to the previously approved plan, as it deems necessary, and continue to direct payments from the trust fund or escrow account in accordance with paragraph (2) of subdivision (b) to implement the modified plan.

(d) A trustee or escrow agent in possession of assessment funds shall, as directed by the department, transfer those funds to a successor PRO with an approved plan.

Article 6. Records, Audits, and Reports

25040. (a) The PRO shall keep board minutes, books, and records that clearly reflect the activities and transactions of the PRO. Each producer or PRO with an approved plan shall maintain all records relating to the approved plan for a period of not less than five years.



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(b) The department may audit the PRO annually.

(c) The failure of the PRO, a producer, or their respective agent who holds records to produce documents or data that is requested by the department, required to be collected or generated to carry out operation of the plan in the form and manner determined by the department as part of a department audit, or review of a third-party audit, shall constitute a violation of this chapter.

25041. (a) A producer, PRO, manufacturer, distributor, retailer, dealer, or importer shall do both of the following:

(1) Upon request, provide the department with reasonable and timely access, as determined by the department, to its facilities and operations, as necessary to determine compliance with this chapter.

(2) Upon request, within 14 days, provide the department with relevant records, as determined by the department, necessary to determine compliance with this chapter.

(b) All reports and records provided to the department pursuant to this chapter shall be provided under penalty of perjury.

(c) The department may impose administrative civil penalties pursuant to Article 7 (commencing with Section 25050) on a producer, PRO, manufacturer, distributor, retailer, dealer, or importer that fails to provide the department with the access required pursuant to this section.

25042. (a) The PRO shall retain an independent public accountant, certified in the United States, to annually audit the accounting books of the PRO. The department shall review the independent certified public accountant audit for compliance with this chapter and consistency with the PRO's approved plan and the annual report required by Section 25043. After the department conducts its own audit, the department shall notify the PRO of any conduct or practice that does not comply with this chapter or of any inconsistencies identified in the audit. The PRO may obtain copies of the department's audit, including proprietary information contained in the department's audit, upon request. The producer or PRO may withhold from disclosure confidential proprietary information to the extent allowed under Section 1040 of the Evidence Code and the California Public Records Act (Division 10 (commencing with Section 7920.000) of Title 1 of the Government Code). The items submitted to the department as part of the independent audit shall include:

(1) Financial statements audited in accordance with generally accepted accounting principles (GAAP).

(2) An audit of the PRO's compliance with this chapter.

(3) An audit of the PRO's adherence to, execution of, and consistency with its approved plan.

(b) The PRO shall include the independent audit in its annual report submitted to the department pursuant to Section 25043 commencing within 18 months of plan approval by the department. The department shall review the audit for compliance with this chapter and consistency with the PRO's approved plan.

25043. On or before January 1 of each year, the PRO shall submit to the department, and make publicly available, an annual report, in a format prescribed by the department, that includes, at minimum, all of the following information for the preceding calendar year, unless otherwise specified:

(a) The PRO's costs, according to the cost categories established in the plan, and revenues.



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- (b) A summary of any anticipated changes to allocations in cost categories for the next calendar year.
- (c) Any changes to the distribution of costs to the producers registered with the PRO.
- (d) The names and updated contact information for the producers registered with the PRO.
- (e) An estimate of the quantity of covered products sold in or into the state by the producers registered with the PRO, as determined by the best available commercial data.
- (f) The number of collection sites, listed by name, location, and type, from which the covered products were picked up.
- (g) The total number of covered products collected.
- (h) The number of covered products picked up from each collection site.
- (i) A complete accounting of the ultimate disposition of all covered products collected by the PRO, including the total weight of materials that were disposed of.
- (j) Metrics and a description of the progress towards attaining the performance standards included in the approved plan.
- (k) An evaluation of the effectiveness of methods and processes used to achieve the performance goals of the program.
- (l) A description of methods used to collect, transport, and manage covered products by the PRO, including a description of all of the following:
- (1) How the PRO handled and managed covered products according to the waste hierarchy as defined in Section 40051 of the Public Resources Code.
 - (2) Results of the PRO's assessment of the efficacy of the collection and transportation process pursuant to subdivision (f) of Section 25021.
- (m) A description of how the PRO improved the convenience of collection and improved processing operations for covered products, including, but not limited to, pilot programs to test new processes, methods, or equipment.
- (n) A summary of the public education used to promote consumer knowledge of the program, including the PRO's evaluation of the efficacy of the comprehensive statewide education and outreach program pursuant to Section 25022.
- (o) Recommendations for any future proposed substantial changes to the program that may be submitted for the department's approval pursuant to Section 25020, if applicable.
- (p) Any other information required by regulations adopted pursuant to Section 25001.
25044. (a) No later than 90 days of receipt of an annual report, the department shall start a 30-day public comment period regarding an annual report.
- (b) No later than 120 days after receipt of an annual report, and after completion of the public comment period required by subdivision (a), the department shall notify the PRO if the annual report is compliant or noncompliant.
- (c) If the department determines that the annual report is noncompliant due to failure to meet the requirements of this chapter, the department may require the resubmittal of the annual report and take enforcement action.
- (d) The department may consult with or submit the annual report to a state agency or department if it determines it is necessary for making a determination of compliance or noncompliance of an annual report. The duration of time the department takes for



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this consultation shall not be included in the time allotted to the department for review pursuant to subdivision (a).

Article 7. Enforcement

25050. A retailer, dealer, importer, or distributor shall not sell, distribute, offer for sale, or import a covered product in or into the state unless the producer of the covered product is listed as a compliant producer pursuant to Section 25051 or received a certification letter described in subdivision (e) of Section 25051.

25051. (a) Within 12 months of the effective date of the regulations described in Section 25001, and on or before July 1 of each year thereafter, the department shall publish on the department's internet website, a list of the names of producers that are compliant with this chapter. The department shall list, as appropriate, the reported brands of covered products for each producer.

(b) A retailer, importer, or distributor shall monitor the department's internet website to determine if a producer, brand, or covered product is in compliance with this chapter for that brand.

(c) Notwithstanding any other provision of this chapter, upon identification of a producer that is not registered with the PRO with an approved plan, the department shall issue a notice of noncompliance to the producer.

(d) If the department determines a producer is not in compliance with this chapter, the department shall remove the producer, along with its brands of covered products, from the compliance list.

(e) A producer that is not listed on the department's internet website pursuant to subdivision (b) that demonstrates compliance with this chapter before the next list is posted by the department may either be added to the internet website or be provided a certification letter from the department stating that the producer of a covered product is in compliance with this chapter.

25052. (a) A civil penalty up to the following amounts may be administratively imposed by the department on any person who is in violation of any provision of this chapter:

- (1) Ten thousand dollars (\$10,000) per day.
- (2) Fifty thousand dollars (\$50,000) per day if the violation is intentional or knowing.

(b) In assessing or reviewing the amount of a civil penalty imposed pursuant to subdivision (a) or (b) for a violation of this chapter, the department or the court shall consider all of the following:

- (1) The nature and extent of the violation.
- (2) The number and severity of the violation or violations.
- (3) The economic effect of the penalty on the violator.
- (4) Whether the violation took good faith measures to comply with this chapter and the period of time over which these measures were taken.
- (5) The willfulness of the violators misconduct.
- (6) The deterrent effect that the imposition of the penalty would have on both the violator and the regulated community.
- (7) Any other factor that justice may require.



(c) Upon written finding that a PRO, producer, importer, distributor, or any other party regulated has not met a material requirement of this chapter, in addition to any other penalties authorized under this chapter, the department may take one or both of the following actions to ensure compliance with the requirements of this chapter, after affording the PRO, producer, importer, distributor, or any other party regulated, an opportunity to respond to or rebut the finding:

(1) Revoke the PRO's plan approval or require the PRO to resubmit the plan or plan section.

(2) Require additional reporting relating to compliance with the material requirements of this chapter that were not met.

(d) The department shall deposit all penalties collected pursuant to this section into the Marine Flare Recovery Penalty Account, which is hereby created in the Marine Flare Recovery Fund. Upon appropriation by the Legislature, moneys in the Marine Flare Recovery Penalty Account shall be available for expenditure by the department on activities related to the collection, reuse, and safe and proper management of covered products, grants for related purposes, and the administration and enforcement of this chapter.

(e) The Administrative Adjudication Bill of Rights as set forth in Article 6 (commencing with Section 11425.10) of Chapter 4.5 of Part 1 of Division 3 of Title 2 of the Government Code, applies to hearings conducted under this chapter and mandates minimum due process.

25053. (a) After the time for judicial review under Section 11523 of the Government Code has expired, the department may apply to the small claims court or superior court, depending on the jurisdictional amount and any other remedy sought, in the county where the penalties, restitution, or other remedy was imposed by the department, for a judgment to collect any unpaid civil penalties or restitution or to enforce any other remedy provided by this chapter. The application, which shall include a certified copy of the final agency order or decision, shall constitute a sufficient showing to warrant the issuance of the judgment. The court clerk shall enter the judgment immediately in conformity with the application. The judgment so entered shall have the same force and effect as and shall be subject to all the provisions of law relating to a judgment in a civil action and may be enforced in the same manner as any other judgment of the court. The court shall make enforcement of the judgment a priority.

(b) If, in the judgment of the Director of Toxic Substances Control, a person has engaged in or is about to engage in an act, practice, or omission that constitutes, or will constitute, a violation of this chapter, the Attorney General may, at the request of the director, bring an action in the superior court for an order enjoining the act, practice, or omission. The order may require remedial measures and direct compliance with this chapter. Upon a showing by the director that the person has engaged in or is about to engage in that act, practice, or omission, the superior court may issue a permanent or temporary injunction, restraining order, or other order, as appropriate.

(c) An action brought by the Attorney General pursuant to this section shall have precedence in respect to the order of trial over all other civil actions not brought by or on behalf of the state, except actions regarding probate bonds.



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25054. A producer shall not be subject to penalties pursuant to this article for noncompliance with subdivision (d) of Section 25010 until two years from the effective date of the regulations described in Section 25001.

25055. (a) A PRO that violates this chapter three or more times shall be ineligible to act as an agent on behalf of a manufacturer to design, submit, and administer a plan pursuant to this chapter.

(b) If a PRO becomes ineligible pursuant to subdivision (a) to operate as a PRO under this chapter, the successor provisions in subdivisions (b), (c), and (d) of Section 25033 shall apply.

Article 8. Antitrust Immunity

25060. (a) Except as provided in subdivision (b), an action that is taken by a producer or producer responsibility organization, is not a violation of the Cartwright Act (Chapter 2 (commencing with Section 16700) of Part 2 of Division 7 of the Business and Professions Code), the Unfair Practices Act (Chapter 4 (commencing with Section 17000) of Part 2 of Division 7 of the Business and Professions Code), or the Unfair Competition Law (Chapter 5 (commencing with Section 17200) of Part 2 of Division 7 of the Business and Professions Code) to the extent the producer or producer responsibility organization, is exercising authority pursuant to this chapter.

(b) Subdivision (a) applies to all of the following actions taken by the PRO:

(1) The creation, implementation, or management of a plan approved or conditionally approved by the department pursuant to this chapter and the determination of the types or quantities of covered products recycled or otherwise managed pursuant to a plan.

(2) The determination of the cost and structure of an approved plan.

(3) The establishment, administration, collection, or disbursement of a charge associated with funding the implementation of this chapter.

(c) Subdivision (a) does not apply to an agreement that does any of the following:

(1) Fixes a price of or for covered products.

(2) Fixes the output or production of covered products.

(3) Restricts the geographic area in which, or customers to whom, covered products will be sold.

SEC. 2. The Legislature finds and declares that Section 1 of this act, which adds Section 25020 to the Health and Safety Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

In order to ensure the effective hazardous waste management of, and viable markets for, marine flares, it is necessary to protect the proprietary information of producers, retailers, wholesalers, and solid waste enterprises by keeping confidential the financial, production, and sales data reported by those entities under Section 1 of this act.

SEC. 3. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution because the only costs that may be incurred



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by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

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LEGISLATIVE COUNSEL'S DIGEST

Bill No.

as introduced, Blakespear.

General Subject: Hazardous waste: marine flares: producer responsibility.

(1) Under existing law, as part of the hazardous waste control laws, the Department of Toxic Substances Control (DTSC) generally regulates the management and handling of hazardous waste and hazardous materials.

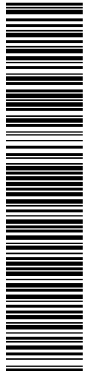
This bill would create a producer responsibility program for marine flares. The bill would define "covered product" to mean a pyrotechnic device that produces a brilliant light or a plume of colorful smoke as a visual distress signal on marine vessels to attract attention and pinpoint a boater's location in an emergency. The bill would require a producer of a covered product to register with a product responsibility organization, 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 act with an effective date no earlier than January 1, 2027.

This bill would require, within 9 months of the effective date of the regulations, a PRO to prepare and submit a product responsibility plan to DTSC. The bill would require the plan to include specified elements, including a funding mechanism that provides sufficient funding to carry out the plan. The bill would require, within 90 days of receipt of the plan, DTSC to approve, approve in part, or disapprove the plan, as provided. The bill would require a PRO to resubmit a plan if its plan is not fully approved.

This bill would require a PRO to implement its plan within 90 days of approval. The bill would require the plan to be fully funded in a manner that equitably distributes the plan's costs among participant producers that reflects sales volumes and the cost to manage the covered products that a producer produces.

This bill would require the PRO to prepare and submit to DTSC and make publicly available an annual report describing the activities carried out pursuant to the plan. The bill would require the PRO to retain specified documents, annually audit its accounting books, and make documents available to DTSC for review, as specified. The bill would require all reports and records provided to DTSC pursuant to the act to be provided under the penalty of perjury. By expanding the scope of a crime, the bill would impose a state-mandated local program.

The bill would require a participant producer, through the PRO, to pay DTSC, on an unspecified schedule, an annual administrative charge, as determined by DTSC. The bill would require the charge be set at an amount that is adequate to cover DTSC's full costs of administering and enforcing the act. The bill would provide for the imposition of administrative civil penalties upon any person who violates the act. The bill would establish the Marine Flare Recovery Fund in the State Treasury and would require the administrative charges collected by DTSC to be deposited into that account for expenditure by DTSC, upon appropriation by the Legislature, to cover DTSC's



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cost to implement and enforce the act. The bill would also establish the Marine Flare Recovery Penalty Account in the Marie Flare Recovery Fund and would require that the civil penalties collected by DTSC pursuant to the act be deposited in that account, for expenditure by DTSC, upon appropriation by the Legislature, on activities related to the collection, reuse, and safe and proper management of covered products, grants for related purposes, and the administration and enforcement of the act.

(2) Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

(3) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.



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NATIONAL
STEWARDSHIP
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ADVOCATING FOR AN EQUITABLE, CIRCULAR ECONOMY

Pyrotechnic Marine Flare Extended Producer Responsibility

Zero Waste Sonoma Meeting
February 15, 2024

NSAC'S VISION: The United States attains an equitable, circular economy.

Thank You to Our Sponsors!



Who is NSAC & SAF?



The National Stewardship Action Council (NSAC) is a 501(c)4 non-profit organization. NSAC is a network of committed proponents comprised of governments, non-government organizations, businesses, & consumers who advocate that **producers fairly share responsibility in an equitable, circular economy.**

Vision: The U.S. attains an equitable, Circular Economy.



Affiliated 501(c)3 for **education & outreach** initiatives that aligns with NSAC's advocacy work

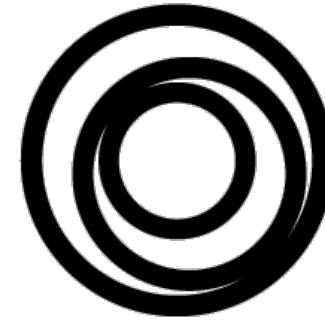


Staff Jordan Wells, Heidi Sanborn, & Victoria Reiser

What is a Circular Economy?

It is based on three principles:

1. Design out waste & pollution
2. Keep products & materials in use
3. Regenerate natural systems



**ELLEN
MACARTHUR
FOUNDATION**

**Decouples economic activity
from the consumption of
finite resources.**



The bathtub is overflowing, what do you do FIRST?!

Second?



Policy Options

1. Sales Ban
2. Truth in Labeling
3. Product Stewardship
4. Extended Producer Responsibility

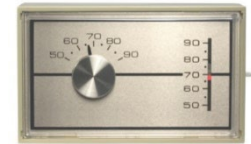


Questions to Ask:

- 1) How toxic is it?
- 2) Are there safer alternatives on the market, or coming?
- 3) What have other states or countries done with the product/chemical?
- 4) Is the international community limiting shipping/disposal?
- 5) How is the state determining the product to be hazardous? Is that causing problems?

Policies That Support Circular Economy: Bans/EPR/Stewardship in CA

1. Ag Pesticide Containers (2008) – EPR
2. Recalled Products (2008) –EPR
3. Mercury Thermostats (2008) – EPR
4. Paint (2010)
5. Carpet (2010)
6. Mattresses (2013)
7. Medications & Sharps (2018) – EPR
8. Loose batteries (2022) – EPR
9. Packaging (2022) – Circular Economy
10. Mercury lighting (2022) - BAN



Therm@statCare



**DRUG TAKEBACK SOLUTIONS
FOUNDATION**



PaintCare™
RECYCLING MADE EASY



**Mattress
Recycling
Council**

**California Carpet
Stewardship Program**
An Initiative of CARE: Carpet America Recovery Effort

MED-Project™
Medication Education & Disposal



NATIONAL STEWARDSHIP ACTION COUNCIL

NSAC: A Track Record of Success in CA

2024:

1. SB 1066 (Blakespear): Marine Flare Producer Responsibility Act
2. AB 863 (Aguiar-Curry & Dodd): Flooring

2022:

1. Negotiating SB 43 (Allen) : Plastic Pollution Prevention and Packaging Producer Responsibility Act (EPR)
2. AB 2208 (Kalra) : Mercury Lamp Pollution Prevention Act
3. AB 1894 (L. Rivas): Truth in Marketing & Advertising for Cannabis Vaping Devices - *1st in the nation*
4. AB 1793 (Quirk): Aquatic Toxicity Testing

2021:

5. SB 343 (Allen): Truth in Recycling Labeling - *1st in the nation*
6. AB 818 (Bloom): Truth in “Flushable” Wipes Labeling
7. AB 707 (Quirk): Mercury Thermostat EPR Program Update

2019:

8. SB 726 (Caballero): HHW Reuse & Exchange
9. AB 729 (Chu): Carpet Program Reform #2

2018:

10. SB 212 (Jackson, Ting, Gray): Medication & Needle EPR - *1st in the nation*

2017: AB 1158 (Chu): Carpet Program Reform #1



EPR Best Practices

- Tiered definition of producer
- 501(c)3 for robust transparency
- Recycling rates and dates
- Source reduction targets when applicable
- Convenience standards
- Eco-modulation
- Incentives (bounty)
- Require quick or immediate local government reimbursement
- Strong enforcement mechanisms – ability to revoke PRO
- Enforcement – must have the right agency!
- Require stakeholder input
- Protect existing infrastructure
- Public education and outreach requirements
- No preemption
- Labeling!!!



EPR: Marine Flare Disposal Distress

- Vessels longer than 16 feet operating on coastal waters, the Great Lakes, territorial seas, and waters directly connected to them (up to the point where the body of water is less than two miles wide) must carry 3 pyrotechnic flares if approved for day & night use, or an US Coast Guard approved alternative
- Pyrotechnic marine flares expire 36 - 42 months from manufacture date
- Contain toxic metals and pollutants such as perchlorate
- **~174,000 outdated flares are generated in CA annually - little to no disposal options due to cost & permits!** Only disposal facility for high hazard flares is in Missouri!
- Zero Waste Sonoma disposal costs: **~\$185/flare** (when partnering with jurisdictions on transportation & disposal). **Will be ~\$493/flare w/out partnership**
- Can be purchased new for ~\$13!



SB 1066 by Senator Blakespear

Marine Flare Producer Responsibility Act

- Would require the producers to fund and implement a convenient take-back program for unwanted flares
- Introduced 2/9/2024
- Oversight Agency: DTSC
- Regulations to be adopted by 1/1/2027
- Five-year stewardship plans & budgets
- Annual reporting
- Enforcement: Penalties up to \$50K/per day
- **Inviting co-sponsorship**

SENATOR BLAKESPEAR
Introduces
SB 1066 **MARINE FLARE
PRODUCER
RESPONSIBILITY ACT**

#YESONSB1066

 NATIONAL STEWARDSHIP ACTION COUNCIL
ADVOCATING FOR A CLEANER & HEALTHIER CALIFORNIA

“Twenty years from now, our hope is that nothing goes onto market that has no end-of-life management program in place.”

HEIDI SANBORN



Heidi Sanborn

Executive Director
Cell: (916) 217-1109
Heidi@nsaction.us

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Agenda Item #: **8**
Cost Center: **HHW**
Staff Contact: **Scott**
Agenda Date: **2/15/2024**
Approved By: **LL**

ITEM: Discussion and Possible Action for an HHW EPR Model Ordinance

I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends the Board provide direction and authorization for staff to explore the possibility of developing a model ordinance for extended producer responsibility (EPR) of household hazardous waste (HHW).

II. BACKGROUND

Extended Producer Responsibility (EPR) is a longstanding core value of Zero Waste Sonoma (ZWS). EPR is a strategy to place responsibility for the end-of-life product management on the producers instead of local government and the general public. It also encourages product redesign that minimizes the negative impacts on human health and the environment throughout the product's lifecycle. Product stewardship is a similar concept though costs are often passed onto the consumer through a fee or a deposit. In 2001, ZWS unanimously passed an EPR resolution in support of EPR policies and in 2008 to 2010, each individual jurisdiction passed their own resolutions in support of EPR with varying language. Similarly, the Zero Waste Resolution has been passed by 9 of the 10-member jurisdictions and contains language supporting EPR.

There are several existing EPR and product stewardship programs in California including paint, carpet, mattresses, pharmaceuticals & sharps, motor oil, thermostats, certain types of e-waste, tires, beverage containers, and most recently, packaging and batteries.

In 2023, the state of Vermont passed the first HHW EPR law in the country requiring manufacturers to fund the existing collection system and provide public education. The law is expected to be implemented in 2026 with the state Agency of Natural Resources providing oversight and ensuring compliance.

In Fiscal Year 2022-2023, ZWS collected 1,208,215 pounds of HHW and spent approximately \$1,211,419.75 in HHW contracted labor, transportation, and disposal costs. Additionally, ZWS collected 959,445 pounds of e-waste at the five transfer stations and spent \$93,852.60 on e-waste contracted labor, transportation, and recycling costs.

III. DISCUSSION

Past EPR efforts such as pharmaceuticals and batteries started with local jurisdictions who led the way for statewide programs. Similarly, product stewardship and EPR efforts have historically focused on one waste type at a time but implementing a full HHW EPR program would be a faster approach to covering costs for ZWS and ratepayers. If a statewide bill is introduced in 2024, a local ordinance would support the need at the state level.

The timing of developing and implementing a model ordinance would also align with the timing of opening the new north-county HHW facility.

The National Stewardship Action Council (NSAC), a non-profit that advocates for an equitable and circular economy and also consults with state and local governments, has offered to guide ZWS through the ordinance creation process. ZWS currently pays \$2,500 in annual dues to NSAC.

If the Board approves the development of an HHW EPR ordinance, ZWS could be required to perform the following tasks:

1. Create model ordinance language and bring ordinance to each jurisdiction for adoption.
2. Determine a continual list of covered producers and products.
3. Manage the stewardship organization.
4. Ensure compliance for producers and products.
5. Other tasks as determined at a later time.

These tasks and responsibilities could change if a statewide bill is successful.

If the Board decides not to pursue a local model ordinance, staff will continue to advocate for a statewide program.

IV. FUNDING IMPACT

Currently, staff time, consultants, and legal counsel are the only fiscal impact. Staff time has been accounted for in the FY 24-25 Work Plan and Budget. In the short term, staff expects the need for at least one additional full-time staff to develop and implement the program after adoption. In the long term, EPR would save the HHW program in annual disposal and recycling costs, currently around \$587,000/year for HHW alone. ZWS would provide ordinance oversight and funding should be included in the ordinance to be reimbursed by the stewardship organization.

V. ATTACHMENTS

1. National Stewardship Action Council Presentation
2. Vermont Agency of Natural Resources HHW EPR Fact Sheet



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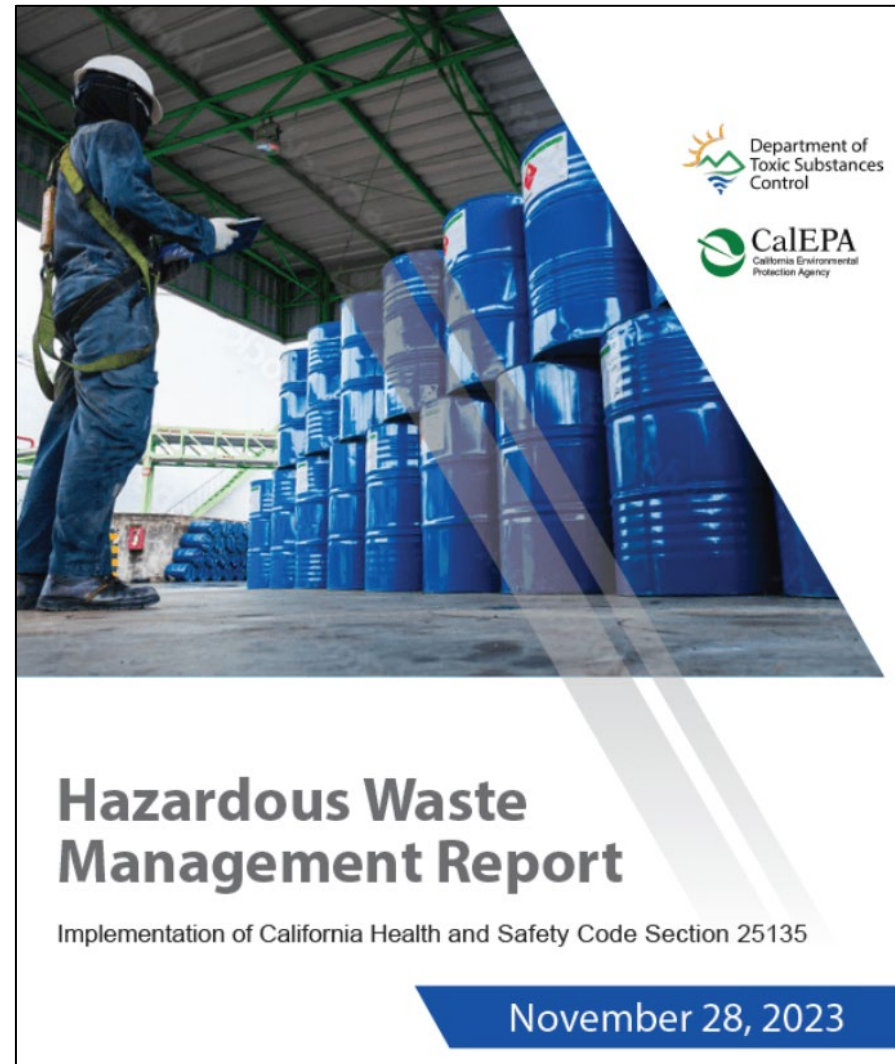
Household Hazardous Waste Extended Producer Responsibility

Zero Waste Sonoma Meeting
February 15, 2024

NSAC'S VISION: The United States attains an equitable, circular economy.

DTSC 2023 Hazardous Waste Management Report

- Top three destination states shipped to have been **Utah, Arizona, and Nevada.**
- The distance between generators and destination facilities ranged 1 to 2,500 mi, **average 500 mi.**
- 58% of California's permitted hazardous waste management facilities (43 of 74) are located within disadvantaged communities.
- According to the Report, **DTSC is not currently resourced to implement a waste reduction program.**



CA HHW Disposition for 2020-2021

- 3% of statewide HHW in Sonoma County
- Sonoma County population: <1.5% of CA population

County	Total Tons HHW	% Tons of HHW Handled by County
Santa Barbara County	1,270	2
Santa Clara County	2,550	4
Santa Cruz County	450	1
Shasta County	120	0
Sierra County	10	0
Siskiyou County	180	0
Solano County	630	1
Sonoma County	1,720	3
Stanislaus County	800	1
Sutter County	N/A	0

Note: Figures greater than 10 are rounded to the nearest 10.

2.3.5.49 Sonoma County, CA

Since 2010, 6,184 generators have generated 116,000 tons of hazardous waste in Sonoma County. This includes 100,600 tons of non-RCRA manifested hazardous waste, 12,200 tons of RCRA manifested hazardous waste, and 3,200 tons of uncategorized manifested hazardous waste.

California Commission on Recycling Markets & Curbside Recycling



- 16-person commission comprised of representatives of public agencies, private solid waste enterprises, and environmental organizations that have expertise in recycling - unanimous consensus required!
- 34 recommendations
- **Recommendation #1: Extending Producer Responsibilities Framework for Household Hazardous Waste (HHW)**

Governments Can Implement EPR!

Alameda County: 1st EPR Ordinance in the U.S.

- **7/24/2012:** Adopts first EPR ordinance for meds in U.S.
- **12/29/14:** PhRMA & other plaintiff organizations file a Petition For Writ of Certiorari asking the U.S. Supreme Court to consider the case – [Petition text](#)
- **5/26/15: Denied! National Impact!**
- EPR in U.S. allowed so long as the product has a public health and safety nexus.



Medication EPR Ordinances = National Impact!

1. Alameda County: Adopted 7/24/2012
2. City & County of San Francisco: Adopted 3/17/2015
3. San Mateo County: Adopted 4/28/2015
4. Santa Clara County: Adopted 5/19/2015
5. Marin County: Adopted 8/11/2015
6. Santa Cruz County: Adopted 12/8/2015 (meds/sharps)
7. City of Santa Cruz: Adopted 8/9/2016 (meds/sharps)
8. City of Capitola: Adopted 8/25/2016 (meds/sharps)
9. Contra Costa County: Adopted 12/20/2016
10. Santa Barbara County: Adopted 6/21/2016
11. City of Watsonville: Adopted 3/16/2017
12. San Luis Obispo County: Adopted 1/10/18 (med/sharps)
13. Tehama County: passed 7/3/2018 (after SB 212 pre-emption date of 4/18/2018)



Heidi Sanborn testifying in support of the LA County Medication & Needle EPR Ordinance

In Progress When Passed:

14. Los Angeles County
15. **Sonoma County**

County Inches Toward Pharmacy-Financed Drug Disposal

Drug Makers Would Run Take-Back Program Under Ordinance

In the Trenches: Getting EPR Done Medications & Needles



1. 2013: SB 727 (Jackson) – **Failed to pass**
2. 2014: SB 1014 (Jackson) – **Failed to pass**
3. 2015: SB 1229 (Jackson) – **signed into law 8/29/2016!**
 - Protects medication bin “collectors” from liability for civil damages or subject to criminal prosecution for maintaining a secure drug take-back bin on its premises .
3. 2017: SB 212 (Jackson) – **signed into law 9/18/2018!**
 - Requires PRO to be 501(c)3.
 - Strong enforcement - \$50K/day fines.
 - Convenience requirements – 1 site per 50,000K people in the county, minimum of 5 per county.
 - Pre-emption: 4/18/2018

News Feature | March 10, 2014

California State Senator's New Bill Would Make Pharmaceutical Companies Pay For Drug Disposal

California enacts first drugs and needles stewardship law in the nation

VERMONT ENACTS FIRST-IN-THE-NATION HHW EPR LAW

H.67 (Dolan-2023)/Act 58 of 2023:

- ~647K residents
- Required to form ONE Producer Responsibility Organization (PRO) for the first collection plan (up to 5 years)
- After the first collection plan (up to 5 years), multiple PROs may register with the Agency of Natural Resources (ANR) but must collaborate to submit ONE Plan.
- Plan must include public education regarding collection program locations and any special handling considerations, **as well as information on source reduction.**
- Empty product containers are not required to be collected by collection sites, except covered gas cylinders.
- All municipal HHW collection programs may opt to be a part of the collection plan. **Reimbursement funding around 2027 for costs incurred since implementation.**
- If Muni's opt to participate, they will need to accept all covered products from any VT. household and Very SQGs with no limits for region boundaries.



Vermont HHW EPR: Timeline



- 1/1/2025: PRO to register with ANR & the Secretary shall approve one.
- 7/1/2025: First stewardship plan due covering 5 years.
- 6-months After Plan Approval (DATE TBD):
 - PROs must implement the Plan (*potentially 3/1/2026*, assuming plan approval is complete by 10/1/2025).
 - **Manufacturers cannot sell covered products into Vermont unless they are participating in the approved Plan.**
- 18-months After Plan Implemented (DATE TBD): PRO(s) submits the annual report to ANR 18 months after Plan implementation (*potentially 9/1/2027*) & annually thereafter.

Vermont HHW EPR: Covered Products

Consumer products offered for retail sale in VT if the product, or a component of it, is defined as hazardous waste under [VT Hazardous Waste Management Regulations \(subchapter 2\)](#) regardless of the generator. Must be contained in its original receptacle.

- Aerosols (flammable or toxic)
- Automotive products
- Fire Extinguishers (up to 50 pounds water capacity)
- Flammable degreasers
- Flammable lubricants
- Flammable liquid adhesives
- Furniture strippers
- Glues and adhesives
- Grout/Masonry cleaners
- Non-Bleach Hazardous cleaners with a pH level below 2 or above 12.5*
- Lamp Kerosene
- Lighter fluid
- Marine, Auto, Field, Traffic, Road Paints
- Paint thinners, solvents and removers
- Rust remover
- Tar and bug remover
- Gas Cylinders:
 - Non refillable Helium, CO₂ and flammable (up to 50 pounds water capacity and no medical or industrial grade are covered)
 - Small Propane up to one pound (refillable and non-refillable)
 - Spray Foam Insulation Tanks (up to 50 pounds water capacity)



Vermont HHW EPR: Exempted Products

Products which are required to be registered with the VT Agency of Agriculture, Food and Markets (AAFM) Pesticide Registration Law are exempt from the HHW EPR law, such as:

- Pesticides
- Pool and Hot Tub Cleaners
- Insect Repellents
- Turf Products, and
- Cleaning Products containing Bleach with antimicrobial claims.

All AAFM-registered pesticide products are not covered under HHW EPR law but may still be collected with other HHW products. VT AAFM uses manufacturers registration fees to defray pesticide collection costs.

Other products not covered by the law—some of which may have existing EPR programs—include:

- Any product sold only for industrial or business to business use
- A product not contained in the receptacle in which the product is offered for retail sale
- An empty covered household hazardous product container (note that empty gas cylinders are covered)
- An unlabeled covered household hazardous product container
- Primary and Rechargeable Batteries (see Vermont's "Special Recycling" EPR program page)
- Mercury-Containing Lamps and Thermostats (see Vermont's "Special Recycling" EPR program page)
- Architectural Paint and Primers (see Vermont's "Special Recycling" EPR program page)
- Covered Electronic Devices (see Vermont's "Special Recycling" EPR program page)
- Pharmaceutical Drugs
- Citronella Candles
- Flea and Tick Collars
- Any products intended to be rubbed, poured, sprinkled on, sprayed on, introduced into, or otherwise applied to the human body or any part of a human for cleansing, moisturizing, sun protection, beautifying, promoting attractiveness, or altering appearance, unless designated as a hazardous material or a hazardous waste by the Secretary of Natural Resources.

Possible Next Steps

- Need approval by ZWS Board to proceed with drafting an HHW EPR ordinance
- Ordinance would be drafted and submitted to ZWS Staff for review and edits
- Ordinance would be introduced for public hearing and input
- Watch State Legislation – similar bill could be introduced in 2024. Ordinance would be supportive to push for state action and could be drafted to only become effective if the state fails to pass HHW EPR in 2024.



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EDUCATING FOR AN EQUITABLE, CIRCULAR ECONOMY

“Twenty years from now, our hope is that nothing goes onto market that has no end-of-life management program in place.”

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Cell: (916) 217-1109
Heidi@nsaction.us

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www.stewardship-foundation.org

DATE: April 27, 2023

Household Hazardous Waste (HHW) Collection in Vermont



What is HHW?

Household Hazardous Waste (HHW) is the most toxic part of the solid waste stream and would be considered federally regulated Hazardous Waste when the waste is produced by non-residential waste generators such as a business, school, or institution. If released it can harm water quality and plant, animal, and human health.

HHW includes common waste products labeled “caution, toxic, danger, hazard, warning, poisonous, reactive, corrosive, or flammable” such as:

- Aerosols
- Automotive additives
- Flammable degreasers
- Flammable lubricants
- Flammable liquid adhesives
- Furniture strippers
- Glues and adhesives
- Grout/Masonry cleaners
- Hazardous cleaners
- Hobby and craft supplies
- Kerosene
- Lighter fluid
- Mineral Spirits
- Paint thinners
- Paint and varnish remover
- Pesticides
- Pool and hot tub chemicals
- Rust remover
- Tar and bug remover
- Turpentine

HHW Extended Producer Responsibility (EPR)

In 2022 [H115](#) and now [H.67](#) have been introduced to create a safe collection program for HHW funded by HHW product producers—commonly called an extended producer responsibility (EPR) program. The following 20 producers are estimated to produce about 60% of Vermont’s HHW¹:

- | | | |
|---------------------------------|-------------------------------|-------------------------------|
| 1. RPM International Inc | 7. 3M | 14. Spectrum Brands |
| 2. The Sherwin-Williams Company | 8. Henry Company | 15. Dap Products Inc. |
| 3. Reckitt Benckiser Group plc. | 9. Zep Inc. | 16. Church & Dwight Co., Inc. |
| 4. S.C. Johnson & Son, Inc. | 10. BISSELL Homecare, Inc. | 17. Rug Doctor LLC |
| 5. The Clorox Company | 11. Weiman Products, LLC | 18. Miracle Sealants Company |
| 6. W. M. Barr | 12. Turtle Wax, Inc. | 19. Sopus Products |
| | 13. Colgate-Palmolive Company | 20. Arch Chemicals, Inc. |

¹ According to a 2019 [Product Stewardship Institute report](#) contracted for by ANR-DEC

Increasing Costs

For more than 30 years, Vermont municipalities have been required by law to collect HHW, however costs for one day collection events have increased as much as 50%. Some towns are spending \$100-\$400 per carload and an average of \$2.2 million per year (according to DEC’s survey data) to protect human health and the environment (see Figure 1. below for example data on rising costs).

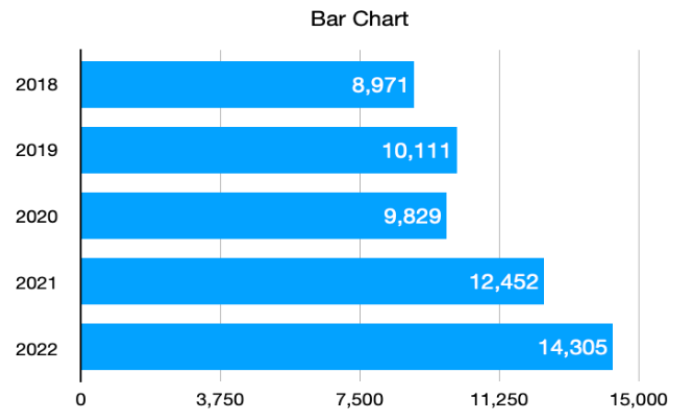
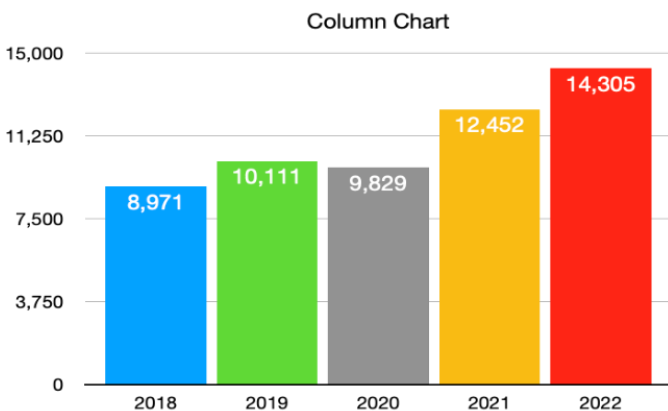
A shrinking pool of service providers coupled with both labor and supply chain shortages have forced solid waste management entities to spend more, or charge users more, to continue to provide these vital services. Charging customers more for doing the ‘right thing’ can lead residents and businesses to dump harmful waste in their trash or worse, illegal dumping. This threatens the health and safety of solid waste haulers and facility operators, contaminates landfill leachate, and can harm the environment.

Figure 1. Londonderry Solid Waste Group HHW Costs

This is solely the hazardous waste contractor costs for a single collection event in June of each of these years without associated costs of advertising, labor, mailing, etc.

Total Contractor Cost HHW Collection Event June

Year	Cost per collection
2018	8,971
2019	10,111
2020	9,829
2021	12,452
2022	14,305



What do EPR Programs do?

Vermont's five (5) existing producer responsibility programs provide free and convenient collection, recycling, and safe management of dangerous and difficult to recycle materials including: mercury bulbs, mercury thermostats, electronic devices (TVs, computers, printers), paint, and batteries. These programs successfully reduce municipal costs and result in some of the highest collection rates in the country.

For example, as the only state with a primary battery producer responsibility program, Vermont recycles more batteries per-capita than any other state (see Figure 2.).

Figure 2. Battery Producer Responsibility

