



CITY OF  
**HAYWARD**  
HEART OF THE BAY

Tom Silva  
Item 4 - CC mtg  
2/28/2012

February 16, 2012

Timothy May  
Executive Director  
Rental Housing Owners Association  
1264 A Street  
Hayward, CA 94541-2926

Re: Multi-Family Recycling Services

Dear Mr. May:

As you may know, the State of California recently adopted regulations requiring all multi-family complexes to arrange for recycling services by July 1, 2012. On February 28, 2012, the City Council for the City of Hayward will decide whether the City will participate in a Countywide ordinance that has similar provisions and is in response to state law. Recyclables accepted for collection include a variety of types of paper, as well as food and beverage containers made of glass, metal and plastic. The meeting will begin at 7:00 p.m. in the Council Chambers, which is located on the second floor of City Hall, 777 B Street.

Should you have questions about the state law or the ordinance, please contact me at (510) 583-4725 or via email at [vera.dahle-lacaze@hayward-ca.gov](mailto:vera.dahle-lacaze@hayward-ca.gov). Detailed information about the state law is available at this link: <http://www.ca-recycle.ca.gov/Climate/Recycling/default.htm>. Information about the Countywide ordinance is available at this link: [http://www.stopwaste.org/docs/mandatory\\_q\\_a\\_-\\_1-25-12.pdf](http://www.stopwaste.org/docs/mandatory_q_a_-_1-25-12.pdf)

This letter is a follow-up to my recent phone message in which I asked to convene a meeting with you to discuss the City's plans to comply with the state law and the ordinance, if the City Council approves of participation in that ordinance at its February 28 meeting. On February 16, we mailed the attached letter to all property owners or managers of non-participating multi-family complexes. In March, we plan to contact the property managers or owners for those non-participating complexes to assist each in implementing a program. Our records indicate that about 95% of all multi-family complexes already comply with the state law and the ordinance. Please note that there will be no additional charge incurred by multi-family complexes who must implement recycling services to comply with the state law or the ordinance. Instead, the City's franchisee, Waste Management of Alameda County, receives an annual rate adjustment on June 1 of each year. The rate adjustment is based primarily on 80% of the change in the annual Bay Area Consumer Price Index and changes in fuel costs.

Thank you.

Sincerely,

*Vera Dahle-Lacaze*

Vera Dahle-Lacaze  
Solid Waste Manager

Enclosure



CITY OF  
**HAYWARD**  
HEART OF THE BAY

February 16, 2012

**Re: Multi-Family Recycling Services**

Dear Property Owner or Manager:

The State of California recently adopted regulations requiring all multi-family complexes to arrange for recycling services by July 1, 2012. On February 28, 2012, the City Council for the City of Hayward will decide whether the City will participate in a Countywide ordinance that has similar provisions and is in response to the state law. Recyclables accepted for collection include a variety of types of paper, as well as food and beverage containers made of glass, metal and plastic. The meeting will begin at 7:00 p.m. in the Council Chambers, 2<sup>nd</sup> Floor, City Hall, 777 B Street.

The City of Hayward actively promotes the recycling services offered multi-family dwelling units. To enhance participation in the program, we would like to offer each of the tenants in your Hayward complex(es) a plastic indoor recycling container, as shown in the photo below. The containers would be provided at no charge to you or your tenants. Please note that there will be no additional charge to you or your tenants to comply with the state law or ordinance. Instead, the City's franchisee, Waste Management of Alameda County, receives an annual rate adjustment on June 1 of each year. The rate adjustment is based primarily on 80% of the change in the annual Bay Area Consumer Price Index and changes in fuel costs.

Our goal in offering one plastic container to each dwelling unit is to provide a convenient indoor storage container for recyclables. Containers have a sturdy handle for ease of use. When the container is full, the tenant would empty the contents into one of the containers placed at your complex and serviced by Tri-CED Community Recycling. A brochure that describes the recycling program is enclosed with this letter.

If you are interested in obtaining a container, please contact Angel Groves at (510) 583-4718 or via email at [angel.groves@hayward-ca.gov](mailto:angel.groves@hayward-ca.gov). Please indicate how many of the plastic indoor containers you would like, as well as a convenient day, whether weekday or Saturday, when we could arrange for delivery of the containers, along with brochures like the one enclosed. I would be happy to attend a meeting of your Board and/or tenants to answer questions about the service. Our meeting will include staff from Tri-CED Community Recycling and Waste Management of Alameda County.

Should you have questions about this letter, the state law or the ordinance, please contact me at (510) 583-4725 or via email at [vera.dahle-lacaze@hayward-ca.gov](mailto:vera.dahle-lacaze@hayward-ca.gov). Thank you.

Sincerely,

Vera Dahle-Lacaze  
Solid Waste Manager



Encl: *Guide to Recycling Services for Multi-Family Dwellings*

DEPARTMENT OF PUBLIC WORKS

777 B Street, Hayward, CA 94541-5007

Tel: 510/583-4700 • Fax: 510/583-3610 • TDD: 510/247-3340

occur unless it is accepted in writing by the Enforcement Official or the Authority Board, and shall become effective only on the date specified in such written acceptance. Such acceptance shall not be unreasonably withheld or delayed.

SECTION 14 (Severability)

If any provision of this Ordinance or its application to any situation is held to be invalid, the invalidity shall not affect other provisions or applications of this Ordinance which can be given effect without the invalid provision or application, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 15 (Notice and Verification)

This Ordinance shall be posted at the Authority Office after its second reading by the Board for at least thirty (30) days and shall become effective thirty (30) days after the second reading.

Passed and adopted this 25th day of January, 2012 by the following vote:

AYES: Biddle, Carson, Cutter, Freitas, Green, Henson, Kaplan, Keating, Landis, Natarajan, Sullivan, Tam, Turner, West, Wile, Wozniak

NOES: Sadoff

ABSTAINING:

ABSENT:

I certify that under the penalty of perjury that the foregoing is a full, true and correct copy of the ORDINANCE NO. 2012-1.

  
GARY WOLFF  
EXECUTIVE DIRECTOR

Pass on 1/25/12

with 3/2/12

out our name by

272511.1

Also write now meeting JPA BOB

# StopWaste.Org Mandatory Recycling Ordinance FAQ's

January 25, 2012

## Who is covered under the ordinance and when does it go into effect?

As of July 1, 2012, businesses generating four or more cubic yards of solid waste per week, and multi-family owners/managers (five units or more), will be required to obtain a level of recycling service adequate for the amount of recyclables they generate. Business waste generators will need to separate high-market-value materials from other solid waste (or ensure that materials are taken to a high diversion mixed waste processing facility).

As of July 1, 2014, all businesses in the county will be covered under the ordinance.

## What materials are included?

Phase 1 begins July 1, 2012 and includes basic recyclables: paper, cardboard, and beverage and food containers.

Phase 2 begins July 1, 2014 and adds organics (food and compostable paper) to the basic recyclables.

## Are local jurisdictions required to participate?

The ordinance intends to preserve local control while capturing the benefits of working together at a larger scale. Local jurisdictions will be able to "opt-out" of the business, multi-family, and regulated hauler sections of the ordinance for Phase 1 by March 2, 2012 and for Phase 2 by January 1, 2014.

*why not 6/30/12?*

## How does the Alameda County ordinance differ from State law?

California's AB 341 requires businesses generating four or more cubic yards per week of solid waste and multi-family buildings of five units or more to recycle, but does not specify which materials must be recycled or how much.

The Alameda County ordinance builds on the state requirement by clarifying which materials must be recycled and sets a performance threshold stipulating that businesses and multi-family buildings must obtain the amount of service adequate for the quantity of covered materials they generate.

*CAA co-sponsored AB 341  
Hayward 95% compliant  
Hayward Business 68%  
1/3 non compliance*

### How will the mandatory recycling ordinances be enforced?

As with other communities who have adopted mandatory ordinances, enforcement will be focused on outreach and education about the covered materials as opposed to fines and penalties.

Notices of violation would not be issued any earlier than January 1, 2013, and, with the exception of flagrant violations, only after a warning has been issued and technical assistance to achieve compliance has been offered.

The responsibility of complying with the ordinance lies with owners/managers of businesses and multi-family properties. Notices of Violation will not be issued to, nor will any fines or penalties be imposed on, individual employees of a business or residents of multi-family buildings.

The ordinance also specifies that notices of violation cannot be issued by the Authority to waste generators, property owners, or regulated haulers in any covered jurisdiction without written approval of a Primary Enforcement Representative for that jurisdiction.

### Is it possible to obtain a waiver of the ordinance requirements?

27?

Yes, waivers are available for the following situations, if thorough documentation of the need for a waiver is provided:

- No access to a recycling program for the covered materials
- No space to separately store the materials
- Compliance would create a financial hardship, (defined as either an increase in the solid waste service bill of 30 percent or more, or a combined financial burden of the increase in the solid waste service bill plus the amortized cost of a new container enclosure required by law or regulation that is 30 percent or more of the pre-ordinance service bill).
- More time needed for compliance
- A de minimus amount of the covered materials is generated
- Emergency conditions (e.g., earthquake, fire, etc.)

### What costs will businesses incur for complying with the ordinance?

Increased recycling and reduced disposal will reduce solid waste service bills for many businesses based on existing rates in most jurisdictions. This is because most cities have adopted rates that provide a financial incentive for businesses to recycle (e.g., cost of recycling one cubic yard/week is lower than the cost of disposing of one cubic yard/week).

Businesses may experience some costs other than their service provider bills, such as recycling containers within the working space, but even with these costs, it is expected that the ordinance will have financially positive results for many businesses in the county.

NOT ALL  
OPT-OUTS?  
FOR MORE  
NO DUMP?

### What is the fiscal effect on franchised haulers for complying with the ordinance?

A study commissioned by StopWaste.Org evaluated the systemwide cost impacts of increased recycling and composting as a result of countywide mandatory recycling. The resulting study found that the countywide *net* system cost of collecting and processing recyclables and compostables is less than that for collecting, transferring, and landfilling garbage by between two to seven percent.

That is, the net operational costs of haulers (including commodity revenue and avoided landfill costs) are estimated to decrease on average across the county as a result of collecting and processing more tons as recyclables and compostables than as garbage. This is largely because the value of the commodities and the benefit of the avoided landfill tipping fees more than offset any incremental increases in collection and processing. However, the average cost analysis may not be accurate for every jurisdiction in the county. Member agencies may need to make adjustments in their rate structures in order to raise approximately the same amount of total revenue as under the current system.

### How does the ordinance affect future service rates?

What happens to overall revenues to the franchised hauler—and potentially to rates—as services migrate from refuse to recycling, is an issue that arises each time a new recycling program is started in a city with discounted rates. Discounted commercial recycling rates were designed specifically to incentivize recycling. If these rates are not expected to generate enough rate revenue to cover the costs of increased recycling under a mandatory scenario, then the discounted recycling rates really should be revisited to ensure that they still serve the purpose they were intended for—increased recycling—and to be sure that haulers are kept whole in the process of maximizing recycling.

Implementing the ordinance, and providing an adequate as opposed to a minimal, level of recycling for all businesses may result in lower net costs than implementing State requirements under AB 341 (for the reasons provided in the previous answer). If rate increases are needed, this doesn't necessarily mean that total customer bills will increase since customers can still migrate from higher priced refuse services to lower priced recycling service.