

TO: BOARD OF DIRECTORS

FROM: MICHAEL S. LEBRUN *MSL*  
GENERAL MANAGER

DATE: JULY 8, 2011

## AGENDA ITEM

### F

JULY 13, 2011

## GENERAL MANAGER'S REPORT

### ITEM

Standing report to your Honorable Board -- *Period covered by this report is June 18, 2011 through July 8, 2011.*

### DISTRICT BUSINESS

#### Administrative

- Closed fiscal 2010-2011 on June 30, 2011
- Preparing for Audit of fiscal 2010-2011 which is scheduled for August 2011
- Continued update and improvement to website in support of Supplemental Water Outreach and Education effort
- Working with South County Sanitation to schedule proposed solid waste rate increase (~5%).
- Met with County Supervisor and staff regarding Carriage Homes Development. Public meeting is scheduled for July 21, 2011, 6:30 pm at District Board Room (Public Meeting Agenda Attached).
- News of Interest
  - Northern Cities Management Area (Todd Engineers) June 9, 2010 letter to NMMA regarding supplemental water(Attached)
  - SLO County Integrated Waste Board July 13, 2011 Agenda (Attached)
- Service Connection Information:
  - Number of Water Connections: 4142
  - Number of Sewer Connections: 2984
  - Number of Meters turned off: 75 (2%)
  - Number of New Water Connections during period: 0
  - Number of New Sewer Connections during period: 0

#### Operations

- Request for Recruitment Services proposals circulated. Responses due July 8, 2011.

#### Major Capital Projects

- Frontage Road Trunk Line bid award scheduled for July 13, 2011. Approximate 6-month construction
- Willow Road Project, Phase I near complete. District elements of Phase II scheduled for fall 2011.
- Southland WWTF Upgrade; 95% Design due mid-June, Construction schedule November 2011-November 2012
- Supplemental Water; \$2.3M Proposition 84 Grant pending, Outreach program underway, Assessment options being weighed. Design efforts idle and near 100%

#### Conservation

- Urban Water Management Plan 2010 Update completed and circulated

**Meetings**

*Meetings attended:*

- *June 20, Univision, outreach to Hispanic Community*
- *June 21, Supplemental Water Easement discussion with property owner*
- *June 22, Regular Board Meeting*
- *June 24, NMMA, Final Annual Report*
- *June 24, Coordination with District Counsel*
- *June 24, NMMA Technical Group*
- *June 24, Supplemental Water Outreach Ad-Hoc*
- *July 5, Coordination with Board Officers*
- *July 6, Briefing Field Staff*
- *July 6, Supervisor Teixeira and County Staff on Carriage Homes Development issues*
- *July 6, South Frontage Road Sewer Trunk Replacement Bid opening.*

*Meetings Scheduled:*

- *July 11, Peg Miller and Ruth Brackett, with President Harrison, Jim O Miller and Supplemental Water*
- *July 12, BLMA with President Harrison*
- *July 13, Regular Board Meeting*
- *July 14, Management Coordination*
- *July 15, SLO Chapter CSDA*
- *July 15, General Counsel Coordination*
- *July 18, Board Officer Coordination*
- *July 19, District Engineer*
- *July 20, District Operations Superintendent*
- *July 21, NMMA Technical Group*
- *July 21, Carriage Homes Home Owners*

**Safety Program**

- No accidents or incidents.

**RECOMMENDATION**

Staff seeks direction and input from your Honorable Board

**ATTACHMENTS**

- July 21, 2011 Carriage Homes Meeting Agenda
- June 9, 2010 NCMA/Todd Engineers Letter
- July 13, 2011, SLO CO Waste Mgmt Authority Agenda

**Subject: Carriage Homes Community Meeting on Street Lighting and Open Space Easement**

The purpose of this community meeting is to supply the residents of Carriage Home's background and options for the Streetlights and the Open Space Easement in your neighborhood. In response to these issues, P.G. & E. and Supervisor Paul Teixeira will be holding a community meeting on:

**Thursday, July 21, 2011  
6:30 p.m. to 8:00 p.m.  
Conference Room  
Nipomo Community Services District  
148 S. Wilson Street, Nipomo**

- County Staff will give a brief history of the map and how we got to where we are today
- P.G. & E. Representative will discuss the current status of the streetlights
- NCSD and LAFCO will be available to answer questions regarding the options and processes available to the residents
- Residents, County Staff, and Agencies will discuss future actions and deadlines

# TODD ENGINEERS

GROUNDWATER · WATER RESOURCES · HYDROGEOLOGY · ENVIRONMENTAL ENGINEERING

June 9, 2010

Nipomo Mesa Management Area Technical Group  
c/o Mr. Robert Miller, PE  
Wallace Group  
612 Clarion Court  
San Luis Obispo, CA 93401

Re: Clarification of 2009 NMMA Annual Report

Dear Mr. Miller,

Thank you for the opportunity to review the draft report produced by the Nipomo Mesa Management Area Technical Group (NMMA TG). On behalf of the Northern Cities Management Area Technical Group, I recognize the substantial effort involved in preparing the report and appreciate the considerable documentation of groundwater conditions and the NMMA water supply and demand situation. In my professional opinion, however, the report fails to present salient findings and provide adequate discussion of key issues of concern to the Northern Cities.

The purpose of this letter is to communicate these major statements of concern. As outlined below, each statement is a basic finding that has not been expressed clearly in the draft NMMA Annual Report, but can be derived readily from technical information presented in the 2009 NMMA Annual Report, with some reference to the 2008 Annual Report.

- 1) Recharge to NMMA is a fraction of total groundwater use and consumption. Groundwater recharge or inflow to the NMMA represents the available supply and has been quantified by DWR, as referenced in the 2009 draft report. The "Dependable Yield" for the NMMA determined by DWR is between 4,800 and 6,000 acre-feet per year (AFY).

In comparison, the current groundwater production is quantified as follows:

- a) The 2009 water demand was 12,200 AF, which is over 200 percent of the maximum Dependable Yield.
- b) The 2008 water demand was 12,600 AF, which is 210 percent of the maximum Dependable Yield.

This substantial and chronic imbalance of groundwater use over supply has resulted in a large groundwater depression in NMMA.

- 2) The expanding groundwater depression in NMMA intercepts subsurface groundwater flow that otherwise would flow to NCMA. This contributes to lowered groundwater levels and increased risk of seawater intrusion in NCMA. The 2002 DWR water balance for the NMMA area indicated a subsurface outflow from NMMA to NCMA of 1,300 AFY for the ten-year period from 1986 through 1995; the 2008 NMMA Annual Report confirmed the historical inflow from NMMA to NCMA. In

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both the 2008 and 2009 Annual Reports, NMMA has indicated that there is currently *no* subsurface flow to NCMA.


- 3) Urban/industrial groundwater production increased by 140 AF from 2008 to 2009.
- 4) Future planned NMMA groundwater production is triple the Dependable Yield estimate:
  - a) NCS D production is projected to increase from 2,700 AF in 2008 to a future rate of 6,300 to 7,900 AFY; this is a 245 to 310 percent increase from current production.
  - b) Golden State production is projected to increase from 2009 use of 1,290 AFY to 1,940 AFY, an increase of 150 percent.
  - c) Woodlands production is projected to increase from the current 810 AFY to 1,600 AFY, an increase of 198 percent.
  - d) ConocoPhillips is planning to potentially increase production from 2009 use of 1,200 AFY to 1,400 AFY, an increase of 117 percent.

No projection has been presented for Rural Water Company. If Rural Water Company production remains the same, then groundwater production for the water purveyors and ConocoPhillips is estimated to increase to between 12,120 and 13,720 AFY, as compared to their 2009 demand of 6,740 AFY. Assuming that water demand from rural landowners and agriculture remain at 2009 levels, the total projected water demand for NMMA will be between 17,620 and 19,220 AFY, three to four times the Dependable Yield. The potential growth will increase the NMMA demand by 144 to 157 percent above the current level, which is already producing chronic groundwater level declines.

- 5) Increased NMMA pumping to satisfy this potential future demand would likely result in seawater intrusion into NCMA, a matter of great concern to NCMA.
  - a) The cause of the pumping depression under the NMMA is NMMA pumping.
  - b) The report implies that the depression could expand to the west as easily to the north. In fact, the available NMMA groundwater elevation maps indicate that expansion to the northwest (into our Arroyo Grande Plain) is more likely.
  - c) The report appropriately addresses the risk of seawater intrusion to NMMA. For example, the report considers the potential for a *breach in the divide* that would allow seawater to flood into NMMA. Before this point, the NCMA groundwater supply already would be destroyed. The response of NMMA to such a scenario, i.e., to “carefully research it,” is inadequate.
- 6) NMMA management must restore subsurface inflow to NCMA and maintain a well-documented groundwater ridge between the NMMA pumping depression and NCMA.
- 7) Rural Water Company (RWC), which is situated along the NCMA boundary, apparently is not participating fully in NMMA water management actions, including provision of required data to the NMMA TG for preparation of the annual report. RWC must participate actively in NMMA monitoring, data sharing, water conservation, development of supplemental supply, and management of groundwater levels.
- 8) Even if you succeed in acquiring about 3,000 AFY from the City of Santa Maria, that would not be sufficient to reverse the current (6,200 to 7,400 AFY) or future groundwater imbalance (projected to be 11,620 to 14,420 AFY). The NMMA needs to immediately decrease pumping, increase water conservation, and plan for other sources of supplemental supply, such as water recycling.

The intent of the NCMA Technical Group is to establish a straightforward and mutual understanding of water supply and demand conditions in NMMA and NCMA that will serve as the foundation for effective and timely management. We request a prompt written response followed by a teleconference or meeting to discuss resolution of this serious threat to our water supply.

Sincerely yours,

  
TODD ENGINEERS  
Iris Priestaf, PhD  
President

**SAN LUIS OBISPO COUNTY  
INTEGRATED WASTE MANAGEMENT AUTHORITY (IWMA)  
BOARD MEETING**

**July 13, 2011  
1:30 p. m.**

**A G E N D A**

**San Luis Obispo Board of Supervisor's Chambers  
County Government Center  
San Luis Obispo, CA 93408**

**RECEIVED  
JUL 07 2011  
NIPOMO COMMUNITY  
SERVICES DISTRICT**

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**1. Call to Order and Roll Call.**

**2. Public Comments.**

Note: Any member of the public may address the Board for a period not to exceed three minutes. Any item not on the agenda, within the jurisdiction of the Board, may be presented. The Board shall listen to all communication, however, in compliance with the Brown Act, no action can be taken at this time.

**Americans With Disabilities Act Compliance.** In compliance with the Americans with Disabilities Act (ADA), the IWMA is committed to including the disabled in all of its services, programs, and activities. If you need special assistance to participate in this meeting, please contact the IWMA clerk at least 72 hours prior to the meeting to enable the IWMA to make reasonable arrangements to insure accessibility to the meeting.

**3. Manager's Report.** Oral report by Bill Worrell.  
Dairy Creek Golf Course Zero Waste Project

**CONSENT CALENDAR**

The following items listed below are scheduled for consideration as a group. The recommendations for each item are noted in the description. After public comment, any member of the Board or the Manager may request an item be withdrawn from the Consent Calendar to allow discussion.

- 4. Draft Minutes of the May 11, 2011 IWMA Board Meeting. (Action Item - Voice Vote)**
- 5. Draft Minutes of the June 22, 2011 Executive Committee Meeting (Receive and File)**

## **REGULAR CALENDAR**

6. **Single Use Bag Discussion (Action Item - Voice Vote)** Provide direction to staff.
7. **2010 Annual Report (Receive and File)** Receive and file the 2010 annual report
8. **Kompogas Update (Action Item - Voice Vote)** Receive an update from staff.
9. **Cold Canyon Landfill Expansion (Action Item - Voice Vote)** Provide comments on the Recirculated Draft EIR.
10. **Legislative Update (Action Item - Voice Vote)** Update on pending legislation.
11. **Participation in the Special District Risk Management Authority Property and Liability Program. (Action Item - Roll Call Vote)** Consider joining the California Special District Risk Management Authority Property and Liability Program.
12. **Member Comments and Future Agenda Items.** Discussion by Members regarding future agenda items and dates.
13. **Adjournment.** The next meeting is scheduled for **September 14, 2011** at 1:30 p.m. in the San Luis Obispo County Board of Supervisor's Chambers, County Government Center, San Luis Obispo, CA 93408.



Tribune, The (San Luis Obispo, CA)  
2011-06-20  
Section: Local  
Edition: Tribune  
Page: A3

New **Rotary** group is going green  
Judy Salamacha

Change always comes bearing gifts," according to management consultant Price Pritchett. Case in point: **Rotary** emerged in 1905 so Paul Harris and a few business associates might build better communities and friendships by sharing their expertise and successes.

Today, **Rotary** is a worldwide community of 34,000 local clubs with members bonded by similar meeting traditions, guidelines and goals.

For several years, however, **Rotary** leadership has been assessing its operating procedures, looking to make changes that will attract youthful business leadership.

Former Morro Bay **Rotary** President John Weiss was tasked by current Central California District Governor Deepa Willingham to explore a concept titled Eco-**Rotary** in San Luis Obispo County.

For months, interested individuals have met regularly, defining their goals for an active group focused on completing beneficial environmental projects.

Eco-**Rotary**'s Charter Night, set for Thursday at 5:30 p.m. at Morro Bay Golf Course, affirms that the Central Coast was receptive to **Rotary**'s outreach for systemic change.

"**Rotary** is trying to think outside the box by appealing to those whom the traditional club does not fit," Weiss said. "I prefer the traditional club, but this club works for those who can't take a break in the day or are specifically eco-minded.

"My drive has been to seek those who have left the current **Rotary** structure or would not normally participate."

Morro Bay Eco-**Rotary**'s founding members come from around the county, and they have a significant first project.

Once completed, the club's cutting-edge zero-waste demonstration project at area golf courses will be acknowledged throughout the **Rotary** network. The Central Coast is in a position to score worldwide for producing sustainable environmental change.

"Zero waste is amazing," Weiss said. "This project is unique."

The project requires collaboration with various organizations and businesses -- a game-changer for **Rotary**. It involves the county's Integrated Waste Management Authority; Dairy Creek, Morro Bay and Chalk Mountain golf courses; and Environmental Protection Associates, a San Luis Obispo-based nonprofit.

The county will purchase composters for food waste, grass clippings and landscape byproducts at Dairy Creek then use the compost for the maintenance health of all three golf courses.

"Ultimately, I want to eliminate all waste into landfills," said Josh Heptig, director of the county's golf operations.

Richard McConahay, an Environmental Protection Associates partner, remarked, "A lot of people have interest in environmental activism or want to participate in environmental projects, but organized projects are not that easy to find. Eco-**Rotary** will be a clearinghouse for opportunities."

Eco-**Rotary** is also working on an erosion-control project at Walters Creek on Cal Poly property. Membership is open, and guests are welcome to visit to find out more. Contact Weiss at 748-9615 or [jweiss@infostations.com](mailto:jweiss@infostations.com).

Reach Judy Salamacha at [judysalamacha@gmail.com](mailto:judysalamacha@gmail.com).

**DATE: July 13, 2011 ITEM: 4**

Approve  Deny

Continue to \_\_\_\_\_

**TO: Integrated Waste Management Authority**

**FROM: William A. Worrell, Manager**

**RE: Draft Minutes of the May 11, 2011 IWMA Board Meeting (Action Item - Voice Vote)**

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**RECOMMENDATION**

Approve minutes.

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**ATTACHMENT: Draft Minutes of the May 11, 2011 IWMA Board Meeting**

**SAN LUIS OBISPO COUNTY  
INTEGRATED WASTE MANAGEMENT AUTHORITY  
BOARD MEETING**

**MINUTES OF MAY 11, 2011**

**1. Call to Order/Roll Call**

**Board Members Present:**

John Ashbaugh, City of San Luis Obispo  
Carla Borchard, City of Morro Bay  
Ted Ehring, City of Pismo Beach  
Bruce Gibson, County Supervisor  
Jim Guthrie, City of Arroyo Grande  
John Hamon, City of Paso Robles  
Adam Hill, County Supervisor  
Frank Mecham, County Supervisor  
Phyllis Molnar, City of Grover Beach (*arrived after start of meeting*)  
Tom O'Malley, City of Atascadero  
Greg O'Sullivan, Authorized Districts  
Jim Patterson, County Supervisor  
Paul Teixeira, County Supervisor

**Staff Members Present:**

William A. Worrell, Manager  
Carolyn Goodrich, Board Secretary  
Ray Biering, IWMA Counsel

**2. Public Comments.** None.

**3. Manager's Report.** Bill Worrell provided an update on Cold Canyon Landfill Expansion, Kompogas project, and Battery Summit.

**CONSENT CALENDAR**

**Motion was made, seconded and unanimously passed to approve the Consent Calendar, with the April 27, 2011 Executive Committee minutes corrected to read Jim Patterson called the meeting to order.**

Those items approved are as follows:

- 4. Draft Minutes of the March 9, 2011 IWMA Board Meetings (approved).**
- 5. Draft Minutes of the April 27, 2011 Executive Committee Meeting (receive and file).**

## REGULAR CALENDAR

**6. Proposed FY 11/12 Program Objectives and Budget.** Bill Worrell reviewed the FY 2011/2012 program highlights, program objectives and the proposed FY 2011/2012 budget. There were no comments from the public, either written or oral, and public discussion was closed.

Board discussion included the change in budget for contracts and equipment/supplies, which is attributable to changes in the grants that fund the categories, and public education.

**Board Member Patterson moved to approve Resolution 11-02 adopting the San Luis Obispo County Integrated Waste Management Authority 2011/2012 Fiscal Year Budget. Seconded by Board Member Mecham and passed on the following roll call vote:**

**AYES:** Ashbaugh, Borchard, Ehring, Gibson, Guthrie, Hill, Mecham, Molnar, O'Malley, O'Sullivan, Patterson, Teixeira, Hamon  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

**7. Plastic Bag Options.** Bill Worrell reported that for the last 5 years the IWMA has been following the issue of managing plastic bags. Californians use over 12 billion plastic grocery bags and merchandise bags each year, roughly 325 bags per person, generating 88,000,000 bags of unnecessary waste. Since 2006 the Board has addressed the issue and presented options for the Board.

Discussion centered on education, polystyrene, single use and multi-use plastic bags.

President Hamon opened the meeting for public comment. Thirteen members of the public spoke in support of the IWMA Board move forward with an ordinance.

After further discussion the board directed the manager to draft an ordinance addressing plastic bags and paper bags, which includes options for issues discussed, including but not limited to, definitions, public education, and implementation.

Board member Mecham left the meeting.

**8. Legislative Update.** Motion was made by Board Member Patterson, seconded by Board Member Gibson and passed 12-0-1 absent (Mecham) authorizing the President to send a letter of support for SB 568 (ban polystyrene food containers).

**9. Election of Officers.** Bill Worrell advised that the Joint Powers Agreement states that the President and Vice President shall be elected at the last meeting preceding July. President Hamon opened the floor to nominations for the election of officers.

**It was moved by Board Member Gibson, seconded by Board Member Patterson to close the nomination and announce the ballot, and passed 12-0-1 absent (Mecham) to elect Board Member Patterson as IWMA President. Motion was made by Board Member Gibson, seconded by Board Member Patterson to close the nomination and announce the ballot, and passed 12-0-1 absent (Mecham) to elect Board Member Ehring as IWMA Vice President.**

**10. Cancellation of July 13, 2011 Meeting.** After discussion the Board determined to not cancel the July 13, 2011 Board Meeting.

**11. Member Comments and Future Agenda Items.** Board member O'Sullivan discussed a waste audit he conducted.

**12. Adjournment.** The meeting was adjourned to the next regular meeting of the IWMA scheduled for **July 13, 2011, at 1:30 p.m. in the San Luis Obispo County Board of Supervisor's Chambers, County Government Center, San Luis Obispo, CA.**

**DATE: July 13, 2011 ITEM: 5**

**Approve**    **Deny**

**Continue to** \_\_\_\_\_

**TO: Integrated Waste Management Authority**

**FROM: William A. Worrell, Manager**

**RE: Draft Minutes of the June 22, 2011 Executive Committee Meeting (Receive and File)**

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**RECOMMENDATION**

Receive and File.

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**ATTACHMENT: Draft Minutes of the June 22, 2011 Executive Committee Meeting**

**SAN LUIS OBISPO COUNTY  
INTEGRATED WASTE MANAGEMENT AUTHORITY MEETING  
EXECUTIVE COMMITTEE  
MINUTES OF JUNE 22, 2011**

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**1. Call to Order/Roll Call.**

**Executive Committee  
Members Present:**

Jim Patterson, San Luis Obispo County  
Ron Munds, SWTAC Representative (non-voting)  
Ted Ehring, City of Pismo Beach

**Members Absent:**

John Hamon, City of Paso Robles

**IWMA Staff:**

Ray Biering, IWMA Counsel  
William A. Worrell, Manager  
Carolyn Goodrich, Board Secretary

**2. Public Comments.** None.

**3. Manager's Report.** Bill reported that the deadline for comments on the Draft EIR for Cold Canyon Landfill's Expansion Project is July 11, 2011. Jim Patterson volunteered to request County Planning to move back until after the July 13 IWMA Board the deadline for comments. In addition staff would prepare comments and add the item to the July 13, 2011 IWMA Board agenda.

**4. Minutes of the Executive Committee Meeting.** The minutes of the April 27, 2011 Executive Committee Meeting were unanimously approved, together with recommendations and findings as set forth therein.

**5. Draft minutes of the May 11, 2011 IWMA Board Meeting (receive and file).**

**6. July 13, 2011 IWMA Board Meeting Agenda.** The Executive Committee reviewed and approved the tentative agenda for the July 13, 2011 IWMA Board Meeting, including the addition of Cold Canyon Landfill Expansion Project and Special District Risk Management Authority (SDRMA) Property and Liability Insurance program to the Regular Agenda.

**7. Member Comments and Future Agenda Items.** None.

**8. Adjournment.** There being no further business, the meeting was adjourned to August 24, 2011 at 12:00 p.m. in the San Luis Obispo County Integrated Waste Management Authority Office, 870 Osos Street, San Luis Obispo, CA 93401.

**THESE MINUTES ARE NOT OFFICIAL NOR A PERMANENT PART OF THE RECORD UNTIL APPROVED BY THE IWMA EXECUTIVE COMMITTEE AT THE NEXT REGULAR MEETING.**

DATE: July 13, 2011 ITEM:6

Approve  Deny

Continue to \_\_\_\_\_

**TO: Integrated Waste Management Authority**

**FROM: William A. Worrell, Manager**

**RE: Single Use Bag Discussion (Action Item - Voice Vote) Provide direction to staff**

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**RECOMMENDATION**

Provide direction to staff regarding a draft ordinance to reduce the use of single use bags and have staff bring back an ordinance for the first reading at the September 14 Board Meeting.

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**DISCUSSION**

At the May 11, 2011 Board Meeting, staff was directed to prepare a draft ordinance to ban single use bags. Staff was also directed to prepare a series of options related to how many retail establishments would be impacted by the ordinance, the timing of when single use bags would be banned and low income exemptions for the Board to consider.

Attachment 1 is the draft ordinance that would ban both plastic and paper single use bags. The draft ordinance impacts supermarkets that do more than \$2 million in business per year, the ban would be effective on January 1, 2013 and no exemptions related to income would be provided.

Attachment 2 is a list of the retail store options, effective date timing options and low income option for the Board to consider.

**FISCAL IMPACT**

None.

**ATTACHMENTS:** #1 Draft Ordinance  
#2 Options



## Attachment #1

### DRAFT

# San Luis Obispo County Integrated Waste Management Authority ORDINANCE NO. 2011-1

## AN ORDINANCE ESTABLISHING A WASTE REDUCTION AND REUSE PROGRAM FOR CARRYOUT BAGS

The Board of Directors of the San Luis Obispo County Integrated Waste Management Authority ordains as follows:

### Section 1. General Provisions

The San Luis Obispo County Integrated Waste Management Authority (IWMA) finds and declares all of the following:

- (a) The purpose of this Ordinance is to have the IWMA, a joint powers agency established pursuant to Government Code Section 6500 and empowered by its member jurisdictions to exercise the members' common powers to achieve the mandates imposed by the Integrated Waste Management Act of 1989 (AB 939) on a regional basis, to enact a waste reduction and reuse program that will decrease the use of single-use carryout bags.
- (b) The purpose of this ordinance is to reduce the over 100 million single-use carryout bags currently used in San Luis Obispo County each year.
- (c) The purpose of this Ordinance is to maintain and enhance natural resources by reducing the negative environmental impact of single-use carryout bags.
- (d) The purpose of this Ordinance is to protect the environment from the negative environmental impact of single-use carryout bags.

### Section 2. Definitions

For the purposes of this Ordinance, the following terms have the following meanings, unless the context clearly requires otherwise.

- (a) "Customer" means any person obtaining goods from a store.
- (b) "IWMA Region" means the geographic area that includes the unincorporated area of San Luis Obispo County, California and the seven incorporated cities within San Luis Obispo County.
- (c) "Store" means a retail establishment within San Luis Obispo County that provides carryout bags to its customers as a result of the sale of a product and that meets the following requirement:
  - (1) *A "Supermarket" which means a full-line, self-service retail store with gross annual sales of two million dollars (\$2,000,000), or more, and which sells a line of dry grocery, canned goods, or nonfood items and some perishable items.*

(d) "Single-Use Carryout Bag" means any bag made predominately of paper or plastic derived from either wood, petroleum or a biologically-based source, such as corn or other plant sources, which is provided to a customer at the point of sale, but does not included reusable bags, or product bags.

(e) "Product Bag" means any bag without handles used exclusively to cradle and carry (1) produce, bulk food or meat within a store to the point of sale; (2) to hold prescription medication dispensed from a pharmacy; or (3) to segregate food or merchandise that could damage or contaminate other food or merchandise when placed together in a Reusable Bag.

(f) "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: (1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; (2) is machine washable or is made from a material that can be cleaned or disinfected; and (3) if made of plastic or biologically based source, is a minimum of at least 2.25 mils thick.

### **Section 3. Store Responsibility**

*(a) On January 1, 2013, the effective date of this Ordinance, stores within the IWMA Region shall not provide a single-use carryout bag to a customer at the point of sale, except as provided in Section 4.*

(b) All stores shall provide for sale to customers reusable bags for the purpose of carrying away goods or other materials from the point of sale.

(c) Stores may reuse their cardboard boxes by providing them to their customers for the purpose of carrying away goods.

(d) Nothing in this Ordinance prohibits customers from using bags of any type that they bring to the store themselves or from carrying away goods that are not placed in a bag.

### **Section 4. Exceptions**

*None.*

### **Section 5. Enforcement**

(a) The IWMA may enforce the provisions of this Ordinance through a civil action for civil penalties in the amounts established herein, and any other civil remedy, including prohibitory and mandatory injunction relief, filed in the Superior Court of the County of San Luis Obispo to compel and enforce the provisions herein against any retail establishment within San Luis Obispo County in violation of this Ordinance. In addition to any relief available to IWMA to enforce this Ordinance, the IWMA shall also be entitled to recover reasonable attorneys' fees and costs incurred in enforcing this Ordinance.

(b) For any violation of this Ordinance, the IWMA may sue to recover civil penalties in the amount of \$1,000.00 per day for every day on which a violation exists. For purposes of calculating the civil penalties to be established hereunder, each day on which the retailer fails to comply with the requirements of this Ordinance, after having received a written notice of violation issued by the IWMA, shall constitute a separate offense.

(c) In addition to the civil relief available to the IWMA set forth above, any violation of this Ordinance shall also constitute a misdemeanor punishable under the laws of the State of

California. The District Attorney, the County Counsel, or any City Attorney shall be authorized to enforce the provisions of this Ordinance within their respective jurisdictions. In the event of such criminal enforcement, the following criminal penalties apply to violations of this Ordinance:

(1) Violation of Misdemeanor. Violations of the provisions of this Ordinance or failure to comply with any of its requirements shall constitute a misdemeanor.

(2) The San Luis Obispo County Sheriff's Department and/or any other police department or law enforcement agencies located within the IWMA's jurisdiction may issue a Notice to Appear Citation for any misdemeanor pursuant to California Penal Code Section 853.6 for any violation of this Ordinance.

(3) Penalty for Misdemeanor. Any retailer found to be in violation of any provision of this Ordinance, or who fails to comply with any of its requirements shall upon conviction thereof be punished by imprisonment in the county jail for not more than six months, or be fined not more than one thousand dollars (\$1,000.00), or both. Each day such violation continues shall be considered a separate offense.

(d) To the extent that the County of San Luis Obispo, the incorporated cities, and the districts within said County have adopted code enforcement Ordinances applicable to their jurisdictions, this Ordinance shall be enforceable by said governmental entities under said Ordinances as land-use or code-enforcement violations consistent with said Ordinances.

#### **Section 7. Severance Clause**

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional, ineffective or in any manner in conflict with the laws of the United States, or the State of California, such decision shall not affect the validity of the remaining portions of this Ordinance. The Governing Board of the IWMA hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause and phrase be declared unconstitutional, ineffective, or in any manner in conflict with the laws of the United States or the State of California.

#### **Section 8. Effect of Headings in Ordinance**

Title, division, part, chapter, article, and section headings contained herein do not in any manner affect the scope, meaning, or intent of the provisions of this Ordinance.

This Ordinance was introduced and the title thereof read at the regular meeting of the IWMA Board of Directors on *Month, day, year* and further reading was waived by a majority vote of those Directors present. This Ordinance shall take effect and be in full force on and after thirty (30) days passage it shall be published once with the names of the members of the Board of Directors voting for and against the same, said publication to be made in a newspaper of general circulation published in the County of San Luis Obispo.

On a motion by Director \_\_\_\_\_, second by Director \_\_\_\_\_, the foregoing Ordinance was passed and adopted by the Board of Directors of the San Luis Obispo County Integrated Waste Management Authority, on *Month, day, year*, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
James Patterson, President of the San Luis Obispo County  
Integrated Waste Management Authority

ATTEST:

\_\_\_\_\_  
Carolyn Goodrich, IWMA Board Secretary

ORDINANCE CODE PROVISION APPROVED  
AS TO FORM AND CODIFICATION:

\_\_\_\_\_  
RAYMOND A. BIERING  
IWMA Counsel

## **Attachment #2**

### **Options for types of stores, effective date and exceptions.**

Listed below are options related to the type of store, effective date and exceptions that could be substituted into the draft ordinance.

#### **Section 2 Stores:**

"Large Store" means over 10,000 square feet of retail space that generates sales or use tax pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law (Part 1.5 (commencing with Section 200) of Division 2 of the Revenue and Taxation Code) and has a pharmacy licensed pursuant to chapter 9 (commencing with Section 4000) of Division 2 of the Business and Professions Code. The IWMA shall use the annual updates of the Progressive Grocer marketing Guidebook and any computer printouts developed in conjunction with the guidebook.

"Pharmacy" means any retail store, where prescriptions, medications, controlled or over the counter drugs, personal care products or health supplement goods or vitamins are sold, but excluding any licensed pharmacy located within a hospital.

"Retail Establishment" means any commercial establishment that sells perishable or nonperishable goods including, but not limited to, clothing, food, and person items directly to the Customer. Retail Establishment does NOT include Public Eating Establishments or Nonprofit Charitable Reusers.

"Convenience Food Store" means any entity engaged in the retail sale of a limited line of goods that includes milk, bread, soda, and snack foods, including those stores with a Type 20 or 21 license issued by the Department of Alcoholic Beverage Control.

"Farmers Markets" means vendors who set up booths, tables or stands, outdoors, to sell produce, meat products, fruits, prepared foods, beverages, and non-edibles.

"Dry Cleaners" means any business whose core function is the cleaning of clothing and/or textiles and who place the said item into clear film plastic.

"Nonprofit Charitable Reuse Store" means a charitable organization, as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization, that reuses and recycles donated goods or materials and received more than fifty percent (50%) of its revenues from the handling and sale of those donated goods or materials.

#### **Section 3. Effective Date**

(a) Six Months after the effective date of this Ordinance, stores within the IWMA Region shall not provide a single-use carryout bag to a customer at the point of sale, except as provided in Section 4.

(a) Nine Months after the effective date of this Ordinance, stores within the IWMA Region shall not provide a single-use carryout bag to a customer at the point of sale, except as provided in Section 4.

(a) One year after the effective date of this Ordinance, stores within the IWMA Region shall not provide a single-use carryout bag to a customer at the point of sale, except as provided in Section 4.

(a) On July 1, 2012, the effective date of this Ordinance, stores within the IWMA Region shall not provide a single-use carryout bag to a customer at the point of sale, except as provided in Section 4.

#### **Section 4. Exceptions**

(a) All stores shall provide customers participating in the California Special Supplement Food Program for Women, Infants, and Children (WIC) pursuant to Article 2 (commencing with Section 123275) of Chapter 1 of Part 2 of Division 106 of the Health and Safety Code; and a customer participating in the Supplemental Food Program (Food Stamps) pursuant to Chapter 10 (Commencing with Section 15500) of Part 3 of Division 9 of the California Welfare and Institutions Code, with one or more reusable or single-use carryout bags at no cost to the customer.

DATE: July 13, 2011 ITEM: 7

Approve  Deny

Continue to \_\_\_\_\_

**TO: Integrated Waste Management Authority**

**FROM: William A. Worrell, Manager**

**RE: 2010 Annual Report (Receive and File)** Receive and file the 2010 annual report

---

**RECOMMENDATION**

Receive and File.

---

**DISCUSSION**

Attached is a copy of the San Luis Obispo County Integrated Waste Management Authority 2010 Annual Report which was filed with the California Integrated Waste Management Board on June 23, 2011 (deadline to file was August 1, 2011). This annual report covers all seven cities and the unincorporated county area (including the special districts). The region wide diversion rate was 69% in 2010 which is a slight decrease from the 70% in 2009 but an increase from the 64% diversion rate in 2007 and 67% diversion in 2008. This report still needs to be approved by the CIWMB; however, I am confident that we are in compliance with AB 939 which requires 50% diversion.

**FISCAL IMPACT**

None.

**ATTACHMENT:** 2010 Annual Report

## Annual Report Summary: San Luis Obispo County Integrated Waste Management Authority (2010)

This Annual Report Summary is an official record of your CalRecycle Electronic Annual Report submission, except for your Venue/Event section information, which is contained in a separate report. You may reach that section from the Electronic Annual Report's left navigation bar.

Before submitting your report to CalRecycle, please take the time to review everything on this page to confirm it is complete and correct. If you need to modify some information, close this window to return to the Electronic Annual Report to make your corrections. Then, preview the report again.

Summary Generated On: Thursday, June 23, 2011 at 11:38 AM

<p><b>Summary</b></p> <p><b>Jurisdiction:</b> San Luis Obispo County Integrated Waste Management Authority</p> <p><b>Report Year Filed:</b> 2010</p> <p><b>Report Status:</b> Due</p>	<p><b>Jurisdiction Contact</b></p> <p><b>Jurisdiction Contact:</b> William Worrell</p> <p><b>Address:</b> 870 Osos St San Luis Obispo, CA 93401</p> <p><b>Phone Number:</b> (805) 782-8530</p> <p><b>Fax Number:</b> (805) 782-8529</p> <p><b>Email Address:</b> <a href="mailto:bworrell@IWMA.COM">bworrell@IWMA.COM</a></p> <p><b>Update Contact Info:</b> <a href="http://www.calrecycle.ca.gov/LGCentral/Contacts/Contact">http://www.calrecycle.ca.gov/LGCentral/Contacts/Contact</a></p>
<p><b>Submitted Information</b></p> <p><b>Date Report Submitted:</b> Not Submitted</p> <p><b>Report Submitted By:</b> Not Submitted</p>	

<b>Disposal Rate Calculation</b>	
<b>Definition of Terms</b>	
<p><b>Reporting-Year Disposal Amount (tons)</b> – defaults to the total tonnage disposed in the Reporting-Year by a jurisdiction as reported to the Disposal Reporting System (DRS). Disposal contains all jurisdiction waste that was disposed in CA landfills, transformation facilities, and exported out-of-state. Any changes will require you submit a <a href="#">Reporting Year Disposal Modification Certification Sheet (PDF)</a>. See <a href="#">User's Guide</a> or contact LAMD representative if uncertain.</p> <p><b>Disposal Reduction Credits</b> - the EAR calculator will subtract these credits from your requested total in the Reporting-Year Disposal Amount field. Requesting credits will require you submit a <a href="#">Reporting Year Disposal Modification Certification Sheet (PDF)</a>. Descriptions of these credits can be found on that sheet. See <a href="#">EAR User's Guide</a> or contact LAMD representative if uncertain.</p> <p><b>Reporting-Year Transformation Waste (tons)</b> – defaults to the total tonnage of waste sent in the Reporting-Year by a jurisdiction to a CalRecycle-permitted transformation facility as reported to the Disposal Reporting System (DRS). Transformation is factored into the Per Capita rate only, and is not deductible. To eliminate the Per Capita credit for transformation tonnage, change the <i>Reporting-Year Transformation Waste (tons)</i> number to 0.00.</p> <p><b>Reporting-Year Population</b> – January 1st estimate of the number of inhabitants occupying a jurisdiction in the Reporting-Year as prepared by the California Department of Finance (DOF)</p> <p><b>Reporting-Year Employment</b> – the estimate of the annual average number of employees by jurisdiction in the Reporting-Year as prepared by the California Employment Development Department (EDD)</p> <p><b>Additional Definitions</b> - for additional definitions and/or acronym descriptions, see the <a href="#">LGCentral Glossary</a>.</p>	
<b>Reporting-Year Disposal Amount (tons):</b>	226,987.46
<b>Disposal Reduction Credits (Reported):</b>	
Disaster Waste (tons):	0.00
Medical Waste (tons):	0.00
Regional Diversion Facility Residual Waste (tons):	0.00
C&D Waste (tons):	0.00
Class II Waste (tons):	0.00
Out-of-State Export (Diverted) (tons):	0.00

Copy of document found at [www.NorCalWipTax.com](http://www.NorCalWipTax.com)





**New City**

- 1. Question:** Since the date of your last Annual Report, are there any newly incorporated cities within your county/regional agency?

**Response**

No.

**Disposal Rate Accuracy****Disposal Rate Accuracy**

- 1. Question:** Are there extenuating circumstances pertaining to your jurisdiction's disposal rate that CalRecycle should consider, as authorized by the Public Resources Code Section 41821(c)? If you wish to attach additional information to your annual report, please send those items or electronic files to your LAMD representative; include a brief description of those files below. If so, please use the space below to tell CalRecycle.

**Response**

No.

**Planning Documents Assessment****Source Reduction and Recycling Element (SRRE)**

- 1. Question:** Does the SRRE need to be revised?

**Response**

No.

**Household Hazardous Waste Element (HHWE)**

- 2. Question:** Does the HHWE need to be revised?

**Response**

No.

**Non-Disposal Facility Element (NDFE)**

- 3. Question:** Describe below any changes in the use of nondisposal facilities, both existing and planned (e.g., is the jurisdiction using a different facility within or outside of the jurisdiction, has a facility closed, is a new one being planned).

**Response**

No response has been entered

**Non-Disposal Facility Element (NDFE)**

- 4. Question:** Are there currently any nondisposal facilities that require a solid waste facility permit located (or planned to be sited) in your jurisdiction that are not identified in your NDFE?

**Response**

No.

**Summary Plan Assessment****Summary Plan**

- 1. Question:** Does the Summary Plan need to be revised?

**Response**

No.

### Siting Element Assessment

#### Total County or Agency Wide Disposal Capacity

- 1. Question:** Based on the best available estimates of current and future disposal, how many years of disposal capacity does your county or regional agency have?

**Response**

23

#### Total County or Agency Wide Disposal Capacity

- 2. Question:** If you do not currently have 15 years of disposal capacity, describe your strategy for obtaining 15 years of capacity.

**Response**

In addition Cold Canyon Landfill is in the process of an expansion.

#### Siting Element Adequacy

- 3. Question:** Does the Siting Element need to be revised? The Siting Element will need to be revised if you have less than 15 years disposal capacity and have not described a strategy for obtaining 15 years disposal capacity.

**Response**

No.

### Areas of Concern / Conditional Approvals

#### Areas of concern

- 1. Question:** Did CalRecycle require your jurisdiction to address any areas of concern when determining the adequacy of your solid waste planning documents, or any of their elements?

**Response**

No.

#### Conditional approvals

- 2. Question:** Did CalRecycle give conditional approval to any of your solid waste planning documents, or any of their elements?

**Response**

No.

### Additional Information

#### Additional Information

- 1. Question:** Is there anything else you would like to tell CalRecycle about unique or innovative efforts by your jurisdiction to reduce waste generation and increase diversion, about your jurisdiction's public education efforts, or about specific obstacles to reaching your jurisdiction's diversion goal? If you wish to attach additional information to your annual report, please send those items or electronic files to your LAMD representative and include a brief description of those files below.

**Response**

No.

**SRRE and HHWE Diversion Programs**

**1000-SR-XGC (Xeriscaping/Grasscycling)**

Current Status: AO - Alternative and Ongoing

Program Start Year: 1995  
Report Year Diversion Tons: 0.00

Existed before 1990: No  
Selected in SRRE: No  
Owned or Operated: No

**Jurisdiction Notes**

**1010-SR-BCM (Backyard and On-Site Composting/Mulching)**

Current Status: SO - Selected and Ongoing

Program Start Year: 1990  
Report Year Diversion Tons: 0.00

Existed before 1990: Yes  
Selected in SRRE: Yes  
Owned or Operated: Yes

**Jurisdiction Notes**

**1020-SR-BWR (Business Waste Reduction Program)**

Current Status: SO - Selected and Ongoing

Program Start Year: 1990  
Report Year Diversion Tons: 0.00

Existed before 1990: Yes  
Selected in SRRE: Yes  
Owned or Operated: Yes

**Jurisdiction Notes**

**1030-SR-PMT (Procurement)**

Current Status: SO - Selected and Ongoing

Program Start Year: 1991  
Report Year Diversion Tons: 0.00

Existed before 1990: No  
Selected in SRRE: Yes  
Owned or Operated: Yes

**Jurisdiction Notes**

**1050-SR-GOV (Government Source Reduction Programs)**

Current Status: SO - Selected and Ongoing

Program Start Year: 1994  
Report Year Diversion Tons: 0.00

Existed before 1990: No  
Selected in SRRE: Yes  
Owned or Operated: Yes

**Jurisdiction Notes**

**1060-SR-MTE (Material Exchange, Thrift Shops)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes
		Owned or Operated: Yes

**Jurisdiction Notes**

**2000-RC-CRB (Residential Curbside)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes
		Owned or Operated: No

**Jurisdiction Notes**

**2010-RC-DRP (Residential Drop-Off)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: No
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes
		Owned or Operated: No

**Jurisdiction Notes**

**2020-RC-BYB (Residential Buy-Back)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes
		Owned or Operated: No

**Jurisdiction Notes**

**2030-RC-OSP (Commercial On-Site Pickup)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes
		Owned or Operated: No

**Jurisdiction Notes**

**2040-RC-SFH (Commercial Self-Haul)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes
		Owned or Operated: No

**Jurisdiction Notes****2050-RC-SCH (School Recycling Programs)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes
		Owned or Operated: Yes

**Jurisdiction Notes****2060-RC-GOV (Government Recycling Programs)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: No
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes
		Owned or Operated: Yes

**Jurisdiction Notes****2070-RC-SNL (Special Collection Seasonal (regular))**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes
		Owned or Operated: No

**Jurisdiction Notes****2080-RC-SPE (Special Collection Events)**

Current Status: AO - Alternative and Ongoing	Program Start Year: 2002	Existed before 1990: No
	Report Year Diversion Tons: 0.00	Selected in SRRE: No
		Owned or Operated: No

**Jurisdiction Notes**

**2090-RC-OTH (Other Recycling)**

Current Status: AO - Alternative and Ongoing	Program Start Year: 2003 Report Year Diversion Tons: 0.00	Existed before 1990: No Selected in SRRE: No Owned or Operated: No
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**Jurisdiction Notes**

**3000-CM-RCG (Residential Curbside Greenwaste Collection)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1993 Report Year Diversion Tons: 0.00	Existed before 1990: No Selected in SRRE: Yes Owned or Operated: No
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**Jurisdiction Notes**

**3010-CM-RSG (Residential Self-haul Greenwaste)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1993 Report Year Diversion Tons: 0.00	Existed before 1990: No Selected in SRRE: Yes Owned or Operated: No
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**Jurisdiction Notes**

**3020-CM-COG (Commercial On-Site Greenwaste Pick-up)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1993 Report Year Diversion Tons: 0.00	Existed before 1990: No Selected in SRRE: Yes Owned or Operated: No
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**Jurisdiction Notes**

**3030-CM-CSG (Commercial Self-Haul Greenwaste)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1993 Report Year Diversion Tons: 0.00	Existed before 1990: No Selected in SRRE: Yes Owned or Operated: No
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**Jurisdiction Notes**

**3040-CM-FWC (Food Waste Composting)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1996 Report Year Diversion Tons: 0.00	Existed before 1990: No Selected in SRRE: Yes Owned or Operated: Yes
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**Jurisdiction Notes**

**4010-SP-SLG (Sludge (sewage/industrial))**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990 Report Year Diversion Tons: 0.00	Existed before 1990: Yes Selected in SRRE: Yes Owned or Operated: No
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**Jurisdiction Notes**

**4020-SP-TRS (Tires)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990 Report Year Diversion Tons: 0.00	Existed before 1990: Yes Selected in SRRE: Yes Owned or Operated: No
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**Jurisdiction Notes**

**4030-SP-WHG (White Goods)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990 Report Year Diversion Tons: 0.00	Existed before 1990: Yes Selected in SRRE: Yes Owned or Operated: No
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**Jurisdiction Notes**

**4040-SP-SCM (Scrap Metal)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990 Report Year Diversion Tons: 0.00	Existed before 1990: Yes Selected in SRRE: Yes Owned or Operated: No
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**Jurisdiction Notes**

**4050-SP-WDW (Wood Waste)**

Current Status: SO - Selected and Ongoing



Program Start Year: 1990	Existed before 1990: Yes
Report Year Diversion Tons: 0.00	Selected in SRRE: Yes Owned or Operated: No

**Jurisdiction Notes**

**4060-SP-CAR (Concrete/Asphalt/Rubble)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes Owned or Operated: No

**Jurisdiction Notes**

**5000-ED-ELC (Electronic (radio ,TV, web, hotlines))**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes Owned or Operated: No

**Jurisdiction Notes**

**5010-ED-PRN (Print (brochures, flyers, guides, news articles))**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes Owned or Operated: Yes

**Jurisdiction Notes**

**5020-ED-OUT (Outreach (tech assistance, presentations, awards, fairs, field trips))**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes Owned or Operated: Yes

**Jurisdiction Notes**

**5030-ED-SCH (Schools (education and curriculum))**

Current Status: SO - Selected and Ongoing

Program Start Year: 1991	Existed before 1990: Yes
Report Year Diversion Tons: 0.00	Selected in SRRE: Yes Owned or Operated: No

**Jurisdiction Notes**

**7030-FR-CMF (Composting Facility)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1993	Existed before 1990: No
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes Owned or Operated: No

**Jurisdiction Notes**

**7040-FR-ADC (Alternative Daily Cover)**

Current Status: AO - Alternative and Ongoing	Program Start Year: 1997	Existed before 1990: No
	Report Year Diversion Tons: 0.00	Selected in SRRE: No Owned or Operated: No

**Jurisdiction Notes**

**9000-HH-PMF (Permanent Facility)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1991	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes Owned or Operated: Yes

**Jurisdiction Notes**

**9010-HH-MPC (Mobile or Periodic Collection)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes Owned or Operated: Yes

**Jurisdiction Notes**

**9020-HH-CSC (Curbside Collection)**

Current Status: SO - Selected and Ongoing

Program Start Year: 1990  
Report Year Diversion Tons:  
0.00

Existed before 1990: Yes  
Selected in SRRE: Yes  
Owned or Operated: Yes

**Jurisdiction Notes**

**6000-PI-PLB (Product and Landfill Bans)**

Current Status: NI - Selected and Not  
Implemented

Program Start Year: 0  
Report Year Diversion Tons:  
0.00

Existed before 1990: No  
Selected in SRRE: Yes  
Owned or Operated: Yes

**Jurisdiction Notes**

**6010-PI-EIN (Economic Incentives)**

Current Status: SO - Selected and Ongoing

Program Start Year: 1993  
Report Year Diversion Tons:  
0.00

Existed before 1990: No  
Selected in SRRE: Yes  
Owned or Operated: Yes

**Jurisdiction Notes**

**6020-PI-ORD (Ordinances)**

Current Status: SO - Selected and Ongoing

Program Start Year: 1990  
Report Year Diversion Tons:  
0.00

Existed before 1990: No  
Selected in SRRE: Yes  
Owned or Operated: Yes

**Jurisdiction Notes**

**7000-FR-MRF (MRF)**

Current Status: SO - Selected and Ongoing

Program Start Year: 1997  
Report Year Diversion Tons:  
0.00

Existed before 1990: No  
Selected in SRRE: Yes  
Owned or Operated: No

**Jurisdiction Notes**

**7010-FR-LAN (Landfill)**

Current Status: SO - Selected and Ongoing

Copy of document found at [www.NoNewWipTax.com](http://www.NoNewWipTax.com)

Program Start Year: 1995	Existed before 1990: No
Report Year Diversion Tons: 0.00	Selected in SRRE: Yes Owned or Operated: No

**Jurisdiction Notes**

**9030-HH-WSE (Waste Exchange)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes Owned or Operated: Yes

**Jurisdiction Notes**

**9040-HH-EDP (Education Programs)**

Current Status: SO - Selected and Ongoing	Program Start Year: 1990	Existed before 1990: Yes
	Report Year Diversion Tons: 0.00	Selected in SRRE: Yes Owned or Operated: Yes

**Jurisdiction Notes**

**9045-HH-EWA (Electronic Waste)**

Current Status: AO - Alternative and Ongoing	Program Start Year: 2001	Existed before 1990: No
	Report Year Diversion Tons: 0.00	Selected in SRRE: No Owned or Operated: Yes

**Jurisdiction Notes**

DATE: July 13, 2011 ITEM: 8  
 Approve  Deny  
 Continue to \_\_\_\_\_

**TO: Integrated Waste Management Authority**  
**FROM: William A. Worrell, Manager**  
**RE: Kompogas Update (Action Item - Voice Vote) Receive an update from staff.**

---

**RECOMMENDATION**

Receive an update from staff.

---

**DISCUSSION**

As authorized by the Board at the March 9, 2011 meeting, the IWMA Manager traveled to Germany to investigate the proposed anaerobic digestion project for Cold Canyon Landfill. In addition Mark Adams, Director of Engineer, also traveled to Germany. The Manager left on Saturday May 28 and arrived in Essen, Germany on Sunday May 29. On Monday May 30 Mr. Worrell and Mr. Adams, along with Mr. Fecknor, President of Kuttner, North America and Hubertus Beyerbach, Project Manager, Kuttner, toured a Kompogas plant in the Netherlands. On Tuesday Mr. Adams and Mr. Worrell met with Kuttner staff to discuss the project and to investigate layouts of the proposed facility on Cold Canyon Landfill. On Wednesday, Mr. Adams and Mr. Worrell visited 2 Kompofirm facilities in Germany. Mr. Worrell returned to San Luis Obispo on Thursday June 2.

The purpose of the trip was to confirm that the Kompogas/Kuttner team has the technical expertise and technology to implement a successful project at Cold Canyon Landfill. Based on my previous site visit to a Kompogas plant in Zurich, meetings with Kompogas and Kuttner and this recent trip, I believe that Kompogas/Kuttner could implement a successful project at Cold Canyon Landfill.

**FISCAL IMPACT**

None.

DATE: July 13, 2011 ITEM: 9

Approve  Deny

Continue to \_\_\_\_\_

**TO:** Integrated Waste Management Authority

**FROM:** William A. Worrell, Manager

**RE:** Cold Canyon Landfill Expansion (Action Item - Voice Vote) Provide comments on the Recirculated Draft EIR

---

**RECOMMENDATION**

Review and Comment on the Recirculated Draft EIR comments prepared by staff.

---

**DISCUSSION**

On May 24, 2011 the Recirculated Draft Environmental Impact Report for the Cold Canyon Landfill Expansion was released by the County of San Luis Obispo. The deadline to provide comments was July 11, 2011. Given this deadline, staff prepared and submitted comments. Those comments are attached for review and comment by the Board.

**FISCAL IMPACT**

None.

**ATTACHMENT:** IWMA Comment Letter on the Recirculated Draft Environmental Impact Report for the Cold Canyon Landfill Expansion

# San Luis Obispo County Integrated Waste Management Authority

## IWMA BOARD MEMBERS

John Hamon, President  
City of Paso Robles

Jim Patterson, Vice President  
San Luis Obispo County

Tim Brown,  
City of Arroyo Grande

Tom O'Malley,  
City of Atascadero

Phyllis Molnar,  
City of Grover Beach

Carla Borchard,  
City of Morro Bay

Ted Ehring,  
City of Pismo Beach

John Ashbaugh,  
City of San Luis Obispo

Paul Teixeira,  
San Luis Obispo County

Bruce Gibson,  
San Luis Obispo County

Adam Hill,  
San Luis Obispo County

Frank Mecham,  
San Luis Obispo County

Greg O'Sullivan,  
Authorized Districts

Bill Worrell, Manager  
Carolyn Goodrich, Secretary  
Peter Cron, Staff Analyst  
Patti Toews, Program Director  
Raymond A. Biering, Counsel

870 Osos Street  
San Luis Obispo, CA 93401

805/782-8530  
FAX 805/782-8529  
E-mail: iwma@iwma.com

Recycling, Compost & Haz.  
Waste Info. 800/400-0811  
School Programs Information  
805/782-8424

June 24, 2011

John McKenzie, Project Manager  
County of San Luis Obispo  
Department of Planning and Building  
976 Osos Street, Room 200  
San Luis Obispo, CA 93408-2040

Subject: Recirculated Draft Environmental Impact Report  
for the Cold Canyon Landfill Expansion

Dear Mr. McKenzie:

Thank you for the opportunity to comment on the Recirculated Draft Environmental Impact Report for the Cold Canyon Landfill Expansion (draft EIR). The San Luis Obispo County Integrated Waste Management Authority (IWMA) is a regional agency that includes the County, the 7 cities, and 10 special districts. Under the adopted Joint Powers Agreement the IWMA is responsible for meeting the requirements of AB 939. We have been exceeding the CalRecycle waste diversion goal since 1995 and in 2010 we diverted 69% of waste generated in San Luis Obispo County from landfills.

This draft EIR is of special interest to the IWMA in that the Cold Canyon Landfill plays a critical role in maintaining adequate landfill disposal capacity. The San Luis Obispo County Integrated Waste Management Plan Siting Element, adopted in 1995, gives priority for maintaining adequate disposal capacity to the expansion of the existing landfills. For example, the Chicago Grade Landfill was expanded in 2007 and now the Cold Canyon Landfill is in the process of expanding.

The Cold Canyon Landfill has also played a key role in achieving our diversion goals. The diversion operations at the Cold Canyon Landfill have been implemented to support the programs required in the San Luis Obispo County Integrated Waste Management Plan.

The draft EIR mitigation measure HAZ/mm-13 would require the Cold Canyon Landfill to enclose the composting operation or implement an alternative composting technology such as Anaerobic Digestion (AD) if odors continue to be a problem. On page V-199, the draft EIR includes the following quote from the CalRecycle Draft Program EIR for AD facilities: "... the collection, transport, storage and pre-processing activities of the potentially odiferous organic substrates for digestion and the resultant digestate could produce nuisance odor at AD facilities. In addition, the siting of these digester facilities could lead to objectionable odors at off-site receptors in the vicinity."

The above quote is from the CalRecycle Draft Program EIR for AD facilities section: "Impact 5.2: Operation of AD facilities in California could create objectionable odors affecting a substantial number of people (Significant)." What the Cold Canyon Landfill draft EIR failed to do was to include the next sentence of the quote which is: "*Mitigation measures shall be implemented in order to ensure the potential nuisance impact associated with odors would not affect a substantial number of people.*"

The Cold Canyon Landfill draft EIR then goes on to say: "... additional environmental review would likely be required. Because of these issues, odor impacts at this time would be considered significant and unavoidable (Class 1)." This statement is not consistent with the CalRecycle Draft Program EIR for AD facilities. Based on the odor mitigation measures, the CalRecycle Draft Program EIR for AD facilities concludes: "*Impact Significance After Mitigation: Less than Significant.*"

The CalRecycle Final Program EIR for AD facilities addressed, not only odor, but all the environmental impacts of AD facilities including noise and water use. In Section 1.6 Summary of Significant Impacts and Mitigation Measures it states: "*As indicated in the table, all the impacts could be mitigated to a less-than-significant level with the implementation of the mitigation measures.*" Based on the CalRecycle Final Program EIR for AD facilities, CalRecycle has adopted an anaerobic digestion initiative that includes:

*"It is the policy of CalRecycle to encourage the development of AD facilities in California as an alternative to the landfill disposal of organic solid waste. Specifically, as an initial measure, CalRecycle will encourage the establishment of in-vessel digesters located at existing or new solid waste facilities and in areas zoned for industrial or solid waste handling activities".*

In conclusion, based on the CalRecycle Final Program EIR for AD facilities and the adopted CalRecycle AD initiative, the IWMA believes that the implementation of mitigation measure HAZ/mm-13 is consistent with CalRecycle policy. In addition implementation of this mitigation measure will result in less than significant environmental impacts in every category including odor, noise and water use, thus additional environmental review would not be required.

Sincerely,



William A. Worrell, P.E.  
Manager



DATE: July 13, 2011 ITEM: 10

Approve  Deny

Continue to \_\_\_\_\_

**TO: Integrated Waste Management Authority**

**FROM: William A. Worrell, Manager**

**RE: Legislative Update (Action Item - Voice Vote) Update on pending legislation**

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**RECOMMENDATION**

Authorize the President to send a letter of support for AB 1178.

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**DISCUSSION**

The IWMA is tracking several bills in Sacramento. At the Board Meeting an update will be provided.

AB 1178 would do the following:

- 1) Prohibits a city or county from restricting or limiting in any way the importation of solid waste based on the place of origin.
- 2) Protects a publicly owned solid waste facility's ability to limit or restrict its acceptance of solid waste from outside the jurisdiction.
- 3) Protects a privately owned or operated solid waste facility's ability to refuse solid waste from outside the city or county where the facility is located.
- 4) Protects a city or county's authority to exercise its land use authority, including making a zoning, permitting, or other land use determination.

**FISCAL IMPACT**

None.

**DATE: July 13, 2011 ITEM: 11**  
 Approve    Deny  
 Continue to \_\_\_\_\_

**TO: Integrated Waste Management Authority**

**FROM: William A. Worrell, Manager**

**RE: Participation in the Special District Risk Management Authority Property and Liability Program. (Action Item - Roll Call Vote)** Consider joining the California Special District Risk Management Authority Property and Liability Program.

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**RECOMMENDATION**

Adopt Resolution 11-3.

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**DISCUSSION**

In March 2010 the IWMA joined the California Special Districts Association as an Associate Member. By joining, the IWMA obtained Workers Comp Insurance and group Health Insurance through the Special Districts Risk Management Association at a substantial savings. For example, the IWMA's Workers Comp Insurance premium went from \$6,455 to \$1,734, thus saving the IWMA \$4,721. By obtaining Property and Liability Insurance through the California Special Districts Association, IWMA will once again be able to reduce the cost of insurance.

**FISCAL IMPACT**

This action would result in a cost savings of about \$1,000 per year.

**ATTACHMENT:** Resolution 11-3

**RESOLUTION NO. 11-03**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE  
SAN LUIS OBISPO COUNTY INTEGRATED WASTE MANAGEMENT AUTHORITY  
APPROVING THE FORM OF AND AUTHORIZING THE EXECUTION OF A SIXTH  
AMENDED AND RESTATED JOINT POWERS AGREEMENT AND AUTHORIZING  
PARTICIPATION IN THE SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY  
WORKERS' COMPENSATION PROGRAM**

**WHEREAS**, the San Luis Obispo County Integrated Waste Management Authority, a special district duly organized and existing under and by virtue of the laws of the State of California (the "Agency"), has determined that it is in the best interest and to the advantage of the Agency to participate for at least three full years in the property and liability program offered by the Special District Risk Management Authority (the "Authority"); and

**WHEREAS**, California Government Code Section 6500 et seq., provides that two or more public agencies may by agreement jointly exercise any power common to the contracting parties; and

**WHEREAS**, Special District Risk Management Authority was formed in 1986 in accordance with the provisions of California Government Code 6500 et seq., for the purpose of providing its members with risk financing and risk management programs; and

**WHEREAS**, California Government Code Section 990.4 provides that a local public entity may self-insure, purchase insurance through an authorized carrier, or purchase insurance through a surplus lines broker, or any combination of these; and

**WHEREAS**, participation in Special District Risk Management Authority programs requires the Agency to execute and enter into a Sixth Amended and Restated Joint Powers Agreement (the "Amended JPA Agreement"); which states the purpose and powers of the Authority; and

**WHEREAS**, all acts, conditions and things required by the laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the Agency is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided.

**NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE AGENCY AS FOLLOWS:**

Section 1. Findings. The Agency Board of Directors hereby specifically finds and determines that the actions authorized hereby relate to the public affairs of the Agency.

Section 2. Sixth Amended JPA Agreement. The Amended JPA Agreement proposed to be executed and entered into by and between the Agency and members of the Special District Risk Management Authority, in the form presented at this meeting and on file with the Agency Secretary, is hereby approved. The Manager is hereby authorized and directed, for and in the name and on behalf of the Agency, to execute and deliver to the Authority the Amended JPA Agreement in substantially said form, with such changes therein as such officers may require or

approve, such approval to be conclusively evidenced by the execution and delivery thereof.

Section 3. Program Participation. The Agency Board of Directors approves participating for three full program years in Special District Risk Management Authority Property and Liability Program.

Section 4. Other Actions. The Manager is hereby authorized and directed to execute and deliver any and all documents which is necessary in order to consummate the transactions authorized hereby and all such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

Section 5. Effective Date. This resolution shall take effect July 1, 2011.

**PASSED AND ADOPTED** this \_\_\_\_ day of July, 2011 by the following roll call vote:

**AYES:**

**NOES:**

**ABSTAIN:**

**ABSENT:**

\_\_\_\_\_  
Jim Patterson, President

**ATTEST:**

\_\_\_\_\_  
William A. Worrell, Manager

**APPROVED AS TO FORM AND LEGAL EFFECT:**

By \_\_\_\_\_  
Raymond A. Biering, IWMA Counsel