

OFFICE OF THE CITY CLERK
CITY OF OAKLAND

CITY OF OAKLAND

BILL ANALYSIS



Date: 2008 MAY -9 AM 11:50
4/30/08

Bill Number: AB 822

Bill Author: Assembly Member Lloyd Levine

DEPARTMENT INFORMATION

Contact: Peter Slote
Department: PWA Environmental Services Division
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RECOMMENDED POSITION: WATCH

Summary of the Bill

AB 822 will require an owner of a multifamily dwelling, defined as a residential facility that consists of 5 or more living units, on or after July 1, 2009, to arrange for recycling services that are appropriate for the multifamily dwelling, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste.

Positive Factors for Oakland

According to the 2000 Waste Characterization study conducted by the Alameda County Waste Management Authority, each year residents of multifamily dwellings dispose of approximately 29,621 tons of material that could be recycled. Recycling service is readily available within the existing garbage collection and disposal rate but often does not exist at multifamily residences because property owners have no incentive to provide the recycling option or are indifferent. Additionally, absentee owners are often difficult to contact for permission to establish recycling services on their properties.

The diverting materials for recycling and future efforts to recover organics from the multifamily waste stream for composting is essential to Oakland's 75% waste diversion by 2010, and zero waste by 2020 goals. AB 822 represents a positive step towards eliminating a strong barrier to recycling in Oakland.

Negative Factors for Oakland

None identified.

Item: 6

Rules & Legislation Comte.
May 22, 2008

PLEASE RATE THE EFFECT OF THIS MEASURE ON THE CITY OF OAKLAND:

- Critical** (top priority for City lobbyist, city position required ASAP)
- Very Important** (priority for City lobbyist, city position necessary)
- Somewhat Important** (City position desirable if time and resources are available)
- Minimal or** **None** (do not review with City Council, position not required)

Known support:

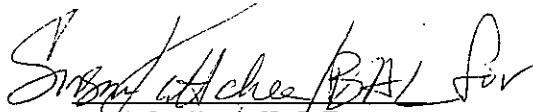
Californians Against Waste (sponsor)

Known Opposition:

None Identified at this time.

Attach bill text and state/federal legislative committee analysis, if available.

Respectfully Submitted,


Raul Godinez II, P.E.
Director, Public Works Agency

Approved for Forwarding to
Rules Committee


OFFICE OF THE CITY ADMINISTRATOR

Item: 6
Rules & Legislation Comte.
May 22, 2008

BILL NUMBER: AB 822 AMENDED
BILL TEXT

AMENDED IN ASSEMBLY JANUARY 7, 2008
AMENDED IN ASSEMBLY APRIL 19, 2007
AMENDED IN ASSEMBLY APRIL 18, 2007

INTRODUCED BY Assembly Member Levine

FEBRUARY 22, 2007

~~An act to add Section 4799.12.5 to the Public Resources Code, relating to public resources.~~ An act to add Section 42913 to the Public Resources Code, relating to recycling.

LEGISLATIVE COUNSEL'S DIGEST

AB 822, as amended, Levine. ~~Urban greening projects.~~
Solid waste: multifamily dwellings.

The California Integrated Waste Management Act of 1989 establishes an integrated waste management program administered by the California Integrated Waste Management Board. The act requires a local jurisdiction to develop a source reduction and recycling element of an integrated waste management plan containing specified components.

This bill would require an owner of a multifamily dwelling, defined as a residential facility that consists of 5 or more living units, on or after July 1, 2009, to arrange for recycling services that are appropriate for the multifamily dwelling, consistent with state or local laws or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste.

~~The Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, approved by the voters at the November 7, 2006, statewide general election, authorizes the issuance of bonds in the amount of \$5,380,000,000 for the purposes of financing a safe drinking water, water quality and supply, flood control, and resource protection program. Of these bond funds, the act makes available \$580,000,000 for improving the sustainability and livability of California's communities through investment in natural resources. Of these natural resources investment funds, the act requires that \$90,000,000 be available for urban greening projects that reduce energy consumption, conserve water, improve air and water quality, and provide other community benefits. The act provides that appropriation of these urban greening funds may only be made upon enactment of implementing legislation.~~

~~This bill would require the Department of Forestry and Fire Protection, in consultation with the California Urban Forests Council, to provide state oversight for urban greening planning, including guidance, priorities, policy direction, technical assistance, evaluation of program effectiveness, and funding that supports effective urban greening.~~

~~The bill would require that, upon appropriation by the Legislature, urban greening bond funds be used by the department, in conjunction with the California Urban Forests Council, to award grants to public and nonprofit organizations for specified purposes~~

~~related to urban greening.~~

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

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

SECTION 1. Section 42913 is added to the Public Resources Code, to read:

42913. (a) On and after July 1, 2009, an owner of a multifamily dwelling shall arrange for recycling services that are appropriate for the multifamily dwelling, consistent with state or local law or requirements, including a local ordinance or agreement, applicable to the collection, handling, or recycling of solid waste.

(b) For the purposes of this section, "multifamily dwelling" means a residential facility that consists of five or more living units.

~~SECTION 1. Section 4799.12.5 is added to the Public Resources Code, to read:~~

~~4799.12.5. (a) The department, in consultation with the California Urban Forests Council, shall provide state oversight for urban greening planning, including guidance, priorities, policy direction, technical assistance, evaluation of program effectiveness, and funding that supports effective urban greening.~~

~~(b) The purpose of this section is to provide for programs and projects that promote urban greening.~~

~~(c) Upon appropriation by the Legislature, funds authorized pursuant to subdivision (a) of Section 75065 shall be used by the department in conjunction with the California Urban Forests Council to award grants to public and nonprofit organizations for, including, but not limited to, the following purposes:~~

~~(1) To promote technology to mitigate the heat island effect, including, but not limited to, growing natural cover on a roof's surface.~~

~~(2) To promote the growth of ecologically sustainable trees and shrubs, strategically planted to provide shade to a built environment, and to promote the removal and replacement of invasive species with native vegetation.~~

~~(3) To provide for the strategic replacement of impermeable surfaces with permeable surfaces, including, but not limited to, the removal of paved areas, daylighting of waterways, and the use of biofiltration, vegetated swales, permeable paving, and similar watershed management practices.~~

~~(d) A project shall be located in an urban area or immediately adjacent to an urban area if substantial benefits of the project are to accrue to residents of the urban area.~~

~~(e) The department shall give priority to projects that provide multiple benefits to an urban area, such as improving air and water quality, reducing energy consumption, and conserving energy.~~