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OAKLAND

2015 MAY 28 PM 3:34 **AGENDA REPORT**

**TO:** JOHN A. FLORES  
INTERIM CITY ADMINISTRATOR

**FROM:** Brooke A. Levin

**SUBJECT:** Supplemental Zero Waste System  
Municipal Code Amendments

**DATE:** May 28, 2015

City Administrator  
Approval

Date

5/28/2015

**COUNCIL DISTRICT:** Citywide

### **RECOMMENDATION**

Staff recommends that the City Council conduct a public hearing and upon conclusion adopt the following legislation:

1. An Ordinance Amending Oakland Municipal Code Chapter 8.28 (“Solid Waste Collection And Disposal And Recycling”), To Implement The Zero Waste System Design And Zero Waste Collection Services Franchise Contracts, By: 1) Establishing a Nuisance Abatement Process to Address Failures to Ensure Proper Handling of Solid Waste; 2) Restricting Collection Of Commercial Organic Materials To Authorized Collectors; 3) Changing Definitions And Other Provisions To Allow For Regulation Of Commercial Recyclers And Non-Exclusive Franchise Haulers Of Construction And Demolition Debris, And 4) Conforming the new Zero Waste System to The Zero Waste Collection Services Franchises Awarded By City Council, Services To Begin July 1, 2015.
2. An Ordinance Amending Oakland Municipal Code Chapter 15.34 (“Construction And Demolition Debris Waste Reduction And Recycling Requirements”) To Establish A Non-Exclusive Franchise Agreement System For The Hauling Of Such Debris To Become Effective July 1, 2015; And Authorizing The City Administrator To Execute Such Non-Exclusive Franchise Agreements.

### **REASON FOR SUPPLEMENTAL**

This report provides information responsive to a request by Councilmember Kalb made at Rules and Legislation Committee on May 14, 2015, and supplements the City Council report published on May 22, 2015 regarding Oakland Municipal Code (OMC) amendments that would enable implementation of Oakland’s Zero Waste System.

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**ANALYSIS**

The Zero Waste System includes two Zero Waste collection services contracts that begin July 1, 2015: the Mixed Materials and Organics (MM&O) contract with Waste Management of Alameda County and the Residential Recycling (RR) contract with California Waste Solutions. The table below lists the OMC sections where changes are proposed to address the Zero Waste System contained in the contracts. Additionally, a PowerPoint presentation for the item is attached.

<b>OMC Section Changed</b>	<b>OMC Section Title</b>	<b>MM&amp;O Contract Section</b>	<b>MM&amp;O Contract Section Title</b>	<b>RR Contract Citation</b>	<b>RR Contract Section Title</b>
8.28.010	Definitions	1.01 - 1.99	Definitions	1.01 - 1.82	Definitions
8.28.020 - A	Procedures for determining maximum rates of compensation	7.01	Charges and Rates - General	7.01	Charges and Rates - General
8.28.020 - B	Procedures for determining maximum rates of compensation	7.01	Charges and Rates - General	7.01	Charges and Rates - General
8.28.030 - A 1-9	Collection of recyclable material	N/A		5.03	Collection by Other Persons

<b>OMC Section Changed</b>	<b>OMC Section Title</b>	<b>MM&amp;O Contract Section</b>	<b>MM&amp;O Contract Section Title</b>	<b>RR Contract Citation</b>	<b>RR Contract Section Title</b>
8.28.030 - B	Collection of recyclable material	5.01	Grant of Exclusive Contract	5.03.1	Collection by Other Persons
8.28.030 - C	Collection of recyclable material	5.01	Grant of Exclusive Contract	5.03.1	Collection by Other Persons
8.28.030 - D	Collection of recyclable material	5.03.7	Collection by Other Persons	5.03.10	Collection by Other Persons
8.28.040 - A	Ownership of materials - Mixed Materials & Organics Collector	6.16	Ownership of Materials	N/A	
8.28.040 - B	Ownership of materials - Residential Recyclables Collector	N/A		6.15	Ownership of Materials
8.28.040 - C	Ownership of materials - Commercial Recyclers	N/A		N/A	
8.28.050 - A	Right of persons to control the handling of recyclable materials - Residential recyclable materials	5.02	Limitations to Scope of Exclusive Contract	5.02	Limitations to Scope of Exclusive Contract

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<b>OMC Section Changed</b>	<b>OMC Section Title</b>	<b>MM&amp;O Contract Section</b>	<b>MM&amp;O Contract Section Title</b>	<b>RR Contract Citation</b>	<b>RR Contract Section Title</b>
8.28.050 - B	Right of persons to control the handling of recyclable materials - Commercial recyclable materials	5.03.7	Collections by Other Persons	5.03.10	Collections by Other Persons
8.28.060 - A.	Collection of mixed materials and organic materials restricted to MM&O collector	5.03.1	Collection by Other Persons	N/A	
8.28.060 - B.	Collection of mixed materials and organic materials restricted to MM&O collector	5.03.6	Collection by Other Persons	N/A	
8.28.060 - C.	Collection of mixed materials and organic materials restricted to MM&O collector	5.03.9	Collection by Other Persons	N/A	

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OMC Section Changed	OMC Section Title	MM&O Contract Section	MM&O Contract Section Title	RR Contract Citation	RR Contract Section Title
8.28.060 - D.	Collection of mixed materials and organic materials restricted to MM&O collector	5.03.12	Collection by Other Persons	N/A	
8.28.060 - E.	Collection of mixed materials and organic materials restricted to MM&O collector	5.03.3	Collection by Other Persons	N/A	
8.28.060 - F.	Collection of mixed materials and organic materials restricted to MM&O collector	5.03.1	Collection by Other Persons	N/A	
8.28.060 - H. S/B G	Collection of mixed materials and organic materials restricted to MM&O collector	5.03.11	Collection by Other Persons	N/A	

OMC Section Changed	OMC Section Title	MM&O Contract Section	MM&O Contract Section Title	RR Contract Citation	RR Contract Section Title
8.28.060 - I. S/B H	Collection of mixed materials and organic materials restricted to MM&O collector	5.03.14	Collection by Other Persons	N/A	
8.28.060 - J. S/B I	Collection of mixed materials and organic materials restricted to MM&O collector	5.03.15	Collection by Other Persons	N/A	
8.28.070 - A	Transportation of mixed materials, organics and recyclable materials on city streets restricted - MM&O collector	N/A		N/A	
8.28.070 - B	Transportation of mixed materials, organics and recyclable materials on city streets restricted - RR collector	N/A		N/A	

OMC Section Changed	OMC Section Title	MM&O Contract Section	MM&O Contract Section Title	RR Contract Citation	RR Contract Section Title
8.28.070 - C	Transportation of mixed materials, organics and recyclable materials on city streets restricted - commercial recycler	N/A		N/A	
8.28.080	Franchise fees	7.18.8	Franchise Fees	7.16.1	Franchise Fees
8.28.090	Recycling surcharge fee	7.18.10	Other Fees	7.16.3	Other Fees
8.28.100	Proper solid waste disposal required	N/A		N/A	
8.28.110	Exception - Initial occupancy	N/A		N/A	
8.28.115	Self-Haul permit	N/A		N/A	
8.28.120	Frequency of solid waste collection or removal	N/A		N/A	
8.28.130	Materials prohibited in containers	N/A		N/A	

OMC Section Changed	OMC Section Title	MM&O Contract Section	MM&O Contract Section Title	RR Contract Citation	RR Contract Section Title
8.28.140 - A	Required provision of approved containers and minimum service and container capacity; container placement; residential occupants' access to services.	N/A		N/A	
8.28.140 - B - 1	Required provision of approved containers and minimum service and container capacity; container placement; residential occupants' access to services.	9.01.1.1	Minimum Capacity	N/A	



OMC Section Changed	OMC Section Title	MM&O Contract Section	MM&O Contract Section Title	RR Contract Citation	RR Contract Section Title
8.28.140 - B - 2	Required provision of approved containers and minimum service and container capacity; container placement; residential occupants' access to services.	10.2.4	Minimum Capacity	N/A	
8.28.140 - C	Required provision of approved containers and minimum service and container capacity; container placement; residential occupants' access to services.	9.01.2 & 10.01.1	Manner of Collection	9.01.2 & 10.01.1	Manner of Collection

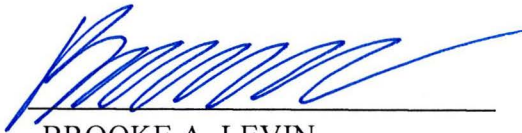
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OMC Section Changed	OMC Section Title	MM&O Contract Section	MM&O Contract Section Title	RR Contract Citation	RR Contract Section Title
8.28.140 - D	Required provision of approved containers and minimum service and container capacity; container placement; residential occupants' access to services.	N/A		N/A	
8.28.150	Prohibition on improper placement of solid waste	N/A		N/A	
8.28.155	Prohibition on accumulation of solid waste on unoccupied property	N/A		N/A	
8.28.160	Use of litter receptacles	N/A		N/A	
8.28.170	MM&O Collector right to terminate service for non-payment	7.13	Delinquent Service Account Termination process	N/A	
8.28.180	Summary abatement of nuisance	7.13.5	Delinquent Service Account Termination process	N/A	

OMC Section Changed	OMC Section Title	MM&O Contract Section	MM&O Contract Section Title	RR Contract Citation	RR Contract Section Title
8.28.190	Collection of costs—Special assessment	7.13.5	Delinquent Service Account Termination process	N/A	
8.28.200	Collector to provide opportunity to protest on delinquent charges	7.13.4	Delinquent Service Account Termination process	N/A	
8.28.210	Administrative hearing on proposed special assessment	7.13.7	Delinquent Service Account Termination process	N/A	
8.28.220	Report of proposed special assessments transmitted to City Council	N/A		N/A	
8.28.230	Notice of hearing on proposed special assessments	7.13.8	Delinquent Service Account Termination process	N/A	
8.28.240	Payment of special assessment prior to placement on tax roll	N/A		N/A	

OMC Section Changed	OMC Section Title	MM&O Contract Section	MM&O Contract Section Title	RR Contract Citation	RR Contract Section Title
8.28.250	Imposition of special assessment	N/A		N/A	
8.28.260	Special assessment collection fund	N/A		N/A	
8.28.270	Manner of giving notices	N/A		N/A	
8.28.280	Violations, enforcement and remedies	N/A		N/A	

Respectfully submitted,



BROOKE A. LEVIN  
Director, Public Works Department

Reviewed by:  
Susan Kattchee, Assistant Director

Reviewed by:  
Becky Dowdakin, Environmental Services Manager

Prepared by:  
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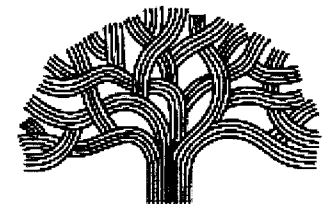
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City Council Meeting

June 2, 2015

**Zero Waste System  
Municipal Code Amendments**



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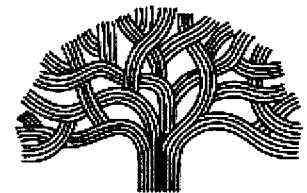
# Zero Waste OMC Amendments

- Conform OMC with Zero Waste System
- Implement Special Assessment to maintain public health and safety
- Approve:
  - New C&D Debris Non-Exclusive Franchise
  - New Commercial Recycling Permit System



# Special Assessment to Maintain Public Health and Safety

- Property owner is required to ensure solid waste is properly handled
- Customers have 3 appeal opportunities, including City Council hearing (same as current lien system)
- Bill delinquent at 45 days (currently 90 days)
- Special assessment initiated at 100 days (same as current lien system)



# Timing of City Council Action

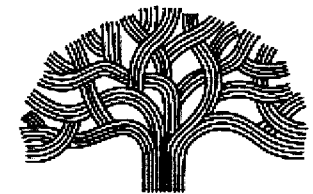
- C&D Debris Non-Exclusive Franchise System
  - C&D Debris is excluded from the Mixed Materials and Organics contract that starts July 1, 2015
  - Pilot Non-Exclusive Franchise System will provide for continuity of service to this sector, beginning July 1, 2015
  - Staff will study effectiveness of program during 18-month pilot and return to City Council with recommended changes at end of 2016





# Timing of City Council Action

- Commercial Recycling Permit System
  - Existing commercial recyclers may continue to provide service while permit system is developed
  - Staff will conduct stakeholder process to inform permit system design
  - Staff will return to City Council in Fall 2015 with recommendation and Resolution to implement permit system



# C&D Debris

## Non-Exclusive Franchise System

- Zero Waste System benefits
  - Unify & integrate all C&D hauling
  - Set performance standards & maximize diversion
- 18-month pilot
  - Evaluate program
  - Gather stakeholder input
  - Report & recommendation upon completion
- Similar to systems in place in other jurisdictions



# Commercial Recycling Permit System

- Zero Waste System benefits
  - Maintain customer access to existing collectors
  - Set performance standards & maximize diversion
- Report and Recommendation (Fall 2015)
  - Staff to conduct community stakeholder meetings
  - City Council adoption of regulations by resolution
- Similar to systems in place in other jurisdictions



# Public Hearings

- 1st Public Hearing to consider OMC changes – June 2, 2015
- 2nd Public Hearing to consider OMC changes – June 16, 2015
- Ordinances become effective immediately on final adoption by 6 votes, or 7th day following adoption by fewer votes.

## Return to City Council

- Commercial Recycling Permit process and procedures – Fall 2015

