

## STAFF REPORT

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**To:** SBWMA Board Members  
**From:** Cliff Feldman, Recycling Programs Manager  
**Date:** January 28, 2010 Board of Director's Meeting  
**Subject:** Update on Republic Contract Compliance

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### Recommendation

This is an informational report and no action is necessary.

### Analysis

Since July 2008, Republic Services (formerly Allied) has been required to submit its monthly Board packet information on the Monday (e.g., March 16, 2009 by 5:00pm) prior to the SBWMA issuing the Board packet which is one-week in advance of the Board meeting. Republic submitted its monthly information due in November and December on time.

### Assessment of Republic Monthly Operational Performance and Metric Report

If requested a verbal update will be provided at the Board meeting.

### Background

Commencing with the June 26, 2008 Board meeting, this staff report is now included as a regular update. Attached are three tables that will be used to frame Republic's contract compliance in the following areas:

- Attachment 1 - Reports Republic Services Has Agreed to Provide That Are Not Specifically Referenced in the Member Agency Franchise Agreements
- Attachment 2 – Republic Services Collection Services Franchise Agreement and Shoreway Facility Operations Agreement Contract Compliance - Quarterly Reports
- Attachment 3 - Republic Services Collection Services Franchise Agreement Contract Compliance - Public Education and Outreach

The standards that are used in Tables 1 and 2 pertaining to Republic's submittal of reports to the SBWMA and Member Agencies, include the timeliness of submittal and content of the report(s).

The contract compliance standards that are reflected in Attachment 3 pertaining to Republic's Public Education and Outreach activities will primarily be based on the timeliness of completing the activities denoted.

### **Attachments:**

Attachment 1 – Reports Republic Has Agreed to Provide That Are Not Specifically Referenced in the Member Agency Franchise Agreements – January 2010 (Year-End 2009) 2009  
Attachment 2 – Republic Services Collection Services Franchise Agreement and Shoreway Facility Operations Agreement Contract Compliance - Quarterly Reports – January 2010 (Year-End 2009)  
Attachment 3 – Republic Services Collection Services Franchise Agreement Contract Compliance - Public Education and Outreach – January 2010 (Year-End 2009)



## Attachment 1

### Reports Republic Has Agreed to Provide That Are Not Specifically Referenced in the Member Agency Franchise Agreements – January 2010 (2009 Year-End)

<u>Report</u>	<u>Date/Time Due</u>	<u>Date/Time Submitted</u>	<u>Submitted on Time</u>	<u>Compliant</u>	<u>Notes</u>
<b>MONTHLY BOARD PACKET INFORMATION</b>					
January	February 13, 2009 5:00pm	February 13, 2009 4:00pm & February 17, 2009 2:13pm	Yes & N/A	Yes	N/A = Not Applicable
February	March 16, 2009 5:00 pm	March 16, 2009 11:35 am	Yes	Yes	
March	April 13, 2009 5:00 pm	April 13, 2009 12:43 pm	Yes	Yes	
April	May 18, 2009 5:00 pm	May 18, 2009 2:06 pm	Yes	Yes	
May	June 15, 2009 5:00 pm	June 15, 2009 9:20 am	Yes	Yes	
June	July 13, 2009 5:00 pm	July 13, 2009 10:44 am	Yes	Yes	
July	August 17, 2009 5:00 pm	August 17, 2009 4:08 pm	Yes	Yes	
August	September 14, 2009 5:00 pm	September 13, 2009 11:00 pm	Yes	Yes	
September	October 12, 2009 5:00 pm	October 8, 2009 5:38 pm	Yes	Yes	



## Attachment 1

### Reports Republic Has Agreed to Provide That Are Not Specifically Referenced in the Member Agency Franchise Agreements – January 2010 (2009 Year-End)

<u>Report</u>	<u>Date/Time Due</u>	<u>Date/Time Submitted</u>	<u>Submitted on Time</u>	<u>Compliant</u>	<u>Notes</u>
October	November 9, 2009 5:00 pm	November 9, 2009 4:34 pm	Yes	Yes	
November	December 14, 2009 5:00 pm	December 14, 2009 10:32 am	Yes	Yes	
December					
<ul style="list-style-type: none"> <li>• Executive Summary</li> </ul>	January 18, 2010 5:00 pm	January 18, 2010 1:58 pm	Yes	*	* Pending review.
<ul style="list-style-type: none"> <li>• Liquidated Damages Reporting</li> </ul>	January 18, 2010 5:00 pm	January 18, 2010 1:58 pm	Yes	*	* Pending review.
<ul style="list-style-type: none"> <li>• Metrics Graphs</li> </ul>	January 18, 2010 5:00 pm	January 18, 2010 1:58 pm	Yes	*	* Pending review.
<ul style="list-style-type: none"> <li>• Commercial Recycling Monthly Progress Report</li> </ul>	January 18, 2010 5:00 pm	January 18, 2010 1:58 pm	Yes	*	* Pending review.
<ul style="list-style-type: none"> <li>• Commercial Recycling Coordinators Call Logs</li> </ul>	January 18, 2010 5:00 pm	January 18, 2010 1:58 pm	Yes	*	* Pending review.
<b>MONTHLY BATTERY AND CELL PHONE COLLECTION PROGRAM UPDATE</b>					
January	February 9, 2009 5:00pm	February 9, 2009 9:47am	Yes	Yes	
February	March 9, 2009 5:00 pm	March 10, 2009 3:12 pm	No	No	
March	April 13, 2009 5:00 pm	April 6, 2009 3:30 pm	Yes	Yes	



# RethinkWaste

South Bayside Waste Management Authority

## Attachment 1

### Reports Republic Has Agreed to Provide That Are Not Specifically Referenced in the Member Agency Franchise Agreements – January 2010 (2009 Year-End)

<u>Report</u>	<u>Date/Time Due</u>	<u>Date/Time Submitted</u>	<u>Submitted on Time</u>	<u>Compliant</u>	<u>Notes</u>
April	May 11, 2009 5:00 pm	May 11, 2009 8:03 am	Yes	Yes	
May	June 8, 2009 5:00 pm	June 8, 2009 9:06 am	Yes	Yes	
June	July 13, 2009 5:00 pm	July 8, 2009 10:55 am	Yes	Yes	
July	August 10, 2009 5:00 pm	August 10, 2009 8:43 am	Yes	Yes	
August	September 14, 2009 5:00 pm	September 6, 2009 9:29 am	Yes	Yes	
September	October 12, 2009 5:00 pm	October 8, 2009 5:11 pm	Yes	Yes	
October	November 9, 2009 5:00 pm	November 6, 2009 3:42 pm	Yes	Yes	
November	December 14, 2009 5:00 pm	December 7, 2009 9:04 am	Yes	Yes	
December	January 11, 2010 5:00 pm	January 11, 2010 10:19 am	Yes	Yes	
<b>QUARTERLY COMMERCIAL TOP GENERATORS LIST</b>					
Q1-2009	March 15, 2009 5:00 pm	March 12, 2009 4:41 pm	Yes	Yes	
Q2-2009	June 15, 2009 5:00 pm	June 12, 2009 5:24 pm	Yes	Yes	



# RethinkWaste

South Bayside Waste Management Authority

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### Reports Republic Has Agreed to Provide That Are Not Specifically Referenced in the Member Agency Franchise Agreements – January 2010 (2009 Year-End)

<u>Report</u>	<u>Date/Time Due</u>	<u>Date/Time Submitted</u>	<u>Submitted on Time</u>	<u>Compliant</u>	<u>Notes</u>
Q3-2009	September 15, 2009 5:00 pm	September 14, 2009 7:34 am	Yes	Yes	
Q4-2009	December 15, 2010 5:00 pm	Not submitted.	No	No	



# RethinkWaste

South Bayside Waste Management Authority

## Attachment 2

### Republic Services Collection Services Franchise Agreement and Shoreway Facility Operations Agreement Contract Compliance - Quarterly Reports – January 2010 (2009 Year-End)

<u>Report</u>	<u>Date/Time Due</u>	<u>Date/Time Submitted</u>	<u>Submitted on Time</u>	<u>Compliant</u>	<u>Current Disposition</u>
<b>QUARTERLY MIS REPORT</b>					
Q4-2008	February 14, 2009 5:00pm	February 18, 2009 8:21pm	N/A	Yes	N/A = Not Applicable
Q1-2009	May 15, 2009 5:00pm	May 14, 2009 3:20 pm	Yes	Yes	
Q2-2009	August 14, 2009 5:00pm	August 14, 2009 3:48 pm	Yes	Yes	
Q3-2009	November 14, 2009 5:00pm	November 13, 2009 4:55pm	Yes	Yes	
<b>QUARTERLY SRDC LIQUIDATED DAMAGES REPORT</b>					
Q4-2009	February 14, 2009 5:00pm	February 18, 2009 4:28pm	N/A	Yes	N/A = Not Applicable
Q1-2009	May 15, 2009 5:00pm	May 15, 2009 2:05 pm	Yes	Yes	
Q2-2009	August 15, 2009 5:00pm	August 14, 2009 4:06 pm	Yes	Yes	
Q3-2009	November 15, 2009 5:00pm	November 13, 2009 1:25 pm	Yes	Yes	



# RethinkWaste

South Bayside Waste Management Authority

## Attachment 3

### Republic Services Collection Services Franchise Agreement Contract Compliance - Public Education and Outreach - January 2010 (2009 Year-End)

<u>Residential Outreach</u>	<u>Frequency and Date Required</u>	2008			2009		
		<u>Date Issued</u>	<u>Compliant</u>		<u>Date Issued</u>	<u>Compliant</u>	
			Yes	No		Yes	No
Residential Collection Services Brochure	Annually each Summer	September	X		August	X	
Recycling Day Postcard Calendars	Annually each December	December	X		December & January**	X	
Twice Annual On-Call Bulky Item Collection Service notice - "Spring and Fall Cleanups"	Twice Annually						
	• Spring Events	Not Issued		X	January* & April	X	
	• Fall Events	September	X		September/October	X	
<u>Commercial Outreach</u>							
Commercial Recycling Guidelines	Annually <sup>1</sup>	December	X				
Commercial Recycling Bill Inserts	Four Per Year <sup>2</sup>						
	• Q1	Not Issued		X	March	X	
	• Q2	Not Issued		X	Discontinued <sup>3</sup>		
	• Q3	June	X		Discontinued <sup>3</sup>		
	• Q4	September	X		Discontinued <sup>3</sup>		

\*The January mailing was a hold over from 2008 (approved by SBWMA Staff) due to other mailings also going out at the same time in September.

\*\*Some calendars were mailed in early January (approved by SBWMA Staff) due to other mailings also going out at the same time in December.



## **Attachment 3 (continued)**

### **Republic Services Collection Services Franchise Agreement Contract Compliance - Public Education and Outreach – January 2010 (2009 Year-End)**

The SBWMA is working collaboratively with Republic to produce and disseminate several other collateral pieces not provided in the above list of contractually required items. The following is a list of the public education and outreach collateral that is produced by Republic but not specifically required in the franchise agreements:

- On-Call Bulky Item Collection Service Appointment Card
- Resident’s Guide to Recycling and Disposal Services
- Recycle Your Tree flyer (provided to tree lots)
- MFD On-Call Bulky Item Collection Service Program Brochure
- Ghost Compost Flyer for pumpkin recycling distributed to retailers

<sup>1</sup> The Franchise Agreements do not specify a date.

<sup>2</sup> No specific dates are specified in the Franchise Agreements. The Franchise Agreements state “at least four (4) bill inserts a year.”

<sup>3</sup> Discontinued per the 2008 Performance Hearing recommendations.





## STAFF REPORT

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**To:** SBWMA Board Members  
**From:** Cliff Feldman, Recycling Programs Manager  
Monica Devincenzi, Recycling Outreach and Sustainability Manager  
**Date:** January 28, 2010 Board of Directors Meeting  
**Subject:** Recycling and Outreach Programs Update

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### **Future Collection Services Public Education and Outreach**

Staff has started holding regular public education coordination meetings with Recology of San Mateo County, the SBWMA's future collection services provider, to ensure proper planning and preparation for the transition. Staff has also had several meetings with Jeffrey/Scott Agency (JSA), the firm selected to develop the SBWMA's public outreach strategy and materials, to finalize the plans and begin collateral development.

All public education and outreach plans and materials will be reviewed by a Public Education Subcommittee comprised of Brian Moura (San Carlos), Laura Galli (Foster City), Lillian Clark (San Mateo County RecycleWorks), Roxanne Murray (San Mateo), and SBWMA staff Monica Devincenzi. As appropriate final draft plans and materials will then be brought before the Board of Directors for final approval. Staff encourages other Member Agencies who would like to be involved in the initial drafting and review of the materials to appoint staff from their jurisdiction to the Public Education Subcommittee.

### **Mandatory Commercial Recycling Ordinance**

The cities of San Carlos and San Mateo are participating in this pilot program to assist with the development of required or mandatory commercial recycling ordinances. Staff concluded the initial stakeholder engagement process in September and has organized seven additional public meetings in January and early February. In addition, we now have a mandatory commercial recycling webpage which can be found at: <http://www.rethinkwaste.org/businesses/mandatory-commercial-recycling>.

The next steps include providing both cities with updates on our stakeholder engagement process and sharing the recommendations to structure their ordinance(s). The Board will be provided updates on our progress in the coming months as the governing bodies of these Agencies provide further direction to staff.

### **Household Battery and Cell Phone Curbside Recycling Collection Program**

The monthly average of batteries and cell phones collected through the curbside recycling program in 2008 and 2009 was 3,750 and 4,778 pounds, respectively. A total of 4,617 pounds was collected in December 2009.

### **City/County Recycling Grants**

Each year, the State of California, Department of Conservation (DOC) issues non-discretionary grant funding to California cities and counties per the Beverage Container Recycling and Litter Reduction Act. The funds are derived from non-redeemed California Redemption Value (CRV) deposits and distributed equitably amongst all California cities and counties. The general guideline for use of these funds entails facilitating recycling of CRV containers and litter abatement. DOC staff anticipates payments to be sent in August. The SBWMA will assist Member Agencies with expending these funds upon request.

### **SBWMA Website**

A Mandatory Commercial Recycling page was added in December 2009 to the SBWMA website with information regarding the pilot project for the Cities of San Carlos and San Mateo. The website will also undergo some significant changes in the coming months to reflect the SBWMA's new logo, future services updates and other information. Staff's goal is to make the website the go-to source for information on future collection services.

The site averaged approximately 277 visits per week since the last Board meeting, of which over 63% were new visits. There is a noticeable increase in the number of visitors to the site following the release of the Board packets, residents receiving the rethinker Newsletter, or other SBWMA outreach promotion (i.e., E-Scrap Events). The most commonly visited sections of the site are "RFPs/RFQs," "Residents" and "Board Meetings."

### **Shoreway Construction Webcams**

The public can view the ongoing demolition and construction of the Shoreway facility through webcams hosted on the RethinkWaste.org website. There are two cameras that are currently directed at the Materials Recovery Facility. The cameras will be repositioned when construction begins on the transfer station.

The webcam link can be found at:

<http://www.rethinkwaste.org/shoreway-facility/construction-webcam>.

### **rethinker Newsletter**

The Winter 2010 issue of the SBWMA quarterly residential newsletter was sent to residents earlier this month. The issue focuses on Household Hazardous Waste, includes information on waste-less holidays, what's accepted in the bottles and cans bin and the 2<sup>nd</sup> Annual Green Lifestyle Contest winners.

### **C&D Recycling Update**

Staff released a model staff report and recommendations to revise Member Agencies C&D ordinances on February 6, 2009. The goal of the revisions is to set high standards for all of the ordinances in an effort to increase C&D diversion throughout the SBWMA service area. Addressing the issue of C&D recycling regionally will likely be the most effective strategy to ensure high levels of diversion, even though Member Agencies are responsible for administering and enforcing their respective C&D ordinances. A variety of recommendations were submitted to Member Agencies; however, one overarching recommendation that has proven to be effective in other communities (e.g., San Jose) is to require contractors to deliver material to certified C&D recycling facilities. If Member Agencies include this requirement, the SBWMA will annually publish a list of approved C&D processing facilities that are certified to accept material.

Member Agencies were requested to respond to the SBWMA in February 2009 to convey their intentions of upgrading C&D ordinances. **Thus far, only Atherton, Foster City, San Mateo, and more recently Redwood City have expressed an interest in the recommendations.** The FY09/10 budget includes only limited funding to support this effort this fiscal year.

### **Schools Recycling Program Update**

Staff has purchased 32 gallon recycling carts for distribution to schools in the SBWMA service area. The program is implemented with assistance from RecycleWorks staff who has delivered 129 carts on behalf of the SBWMA. The following table provides a list of schools that have received carts to date.

**List of Schools Provided Recycling Containers**

<b>School</b>	<b>City</b>	<b>Total Number of Carts Delivered</b>
St. Timothy School	San Mateo	2
Arundel School	San Carlos	5
San Carlos Charter Learning Center	San Carlos	6
Tierra Linda Middle School	San Carlos	2
Adelante School	Redwood City	2
Aragon High School	San Mateo	32
Franklin Elementary School	Burlingame	6
Charles Armstrong School	Belmont	3
Burlingame Intermediate School	Burlingame	13
Cipriani Elementary School	Belmont	3
Central Elementary School	Belmont	1
Burlingame High School	Burlingame	11
Redwood High School	Redwood City	4
Summit Prep. High School	Redwood City	4
Nesbit School	Belmont	2
St. Matthew School	San Mateo	3
Menlo Atherton High School	Atherton	25
Red Morton Park (AYSO Program)	Redwood City	3
Laurel Elementary School	San Mateo	2

## STAFF REPORT

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**To:** SBWMA Board Members  
**From:** Hilary Gans, Facility Operations Contract Manager  
**Date:** January 28, 2010 Board of Director's Meeting  
**Subject:** Facility Update – Shoreway MRF Construction

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### Shoreway Masterplan Update

The demolition of the MRF building was started on November 6<sup>th</sup> and continued uninterrupted through December. At the completion of MRF building demolition in late December, the MRF foundation earth work was initiated and has been ongoing through the middle of January.

During the building and slab demolition process there were several unanticipated site conditions that caused delays to the demolition schedule. Currently construction is running about three weeks behind the original base-line schedule due to delays encountered during demolition. The base-line schedule is being re-evaluated and opportunities to “make up time” are being explored. The major unanticipated site conditions encountered include the following:

- The discovery of sunken tanks containing hazardous waste were unearthed and needed to be handled and disposed.
- Above standard asphalt thicknesses were encountered in some areas of MRF building apron and required additional grinding and removal time.
- Larger than anticipated foundation pits required extra demolition work, fill material and earthwork to bring these sunken areas up to grade.

The above unanticipated site conditions as well as changes to the foundation design have resulted in project cost changes. Attached is a Construction Cost Change Summary Report that lists the construction items that have resulted in a cost change to the project (note that this report will be updated and presented to the Board on a monthly basis). Most of the cost changes are still estimates that will be solidified after the work is completed and contractor's invoices are approved. The cost increases over the original contract amount will be drawn from the construction contingency fund which was approved by the Board when the construction contract was approved.

The two largest cost increase items include the lime treat of the soils and the cost to add additional piles to the foundations. Staff approved the lime stabilization of the soils at the site to provide assurance that the project would not incur substantial weather delays. If the soils were not lime-treated, rains would have turned the construction site to mud and cause the job to be shutdown for weeks or longer. By lime-treating the soils, the soils are hardened so that water does not penetrate and the construction equipment can operate on the site even in wet conditions. This cost was not forecast in the original budget because the original project schedule showed MRF earthwork to occur in the fall of 2009 before wet weather.

Additional piles were added to the foundation design to reinforce the MRF slab to support the increased weight of the single stream processing equipment. Since the MRF system design was only conceptual at the time of the construction bidding, and the equipment selection and final design was not completed until December 2009, several building design changes were required accommodate the final BHS equipment design.

**SHOREWAY ENVIRONMENTAL CENTER**  
**Construction Cost Change Summary Report**  
**Updated: 01/22/2010**

Constr Phase	#	Date Added Updated	Item	Cost*	Reason / Comment
<u>Demolition</u>	D-1		Additional foundation demolition	\$ 50,000	Old MRF slab had sunken pits that were larger than anticipated and required additional demo and filling.
	D-2		Additional asphalt grinding needed	\$ 50,000	MRF perimeter asphalt was thicker than expected in areas requiring more grinding.
	D-3		Removal of reservoirs containing hazardous materials	\$ 20,000	Three unanticipated subsurface reservoirs were found that needed testing and removal.
	D-4		Construction of interim site entry	\$ 60,000	Wet conditions prohibited the pouring of concrete at the Gate I entrance and a interim asphalt entry needed to be constructed in order to switch over site traffic so demolition could proceed.
<u>Foundation</u>	F-1	1/6/2010	Lime-treat of foundation soils	\$ 58,200	Risk of job shut-down due to wet conditions was mitigated by solidifying MRF foundation soils so that foundation construction can proceed unhindered by weather.
	F-2	1/15/2010	Additional piles in foundation	\$ 113,800	After the MRF equipment design was final, the building foundation needed additional pile support at the slab pits and baler pad areas.
<b>Total Cost Change</b>				<b>\$ 352,000</b>	
<b>Phase II-Construction Contingency</b>				<b>1,620,900</b>	
<b>Remaining</b>				<b>\$ 1,268,900</b>	

\* *Italicized costs are estimates*

## STAFF REPORT

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**To:** SBWMA Board Members  
**From:** Kevin McCarthy, Executive Director  
**Date:** January 28, 2010 Board of Director's Meeting  
**Subject:** Implementation of County AB 939 Fee

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### Recommendation

This is an informational report and no action is necessary.

At the request of Board Member Jim Hardy at the November 19, 2009 Board meeting, staff has reviewed documents from the County RecycleWorks staff and met with County staff to ascertain to what extent there's any AB 939 programmatic overlap between RecycleWorks and the SBWMA. Based on this review, we see little to no substantive overlap in our respective AB 939 programs.

Over the past several years RecycleWorks and SBWMA staff have collaborated in a number of areas including recycling outreach, schools recycling, Green Business Program, and contract administration functions with the current and future franchise agreement(s). We certainly recognize that there's always room for additional collaboration particularly given the breadth and complexity of new franchise services being driven by the SBWMA and the new opportunities afforded once the Shoreway Environmental Center capital improvements are finished. One such opportunity will be the development of a Shoreway facility tour program available for school children throughout the County.

To be clear, though, there are clear and substantive differences in the focus of each agency. The SBWMA's focus is much more operational in nature given our ownership of the Shoreway facility and emphasis on franchise related contract administration, program development and outreach. Our website reflects this focus and we consciously try not to overlap with the County's broad based education and outreach campaigns and tools such as its master composter program, online recycling and buy green directory, recycling hotline, etc.

Staff does have a significant concern regarding the equity of the funding mechanism used by the County to pay for its AB 939 and HHW programs. Simply, there is a serious inequity associated with the SBWMA ratepayers bearing the brunt of substantially funding the county's AB 939 and HHW related programs; this is the case as the fee is only applied at Ox Mountain Landfill and other significant tonnage sources in the county are going un-captured in terms of a fee. The SBWMA should only be paying its proportionate share (could be measured as a % of the total county population or a % of total disposed tons (i.e., in-county disposed plus any exported disposed tons); in either case the SBWMA is paying a disproportionate share of the county's AB 939 program costs. This concern has been shared with County Public Works Director and SBWMA Board Member Jim Porter.

A related point raised by Board Member Jesus Nava is what's the County's plan for sustaining its funding levels given that they are relying on a disposal based fee and disposed tons are declining? Is it fair and equitable for the SBWMA ratepayers to be faced with an ever increasing County AB 939 fee levels as disposed tons decline?

Board Member Porter is expected to provide an update on the County's perspective on this topic at the January 28<sup>th</sup> Board meeting.



**RethinkWaste**

South Bayside Waste Management Authority

**FEBRUARY - MARCH 2010 BOARD AGENDA ITEMS  
(SUBJECT TO CHANGE)**

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**February 25, 2010**

- Quarterly Update on Bond Proforma Key Financial Metrics
- Resolution Approving Shoreway Center License Agreement with Recology
- Approval of Quarterly Investment Report as of 12/31/09
- Approval of Proposed Mid-Year Budget Adjustments FY09/10

**March 25, 2010**

- Resolution Approving Agreement(s) for Plant and Organics Materials Processing Services