To: Honorable Mayor and Members of the City Council
From: Phil Kamlarz, City Manager
Submitted by: Claudette Ford, Acting Director, Department of Public Works
Subject: Changing Name of Solid Waste Management Commission to Zero Waste Commission

RECOMMENDATION
Adopt first reading of an Ordinance amending Berkeley Municipal Code (BMC) Chapter 3.40, changing the name of the Solid Waste Management Commission to the Zero Waste Commission, and revising the description of its functions to reflect its current mandate.

FISCAL IMPACTS OF RECOMMENDATION
None. No change is anticipated in the Commission’s staff support.

CURRENT SITUATION AND ITS EFFECTS
On March 22, 2005, Council passed resolution No. 62,849–N.S. establishing a zero waste goal for the City of Berkeley. The resolution directed the Solid Waste Management Commission (SWMC) to review the new solid waste plan in the context of the zero waste goal, and to examine changing its name to reflect this goal and report back to Council with potential suggestions (Attachment 2).

At its meeting on April 25, the SWMC voted to rename themselves the Zero Waste Commission, and to accompany this with a definition of zero waste and a revision of the Commission’s responsibilities. (M/S Steen Dodsworth, 6/0/1, Sridaran abstaining.) The current list of Commission functions in BMC Chapter 3.40 is obsolete.

At its meeting of November 28, 2005, the SWMC voted to approve the attached amended ordinance, and to include the definition of the “highest and best use” of discarded materials. (M/S Tam/Dodsworth, 7/0/0, Sridaran absent)

BACKGROUND
In 1972, Council passed Ordinance 4,576–N.S. establishing the Solid Waste Commission, and directing it to establish a feasible and ecological solid waste management plan by 1975 and a solid waste management system by 1978. (BMC Chapter 3.40)
In 1972, recycling programs were in their infancy. The City was depositing its trash in a landfill/bayfill site of what is now the Marina and was seeking a different disposal site. In 1983, the City closed this landfill and constructed a transfer station.

In the three decades since its formation, the Commission continued to participate in the design and evolution of Berkeley’s comprehensive waste reduction and recycling programs. These included transition from backyard to a curbside refuse collection system, curbside collection of commingled fibers and commingled containers, commercial and multi family building recycling; residential collection of plant debris and the transition to biweekly collection; and bulky pickup programs and the transition from a neighborhood to an appointment based system. They also advised on building and upgrading the Material Recovery Facility, waste reduction programs and recovery of more materials at the transfer station. In 1992, the Commission provided public input to the State-required Source Reduction and Recycling Element, which was essentially a solid waste management plan to meet the 25 percent and 50 percent recovery goals. The Commission continues to review Solid Waste Management Division budgets, rate increases, capital improvements, contracting and policies.

In 2003, the City surpassed the 50 percent diversion goal, with a diversion rate of 52 percent. The Solid Waste Management Division and the Commission are now working on a new solid waste management plan with a goal of diverting 75 percent by 2010 and achieving “zero waste” by 2020. The California Integrated Waste Management Board and numerous cities in California and around the world have also adopted the zero waste goal.

“Zero Waste” does not mean that nothing is discarded. Instead, it strives to copy nature by ensuring that waste is minimized, and that each discard becomes a useful feedstock for other processes in the ecology and economy. Zero waste practices include reducing the waste generated in ordinary commerce, promoting use of sustainable materials and processes in manufacturing, redesigning products for efficient use, repair and recycling; encouraging manufacturer responsibility for products; purchasing recycled content materials and establishing systems for collection and processing of discards that support sustainable use.

The Commission requested that the principle of “highest and best use” of materials be specified as one of the environmental concerns they would consider. They chose and slightly modified the definition established by the Grass Roots Recycling Network and Zero Waste International Alliance. This definition specifies a hierarchy of preferred uses, and is also flexible to consider economic, logistical, market availability, and other factors. The California Integrated Waste Management Board also includes highest and best use as one of its zero waste principles, but does not define it.

While the Zero Waste Commission will focus on reducing solid waste, it will interface with other city functions that advance zero waste, such as environmental purchasing, toxic waste reduction, green building, green business, and energy conservation.
RATIONALE FOR RECOMMENDATION
The recommended changes respond to Council direction in Resolution 62,849–N.S. The name “Zero Waste Commission” reflects the Commission’s work and goals. The Commission’s functions listed in BMC 3.40.60 do not reflect their current tasks and therefore require revision.

ALTERNATIVE ACTIONS CONSIDERED
No alternatives to amending the ordinance were considered. Staff and the Commission considered various names and definitions before making their recommendations.

CONTACT PERSON
Claudette Ford, Acting Director, Department of Public Works, 981-6330
Peter Holtzclaw, Secretary, Solid Waste Management Commission, 981-6357

Attachments:
1: Ordinance
2. Resolution No. 62,849–N.S.
ORDINANCE NO.

CHANGING THE NAME OF THE SOLID WASTE MANAGEMENT COMMISSION TO ZERO WASTE COMMISSION

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the title of Berkeley Municipal Code Chapter 3.40 is amended to read as follows: Solid Waste Management Zero Waste Commission.

Section 2. That Berkeley Municipal Code Section 3.40.010 is amended to read as follows:

Section 3.40.010 Established--Number of members--Appointment procedure.

A Solid Waste Management Zero Waste Commission is established. The commission shall consist of nine members. Appointments to the commission shall be made by councilmembers and vacancies on the commission shall be filled by councilmembers in accordance with the provisions of Sections 2.04.030 through 2.04.130, enacted as Ordinance 4780-NS by the voters of the City.

Section 3. That Berkeley Municipal Code Section 3.40.020 is added, as follows:

Section 3.40.020 Definitions.

A. Zero Waste: Zero waste means establishing a system in which waste is minimized, and each discard becomes a useful feedstock for other processes in the ecology and economy. Zero waste practices include but are not limited to reducing the waste generated in ordinary commerce, promoting use of sustainable, non-toxic materials and processes in manufacturing, purchasing recycled content materials and establishing systems for collection and processing of discards to promote sustainable use.


C. Highest and Best Use: Recovering materials for “highest and best use” means to realize the highest value of the embodied energy and materials from discarded products and packaging, according to the following hierarchy:

1. Reuse.
   a. Reuse of the product for its original purpose.
   b. Reuse of the product for an alternate purpose.
   c. Reuse of its parts.
   d. Reuse of the materials.
2. Recycle.
   a. Recycling of inorganic materials in closed loop systems.
   b. Recycling of inorganic materials in single-use applications.
   c. Composting or mulching of organic materials to sustain soils and avoid use of chemical fertilizers.
d. Composting or mulching of organic materials to reduce erosion and litter, and to retain moisture.

Determination of highest and best use requires an ongoing re-evaluation of commodity value in the marketplace, cost of collection, processing and marketing; and other outside factors that may bear on the ultimate economic return. The determination of highest and best use includes consideration of the full range of costs including environmental and health aspects.

Section 4. That Berkeley Municipal Code Section 3.40.060 is amended to read as follows:

Section 3.40.060 Functions.

The functions of the commission shall be as follows:

A. To develop by December 31, 1972 a local plan for reducing the amount of solid waste generated in the City and sent to landfill by 75% by 2010;

B. To prepare and evaluate a feasible solid waste management plan and programs for the City, based upon sound ecological principles, such as “highest and best use,” and coordinated to the maximum practical extent with other sustainability plans and programs for the City, and for the region as a whole;

C. To directly and continuously consider, study and work upon the problems of solid waste management for the City until a suitable system has been devised and put into operation, the target date for which shall be no later than 1978;

D. To cooperate with citizens' groups working on proposals concerning any aspect of solid waste management; provided, that nothing in this chapter shall be deemed to forestall consideration by the City Council of any proposals regarding solid waste management and waste practices which may be made by citizens' groups prior to the target dates set forth herein.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr. Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the Berkeley Public Library and the title shall be published in a newspaper of general circulation.
ORDINANCE NO.

CHANGING THE NAME OF THE SOLID WASTE MANAGEMENT COMMISSION TO ZERO WASTE COMMISSION

BE IT ORDAINED by the Council of the City of Berkeley as follows:

Section 1. That the title of Berkeley Municipal Code Chapter 3.40 is amended to read as follows: Zero Waste Commission.

Section 2. That Berkeley Municipal Code Section 3.40.010 is amended to read as follows:

Section 3.40.010 Established--Number of members--Appointment procedure.
A. Zero Waste Commission is established. The commission shall consist of nine members. Appointments to the commission shall be made by councilmembers and vacancies on the commission shall be filled by councilmembers in accordance with the provisions of Sections 2.04.030 through 2.04.130, enacted as Ordinance 4780-NS by the voters of the City.

Section 3. That Berkeley Municipal Code Section 3.40.020 is added, as follows:

Section 3.40.020 Definitions.
A. Zero Waste: Zero waste means establishing a system in which waste is minimized, and each discard becomes a useful feedstock for other processes in the ecology and economy. Zero waste practices include but are not limited to reducing the waste generated in ordinary commerce, promoting use of sustainable, non-toxic materials and processes in manufacturing, purchasing recycled content materials and establishing systems for collection and processing of discards to promote sustainable use.
C. Highest and Best Use: Recovering materials for “highest and best use” means to realize the highest value of the embodied energy and materials from discarded products and packaging, according to the following hierarchy:
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      c. Reuse of its parts.
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      a. Recycling of inorganic materials in closed loop systems.
      b. Recycling of inorganic materials in single-use applications.
      c. Composting or mulching of organic materials to sustain soils and avoid use of chemical fertilizers.
d. Composting or mulching of organic materials to reduce erosion and litter, and to retain
moisture.

Determination of highest and best use requires an ongoing re-evaluation of commodity value in
the marketplace, cost of collection, processing and marketing; and other outside factors that may
bear on the ultimate economic return. The determination of highest and best use includes
consideration of the full range of costs including environmental and health aspects.

Section 4. That Berkeley Municipal Code Section 3.40.060 is amended to read as
follows:

Section 3.40.060 Functions.
The functions of the commission shall be as follows:
A. To develop a local plan for reducing the amount of solid waste generated in the City and
sent to landfill by 75% by 2010;
B. To prepare and evaluate a feasible zero waste plan and programs for the City, based upon
sound ecological principles, such as “highest and best use,” and coordinated to the maximum
practical extent with other sustainability plans and programs for the City, and for the region as a
whole;
C. To directly and continuously consider, study and work upon the problems of solid waste
management for the City until a suitable zero waste system has been devised and put into
operation, the target date for which shall be no later than 2000;
D. To cooperate with citizens' groups working on proposals concerning any aspect of zero
waste provided, that nothing in this chapter shall be deemed to forestall consideration by the
City Council of any proposals regarding solid waste management and zero waste practices which
may be made by citizens' groups prior to the target dates set forth herein.

Section 5. Copies of this Ordinance shall be posted for two days prior to adoption in the
display case located near the walkway in front of Old City Hall, 2134 Martin Luther King Jr.
Way. Within 15 days of adoption, copies of this Ordinance shall be filed at each branch of the
Berkeley Public Library and the title shall be published in a newspaper of general circulation.
RESOLUTION NO. 62,849–N.S.

REAFFIRMING THE CITY’S ZERO WASTE GOAL AND REFERRING THE ISSUE TO THE SOLID WASTE COMMISSION

WHEREAS, in 1976, only six years after the first Earth Day, Berkeley’s City Council established a goal of recycling 50% of its then-landfilled discard stream; and

WHEREAS, Berkeley’s citizens ratified the city’s 50% recycling goal in 1984 by passing Measure G in that year’s citywide election; and

WHEREAS, the California Integrated Waste Management Act of 1989 (AB 939) required cities and counties to reduce, reuse, recycle, and compost all discarded materials to the maximum extent feasible before any landfilling or other destructive disposal method is used; and

WHEREAS, AB939 mandated that all California jurisdictions achieve a 50% diversion rate by the year 2000, or incur financial penalties, or submit a plan for approval to achieve that rate by 2005, but did not set any further goal to reduce waste once the 50% rate was achieved; and

WHEREAS, Berkeley surpassed the state’s 50% goal; and

WHEREAS, in 1990, Alameda County’s voters passed ballot Measure D, which set a goal for all its communities, including Berkeley, to reduce land filling by 75% by 2010; and

WHEREAS, City staff and the Berkeley Solid Waste Commission are currently working to develop a new City solid waste plan to help reach the 75% waste reduction goal which will be an important step in reaching a zero waste goal; and

WHEREAS, in 2001 the California Integrated Waste Management Board set a goal of zero waste in its strategic plan for the state, calling for expanded public and private efforts “to reduce, reuse, or recycle all [discarded] materials back into nature or the marketplace in a manner that protects human health and the environment and with all materials being managed to the highest and best use to create a sustainable California;” and

WHEREAS, cities, councils, counties, and states worldwide have adopted a goal of achieving zero waste, including the counties of San Francisco, Santa Cruz, and Del Norte in California; the cities of Seattle in Washington, Toronto in Canada, and Canberra in Australia; and the state of New South Wales in Australia; and 45% of New Zealand’s local government councils; and

WHEREAS, the dates for achieving these zero waste goals range from 2010 to 2020; and

WHEREAS, many American businesses have reduced their waste by 80% or more and adopted zero waste goals, including Amdahl Corporation, Collins & Aikman, Fetzer Winery, Herman Miller, Inc., Hewlett Packard, Mad River Brewing, Inteface, Inc., Pillsbury, Xerox, and the San Diego Wild Animal Park; and
WHEREAS, the City of Berkeley has undertaken a public/private initiative to “green” Berkeley by developing sustainable businesses, developing environmentally preferable purchasing policies, collaborating with university entities on such purchasing, creating an Energy and Sustainable Development Office, developing goals to increase energy efficiency and reduce greenhouse gases, and by supporting the marketing of Berkeley as an environmental leader among cities; and

WHEREAS, Governments set zero waste goals to conserve valuable material resources, reduce pollution, conserve land, expand commercial and industrial activity, and improve community health; and

WHEREAS, a complex, profitable, and growing collection of materials recovery enterprises has developed within Berkeley, including a mix of municipal, nonprofit, and for-profit enterprises that recover and process diverse feedstocks ranging from source-separated metals, glass, paper, and agricultural materials to individual reusable objects suitable for retail redistribution. all activities that generate substantial revenues and represent significant savings to the City’s landfill bill through tipping fees and sales taxes, which support local government; and

WHEREAS, this materials recovery business infrastructure is already a major employer in Berkeley providing over 275 good green-collar jobs in at least 65 local companies, mainly in West Berkeley; and

WHEREAS, Zero Waste science is a systematic methodology for moving with maximum speed in logical increments toward the goal of zero waste; and

WHEREAS, Berkeley’s citizens and recycling entrepreneurs pioneered the concept of the zero waste transfer station, which is the fundamental technology and infrastructure that Berkeley must develop further so it can replace waste-based infrastructure, achieving zero waste and using resource recovery as the preferred disposal method for all twelve major discard flows; and

WHEREAS, the zero waste industrial complex is organized into modules or trading areas for the following discard supply categories, including: reuse, recycling, composting, and regulated items; and

WHEREAS, the zero waste industrial complex may be decentralized and embedded in the community, especially in West Berkeley, forming an ecology of commerce encompassing repair, remanufacturing, upgrading, reprocessing, re-crafting, and generating new products, including green building materials, or arts and crafts from recovered materials.

NOW THEREFORE, BE IT RESOLVED that the Council of the City of Berkeley reaffirms its commitment to meet the Alameda County Measure D goal of reducing the materials Berkeley sends to landfill by 75% by the year 2010.

BE IT FURTHER RESOLVED, that the City also sets a Zero Waste Goal of eliminating Berkeley’s materials sent to landfills by the year 2020.
BE IT FURTHER RESOLVED, that the City Council acknowledges and appreciates the work of the Solid Waste Commission and City staff who are working diligently to create a new solid waste plan as a roadmap to reaching the 75% waste reduction goal.

BE IT FURTHER RESOLVED, that the City Council directs the Solid Waste Commission to review the new solid waste plan in the context of the Council’s desire to move towards zero waste and report back to Council with some ideas on how to move forward.

BE IT FURTHER RESOLVED, that the Solid Waste Commission examine changing its name to something more reflective of the City’s waste reduction goals and report back to the Council with an potential suggestions.

The foregoing Resolution was adopted by the Berkeley City Council on March 22, 2005 by the following vote:

Ayes: Councilmembers Anderson, Capitelli, Maio, Moore, Olds, Spring, Worthington, Wozniak and Mayor Bates.

Noes: None.

Absent: None.

Attest: Sara T. Cox, City Clerk

Tom Bates, Mayor