

CITY OF OAKLAND
AGENDA REPORT

2011 NOV 17 PM 4:18

TO: Office of the City Administrator
ATTN: Deanna J. Santana
FROM: Public Works Agency
DATE: November 29, 2011

RE: Resolution Adopting The Recommended System Design To Meet The Adopted
Zero Waste Strategy - Develop A New Waste Management System Design In
Preparation Of Oakland's Next Collection And Disposal Contracts

SUMMARY

The resolution adopts the recommended Zero Waste System (System) described in this report. The new System would replace the existing solid waste and recycling agreements that expire on June 30, 2015, and address waste hauling and recycling services that currently are provided outside these agreements.

In 2006, the Oakland City Council approved Resolution No. 80286 C.M.S., adopting a Zero Waste Strategic Plan (Plan). The Plan outlined five strategies that together would reduce annual tons sent to landfills by 90%, from 400,000 tons in 2006 to 40,000 tons by 2020. The System recommended in this report is specifically responsive to Strategy 2 – “Develop and Adopt New Rules and Incentives to Reduce Waste Disposal.” The recommended System is projected to contribute to the Zero Waste Goal by reducing total annual landfill disposal to 205,000 tons in 2020, and to 120,000 tons by 2030.

The major opportunities available to the City in reducing waste to landfills lie in two key areas: (1) capturing the organics (yard waste, food scraps) for composting, and (2) increasing recovery of recyclables from waste materials hauled by parties other than the franchised hauler, much of which is generated by construction activity. Organic materials constituted 48% of Oakland solid waste sent to landfill disposal in 2010. The materials hauled by parties other than the franchised hauler constituted 26% of Oakland solid waste sent to landfill disposal in 2010.

Options for delivering solid waste and recycling services and managing these activities, whether franchised, contracted or unregulated, were developed and examined. Some services and activities that are not included in the current Franchise Agreement are recommended for inclusion in a new franchise, while other services and activities are recommended to be organized in non-exclusive franchise and permit systems. *Attachment A* shows the existing system compared to the recommended System.

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The recommended System has five (5) sections. The Program Description section of this report includes discussions of each section.

1. A single franchise for citywide garbage and organics collection services capable of maximizing diversion of organics and minimizing landfill disposal of garbage, and provides recycling services to Oakland businesses on a non-exclusive basis.
2. A single franchise for citywide residential recycling focused on maximizing recycling, particularly in the challenging multifamily sector.
3. Landfill capacity procured separately from collection and processing services to attract the broadest pool of proposers on the garbage and organics franchise, by eliminating landfill ownership as a barrier.
4. A permit system to regulate commercial recycling services to continue operation of the long-established independent recyclers, and allow the City to establish and enforce waste diversion and other performance standards.
5. A non-exclusive franchise system to regulate construction and demolition (C&D) debris hauling activities, allow the City to establish and enforce waste diversion and other performance standards, and to stimulate broader use of mixed debris processing facilities in the region.

The report recommends that the City Council adopt the Zero Waste System, allowing staff to prepare the necessary Request for Proposals.

FISCAL IMPACT

There are no direct fiscal impacts associated with the adoption of this recommendation. Staff will return to the City Council with recommendations related to the costs and revenues associated with the System.

BACKGROUND

The City of Oakland's Franchise Agreement for Solid Waste and Yard Waste Collection and Disposal Services with Waste Management of Alameda County (WMAC), and the Agreement for Residential Recycling Service with California Waste Solutions expire on June 30, 2015. The guidance documents used to develop the recommended System include:

- In 2006 through Resolution No. 80286 C.M.S., the City Council adopted a Zero Waste Strategic Plan that included Strategy 2 - Develop and Adopt New Rules and Incentives to Reduce Waste Disposal - which states: "Development and adoption of a new waste management system design in preparation for Oakland's next collection and disposal contract is key to the goal of reducing waste" and recommends that the City "implement a measured, phased approach to banning from disposal readily recyclable materials."

- in 2009 through Resolution No. 81870 C.M.S., the City Council adopted Evaluative Criteria for assessing Zero Waste System models to replace the expiring franchise and recycling agreements (*Attachment B*), and directed staff to use these criteria in assessing Zero Waste System models. It also directed staff to present a preferred model to the City Council for consideration.

Oakland's Zero Waste Goal

The Zero Waste Strategic Plan defined Oakland's Zero Waste Goal as "40,000 tons annual landfill disposal" by 2020. Achievement of the Zero Waste Goal is intended to result from the combined impacts of all five strategies adopted in the Strategic Plan. The System recommended in this report is specifically responsive to Strategy 2 – "Develop and Adopt New Rules and Incentives to Reduce Waste Disposal." Some of the activities envisioned in the other four strategies, though critical to achievement of the Zero Waste Goal, are beyond the scope of the recommended System because they are only tangentially related to the System or are outside the jurisdiction of the City of Oakland. It is anticipated that state and federal regulations, market trends, changing consumption patterns, and other actions outside of Oakland's jurisdiction will reduce Oakland's landfill disposal beyond the reductions projected by the recommended System.

New State and Regional Mandates That Impact Oakland's Zero Waste System

In October 2011, Governor Brown signed into law California Assembly Bill (AB) 341 (Chesbro). AB 341 requires that businesses subscribing to four cubic yards or more of weekly garbage service, and all multi-family dwellings (MFD) with five or more units, must subscribe to recycling service. AB 341 also adopts a policy goal of 75% statewide waste diversion by 2020. In addition, the Alameda County Waste Management Authority (StopWaste.Org) has developed a draft countywide ordinance that would mandate recycling for businesses and MFD and would build on the provisions of AB 341, possibly by including more businesses. The StopWaste.Org ordinance is expected to be presented for adoption by Alameda County Waste Management Authority Board in the first quarter of 2012.

These mandates will change the conditions under which garbage and recycling collection services are delivered in the future. The recommended System would enable affected Oakland businesses and MFDs to comply with these mandates by providing uniform access to recycling services.

System Development and Evaluation

The recommended System was developed by a team that included technical staff and R3 Consulting Group, through a process that compared multiple scenarios for organizing franchised and non-franchised services, including the status quo, and assessed the components of these scenarios using the Evaluative Criteria. This evaluation included consideration of

- The magnitude of System costs
- Viability based on the availability of services in the marketplace
- The impact of competitive procurement on System costs

This evaluation was also informed by the recent experiences of Bay Area jurisdictions in securing such services, whether by competitive solicitation of proposals or negotiation with incumbent contractors. Each scenario was informed by the Zero Waste Strategic Plan, opportunities identified by analysis of landfill tonnage and waste characterization data, and the ability to overcome challenges described in the March 2009 Agenda Report that established the Evaluative Criteria, including:

- Eliminating landfilling as the default option for discarded materials, and reducing tons to landfill
- Providing for uniform access to recycling services, including organics recycling, in all sectors
- Improving performance in the low-diversion sectors (commercial and multi-family residential)
- Increasing investment in local and regional processing capacity for traditional recycling, and organics recycling
- Meeting the City's revenue requirements
- Influencing the self-haul sectors that are outside the current Franchise Agreement to improve waste reduction and recycling
- Accommodating mandatory recycling and landfill material bans

KEY ISSUES AND IMPACTS

The objective of zero waste system development and evaluation has been to design a system that includes all the services covered by the existing solid waste franchise and residential recycling agreements, as well as the garbage hauling and recycling activities not covered under those agreements, and increases the annual diversion rate over time. This integrated approach allowed staff to design a comprehensive system that would enable greater City control of disposal and recycling options, and increased diversion performance in each solid waste service sectors, including the two non-franchised service sectors:

- Single family Dwellings (SFD) – residences with 1-4 units (franchised)
- Multi-family Dwellings (MFD) – residences with five or more units (franchised)
- Commercial – Businesses and institutions (franchised)
- City-Hauled – Materials from City operations (franchised)
- Local Self Haul – Residents and businesses that take materials directly to the Davis Street and Berkeley transfer stations (non-franchised)

- Non-Franchised Direct Hauling – Largely consists of construction and demolition (C&D) debris, and other materials hauled by parties other than the franchisee directly to landfill (non-franchised)

Oakland sent 291,000 tons to landfill in 2010. The recommended System would reduce landfill disposal to 120,000 tons per year by 2030, a reduction of 171,000 tons per year. The recommended System is based on the availability of services in the marketplace.

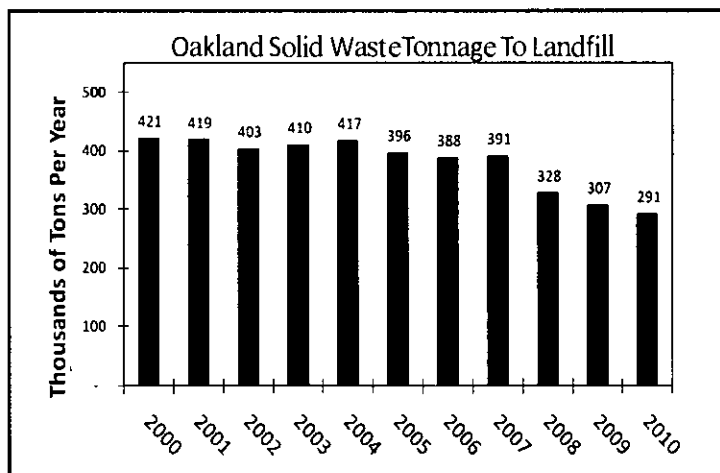
Organization of Services and Activities

The organization of collection services, hauling activities, material processing activities and landfilling in Oakland has evolved over the past three decades. The existing system, originally intended to ensure the regular collection and disposal of garbage, and later to meet California's 50% waste diversion mandate (AB939), does not have the capacity to meet or make large strides towards the City's Zero Waste Goal. The System recommended in this report would put Oakland on a course to achieve that goal.

Oakland's Landfill Tonnage 2000-2010

Figure 1

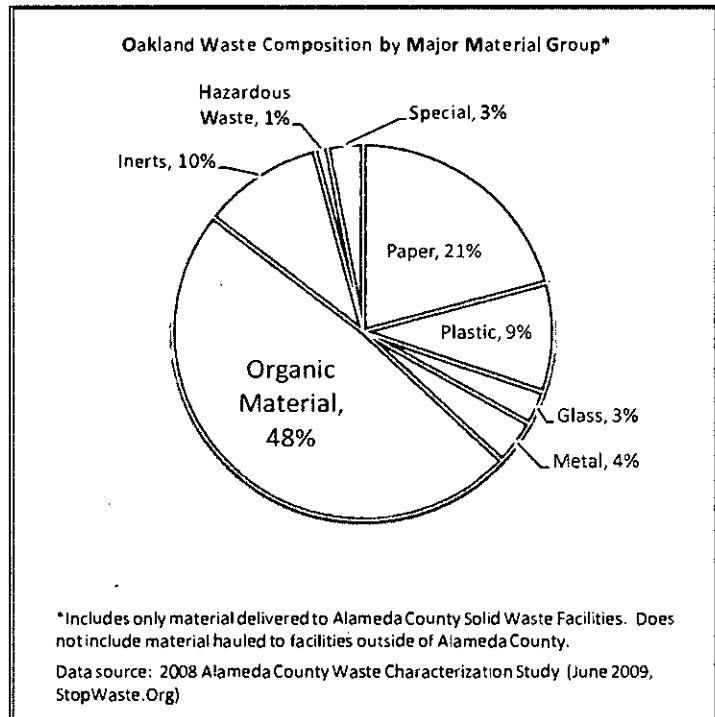
When the City Council adopted the Zero Waste Strategic Plan in 2006, Oakland's annual tonnage to landfill had plateaued at approximately 400,000 tons. Figure 1 shows that Oakland's annual tonnage to landfill has decreased dramatically in each of the past three years. In 2010, annual tonnage to landfill reached a historic low of 291,000 tons. This decrease is consistent with disposal trends statewide and nationally, and is primarily attributable to the economic recession that began in December 2007. Nonetheless, the magnitude of the challenge to reach the City's Zero Waste Goal remains the same, and the planning process assumes that tonnage to landfill may increase as the economy recovers in the coming years.



Key Opportunities

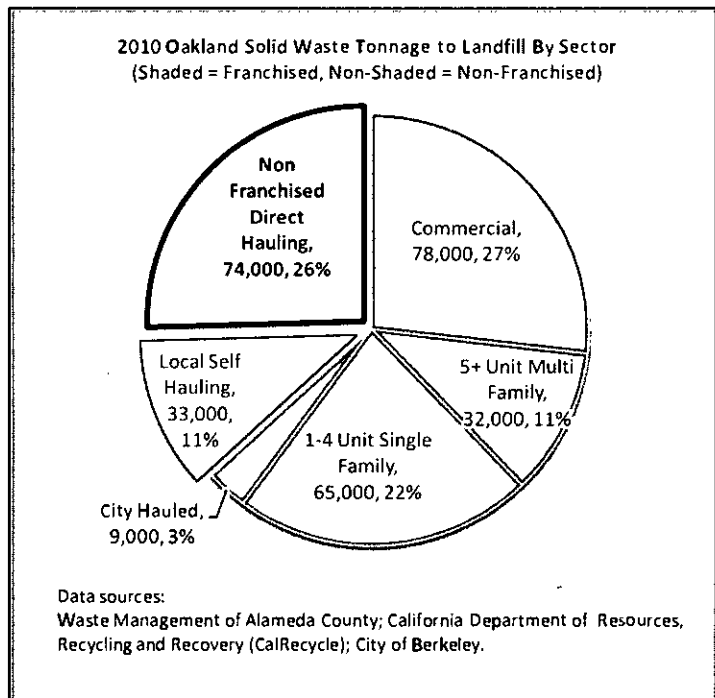
Two key metrics stand out in the Oakland waste disposal and diversion data. The first is that organic material (including plant debris and food scraps) is by far the largest remaining recoverable material type in all sectors, representing 48% of Oakland’s total landfill disposal (Figure 2). Approximately 100,000 tons of organic materials were landfilled in 2010. Diversion of organics from landfill represents the greatest opportunity for waste diversion and material recovery.

Figure 2



The second key opportunity lies in the amount of landfill disposal by the Non-Franchised Direct Hauling sector – 26% of Oakland’s total annual landfill tonnage, or 74,000 tons in 2010 (Figure 3). This material is hauled by parties other than the franchisee to a number of landfills within and outside of Alameda County, and largely consists of construction and demolition debris.

Figure 3



A number of related conditions and causes underlie these two metrics:

- Collection of recycling and organics from Oakland businesses is provided through independent recyclers on the open market where service is not guaranteed, is not regulated by the City, and is challenging for the City to promote
- Collection of organics from MFDs is provided as an additional fee-for-service basis for those buildings owners and managers requesting that service
- Collection of recyclables from MFDs is subject to the discretion of the property owner (although included in the rate they pay) and therefore is not available to tenants in every building
- There is no comprehensive system to ensure that non-franchised, independent haulers and recyclers conform with applicable O.M.C. provisions, including those that may contribute to illegal dumping in the City. Additionally these haulers can avoid the City's efforts to promote and monitor waste diversion activities, particularly those related to recycling construction and demolition debris (C&D debris)
- The existing franchise agreement provides financial incentives to maximize solid waste services instead of providing incentives for increased recycling and organics services in the commercial sector

Key Components of the Recommended System

The recommended System is organized around the following key components that address the opportunities described above:

- Diverting compostable organic material from the landfill by including commercial and MFD organics collection in an exclusive franchise
- Maximizing waste diversion in the currently unregulated Non-Franchised Direct Hauling sector by establishing a non-exclusive franchise system for C&D debris, complementing the City's C&D Debris Recycling Ordinance
- Making recycling services available to all Oakland businesses through a permit system for "open-market" recycling supplemented by services provided by the franchised hauler
- Achieving the full potential of residential recycling services through a single citywide residential recycling contract

Key Impacts and Benefits

As shown in Figure 4, the recommended System is projected to reduce total annual landfill disposal from 291,000 tons in 2010, to 120,000 tons by 2030. The recommended System would

create approximately 105 new, direct jobs, primarily in processing and transportation of materials for recycling and composting in the local and regional area. It is projected that the recommended System would reduce greenhouse gas (GHG) emissions by 2,300,000 metric tons of carbon dioxide equivalent (MTCO2E) for the period 2015-2030 calculated using the U.S Environmental Protection Agency’s Waste Reduction Model (WARM). This is equivalent to removing approximately 20,000 cars from local roads for that period.

Figure 4

Key Impacts and Benefits 2015 - 2030			
	2020	2025	2030
Tons Per Year to Landfill	249,000	181,000	120,000
Additional Tons Per Year Diverted From Landfill	43,000	111,000	172,000
Additional Direct Jobs	27	68	105
Additional Annual Reduction In GHG Emissions (MTCO2E)	62,000	159,000	247,000

PROGRAM DESCRIPTION

Options for delivering the solid waste and recycling services and managing these activities, whether franchised, contracted or unregulated, were developed and examined. Some services and activities that are not included in the current Franchise Agreement are recommended to be included in a new franchise, while other services and activities are recommended to be organized in non-exclusive franchise and permit systems. *Attachment A* shows the existing system side by side with the recommended System.

Source Separation and Mixed Materials Processing

The recommended System relies on two approaches to recovering recyclable and compostable materials. The primary approach is to collect recyclable and compostable materials that are source separated by the business or resident. The secondary approach is to process mixed materials (not source separated) at a materials recovery facility. In most cases, the recommended System would resort to mixed material processing only after source separation efforts have been maximized. (The exception is in the MFD sector, discussed in detail in Section 1.b.)

Overview of Sections

The recommended System is described in five (5) sections. Each section starts with a *Key Principle* that distills the fundamental intent of the System elements in that section. Each section includes discussions of how the System elements in that section interconnect with elements discussed in other sections and describes benefits of the proposed System.

1. A single franchise for citywide garbage and organics collection services capable of maximizing diversion of organics and minimizing landfill disposal of garbage, and provides recycling services to Oakland businesses on a non-exclusive basis.
2. A single franchise for citywide residential recycling focused on maximizing recycling, particularly in the challenging multifamily sector.
3. Landfill capacity procured separately from collection and processing services to attract the broadest pool of proposers on the garbage and organics franchise, by eliminating landfill ownership as a barrier.
4. A permit system to regulate commercial recycling services to continue operation of the long-established independent recyclers, and allow the City to establish and enforce waste diversion and other performance standards.
5. A non-exclusive franchise system to regulate construction and demolition (C&D) debris hauling activities, allow the City to establish and enforce waste diversion and other performance standards, and to stimulate broader use of mixed debris processing facilities in the region.

Detail of Sections

1. Garbage and Organics Franchise

Key principles: Create a franchise that is dedicated to and rewards the franchisee for maximizing diversion of organics into a composting system and minimizing landfill disposal of garbage.

It is recommended that an exclusive franchise agreement for citywide collection services include the following:

- a) SFD garbage and organics collection and processing
- b) MFD garbage and organics collection and processing
- c) Commercial garbage and organics collection and processing
- d) Commercial recycling collection and processing (this line of business would be non-exclusive, and is related to the recommended non-exclusive permit system for commercial recycling discussed in Section 4).
- e) City services, such as disposal of street sweepings and illegal dumping clean up, and collection services at City buildings and facilities
- f) Collection services for large public events
- g) Solid waste transfer and transport

This proposal differs from the current franchise agreement with WMAC in several ways, by including:

- Commercial organics collection and processing
- Recovery of MFD organics
- Citywide commercial recycling collection and processing for businesses (non-exclusive)

And by excluding:

- Residential recycling collection and processing (discussed in Section 2)
- Landfill disposal (discussed in Section 3)
- C&D debris collection and processing (discussed in Section 5)

a) Single Family Dwelling (SFD) garbage and organics collection and processing

Increasing diversion through improved participation by residents in the recycling services, and deeper engagement of the collection service providers is recommended in the SFD sector. The SFD sector has the most comprehensive waste diversion services of all the sectors, and the highest waste diversion performance of any sector (approximately 50%). Yet 54% of landfill disposal from the SFD sector (30,000 tons per year) is recoverable organic material. There is also considerable opportunity for increased recycling of cans, bottles, and paper. These organic materials, and the cans, bottles and paper, can be recovered without changes to the existing three-cart system, which has the capacity to handle larger volumes of recyclables that greater participation would produce. Through contract requirements for the garbage and organics franchisee, and the residential recycling franchisee (described in Section 2), combined with public outreach efforts to promote greater utilization of the existing three-cart system, diversion of these materials will be increased.

b) Multi-family Dwelling (MFD) garbage and organics collection and processing

In the MFD sector, a two-container system is recommended: one container for recyclables (see Section 2) and the other container for all other discards (“mixed materials”), which will be processed at a material recovery facility (MRF) to recover organic materials for composting. The MFD sector waste stream is rich in compostable material (48%) that is primarily food and food-soiled paper. The garbage and organics franchisee would be required to process the mixed materials, to recover the organic materials, and any incidental recyclable items improperly placed in the mixed materials container.

Consideration was given to a three-container system (garbage, recycling, and organics) for the MFD sector, as currently provided in the SFD sector. However, analysis showed that a three-container system would be less effective than the recommended two-container system at recovering the 17,000 tons per year of food scraps and other organic material produced by the MFD sector. Forgoing source-separation of organic material in the MFD sector and proceeding directly to MRF processing of mixed material is recommended for several reasons:

- Waste diversion programs that rely on MFD building managers and residents to separate their discards in the correct containers achieve low diversion results in many California communities, including Oakland.
- Source separation of organic material in the MFD sector is considerably more challenging than can/bottle/paper recycling, and therefore less likely to be widely adopted.
- Placement of additional collection containers dedicated to organics would be difficult to accommodate in many of Oakland's space-constrained MFD buildings. Continuing with the two-container system would require no change by the MFD building owners or their tenants.
- Greater diversion of organic material could be achieved through a two-container system, and sooner, than through a three-container system that relies on the source separation of organic material.

Staff recognizes that in the last several years some MFD residents and building managers have expressed interest in organics collection service, and that some will prefer the source-separated approach to organics collection. This could be accommodated by a fee-for-service option.

Among the cities with the highest diversion rates in the MFD sector is San Jose, which implemented mixed material processing in 2008. Despite many years of focused efforts to increase recycling in their MFD sector, the diversion rate remained at 18%. Since the introduction of mixed material sorting and processing, San Jose has achieved a waste diversion rate of 76% in the MFD sector, with most of the improvement coming from the recovery of organic materials.

In summary, the two-container system, combined with a renewed and highly focused effort to increase utilization of the existing can/bottle/paper recycling service through a dedicated residential recycling franchise (see Section 2), is capable of significantly greater material recovery results in the MFD sector than can be achieved with a three-container, source separated approach. The two-container system will enable MFD building owners to comply with the state recycling mandate (AB 341), ensure uniform, albeit passive participation in organics recycling, and require no behavior change from residents and building managers other than improved participation in the existing recycling program.

c) Commercial garbage and organics collection and processing

It is recommended that the franchise agreement include all commercial garbage collection except C&D debris. It is recommended that C&D debris be managed in a Non-Exclusive Franchise System (see Section 5 for a complete discussion of this recommendation). All other roll-off box services in the commercial (and residential) sector will remain part of the garbage and organics franchise.

It is recommended that the franchise agreement include commercial organics collection and processing. Organic materials are the most significant remaining type of recoverable material in Oakland's commercial sector. Organic material constitutes 47% of commercial landfill disposal (40,000 tons in 2010), and therefore represents the greatest opportunity for waste diversion. Oakland businesses are subject to an existing countywide ban on landfill disposal for plant debris. Combining garbage and organics collection in a single franchise has critical advantages to the System design and cost efficiencies, including the ability to:

- Provide customers "one-stop shopping" that enables businesses to balance their need for garbage and organics service needs
- Enable the service provider to integrate customer service and collection operations
- Provide opportunities for efficient truck routing for garbage and organics collection
- Manage a diverse inventory of garbage and organics collection containers necessary to meet businesses' needs for different container sizes and types

Staff explored the option of having separate companies provide garbage and organics collection services, but found several disadvantages. A system with separate contracts would create an unsustainable business model for the garbage collector, as the increase in subscription to organics recycling over time would decrease garbage service subscription. Placing organics and garbage services into separate agreements would eliminate the opportunities to provide financial incentives to the garbage hauler for waste reduction. In such a system, the service provider that handles only garbage would be subject to unsustainable, declining revenues over time.

Having one company for both services would allow for migration of subscription from garbage service to organics service, with no net loss in service volume. Rates and financial incentives would be tailored to motivate the franchisee to help businesses transition from garbage to organics services, as needed. The franchisee would be better positioned to manage the migration of service with integrated customer service, operations, and billing.

Source separation of organic materials is a good fit in the commercial sector, where most of the organic material is generated by a small number of businesses (e.g., restaurants, food processors, and institutions with large food service venues, such as schools and hospitals). Source separation of organic material by this group of Oakland businesses alone will achieve high recovery rates of organic material in the commercial sector.

The recommended System would maximize diversion of organics into a composting system and minimize landfill disposal of garbage. It would provide uniform access to organics collection service to all Oakland businesses, enabling them to comply with the countywide ban on landfill disposal for plant debris. It would position the City and the business sector to respond effectively to future mandates for organics recycling.

d) Commercial recycling collection and processing

It is recommended that commercial recycling collection and processing be included in the garbage and organics franchise agreement, as a non-exclusive service. The franchisee would be required to provide recycling collection service to Oakland businesses on request, but non-franchised, independent recyclers would not be excluded from providing recycling services. Oakland businesses would be able to obtain recycling service from the franchisee, or obtain recycling service from independent recyclers that would be “lightly” regulated in a Commercial Recycling Permit System (see Section 4).

This recommendation is based on the benefits provided by independent recyclers to Oakland businesses, and the local economy. In the current non-franchised open market for commercial recycling services, local independent recyclers provide recycling services to Oakland businesses, and are allowed to charge fees for such services. These independent recyclers choose the customers that fit their service.

The Small Business Recycling Program that is provided through the existing City agreements for residential recycling, currently serves over 750 businesses, which may subscribe to up to two 96-gallon recycling carts of service. However, this system leaves a service gap for businesses that are too small to obtain service from an independent recycler but for which two 96-gallon recycling carts are insufficient.

This recommendation would establish commercial recycling in the garbage and organics franchise that serves the commercial sector, in contrast to the current agreements, in which the Small Business Recycling service is provided by the residential recycling service providers. The franchise would cover all existing Small Business Recycling accounts citywide, and any businesses that choose to recycle with the franchisee. The existing 750-plus Small Business Recycling accounts form a sufficient account base upon which the franchisee could build a successful citywide commercial recycling business.

Building on the existing, successful Small Business Recycling service, the recommended System would extend recycling service to any business in Oakland, without the two 96-gallon cart limitation. This would ensure that any business could obtain recycling service in the easiest way possible – through their franchised garbage and organics service provider. Businesses that prefer to obtain recycling services from independent recyclers could continue to do so.

This recommendation would provide Oakland businesses with uniform access to recycling services that is lacking today. It would preserve the community economic benefits associated with the existing, independent commercial recycling market, while ensuring that affected Oakland businesses can comply with the State recycling mandate (AB 341).

As discussed in the Background section of this report, StopWaste.Org is expected to adopt an ordinance that mandates commercial recycling in 2012. It is uncertain at this time how the StopWaste.Org ordinance would complement the recommended System. If it does not align with Oakland's goals then the City would need to adopt its own ordinance.

e) City services

It is recommended that the new franchise agreement continue to provide the same collection and disposal services, with some enhancements, as are currently provided to City facilities and operations.

t) Collection services for large public events

It is recommended that the franchise agreement include garbage, recycling and organics collection services for large public events. At a minimum, this should include events large enough to be subject to state law (Assembly Bill 2176 and Public Resources Code Sections 42648 [b] and [c]) that mandates events with over 2,000 attendees, and which charge a fee or are hosted by a public agency, to plan and implement waste reduction programs. The cost of this service to event organizers would be included in the rate schedule of franchised services. The provision of this service in this franchise would enable the City to require large public events to include collection of garbage, recycling and organics in their event permits, and ensure waste diversion and compliance with state law at these events.

g) Solid waste transfer and transport

It is recommended that the franchise agreement include the transfer of solid waste from collection vehicles to larger, transfer vehicles, and the transport of solid waste to the City's selected landfill. Transfer and transport of solid waste to landfill is a good operational fit with garbage and organics collection and processing. It would enable the franchisee to operate a solid waste transfer facility that would also be capable of processing organics, or transferring organics to a processing facility. These two activities fit together because a facility that handles organics would need the same kind of Solid Waste Facility Permit required for a solid waste transfer facility. Co-locating these transfer and transport activities would provide key operational efficiencies; it would enable the franchisee to have one central facility for the unloading of all garbage and organics collection vehicles, which can reduce the number of drive miles and related local air quality and global greenhouse gas impacts.

2. Residential Recycling Franchise

Key principle: Create a unified citywide approach to residential recycling.

An exclusive citywide franchise for recycling collection and processing is recommended for the residential sector, replacing the current contractual arrangement that divides the City into two service districts served by different contractors.

A citywide franchise for residential recycling would enable a single, dedicated service provider to bring a focused effort to promote and maximize recycling, particularly in the challenging MFD sector. The MFD sector requires concentrated and on-going promotion and operational focus. Having one citywide contract for residential recycling would allow a service provider to execute a uniform approach to increasing recycling in MFD. A combination of contract provisions and public outreach efforts to promote greater use of the recycling services by MFD owners and residents is recommended.

3. Landfill Disposal Contract

Key principle: provide long-term, low-cost landfill capacity, and isolate landfill disposal from the diversion-oriented collection franchises.

It is recommended that the City provide for solid waste landfill disposal in a long-term contract that is separate from all other franchises and contracts. Currently disposal is part of the solid waste franchise agreement with WMAC.

There are several critical advantages to having a separate landfill contract:

- Increases competition in the procurement of franchise collection and processing services, by giving companies without landfills the opportunity to bid on collection and processing
- Secures the lowest price possible for the disposal of waste
- Isolates landfill disposal costs from collection and diversion costs
- Allows franchise incentives for waste diversion to be more effective

Procuring landfill capacity separately from collection and processing services is the key to attracting the best pool of companies to bid on the garbage and organics franchise and the lowest price for landfill disposal. If the city were to combine landfill with collection and processing services in one contract, collection and recycling companies capable of offering recycling and organics programs, but which do not own a landfill, would be at a competitive disadvantage. Bidding for the landfill contract separate from collection and processing would offer the best prospect for obtaining landfill service at the lowest price. Long-term, contractually established costs for landfill disposal would be the fiscal cornerstone of Oakland's Zero Waste System.

4. Non-Exclusive Permit System for Commercial Recycling

Key principle: Set standards and obtain key recycling tonnage data from this sector, while preserving the economic benefits of Oakland's existing open market for commercial recycling.

Oakland has long been the center of regional recycling processing and exporting activity based on proximity to the Port of Oakland. Oakland businesses and the City's waste diversion results have greatly benefited from these independent recycling companies operating in an open market that allows them to charge fees for recycling collection services. A significant portion of the recycling that occurs in Oakland's commercial sector is through independent recyclers, although it is difficult to quantify, because the recyclers are not required to report their tonnage information to the City, County or State.

It is recommended that commercial recycling be "lightly" regulated through a Permit System that "licenses" recyclers serving Oakland businesses. This system would enable continuation of the long-established independent recycling services operating in Oakland. It would require recycling collectors to register, obtain a permit, and comply with reporting requirements. The City may establish and enforce waste diversion and other performance standards for recycling collectors through this system.

This Permit System would co-exist with the non-exclusive commercial recycling service that would be provided under the recommended garbage and organics franchise (as discussed in Section 1). Oakland businesses would have the option to use permitted, independent recyclers, or to subscribe to recycling service provided by the garbage and organics franchisee. The businesses that have used the services of independent recyclers, in some cases for many years, could continue to use these companies.

Businesses that have no pre-existing relationship with a recycling company could shop for one (as they currently may do), or benefit from the one-stop-shopping for recycling service from their garbage and organics service provider, the franchisee. Most importantly, if the business cannot obtain a recycling service provider they would be assured of service from the franchisee, which ensures that affected Oakland businesses can comply with the State recycling mandate (AB 341). The Permit System, along with the service offered by the franchisee, will ensure that every business in Oakland has access to recycling service.

Recommended changes to O.M.C. Chapter 8.28 that would update and align it with the recommended Non-Exclusive Permit System for Commercial Recycling will be brought forward in a separate report to City Council.

5. Non-Exclusive Franchise for Construction and Demolition (C&D) Debris Hauling

Key principle: Unify and integrate the regulation of all C&D debris hauling, set performance standards, obtain key data, and stimulate C&D haulers and processors to maximize waste diversion.

It is recommended that a Non-Exclusive Franchise system cover hauling of all C&D debris, both solid waste and recycling. This would improve the City's ability to set waste diversion standards for debris generated by C&D activities, and provide for reporting. In addition, the recommended Non-Exclusive Franchise System would facilitate greater compliance with the City's existing C&D Debris Waste Reduction and Recycling Ordinance (C&D Recycling Ordinance). It would also provide builders and developers greater choice in selecting legal haulers in a competitive market for hauling and recycling services, and provide those haulers and recyclers increased access to materials they can recycle.

A combination of recycling market forces and the C&D Recycling Ordinance promote diversion of C&D debris from landfill. The provisions of the O.M.C. limit who is allowed to haul and what can be hauled from a construction site, but are not clearly written and are difficult to explain to building contractors. The result is landfill disposal of C&D debris with little opportunity for the City to affect waste diversion efforts. These provisions predate the C&D Recycling Ordinance, and need to be revised to promote recycling and waste diversion.

O.M.C. Chapter 8.28 Solid Waste Collection and Disposal and Recycling allows C&D debris hauling to be provided three ways:

1. C&D debris that is considered "solid waste" is hauled under the City's exclusive solid waste franchise
2. C&D debris that is considered "solid waste" is hauled by licensed building contractors and/or their third party haulers, in accordance with exceptions to the exclusive solid waste franchise.
3. C&D debris that is "recyclable" is hauled by independent recyclers (not more than 5% solid waste)

The recommended Non-Exclusive Franchise System would consolidate all three of the existing C&D debris hauling activities and provide uniform regulation of the haulers serving the C&D sector. This system would open the market for solid waste hauling services to C&D projects, and stimulate broader use of mixed debris processing facilities in the region. The system would expand building contractors' choices for competitively priced hauling services, while imposing accountability on the haulers for waste diversion, safety and sanitation. It would assist the City in reducing illegal hauling and dumping by establishing standards that would distinguish legal from illegal haulers, such as requirements to clearly display company name, phone number and permit number on all equipment. While the system would impose an additional administrative burden on the City, it will be designed for cost recovery.

Recommended changes to O.M.C. Chapter 8.28 and to the C&D Debris Recycling Ordinance (O.M.C. 15.34), that would update and align O.M.C. with the recommended Non-Exclusive Franchise for C&D Debris Hauling, will be brought forward in a separate report to City Council.

Other Issues

- **Franchise and Contract Lengths**
It is recommended that the two franchise agreements, Garbage and Organics, and Residential Recycling, have 10-year terms plus two 5-year options. The first of these extensions would be automatic, provided the franchisee meets performance standards; the second extension would be by agreement of both parties. A potential 20-year contract term is sufficiently long enough to justify the capital investment by a franchisee in the infrastructure necessary to achieve the diversion goals to be set forth in the agreement. For the Landfill Disposal Contract a 20-year term, plus two 5-year options by agreement of both parties is recommended. The 20-30 year length of the contract will lock in low cost disposal rates and provide financial stability to the System.

- **Schedule to Implement Zero Waste System**
The current Franchise and Residential Recycling Agreements expire on June 30, 2015. The topics listed below will be addressed in City Council Reports over the next several months:
 - Recommendations for the process, schedule and evaluation components for the request for proposals and specific contract requirements
 - Recommendations for a Non-Exclusive Franchise for C&D Debris Hauling
 - Recommendations for a Non-Exclusive Permit System for Commercial Recycling
 - Changes to the O.M.C.
 - Rates and revenues
 - Recommendations for mandatory recycling

SUSTAINABLE OPPORTUNITIES

Economic: Implementing a Zero Waste System in Oakland will help Oakland businesses and residents reduce waste and mitigate the long-term trend of increased disposal costs associated with landfill-based systems. Expanding and actively supporting use of discarded materials drives local economic and workforce development with 'green collar' jobs and value added production.

Environmental: Implementing a Zero Waste System will promote sustainability, conserve natural resources, reduce air and water pollution, protect habitat, and reduce greenhouse gas (GHG) emissions.

Social Equity: Implementing a Zero Waste System in Oakland will help provide new living-wage jobs for the community, as well as preserve and enhance natural systems that provide basic ecological services such as clean water, clean air, and safe food.

DISABILITY AND SENIOR CITIZEN ACCESS

Approving the attached resolution will not have any direct impact on access for persons with disabilities or senior citizens.

RECOMMENDATION AND RATIONALE

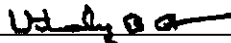
It is recommended that the City Council approve the attached resolution, which adopts the Zero Waste System described in this report that will reduce landfill disposal to 120,000 tons per year by 2030, a reduction of 170,000 tons per year that has these elements:

1. A single franchise for citywide garbage and organics collection services capable of maximizing diversion of organics and minimizing landfill disposal of garbage, and provides recycling services to Oakland businesses on a non-exclusive basis.
2. A single franchise for citywide residential recycling focused on maximizing recycling, particularly in the challenging multifamily sector.
3. Landfill capacity procured separately from collection and processing services to attract the broadest pool of proposers on the garbage and organics franchise, by eliminating landfill ownership as a barrier.
4. A permit system to regulate commercial recycling services to continue operation of the long-established independent recyclers, and allow the City to establish and enforce waste diversion and other performance standards.
5. A non-exclusive franchise system to regulate construction and demolition (C&D) debris hauling activities, allow the City to establish and enforce waste diversion and other performance standards, and to stimulate broader use of mixed debris processing facilities in the region.

ACTION REQUESTED OF THE CITY COUNCIL

It is recommended that the City Council adopt the attached resolution.

Respectfully submitted,



Vitaly B. Troyan, P.E.
Director, Public Works Agency

Reviewed by:
Brooke A. Levin, Assistant Director

Reviewed by:
Susan Kattchee, Environmental Services Manager

Reviewed by:
Becky Dowdakin, Recycling Program Supervisor

Prepared by:
Peter Slote, Recycling Specialist
Environmental Services Division

Attachments:

- A - Organization of contracts, services and activities
- B - Resolution No. 81870 C.M.S. - Evaluative Criteria for assessing Zero Waste System

**APPROVED AND FORWARDED TO THE
PUBLIC WORKS COMMITTEE:**



Office of the City Administrator

Item: _____
Public Works Committee
November 29, 2011

Existing

Attachment A

Bold text indicates change

Recommended

1

FRANCHISE AGREEMENT FOR SOLID WASTE AND YARD WASTE COLLECTION AND DISPOSAL SERVICES (Waste Management of Alameda County)

- Single-family garbage and organics
- Multi-family garbage
- Commercial garbage
- City street litter containers
- Small Business Recycling (East Oakland)
- Single-family recycling (East Oakland)
- Multi-family recycling (East Oakland)
- Construction & Demolition garbage
- Transfer facility
- Hauling to landfill
- Landfill disposal (term concurrent w/Franchise)

2

CONTRACT FOR RESIDENTIAL RECYCLING SERVICES (California Waste Solutions)

- Single-family recycling (North/West Oakland)
- Multi-family recycling (North/West Oakland)
- Small Business Recycling (North/West Oakland)

NO CONTRACT, NO PERMIT (UNREGULATED)

- Commercial organics
- (open market, fee for service allowed)
- Commercial recycling
- (open market, fee for service allowed)
- Construction & Demolition garbage
- (OMC exceptions for "incidental" and "fixed body" garbage hauling)
- Construction & Demolition recycling
- Residential & commercial garbage self haul

1

FRANCHISE FOR SOLID WASTE, ORGANICS, AND COMMERCIAL RECYCLING
(10 years w/two 5-year options)

- Single-family garbage and organics
- Multi-family garbage and organics
- Commercial garbage
- City street litter containers
- Small Business Recycling (Citywide)
- Transfer facility
- Hauling to landfill
- Commercial organics
- Commercial recycling (non-exclusive - businesses may choose Franchisee or permitted recyclers)

2

FRANCHISE FOR RESIDENTIAL RECYCLING
(10 years w/two 5-year options)

- Single-family recycling (Citywide)
- Multi-family recycling (Citywide)

3

CONTRACT FOR LANDFILL DISPOSAL
(20 years w/two 5-year options)

- Landfill disposal

NON-EXCLUSIVE FRANCHISE AND PERMIT SYSTEMS

- Non-Exclusive Construction & Demolition Franchise
(consolidates management of all types of Construction & Demolition material)
- Non-Exclusive Commercial Recycling Permit System
(open market, fee for service allowed)
(businesses may choose Franchisee or permitted recyclers)

NO CONTRACT, NO PERMIT (UNREGULATED)

- Residential & commercial garbage self haul

Attachment B

Approved as to Form and Legality

FILED
OFFICE OF THE CLERK
OAKLAND
2009 FEB 26

OAKLAND CITY COUNCIL


City Attorney

RESOLUTION No. 81870 C.M.S.

RESOLUTION ADOPTING EVALUATIVE CRITERIA FOR ASSESSING SOLID WASTE MANAGEMENT SYSTEM DESIGNS RESPONSIVE TO THE ZERO WASTE BY 2020 GOAL

WHEREAS, the City of Oakland's Franchise Agreement for Solid Waste and Yard Waste Collection and Disposal Services with Waste Management of Alameda County, and the Agreement for Residential Recycling Services with California Waste Solutions expire on December 31, 2012; and

WHEREAS, on March 6, 2006 the Oakland City Council approved Resolution #79774 C.M.S. which adopted a Zero Waste Goal by 2020 and directed Public Works Agency staff to prepare a Zero Waste Strategic Plan for the City of Oakland; and

WHEREAS, on December 5, 2006 the Oakland City Council approved Resolution #80286 C.M.S which adopted a Zero Waste Strategic Plan that included Strategy 2, Develop and Adopt New Rules and Incentives to Reduce Waste Disposal, which states: "Development and adoption of a new waste management system design in preparation for Oakland's next collection and disposal contract is key to the goal of reducing waste;" and

WHEREAS, establishing Evaluative Criteria for assessing Zero Waste system models allows for development of the new system with clear policy objectives that include broader community benefits beyond waste reduction and diversion; now, therefore be it

RESOLVED, that the City Council hereby adopts the following Evaluative Criteria for Zero Waste System Design:

Category	Evaluative Criteria
Customer Benefits	High quality, reliable and convenient services
	Universal access to recycling services, including organics recycling
	Opportunity for residents & businesses to reduce greenhouse gas emissions through use of recycling services
	Value to rate payers
Health & Safety	Enhances public health and safety
	Sanitary management of all discarded materials
	Air quality impacts
Environmental	Reduction in tons to landfill
	Adheres to <i>Environmental Hierarchy</i> of resource conservation established in <i>Zero Waste Strategic Plan</i>
	GHG emissions reductions/carbon footprint (local and outside of community inventory)

Category	Evaluative Criteria
Economic Development	Job creation - net employment gain
	Compatibility w/existing commercial recycling market
	Supports development of diverse employment opportunities associated with processing, manufacture, and sales by discards-based businesses
Financial	Revenue to City
	Cost to City to administer system
	Avoid future City liabilities
	Cost to ratepayers
	Clear, consistent and progressive pricing signals to customers/ratepayers and service providers, to incentivize waste reduction & increased recycling
	Resilient to recycling commodities markets fluctuations
Innovation	Allows for and encourages system innovation & evolution over time
	Utilizes local, available, capitalized public or private infrastructure
	Ability to meet current & future market needs for recycled materials
	Ability to incorporate reuse
Regulatory	Ability to accommodate mandatory recycling and landfill material bans
	Ability to adapt to changing needs, conditions, applicable laws, ordinances, regulations and permit requirements
Viability	Ability of waste & recycling services industry to provide services as envisioned

and be it

FURTHER RESOLVED, that City Council directs staff to use these criteria in assessing Zero Waste system models and to present a preferred model to Council for consideration.

IN COUNCIL, OAKLAND, CALIFORNIA, MAR 17 2009, 20

PASSED BY THE FOLLOWING VOTE:

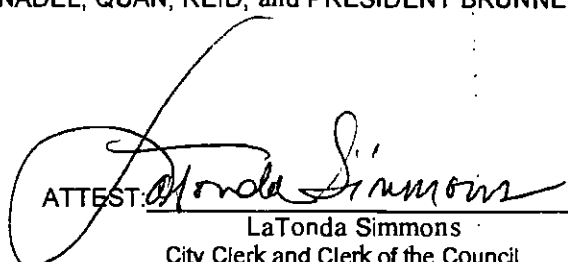
AYES - BROOKS, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT BRUNNER - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

ATTEST:



LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California

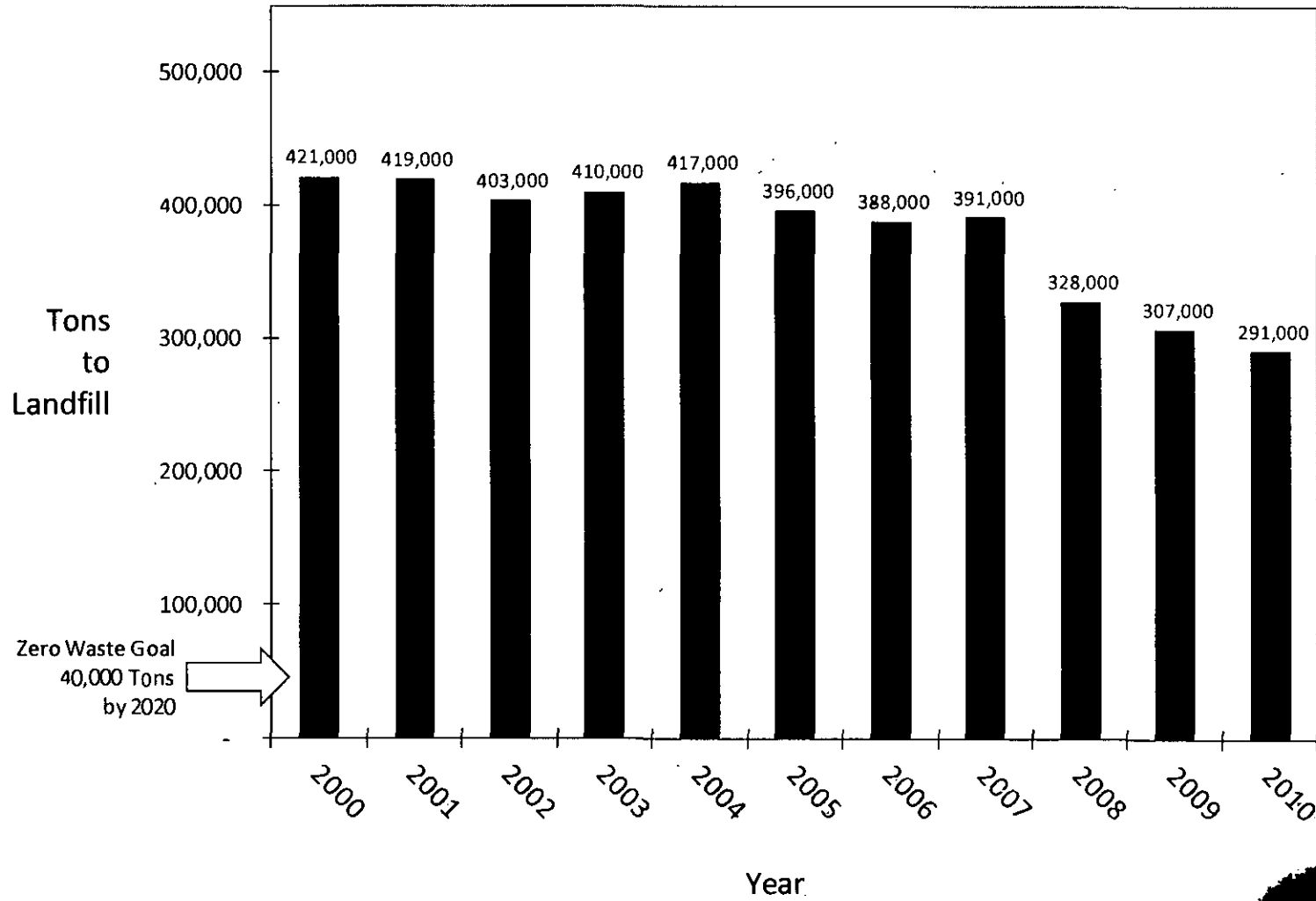
CITY OF OAKLAND
Public Works Committee
November 29, 2011

Recommended Zero Waste System

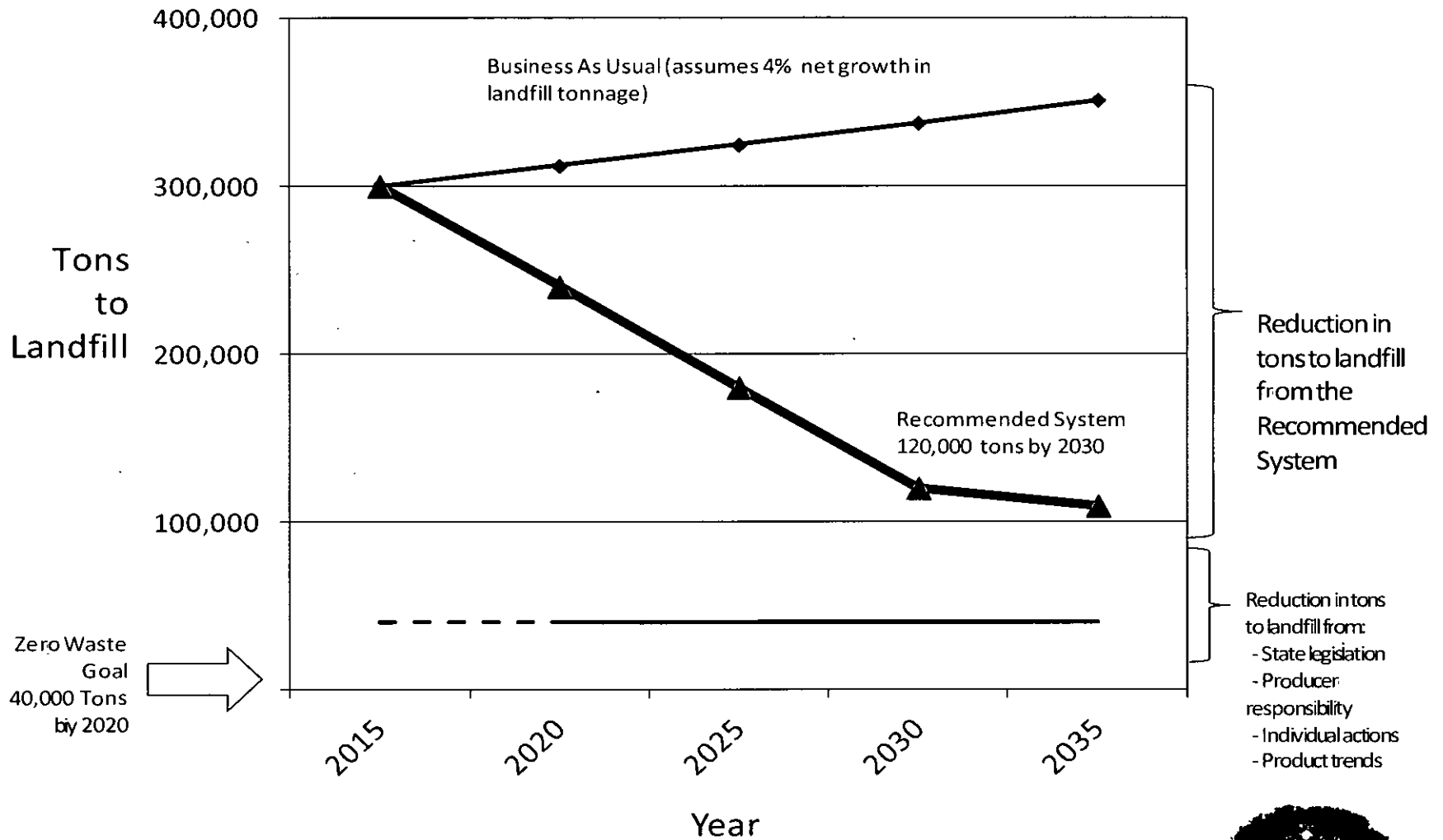


City of Oakland
Public Works Agency

Oakland Tons to Landfill

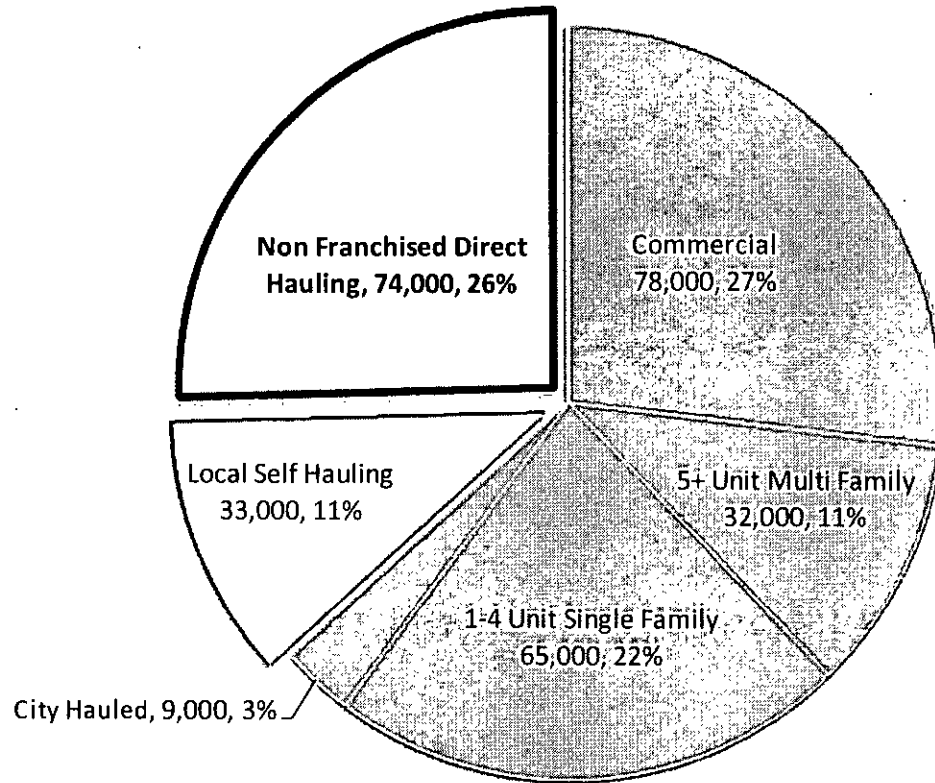


Recommended System - Progress Toward Zero Waste Goal



City of Oakland
Public Works Agency

Oakland 2010 Tonnage to Landfill By Sector



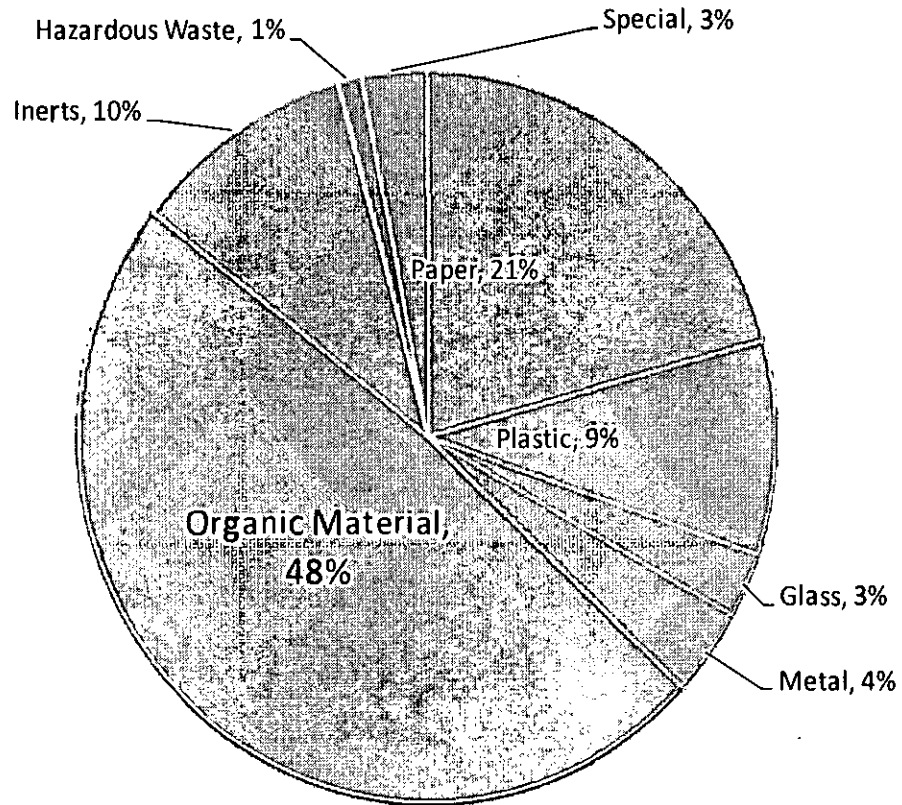
Data sources:

Waste Management of Alameda County; California Department of Resources, Recycling and Recovery (CalRecycle); City of Berkeley.



City of Oakland
Public Works Agency

Oakland Waste Composition*



*Includes only material delivered to Alameda County Solid Waste Facilities. Does not include material hauled to facilities outside of Alameda County.

Data source: 2008 Alameda County Waste Characterization Study
(June 2009, StopWaste.Org)



City of Oakland
Public Works Agency

Key Components

- Diverting compostable organic material from the landfill by including commercial and MFD organics collection in an exclusive franchise
- Maximizing waste diversion in the currently unregulated Non-Franchised Direct Hauling sector by establishing a non-exclusive franchise system for C&D debris, complementing the City's C&D Debris Recycling Ordinance
- Making recycling services available to all Oakland businesses through a permit system for "open-market" recycling supplemented by services provided by the franchised hauler
- Achieving the full potential of residential recycling services through a single citywide residential recycling contract



Organization of Zero Waste System

Contracts

Existing

Bold text indicates change

Recommended

Contracts

1

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- Transfer facility
- Hauling to landfill
- Landfill disposal (term concurrent w/Franchise)

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CONTRACT FOR RESIDENTIAL RECYCLING SERVICES (California Waste Solutions)

- Single-family recycling (North/West Oakland)
- Multi-family recycling (North/West Oakland)
- Small Business Recycling (North/West Oakland)

NO CONTRACT, NO PERMIT (UNREGULATED)

- Commercial organics (open market, fee for service allowed)
- Commercial recycling (open market, fee for service allowed)
- Construction & Demolition garbage (OMC exceptions for "incidental" and "fixed body" garbage hauling)
- Construction & Demolition recycling
- Residential & commercial garbage self haul

1

FRANCHISE FOR SOLID WASTE, ORGANICS, AND COMMERCIAL RECYCLING

(10 years w/two 5-year options)

- Single-family garbage and organics
- Multi-family garbage and organics
- Commercial garbage
- City street litter containers
- Small Business Recycling (Citywide)
- Transfer facility
- Hauling to landfill
- Commercial organics
- Commercial recycling (non-exclusive - businesses may choose Franchisee or permitted recyclers)

2

FRANCHISE FOR RESIDENTIAL RECYCLING

(10 years w/two 5-year options)

- Single-family recycling (Citywide)
- Multi-family recycling (Citywide)

3

CONTRACT FOR LANDFILL DISPOSAL

(20 years w/two 5-year options)

- Landfill disposal

NON-EXCLUSIVE FRANCHISE AND PERMIT SYSTEMS

- Non-Exclusive Construction & Demolition Franchise (consolidates management of all types of Construction & Demolition material)
- Non-Exclusive Commercial Recycling Permit System (open market, fee for service allowed) (businesses may choose Franchisee or permitted recyclers)

NO CONTRACT, NO PERMIT (UNREGULATED)

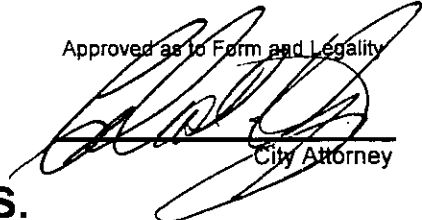
- Residential & commercial garbage self haul

Recommendation

1. A single franchise for citywide garbage and organics collection services capable of maximizing diversion of organics and minimizing landfill disposal of garbage, and provides recycling services to Oakland businesses on a non-exclusive basis.
2. A single franchise for citywide residential recycling focused on maximizing recycling, particularly in the challenging multifamily sector.
3. Landfill capacity procured separately from collection and processing services to attract the broadest pool of proposers on the garbage and organics franchise, by eliminating landfill ownership as a barrier.
4. A permit system to regulate commercial recycling services to continue operation of the long-established independent recyclers, and allow the City to establish and enforce waste diversion and other performance standards.
5. A non-exclusive franchise system to regulate construction and demolition (C&D) debris hauling activities, allow the City to establish and enforce waste diversion and other performance standards, and to stimulate broader use of mixed debris processing facilities in the region.



2011 NOV 17 PM 4:10 OAKLAND CITY COUNCIL



City Attorney

RESOLUTION No. _____ C.M.S.

RESOLUTION ADOPTING THE RECOMMENDED SYSTEM DESIGN TO MEET THE ADOPTED ZERO WASTE STRATEGY - DEVELOP A NEW WASTE MANAGEMENT SYSTEM DESIGN IN PREPARATION OF OAKLAND'S NEXT COLLECTION AND DISPOSAL CONTRACTS

WHEREAS, the City of Oakland's Franchise Agreement for Solid Waste and Yard Waste Collection and Disposal Services with Waste Management of Alameda County, and the Agreement for Residential Recycling Service with California Waste Solutions expire on June 30, 2015; and

WHEREAS, in 2006 through Resolution No. 80286 C.M.S. the City Council adopted a Zero Waste Strategic Plan that included Strategy 2, Develop and Adopt New Rules and Incentives to Reduce Waste Disposal, which states: "Development and adoption of a new waste management system design in preparation for Oakland's next collection and disposal contract is key to the goal of reducing waste;" and

WHEREAS, in 2009 through Resolution No. 81870 C.M.S. the City Council adopted Evaluative Criteria for assessing Zero Waste system models to replace the expiring franchise and recycling agreements, and directed staff to use these criteria in assessing Zero Waste system models and present a preferred model to Council for consideration; and

WHEREAS, in 2000 the City of Oakland disposed of 421,000 tons in landfills, and 291,000 tons in 2010, a reduction of 130,000 tons per year; and

WHEREAS, Alameda County 2008 Waste Characterization Study identifies organic material as the largest remaining recoverable material type, representing 49% of Oakland's total landfill disposal, or approximately 100,000 tons landfilled in 2010; and

WHEREAS, solid waste generated by multifamily dwellings and commercial businesses is rich in organic material that is primarily food and food-soiled paper; and

WHEREAS, diversion of organics from landfill represents the greatest opportunity for waste diversion and material recovery; and

WHEREAS, mandates on multi-family dwelling building owners and businesses to ensure recycling at their buildings and businesses are likely to be implemented by the state and/or Alameda County in the near future, and greater access to recycling and organics collection services will be needed to comply with these mandates; and

WHEREAS, multifamily dwellings provide a significant challenge to the provision and use of recycling services because the building owner must allow the recycling containers to be placed on the property, overcome space constraints, promote the service to tenants, and address improper use; and

WHEREAS, the tenant turnover rates in multifamily dwellings requires constant renewal of public education and information on recycling programs, and

WHEREAS, other communities have used processing of mixed materials for multifamily dwellings to significantly improve waste diversion from this sector; and

WHEREAS, according to analysis of landfill tonnage data from the State and Oakland franchise tonnage reports, 26% of Oakland's total annual landfill tonnage, or 74,000 tons in 2010, is hauled by parties other than the solid waste franchisee, and consists largely of construction and demolition (C&D) debris; and

WHEREAS, the current system for C&D debris hauling pre-dates Oakland's Construction and Demolition Debris Waste Reduction and Recycling Ordinance, and allows large amounts of C&D debris to be hauled to landfills without any recycling; and

WHEREAS, independent recyclers in Oakland make a significant contribution to Oakland's waste diversion and recycling performance by providing valuable recycling collection services to Oakland businesses; and

WHEREAS, continued voluntary efforts alone are unlikely to result in satisfactory progress toward Oakland's Zero Waste Goal; now therefore be it

RESOLVED: that the City Council adopts the Zero Waste System Design described in the report dated November 29, 2011, that will reduce landfill disposal to 120,000 tons per year by 2030, a reduction of 170,000 tons per year, that has these elements:

1. A single franchise for citywide garbage and organics collection services capable of maximizing diversion of organics and minimizing landfill disposal of garbage, and provides recycling services to Oakland businesses on a non-exclusive basis.
2. A single franchise for citywide residential recycling focused on maximizing recycling, particularly in the challenging multifamily sector.
3. Landfill capacity procured separately from collection and processing services to attract the broadest pool of proposers on the garbage and organics franchise, by eliminating landfill ownership as a barrier.
4. A permit system to regulate commercial recycling services to continue operation of the long-established independent recyclers, and allow the City to establish and enforce waste diversion and other performance standards.

5. A non-exclusive franchise system to regulate construction and demolition (C&D) debris hauling activities, allow the City to establish and enforce waste diversion and other performance standards, and to stimulate broader use of mixed debris processing facilities in the region.

IN COUNCIL, OAKLAND, CALIFORNIA, _____, 20_____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, DE LA FUENTE, KAPLAN, KERNIGHAN, NADEL, SCHAAF and PRESIDENT REID

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California