



## MINUTES

### REGULAR MEETING OF THE Environmental Quality Committee

Tuesday, September 14, 2021 at 7:00 p.m.

#### JOIN VIA ZOOM:

<https://zoom.us/j/91563415388?pwd=YmMvaTFaTXd1ekUrekpVdGNyQ3Bwdz09>

#### Staff Liaison

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**7:00 p.m. CONVENE REGULAR MEETING** – Chair Tsutsui called the meeting to order at 7:01 pm

**1. ROLL CALL** – Chair Neil Tsutsui; Vice-Chair Beth Molnar; Members Buddy Akacić, Howdy Goudey, Rebecca Milliken, Sean O'Connor, Paloma Pavel, Ellen Spitalnik, Sheila Tarbet, Rose Vekony, and Dave Weinstein

**Absent:** EQC Member Mark Miner

**Also Present:** Paul Fadelli, City Council Liaison; Will Provost, Staff Liaison; and Laureteen Brazil, Waste Prevention Specialist

**2. ORAL COMMUNICATIONS FROM THE PUBLIC**

Urban Forest Committee member Robin Mitchell provided an update on work that will soon be completed in the City's Hillside Natural Area, information on an upcoming regional webinar, and she highlighted a presentation she attended on a carbon credit program.

Cordell Hindler extended an invitation to attend the upcoming production of Our Town through the month of October at the Contra Costa Civic Theatre.

**3. COUNCIL/STAFF LIAISONS ANNOUNCEMENTS AND REPORTS**

Mayor Fadelli announced budget updates that included an increase in reserves but warned that the City must continue to be frugal the next two to three years. Fadelli also announced that the July Budget Workshop is available to view online. He added that fire and drought was a topic focused on at the last City Council meeting. The September meeting will focus on residential fire abatement. Fadelli also highlighted that the Council is working on extending equity considerations and defining equity for this purpose. He shared that both he and the City Manager are collaborating to conduct an independent fund-raising effort to fund the July 4<sup>th</sup> event. Lastly, Fadelli expressed his excitement to bring the Expanded Foodware Ordinance forward.

**Questions and Comments:**

- UFC Representative Mitchell asked to include Earth Day when raising private funds
- Hindler asked about the public meeting process and the potential for in-person meetings

Provost announced that the City is working concurrently on the SB 1383 and Foodware Ordinances. He also shared that we are waiting for guidance regarding in-person meetings in October. Lastly, Provost reported that the Recycling Center is looking to expand operations to six days per week, open from Monday through Saturday.

#### **4. SB 1383 & PROPOSED EXPANDED FOODWARE ORDINANCE**

Provost welcomed the public in attendance and introduced R3 Consulting's Claire Wilson for the scheduled presentation that began with SB 1383 requirements and progressed to the proposed Expanded Foodware Ordinance. The floor was then opened to EQC members for clarifying questions, and lastly, the public for comments and questions.

##### **EQC Clarifying Questions:**

- Goudey asked if plastics are excluded as reusables, commented on the medical necessity for plastic straws but wanted clarification on stir sticks and wanted to know about a draft list of exemptions/waivers
- Weinstein asked about definitions, enforcement, and what other jurisdictions are doing. He also wanted to know if the ordinance would eliminate plastic sold for personal use found at stores like a Safeway supermarket
  - Provost responded that the ordinance would only cover food ware
- O'Connor asked if aluminum foodware would be compliant
  - Provost reported that typical burrito foodware would not be allowed
- Tsutsui asked if there are any Tier II businesses in El Cerrito and wanted to know if enforcement would include residential
  - Provost reported yes and explained that route reviews are required for all three streams and that there will be a lot of education to help the public sort their solid waste correctly
- Spitalnik asked about the constitutional framework when conducting enforcement and entering private property
  - Provost explained when set out at curbside, it is no longer private property. He added that when conducting business site visits, we coordinate with businesses directly for transparency
- Molnar asked about EQC's role in assisting with public education
  - Provost responded that there should be a follow-up EQC meeting to discuss education, bioplastics, next steps, etc.
- Pavel asked about environmental justice subsidies and shared her experiences recycling the seven streams in Japan
  - Provost explained there is an exemption provision for businesses that will suffer undue hardship from the proposed foodware ordinance. He also explained that the deadline to comply is set for 2024, giving two years to fully comply which should make it easier for businesses
- Goudey asked that the City define reusable with specific intentions regarding onsite vs. off-site reuse and to limit the ability for "reusable" products to circumvent this ordinance if they are not truly reusable.
  - Provost reported that the language will be reviewed with this in mind and shared there are some innovative third-party reuse businesses in the Bay Area that provide reusable containers and kiosks to return containers for sterilization and continuous reuse

- Tsutsui commented that reuse may need to be taken on a case-by-case basis and that it may be difficult to define

## **PUBLIC QUESTIONS & COMMENTS**

- Hindler – asked about business response to the Foodware Ordinance
  - Wilson reported on the Chamber of Commerce presentation and that it was well received. She also shared there will be resources like brochures and trainings provided on-going to businesses.
  - Provost reported that in 2020 some business owners were concerned with the timeline and that they have asked the City to make it easier to comply, and in response the City has extended the proposed enforcement date to take effect January 1, 2024 and will be putting together more resources for businesses.
- Wangyuxuan Xu asked about funding
  - Provost reported on SB 619 and that the City is working with its partners at RecycleMore and updating the City’s Franchise Agreement and that we are building in SB 1383 activities
- Rochelle Wheeler shared her foodwaste concerns, that our website is unclear with regards to bioplastics, that education is extremely important, her interests in charging for compostable items, thinks waiting until 2024 to enforce the ordinance is much too long, and lastly, that she would like the City to encourage reusables
- Steven (last name unknown) asked that the City make sure to broaden messaging to be understood by all customers
  - Provost shared that the City plans to have a postcard campaign in early 2022 for outreach and education
- Xu asked about organics and where it goes and about compost giveaway logistics
  - Provost shared the procurement requirements for mulch with the City offering mulch and compost perhaps up to four times a year for SB 1383 compliance
  - Wilson answered that curbside green waste goes to a Richmond facility
- El Cerrito resident Fred Bialy asked about fast-food impacts and their compostable foodware use and issues with bringing your own food and beverage containers. He also wanted to know which customers will be the most impacted

## **EQC Member Comments**

- Member Spitalnik asked about procurement, compost, and contaminants specific to PFAS and PFOS etc.
- Member Goudey shared about negative effects of plastic on marine life. He also shared concerns on the extended education period prolonging /perpetuating organics confusion. He proposed recognizing businesses that adapt to the law earlier than 2024 in support of their efforts. He also highlighted the equity impacts of large business polluters in comparison to small businesses, and lastly curtailing single use plastics by promoting/requiring sustainable alternatives
- Member Weinstein agreed with Goudey’s early adoption incentive idea and also mentioned promoting the Green Business Program for this purpose. He also mentioned getting rid of all non-recyclable plastics.

- Member Sheila Tarbet shared her support for the idea of encouraging businesses to comply earlier by awarding them and/or publicizing their business name
- Vice-Chair Beth Molnar asked if the draft would be circulated
  - Provost replied that the final draft will be publicized in the City Council Agenda Packet's final draft for the Nov 2<sup>nd</sup> Council Meeting
- Member Spitalnik asked that the Minutes be more granular and include comments
  - Provost agreed that the Minutes can be more granular and shared that the goal is to present the Expanded Foodware Ordinance to the City Council for consideration on November 2<sup>nd</sup> with a Staff Report and a Resolution.
- Provost suggested that the EQC discuss programming and early compliance adoption at a future meeting

Consider a motion for the EQC to recommend adoption of the Expanded Foodware Ordinance

**Move/Second:** Members Weinstein/O'Connor **Action:** Passed a motion to recommend the adoption of the Expanded Foodware Ordinance, with language modifications that take into account comments received at the meeting **Ayes:** Unanimous **Noes:** None **Abstentions:** None

## 5. ENVIRONMENTAL, SOCIAL, AND RACIAL FRAMEWORK

EQC Member Pavel committed to convening the Ad-Hoc Subcommittee between now and next month and requested it be agendized. Provost restated previously discussed goals to help guide the committee.

- Member Spitalnik confirmed that she will produce a letter of appreciation for the Breakthrough Communities Gaia Program Interns

## 6. CLIMATE ACTION PLAN IMPLEMENTATION

Updates were provided from Member Goudey with details about MCE home energy savings rebates connected to the Climate Action activities, and an update on the letter to the City Council's Ad-Hoc Climate Subcommittee.

- BART Corridor Access Plan
- Community Organized Induction Burner Loaner Program
- Fire Prevention and Climate Action
- Department and potential next steps for the EQC
- MCE Clean Energy & California Public Utilities Commission
- San Pablo Avenue Specific Plan Update/EIR
- Climate Action Plan Update Recommendations for City Council Ad-Hoc Subcommittee
  - EQC Ad-Hoc Subcommittee Membership / Report
- City of Richmond Gotcha Bike-Share Program

### Public Comments:

- Hindler asked to table other items due to time constraints
  - Chair Tsutsui commented that we could get through the rest rather quickly

## 7. EQC BUDGET AND CALENDAR OF EVENTS

Updates were provided and event successes and attributes were highlighted.

- Educational Events, Films, and Workshops
  - Green Team 2021 Cleanups / Broom Pulls:
    - Aug. 15, Sunday, Cerrito Creek
      - Member Weinstein provided updates
    - September, Coastal Cleanup Month
      - City loaning grabbers / bags—email-cbennett@ci.el-cerrito.ca.us
    - Oct. 16, Saturday, Northern Gateway Cleanup
    - Dec. 5, Sunday, Baxter Creek – Member Weinstein - Green Team updates provided
  - Ride Electric Event – October 2, Berkeley (<https://tinyurl.com/rideelectric>)
  - SunShares 2021 – Signups through 11/30 (<http://www.bayareasunshares.org/>)
  - Recycling Center 50<sup>th</sup> Anniversary Celebration in 2002

## 8. APPROVAL OF THE MINUTES

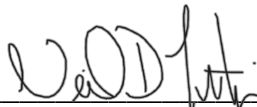
Consider a motion adopting the minutes of the EQC meeting on August 10, 2021.

**Move/Second:** Members Pavel/O'Connor **Action:** Passed a motion to adopt the Minutes of the August 10, 2021 EQC meeting. **Ayes:** Unanimous **Noes:** None **Abstentions:** Chair Tsutsui

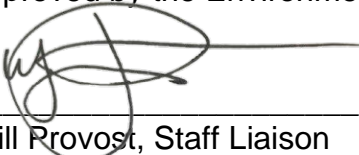
## 9. ANNOUNCEMENTS AND FUTURE AGENDA ITEMS

- EQC Work Plan
- EQC Meeting Schedule / Return to In-person Meetings
- Tree Planting / Project Commemorating Maria Sanders
- Recycling Updates and EQC Support in Implementing Recent Legislation
- Climate Adaptation, Severe Weather Events, and Emergency Preparedness
- Integrated Pest Management Report from City Staff
- EQC Collaboration with Young People in El Cerrito
- Tool/Toy Lending Library
- Urban Greening Plan Implementation
- Community Member Suggestions (e.g., Meatless Green Mondays, Leaf Blowers)
- Real Property Transfer Tax Rebates for Energy Efficiency – Education
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**10. ADJOURNMENT** The meeting adjourned at 9:08 PM.

  
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 Neil Tsutsui, Chair

This is to clarify that the foregoing is a true and correct copy of the minutes of the Regular Environmental Quality Committee meeting of **September 14, 2021** as approved by the Environmental Quality Committee.

  
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 Will Provost, Staff Liaison