



# City of Sunnyvale

## Agenda Item-No Attachments (PDF)

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### **REPORT TO COUNCIL**

#### **SUBJECT**

Countywide AB 939 Fee and Household Hazardous Waste Agreements for FY 2021/22 through FY 2023/24.

#### **BACKGROUND**

Household Hazardous Waste (HHW) services are provided to Sunnyvale residents by way of the Countywide HHW Program. Services include quarterly drop-off events held at a Sunnyvale location as well as events held at other permanent and temporary locations in the County.

As a reminder, up until June 2015, the County held a monthly HHW event at 164 Carl Road. Due to the Water Pollution Control Plant (WPCP) expansion project, the Carl Road location was closed and beginning in July 2015, the County started providing quarterly Sunnyvale events at the City's Corporation Yard on Commercial Street. In 2020 and so far in 2021, the HHW events at the Corp Yard have been cancelled due to reduced county staffing and challenges during Covid-19. Residents can dispose of hazardous waste at the permanent facilities in San Jose and San Martin and once the impacts of Covid-19 have passed, events at non-permanent facilities such as the City Corporation Yard and elsewhere in the County, will resume.

The City's cost for participation in the HHW program is paid from two sources: (1) revenues from the Countywide AB 939 Fee, a fee charged on every ton of Sunnyvale solid waste disposed, and (2) a direct payment from the City for resident use above a baseline level of 4% participation.

The revenue from the fee must be used to implement programs and services designed to meet the requirements of AB 939, the state mandate that local jurisdictions reduce the amount landfilled by 50% (from the baseline year of 1990) and reduce the amount of household hazardous waste that is improperly disposed. The collection, distribution, and use of the fee are governed by Agency Agreements between the County of Santa Clara and the 15 cities in the County. The term of the proposed three-year agreement will expire on June 30, 2024.

#### **EXISTING POLICY**

General Plan Chapter 7, Goal EM-15: Environmentally-Sound Disposal - Dispose of solid waste in an environmentally sound, dependable and cost-effective manner.

#### **ENVIRONMENTAL REVIEW**

The action being considered is exempt from the California Environmental Quality Act ("CEQA") pursuant to CEQA Guidelines section 15061 (b) (3) as the activity is covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment, where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA. The

action being considered also does not constitute a "project" with the meaning of the CEQA pursuant to CEQA Guidelines section 15378 (b) (5) in that it is a governmental organizational or administrative activity that will not result in direct or indirect changes in the environment.

## **DISCUSSION**

The two agreements have specific purposes and funding mechanisms:

### **AB 939 Fee Agreement**

The AB 939 Fee is divided into two parts:

1. A Program Fee of \$1.50 per ton. Fee revenues are passed back to each jurisdiction to help pay the cost of preparing, adopting and implementing integrated waste management plans.
2. A Household Hazardous Waste Fee of \$2.60 per ton, with revenues used to pay for HHW services.

Policy oversight is provided by the Santa Clara County Recycling and Waste Reduction Commission (RWRC). Mayor Klein represents the SMaRT Station® cities (Mountain View, Palo Alto and Sunnyvale) on the RWRC.

The County has collected the AB 939 Fee on behalf of all jurisdictions within the County since July 1992. No change in the amount of the fee is recommended during the next three fiscal years.

### **Countywide HHW Program Agreement**

The HHW portion of the AB 939 Fee pays for program participation at a baseline level of 4% of households. Cost for participation beyond baseline is augmented by each jurisdiction. The need to possibly change the augmentation amount from year to year and even toward the end of each fiscal year of the agreement arises from several variables, including resident participation levels, the amount of garbage generated and disposed (which generates fee revenues for the HHW Program) both within Sunnyvale and countywide, and changes in the HHW Program's costs (e.g., for disposal of wastes collected).

Staff is recommending that Council set the FY 2021/22-2023/24 augmentation amount at \$152,321. Prior to FY2015/16, the augmentation amounts were more than \$200,000 per year, reflecting 7 to 9% household participation rates. But after the monthly event site at 164 Carl Road closed and the HHW Program moved to quarterly events at the Corp Yard, the participation dropped off substantially. In addition, due to the cancellation of HHW events at the Corp Yard due to Covid-19, fewer residents are currently using the program services. The current augmentation amount reflects the HHW Program's expectation that there will be an increase in participation over the three years of the agreement as we move back into regular service levels post-Covid-19.

For each year of the agreements, County staff will estimate augmentation amounts for each City based on then-current information on participation, garbage disposal quantities and fee revenues, and program operating expenses. Staff is recommending that Council continue to delegate to the City Manager the authority to approve changes to the augmentation amount and that Council, as in previous years, continues to delegate to the City Manager the authority to approve an increase of up to 20% in the augmentation amount.

## **FISCAL IMPACT**

There is no new fiscal impact. The recommended actions meet the current level of service to Sunnyvale residents and are consistent with the funding level appropriated in the Solid Waste

Management program budget.

### **PUBLIC CONTACT**

Public contact was made by posting the Council agenda on the City's official-notice bulletin board outside City Hall, Sunnyvale Public Library and Department of Public Safety. In addition, the agenda and report are available at the Office of the City Clerk and on the City's website.

### **RECOMMENDATION**

1. Authorize the City Manager to execute a three year Agreement for Countywide AB 939 Implementation Fee, in substantially the same form as Attachment 1 of the report, and a three year Agreement for Countywide Household Hazardous Waste Collection Program, in substantially the same form as Attachment 2 of the report, with an augmentation amount of \$152,321; and
2. Authorize the City Manager to execute annual amendments to the Countywide HHW Collection Program Agreement and the authority to approve an increase of up to 20% in the augmentation amount.

In order to continue to collect the AB 939 fee and distribute its revenues to the cities after June 30, 2021, each city and the County must act to approve the Countywide AB 939 Implementation Fee Agreement (Attachment 1).

Sunnyvale has relied exclusively on the Countywide HHW Program for service to City residents for the past fourteen years and customer satisfaction with the service has been high.

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Reviewed by: Ramana Chinnakotla, Director, Environmental Services  
Reviewed by: Jaqui Guzmán, Deputy City Manager  
Approved by: Kent Steffens, City Manager

### **ATTACHMENTS**

1. AB 939 Implementation Fee Agreement FY2022-FY2024
2. Countywide HHW Program Agreement FY2022-FY2024