



SANTA CLARA VALLEY WATER DISTRICT

# NON-AGENDA

## November 26, 2021

**Board Policy EL-7 Communication and Support to the Board**  
*The BAOs shall inform and support the Board in its work.*

<b>Page</b>	<b><u>CEO BULLETIN &amp; NEWSLETTERS</u></b>
	CEO Bulletin: None.
	<b><u>BOARD MEMBER REQUESTS &amp; INFORMATIONAL ITEMS</u></b>
<b>4</b>	<b>BMR/IBMR Weekly Reports: 11/25/21</b>
<b>5</b>	Memo from Anthony Fulcher, Senior Assistant District Counsel, to the Board of Directors, date 11/22/21, regarding IBMR (1-21-0007): Status of Complying with Senate Bill 1383
	<b><u>INCOMING BOARD CORRESPONDENCE</u></b>
<b>8</b>	<b>Board e Weekly Report: 11/25/21</b>
<b>9</b>	Email from Rhoda Fry, to the Board of Directors, dated 11/17/21, regarding Drinking Water and the Stevens Creek Reservoir (C-21-0171).
<b>10</b>	Email from Kathryn Carpenter, to the Board of Directors, dated 11/17/21, regarding the Pacheco Dam Project (C-21-0172).
<b>11</b>	Email from John Kolski, to the Board of Directors, dated 11/17/21, regarding the Stevens Creek Quarry (C-21-0173).
<b>12</b>	Email from John Kolski, to the Board of Directors, dated 11/18/21, regarding Water Use (C-21-0174).
<b>13</b>	Email from John Kolski, to the Board of Directors, dated 11/18/21, regarding Water Rates (C-21-0175).
<b>14</b>	Email from Parham Khoshkbari, to Director Richard Santos, dated 11/18/21, regarding the West Channel Project (C-21-0176).
<b>15</b>	Email from Olga Vukceovich, to the Board of Directors, dated 11/19/21, regarding Homeless Activity along the Creeks (C-21-0177).
<b>16</b>	Email from Mike Curran, to the Board of Directors, dated 11/22/21, regarding Valley Waters Customer Service Above and Beyond Expectations (C-21-0178)
	<b><u>OUTGOING BOARD CORRESPONDENCE</u></b>
	None.

Board correspondence has been removed from the online posting of the Non-Agenda to protect personal contact information. Lengthy reports/ attachments may also be removed due to file size limitations. Copies of board correspondence and/or reports/attachments are available by submitting a public records request to [publicrecords@valleywater.org](mailto:publicrecords@valleywater.org).

# **CEO BULLETIN**

# **BOARD MEMBER REQUESTS and Informational Items**

**Report Name: Board Member Requests**

Request	Request Date	Director	BAO/Chief	Staff	Description	20 Days Due Date	Expected Completion Date	Disposition
I-21-0007	11/01/21	Lezotte	Orellana	Fulcher	Provide Director LeZotte with information on what we are doing, or where we are with respect to complying with Article 5 of California Senate Bill 1383.	11/21/21		
I-21-0009	11/19/21	Santos	Richardson	Hakes	Provide Director Santos with information on Anderson and Pacheco as listed in his 11/19/21 email.	12/09/21		
R-21-0006	11/09/21	Hsueh	Baker	Gin	Staff is asked to provide a written response to Mr. Jim Stallman's 11/09/21 public comment question, "Please provide an update on the estimated cost for the Site Reservoir Expansion project." Mr. Stallman's email is jimstallman@gmail.com.	11/29/21		

**TO:** Honorable Board of Directors

**FROM:** Anthony Fulcher, Senior  
Assistant District Counsel

**SUBJECT:** Director LeZotte's IBMR (1-21-0007):  
Status of Complying with Senate Bill 1383

**DATE:** November 22, 2021

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### Informal Board Member Request

What are we doing, or where are we with respect to complying with Article 5 of California Senate Bill 1383?

### Background

California Senate Bill 1383 (SB 1383) establishes a target of 50% reduction in statewide disposal or organic waste from the 2014 level by 2020 and a 75% reduction by 2025.<sup>1</sup> It requires the Department of Resources Recycling and Recovery (CalRecycle), in consultation with the Air Resources Board, to adopt regulations that achieve specified targets, and take effect on or after January 1, 2022.<sup>2</sup> CalRecycle's revised regulations located in Title 14, Division 7, Chapter 12, which include the Article 5 regulations, were adopted to comply with SB 1383.<sup>3</sup>

### Applicability of Article 5 to Valley Water

Article 5's requirements apply only to non-local entities.<sup>4</sup> Section 18982(a)(42) defines "non-local entity" as "an entity that is an organic waste generator but is not subject to the control of a jurisdiction's regulations related to solid waste" and that a non-local entity "may include, but are not limited to, **special districts**..." {Emphasis Added}. Additionally, CalRecycle's website states that "Special districts that do not provide solid waste collection services are considered an organic waste generator and fall under the definition of a non-local entity."<sup>5</sup> Hence, Valley Water is considered a non-local entity under the regulations.

### Article 5 Requirements and Compliance Status

Effective January 1, 2022, a non-local entity such as Valley Water is required to comply with the following:

1. Either subscribe to and comply with the requirements of an organic waste collection service that meets the requirements in Article 3, or self-haul organic waste in a manner that complies with requirements in Article 7.

*Status: Valley Water's Facilities and Fleet Unit (Facilities Unit) is undertaking efforts to ensure Valley Water's compliance with Article 5 by January 1, 2022. Unit Manager Jesse Soto is aware*

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<sup>1</sup> Health and Safety Code Section 39730.6(a)

<sup>2</sup> Pub. Res. Code Section 42652.5(a)

<sup>3</sup> 14 CCR 18981.1 et seq

<sup>4</sup> 14 CCR 18986.1

<sup>5</sup> 14 CCR 18982(42)

*Article 5's requirements and is working closely with Valley Water's waste hauler to establish an organic waste collection program to ensure timely compliance. Valley Water's organic waste from its cafeteria is less than five gallons a week and its waste hauler will evaluate Valley Water's facilities for other sources of organic waste. The collection of organic waste from Valley Water's facilities will be in addition to its established recycling program.*

2. Provide containers for the collection of organic waste and non-organic recyclables in all areas where disposal containers are located, except restrooms.

*Status: Non-organic recyclable containers are already in place. The Facilities Unit will place organic waste containers in the cafeteria and other Valley Water facilities where organic waste is generated prior to the January 1, 2022, the effective date of the Article 5 regulations.*

3. Prohibit employees from placing organic waste in a container not designated to receive organic waste.

*Status: The Facilities Unit is in the process of preparing signs that will be placed next to disposal containers warning employees not to dispose of organic waste in containers not designated to receive them. The signs will direct employees place organic waste in the appropriate container.*

4. Periodically inspect organic waste containers for contamination and inform employees of the requirement if containers are contaminated.

*Status: The janitorial staff will inspect disposal containers each night and inform the Facilities Unit of any organic waste that is not properly disposed of.*

5. Provide information to employees on methods for the prevention of organic waste generation.

*Status: The Facilities Unit will prepare and send an all-employee email describing the methods employees should undertake to prevent the generation of organic waste.*

If you have any questions regarding the development of the organic waste reduction program, please feel free to call Jesse Soto at (408) 693-9505.



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Anthony Fulcher

Cc: R. Callender, M. King, District Counsel, R. Chan, T. Yoke, J. Soto