



# MONTARA WATER AND SANITARY DISTRICT AGENDA

For Regular Meeting Of: **December 2, 2021**

TO: BOARD OF DIRECTORS

FROM: Clemens Heldmaier, General Manager

**SUBJECT: Review and Possible Action Concerning District  
Recycled Paper Procurement Policy** *CH*

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Staff recommends that the District approve a Recycled-Content Paper Policy pursuant to the SB 1383 Organic Waste Regulations that require special districts who provide solid waste collection services to purchase recycled-content paper products that are recyclable. SB 1383 builds upon existing laws that require jurisdictions to purchase products that contain minimum recycled content, and adds additional requirements on product recyclability and recordkeeping.

Under the law, the District must purchase paper products and printing and writing papers that have minimum recycled content and recyclability and require written certification and other verification from product vendors, as applicable, that the products meet the recycled-content and recyclability requirements. The District must also maintain records certifying the minimum recycled content and recyclability of paper purchases. Records that must be kept include: copies of all invoices, receipts, or other proofs of purchase that detail the procurement of paper products and printing and writing papers by volume and type, and written certification(s) from vendors and other verification(s) for minimum recycled content.

The attached draft Policy meets the above requirements and must be in place beginning January 1, 2022.

## RECOMMENDATION:

Adopt Resolution of the Montara Water and Sanitary District Adopting Recycled-Content Paper Purchase Policy

## Attachments

Procurement Policy  
Resolution adopting Procurement Policy

# **MONTARA WATER AND SANITARY DISTRICT'S RECYCLED-CONTENT PAPER PURCHASE POLICY**

## **SECTION 1. PURPOSE**

- A. It is the policy of the District, applicable to all departments and divisions, to incorporate environmental considerations including recycled-content into purchasing practices and procurement. This Recycled-Content Paper Procurement Policy (Policy) will help the District to:
1. Protect and conserve natural resources, water, and energy;
  2. Minimize the District's contribution to climate change, pollution, and solid waste disposal; and,
  3. Comply with State requirements as contained in 14 CCR Division 7, Chapter 12, Article 12 (SB 1383 procurement regulations), as amended<sup>1</sup>, to purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.

## **SECTION 2. DEFINITIONS**

- A. "Direct Service Provider" means a person, company, agency, district, or other entity that provides a service or services to District pursuant to a contract or other written agreement or as otherwise defined in 14 CCR Section 18982(a)(17).
- B. "District" means the Montara Water and Sanitary District.
- C. "Organic Waste" means solid wastes containing material originated from living organisms and their metabolic waste products including, but not limited to, food, yard trimmings, organic textiles and carpets, lumber, wood, Paper Products, Printing And Writing Paper, manure, biosolids, digestate, and sludges, or as otherwise defined in 14 CCR Section 18982(a)(46). Biosolids and digestate are as defined in 14 CCR Section 18982(a)(4) and 14 CCR Section 18982(a)(16.5), respectively.
- D. "Paper Products" include, but are not limited to, paper janitorial supplies, cartons, wrapping, packaging, file folders, hanging files, corrugated boxes, tissue, and toweling; or as otherwise defined in 14 CCR Section 18982(a)(51).

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<sup>1</sup> References to SB 1383 procurement regulations include any and all amendments thereto.

- E. "Printing and Writing Papers" include, but are not limited to, copy, xerographic, watermark, cotton fiber, offset, forms, computer printout paper, white wove envelopes, manila envelopes, book paper, note pads, writing tablets, newsprint, and other uncoated writing papers, posters, index cards, calendars, brochures, reports, magazines, and publications; or as otherwise defined in 14 CCR Section 18982(a)(54).
- F. "Recordkeeping Designee" means the public employee appointed by the District Manager or their designee to track purchase efforts both by the District and others, if applicable, as required by 14 CCR, Division 7, Chapter 12, Articles 12 and 13.
- G. "Recyclability" means that the Paper Products and Printing and Writing Paper offered or sold to the District are eligible to be labeled with an unqualified recyclable label as defined in 16 Code of Federal Regulations Section 260.12 (2013).
- H. "Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper" means such products that consist of at least thirty percent (30%), by fiber weight, postconsumer fiber, consistent with the requirements of Sections 22150 to 22154 and Sections 12200 and 12209 of the Public Contract Code, and as amended.
- I. "SB 1383" means Senate Bill 1383 of 2016 approved by the Governor on September 19, 2016, which added Sections 39730.5, 39730.6, 39730.7, and 39730.8 to the Health and Safety Code, and added Chapter 13.1 (commencing with Section 42652) to Part 3 of Division 30 of the Public Resources Code, establishing methane emissions reduction targets in a statewide effort to reduce emissions of short-lived climate pollutants, as amended, supplemented, superseded, and replaced from time to time.
- J. "SB 1383 Regulations" or "SB 1383 Regulatory" means or refers to, for the purposes of this policy, the Short-Lived Climate Pollutants (SLCP): Organic Waste Reductions regulations developed by CalRecycle and adopted in 2020 that created Chapter 12 of 14 CCR, Division 7 and amended portions of regulations of 14 CCR and 27 CCR.
- K. "State" means the State of California.

### **SECTION 3. RECYCLED-CONTENT PAPER PROCUREMENT**

#### **3.1 Requirements for District Departments**

- A. If fitness and quality of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper are equal to that of non-recycled items, all departments and divisions of District shall purchase Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, whenever available at the same or a lesser total cost than non-recycled items, consistent with the requirements of the

Public Contracts Code, Sections 22150 through 22154 and Sections 12200 and 12209, as amended.

- B. All Paper Products and Printing and Writing Paper shall be eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).
- C. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchases on a schedule to be determined by Recordkeeping Designee but no less than annually (both recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the District. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 4.2.A.3-4 for recycled-content purchases, vendor name, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non-Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

### **3.2 Requirements for Vendors**

- A. All vendors that provide Paper Products (including janitorial Paper Products) and Printing and Writing Paper to District shall:
  - 1. Provide Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, if fitness and quality are equal to that of non-recycled item, and available at equal or lesser price.
  - 2. Only provide Paper Products and Printing and Writing Papers that meet Federal Trade Commission Recyclability standard as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).
  - 3. Certify in writing, under penalty of perjury, the minimum percentage of postconsumer material in the Paper Products and Printing and Writing Paper offered or sold to the District. This certification requirement may be waived if the percentage of postconsumer material in the Paper Products, Printing and Writing Paper, or both can be verified by a product label, catalog, invoice, or a manufacturer or vendor internet website.
  - 4. Certify in writing, under penalty of perjury, that the Paper Products and Printing and Writing Paper offered or sold to the District is eligible to be labeled with an unqualified recyclable label as defined in Title 16 Code of Federal Regulations Section 260.12 (2013).
  - 5. Provide records to the Recordkeeping Designee of all Paper Products and Printing and Writing Paper purchased from the vendor on a schedule to be determined by Recordkeeping Designee but no less than annually (both

recycled-content and non-recycled content, if any is purchased) made by a division or department or employee of the District. Records shall include a copy of the invoice or other documentation of purchase, written certifications as required in Section 3.2.A.3-4 for recycled-content purchases, purchaser name, quantity purchased, date purchased, and recycled content (including products that contain none), and if non-Recycled-Content Paper Products and/or non- Recycled-Content Printing and Writing Paper are provided, include a description of why Recycled-Content Paper Products and/or Recycled-Content Printing and Writing Paper were not provided.

- B. All vendors providing printing services to the District via a printing contract or written agreement, shall use Printing and Writing Paper that consists of at least thirty percent (30%), by fiber weight, postconsumer fiber, or as amended by Public Contract Code Section 12209.

#### **SECTION 4. RECORDKEEPING RESPONSIBILITIES**

- A. The District General Manager will select an employee to act as the Recordkeeping Designee that will be responsible for obtaining records pertaining to the purchase of Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper.
- B. The Recordkeeping Designee will do the following to track the purchase Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper:
  - 1. Collect and collate copies of invoices or receipts (paper or electronic) or other proof of purchase that describe the procurement of Printing and Writing Paper and Paper Products, including the volume and type of all paper purchases; and, copies of certifications and other required verifications from all departments and/or divisions procuring Paper Products and Printing and Writing Paper (whether or not they contain recycled content) and/or from the vendors providing Printing and Writing Paper and Paper Products. These records must be kept as part of District's documentation of its compliance with 14 CCR Section 18993.3.
  - 2. Collect, collate, and maintain documentation submitted by the District, Direct Service Providers, and/or vendors, including the information reported to the Recordkeeping Designee in accordance with this Policy.
  - 3. Compile an annual report on the District's direct procurement, and vendor/other procurement on behalf of the District, of Recycled-Content Paper Products, and Recycled-Content Printing and Writing Paper, consistent with the recordkeeping requirements contained in 14 CCR Section 18993.4 for Recycled-Content Paper Products and Recycled-Content Printing and Writing Paper procurement. This report shall be made available to the District's responsible entity for compiling the annual report to be submitted to CalRecycle (which will include a description of

compliance on many other SB 1383 regulatory requirements) pursuant to 14 CCR Division 7, Chapter 12, Article 13. The procurement report shall also be shared with the District's Board of Directors annually as evidence of implementing this Policy.

**SECTION 5. EFFECTIVE DATE OF POLICY**

This Policy shall go into effect on January 1, 2022.

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE MONTARA WATER AND SANITARY DISTRICT ADOPTING RECYCLED-CONTENT PAPER PURCHASE POLICY**

**WHEREAS**, the Montara Water and Sanitary District (“District”) is a Sanitary District duly organized under the Sanitary District Act of 1923 (Health & Safety Code §§ 6400 – 6830) and a public agency formed as a special district and authorized under California law, by a special election of August 11, 1992 and MWSD Resolution 978 to exercise all powers of a county water district in the same manner as county water districts formed under the County Water District Law (Division 12 (commencing with Section 30000) of the Water Code) and authorized, inter alia, to provide solid waste collection and disposal services within its jurisdiction; and

**WHEREAS**, the State of California passed SB 1383 (Chapter 395, Statutes of 1383), which required the California Department of Resources Recycling and Recovery (CalRecycle) to adopt regulations to reduce organic waste by 50 percent from its 2014 baseline level by 2020 and 75 percent by 2025; and

**WHEREAS**, CalRecycle has finalized regulations and revised Chapter 12 (Short-lived Climate Pollutants) of Division 7 of Title 14 of the California Code of Regulations (“SB 1383 Regulations”); and

**WHEREAS**, the SB 1383 Regulations require local agencies or jurisdictions, among other things, to establish a *Recycled-Content Paper Purchase Policy* (“Policy”) for all District departments and direct service providers; and

**WHEREAS**, District Ordinance No. \_\_\_\_, adopted and made part of the District’s Code on December 2, 2021, addresses the Recycled-Content Paper procurement requirements pursuant to SB 1383 Regulations (14 CCR, Division 7, Chapter 12, Article 12) and requires all District departments and direct service providers to comply with said requirements as set forth in the District’s Policy. and

**WHEREAS**, this Board has been presented with and reviewed the Policy and desires to establish and adopt the Policy as set forth in the Ordinance and in order to meet requirements in SB 1383 Regulations.

**NOW, THEREFORE**, be it resolved by the Board of the Montara Water and Sanitary District, a public agency in the County of San Mateo, California, as follows:

1. The foregoing Recitals are true and correct and incorporated herein by this reference.

**RESOLUTION NO. \_\_\_\_**

**A RESOLUTION OF THE MONTARA WATER AND SANITARY DISTRICT ADOPTING RECYCLED-CONTENT PAPER PURCHASE POLICY**

2. The District's Recycled-Content Paper Purchase Policy, a copy of which is on file in the Administrative Offices of the District, to which copy reference is hereby made for the full particulars thereof, is hereby approved and adopted.

3. The General Manager is hereby authorized and directed to implement the provisions of the aforesaid policy.

4. This Resolution and said Policy shall become effective on January 1, 2022.

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President, Montara Water and Sanitary District

COUNTERSIGNED:

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Secretary, Montara Water and Sanitary District

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I HEREBY CERTIFY that the foregoing Resolution No. \_\_\_\_ duly and regularly adopted and passed by the Board of the Montara Water and Sanitary District, County of San Mateo, California, at a Regular Adjourned Meeting thereof held on the 2nd day of December 2021, by the following vote:

AYES, Directors:

ABSTENTION:

NOES, Directors:

ABSENT, Directors:

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Secretary, Montara Water and Sanitary District