

1 CITY AND COUNTY OF SAN FRANCISCO  
2 DEPARTMENT OF PUBLIC WORKS  
3 DIRECTOR'S HEARING ON PROPOSED REFUSE RATES  
4 2017 REFUSE RATE APPLICATION

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7 CITY HALL  
8 1 DR. CARLTON B. GOODLETT PLACE, ROOM 400  
9 SAN FRANCISCO, CA 94102

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1 Wednesday, April 19, 2017 8:11 a.m.  
2 PROCEEDINGS  
3 DIRECTOR NURU: Okay. Let the hearing please  
4 come to order. Good morning, everyone. Good morning.  
5 All right.  
6 I am Mohammed Nuru, Director of the Department  
7 of Public Works of the City and County of San Francisco.  
8 Let the record show that today is Wednesday, April 19th,  
9 and the agenda for today's hearing is on the table.  
10 Today we are continuing the Director's  
11 hearings on Recology's application for an increase in  
12 residential refuse rate collection and disposal rates.  
13 On February 14th of this year, Recology filed an  
14 application to raise residential rates with the Chair  
15 of the San Francisco Refuse Collection & Disposal Rate  
16 Board. The application was referred to me for hearings  
17 which began in March. On April 14th, staff from the  
18 Department of Public Works and the Department of  
19 Environment issued a Staff Report. Copies are available  
20 on the table.  
21 The Staff Report recommendations are the  
22 focus of these final three hearings. I will hear the  
23 testimony, cross-examination and rebuttal of the Staff's  
24 recommendations and consider all the evidence including  
25 public testimony before making my recommendation.

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1 Today's hearing is being transcribed, so I  
2 want to remind everyone who speaks to come forward and  
3 speak clearly into the microphone so that we can capture  
4 your entire testimony. Please do not speak from your  
5 seat in the audience.  
6 One more piece of housekeeping: I would like  
7 Public Works clerk to make an announcement concerning  
8 the Department's effort to comply with Title VI of the  
9 Civil Rights Act and ask your cooperation with a public  
10 participation survey.  
11 Mr. Pujol, will you please proceed with your  
12 announcement.  
13 MR. PUJOL: Title VI of the Civil Rights Act  
14 requires equal and equitable access to San Francisco  
15 Public Works program activities and services.  
16 To document that the Department is in the compliance  
17 with Title VI, we ask that everyone attending and  
18 participating in today's hearing complete a public  
19 participation survey.  
20 However, this survey is optional and  
21 completing it is not required for participation.  
22 The data that you provide will be analyzed and used  
23 to ensure residents and stakeholders in the community  
24 are involved in the refuse rate hearing process.  
25 The information will not be used for any other purposes.

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1 You will find the survey in the sign-in table. Please  
2 place completed survey forms in the collection box.  
3 Thank you.  
4 DIRECTOR NURU: Thank you, Mr. Pujol.  
5 Let me briefly outline the order of business  
6 for the final three hearings.  
7 We will begin today with a presentation on the  
8 Staff Report. We will then have cross-examination of  
9 the City's staff by Recology and the Ratepayer Advocate.  
10 The Companies will then begin their rebuttal to the  
11 Staff Report.  
12 We will continue the presentations of the  
13 Companies' rebuttal next Wednesday, April 26, followed  
14 by cross-examination by the Ratepayer Advocate and City  
15 staff, and any redirect on the issues raised by either  
16 party.  
17 We have a third and final hearing scheduled  
18 for May 3rd, if necessary. As in prior hearings, we  
19 will reserve the last period each day for public  
20 comment. You may also convey your comments to Ms. Rosie  
21 Dilger from the Ratepayer Advocate.  
22 Are there any questions at this time?  
23 I don't see any hands. If not, I would like  
24 to ask Ms. Dawson of Public Works to present a brief  
25 summary of the recommendations from the Staff Report.

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1 Ms. Dawson, will you please proceed.  
2 CITY'S PRESENTATION ON STAFF REPORT  
3 MS. DAWSON: Thank you, Mr. Nuru.  
4 I'm going start by introducing the Staff  
5 Report into evidence.  
6 MR. PRADHAN: The Staff Report will be  
7 Exhibit 78.  
8 (Exhibit 78, "2017 Refuse Rate Application  
9 Staff Report [City]," was admitted into  
10 evidence.)  
11 MS. DAWSON: Mr. Haley just pointed out to me  
12 that Attachment A is not on the version of the Staff  
13 Report that I just handed out, so I'll make sure to  
14 amend the exhibit. But Attachment A is just a list of  
15 all the prior exhibits that have been entered into  
16 evidence; so while it's useful, I don't think it's  
17 extremely vital for the presentation of the Staff Report  
18 itself.  
19 I also have two additional bits of  
20 documentation that I'd like to enter into evidence.  
21 The first one is called "R3 Consulting Group Task  
22 Order #2," and it's the detail of a lot of what is  
23 summarized in the Staff Report.  
24 And in addition, there's a second document  
25 which the title on top says "City and County of

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1 San Francisco Rate Application Request for  
2 Information #1," and that's a lot of the detailed tables  
3 that support the consultant report.  
4 MR. PRADHAN: So the "R3 Consultant Group Task  
5 Order #2" will be Exhibit 79, and the "Request for  
6 Information" will be Exhibit 80.  
7 (Exhibit 79, "R3 Consulting Group Task  
8 Order #2 [City]," was admitted into evidence.)  
9 (Exhibit 80, "C&CSF Rate Application Request  
10 for Information #1 [City]," was admitted  
11 into evidence.)  
12 MS. DAWSON: And at this point I have somewhat  
13 limited copies of Request for Information #1 due to a  
14 technical malfunction in our office, but I'm working on  
15 printing out a few more right now.  
16 So what I'm going to do today is kind of  
17 briefly go over some of the highlights that were  
18 recommended or discussed in the Staff Report. And after  
19 that, we can kind of have a more open discussion about  
20 the items as requested either by Recology or City staff.  
21 Department of the Environment, after I'm done,  
22 may well wish to make some additional comments on the  
23 report. This Staff Report was written in collaboration  
24 between Public Works and Department of the Environment,  
25 so we all have somewhat of a hand in different pieces of

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1 the report as a whole.  
2 So the report at the beginning has a couple of  
3 targeted recommendations that are very detailed in  
4 nature and focus on either Recology San Francisco or  
5 Recology Sunset Scavenger and Recology Golden Gate,  
6 which we tend to call "the collection companies."  
7 So the very targeted recommendations that are  
8 more specific are that we recommend in the case of  
9 Recology San Francisco to remove compostables processing  
10 from the operating ratio calculation and to amortize the  
11 cost of the lease that's being negotiated with the Port  
12 of San Francisco for Recycling Central.  
13 For Recology Sunset Scavenger and Recology  
14 Golden Gate, we're recommending that we add additional  
15 revenue to reflect some of the new apartment units that  
16 we know are going to be coming online in the very near  
17 future due to a lot of the building that's going on in  
18 the city which will increase the amount of apartment  
19 revenue.  
20 And we're also recommending that we adjust  
21 certain field costs -- in particular, certain types of  
22 CNG or other fuels -- to reflect the actual uses that  
23 the company has in their fleet.  
24 In the report itself, there's a rather  
25 extensive conversation about revenue and expense review.

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<p>1 Both City staff and our consultants, R3, performed a 2 very detailed and thorough review of Recology's revenue 3 and expense assumptions and in general, we found them to 4 be verifiable and reasonable.</p> <p>5 The report offers what I think is kind of a 6 helpful summary of the rate increase in two different 7 ways, just to kind of explain it a little bit more to 8 people who may not be as familiar with the application 9 as we've become over the last month or two.</p> <p>10 And it shows both the cost drivers broken down 11 by category and it also shows that the increase is 12 somewhat evenly split between what we would describe as 13 the collection, which is done by Recology Golden Gate 14 and Sunset Scavenger, and by processing which in general 15 is Recology San Francisco.</p> <p>16 As far as the rate structures and rate 17 increases, the City is still exploring options but is 18 generally supportive of the structure that Recology's 19 recommended. But we are still concerned about the 20 potential impact, in particular, on low-waste generator 21 customers; and so we are continuing to look at ways in 22 which we could mitigate the adjustment.</p> <p>23 The goal in the rate is to make sure that we 24 have as small a distribution as possible in terms of the 25 impact on customers, which means we want, ideally,</p> <p style="text-align: right;">Page 566</p>	<p>1 adjustment be shifted down from 3%, which is what 2 Recology had used in the application, to 2.7%, and 3 that's based on our evaluation of past financial data 4 provided by Recology and an extensive review by the 5 City's financial consultants, R3, in collaboration with 6 Public Works.</p> <p>7 For the COLA formula, the City did not 8 accept Recology's proposed changes to the COLA formula. 9 But in an evaluation of the data, we are suggesting that 10 Recology could adopt a pension adjustment factor that's 11 based on information that it already has provided to the 12 City and its financial consultants in lieu of having to 13 do a more onerous actuarial process. And so we look 14 forward to discussing with Recology our recommendations 15 in this area and hopefully come to some kind of 16 conclusion that works for both parties.</p> <p>17 The Contingent Schedules 1 and 2, Staff 18 recognizes and is generally very supportive of 19 Recology's need to make these investments to improve 20 diversion, but we have recommended some conditions for 21 approval and they are as follows:</p> <p>22 The costs are to be limited to what's in the 23 application. Recology must demonstrate that it can 24 achieve the diversion levels that it is promising in 25 these investments. Property lease terms need to be</p> <p style="text-align: right;">Page 568</p>
<p>1 customers to be as close to the average rate increase as 2 possible. So when we see a significant number of 3 customers out at the tail in either direction, we're 4 trying to bring those customers closer to the center in 5 order to hopefully establish the most equitable rate 6 structure that we can while also reflecting the 7 importance of showing that Recology's fixed costs are 8 roughly 60% of the operation and trying to raise the 9 fixed cost to be closer to the true cost of service.</p> <p>10 On apartment revenues, the City does feel that 11 the migration assumptions and the corresponding 12 projected revenue loss from that shift is a little 13 optimistic in the current application. The Staff Report 14 had proposed leaving the revenue assumptions in place 15 and then adjusting things at the end of the year. 16 But we're also interested in reviewing and potentially 17 just adjusting the revenue assumptions overall and then 18 not doing these year-end adjustments that were 19 considered in the report; so those conversations between 20 the City and Recology will continue and hopefully we can 21 reach some kind of agreement on what those reasonable 22 revenues should be.</p> <p>23 The City has made a recommendation on the 24 CPI inflation factor. So based on our analysis of 25 Recology's information, we recommend that the CPI</p> <p style="text-align: right;">Page 567</p>	<p>1 consistent with the useful life of the facility. And 2 lease expenses would not be added to the rate base until 3 the facility goes into service and is beneficial to the 4 customers and ratepayers.</p> <p>5 For the Bulky Item Recycling and Abandoned 6 Materials Collection program, the City is generally 7 supportive of the idea of merging both programs for the 8 benefit of better customer service as well as better 9 efficiency. We are currently evaluating some of the 10 programatic data on Bulky Item Recycling that Recology 11 has provided the City, and we're still discussing 12 exactly what the program hours of operation would be.</p> <p>13 The City does have some concerns about the 14 way in which Abandoned Material customer service calls 15 come in during the day, but we also recognize that 16 Recology is trying to come up with a program that can be 17 efficient and effective; so we need to discuss more and 18 share data to come up with, hopefully, a plan that will 19 work for both the City and Recology operationally and we 20 will be discussing those particulars in detail at a 21 future hearing.</p> <p>22 The Zero Waste Incentive program. So the 23 City has agreed to the tonnage targets as proposed by 24 Recology, but we do have some modifications. At this 25 point, the Staff is proposing to rebate Tiers 1 and 2 to</p> <p style="text-align: right;">Page 569</p>

<p>1 the ratepayers if the targets are not met, but Tiers 3 2 and 4 would be available to be spent on pilots and 3 proposals from Recology that would improve diversion. 4 That structure is similar to the one that was put in 5 place in 2013. 6 The City, however, is proposing a change to 7 the Zero Waste Incentive tonnage targets. If Recology 8 triggers Contingent Schedules 1 and 2, because these 9 Contingent Schedules are forecast to significantly 10 change diversion, and so we believe that the Zero Waste 11 Incentive program should be adjusted to reflect those 12 significant changes based on the investments. 13 Finally, low-income discounts. So there has 14 been discussions and significant concerns raised by the 15 Ratepayer Advocate and some members of the public on 16 people with fixed income or with low-income, and we have 17 at least made an initial recommendation that Recology 18 should change its low-income program to reflect the 19 federal poverty guidelines. At this point, they have 20 not updated the income numbers to reflect what other 21 utilities are doing such as PG&amp;E and SFPUC; so we 22 recommend that they change those income levels which 23 will actually broaden the ability of low-income 24 customers to take advantage of rate discounts. And we 25 may have additional conversations around low-income</p> <p style="text-align: right;">Page 570</p>	<p>1 document is a four-page document, a March 10th, 2017 2 letter between the Port of San Francisco and Recology, 3 and it will be Exhibit 81. 4 (Exhibit 81, "3/10/17 Port letter to Recology 5 [City]," was admitted into evidence.) 6 MR. HALEY: And the second item on page 3 of 7 the Staff Report that has a value of change is the 8 "Additional Apartment Revenue." And as Julia mentioned, 9 that relates to some assumptions about the number of 10 buildings that will come online in the next year or so. 11 The application says 25 new customers, and looking at 12 the pipeline, Exhibit 77, we believe the number is 13 closer to 50. And additionally, the buildings coming 14 online have a lot more units than the current average 15 number of units per building; so we're going to want to 16 talk about that a little more and look at that a little 17 bit further in the process. 18 And then the third item with a value is the 19 CNG fuel costs, and this really is essentially adjusting 20 the diesel gallon equivalent on CNG from \$2.02 in 21 Exhibit 58 to \$1.84, and Kevin can explain that DGE 22 calculation later on if we need to. 23 Thank you. 24 DIRECTOR NURU: Thank you, Mr. Haley. 25 Okay. I would now like to invite Recology to</p> <p style="text-align: right;">Page 572</p>
<p>1 ratepayers, depending on what we hear from the Ratepayer 2 Advocate and additional conversations we will have with 3 Recology. 4 DIRECTOR NURU: Okay. Thank you, Ms. Dawson. 5 I would now like to invite Recology to 6 cross-examine City staff on the Staff Report. 7 Okay, we do have an addition to the report 8 from the Department of Environment. 9 MR. HALEY: Thank you, Julia. That was an 10 excellent summary. 11 I just wanted to add a couple of things. 12 Going back to page 3 of the Staff Report, 13 there were three adjustments with dollar values that 14 Julia mentioned. The first one was regarding the Port 15 lease at Recycle Central, and basically that was making 16 a two-year rent adjustment conform more closely to the 17 rate period, and I want to introduce an exhibit that 18 gives a little more detail on that. 19 And for those that have a chance to look at 20 the exhibit, if you go to the third page, there's a 21 column titled "Additional Rent Payment," and that's 22 the column that we're amortizing over three years. 23 And that then computes to the \$159,984 dollars on 24 page 3. 25 MR. PRADHAN: And for the record, this</p> <p style="text-align: right;">Page 571</p>	<p>1 cross-examine City staff on the Staff Report. 2 Mr. Baker, why don't you step up to the dial 3 and let us know which Staff members you would like to 4 begin with and the issues you would like them to 5 address. We will proceed through the City's witnesses 6 in whatever order you would like. 7 MR. BAKER: Before I begin, I understand that 8 the Ratepayer Advocate has a presentation to make as 9 well and has some comments on the Staff Report; so I 10 wonder if as a matter of efficiency, it might be better 11 to have the Ratepayer Advocate go so that to the extent 12 I have any questions, I might have in mind also the 13 Ratepayer Advocate's comments. 14 DIRECTOR NURU: I would entertain that and I 15 would ask the Ratepayer Advocate to please come forward 16 and proceed with their report. 17 RATEPAYER ADVOCATE'S PRESENTATION ON STAFF REPORT 18 MS. DILGER: Good morning. 19 DIRECTOR NURU: Good morning. 20 MS. DILGER: I have an item to enter. 21 So as you know, Ratepayer Advocate has been 22 doing an incredible amount of outreach throughout the 23 city, and in our outreach, we put together this small 24 report of our findings and what the general feelings of 25 feedback were among the community. And in doing this,</p> <p style="text-align: right;">Page 573</p>

<p>1 we presented it to Public Works to incorporate into 2 their Staff Report with our recommendations. 3 In our outreach, we reached out to over 4 150 neighborhood groups and organizations, targeting 5 neighborhood associations, improvement associations, 6 sometimes City commissions when relevant. And in doing 7 that, we actually did presentations to over 60 different 8 groups; so in that, we received a lot of feedback. 9 We also collected feedback online via social media, 10 our website, e-mail, phone, and also multi-mailing bomb. 11 Similar to the findings that we had in the 12 first hearing that we did, the common themes in feedback 13 really surrounded the cost of living in San Francisco in 14 general. Also as Julia pointed out, disproportional 15 impacts to certain types of customers, in particular, 16 low-waste generators. 17 Also, residents who live in buildings that 18 are two to five units and would see the dwelling fee 19 increase significantly, as well as seniors and those 20 on fixed incomes. We also pointed out that the number 21 that we're using for the lifeline rate is significantly 22 lower when we're using federal numbers versus local 23 San Francisco-adjusted mean income. 24 Additional feedback we received was really 25 kind of discontent with minimum service requirements and</p> <p style="text-align: right;">Page 574</p>	<p>1 And then also in regards to the Zero Waste 2 Incentive funds, people really want their rebates back 3 and they're a little bit suspicious if the Tier 1 and 4 Tier 2 were not given back to them, they just want a 5 level of transparency to understand where they're going. 6 So in this, Ratepayer Advocate had a number of 7 recommendations. Our recommendations were: 8 To adopt a rate structure that has a more 9 equitable impact on all ratepayers; 10 To reallocate or reduce the \$20-dollar-per- 11 -unit dwelling fee; 12 Incentivize and improve diversion with mindful 13 behavior through the rates; 14 Develop a comprehensive outreach program that 15 directly engages customers that are not in compliance 16 with the City's mandatory Ordinance and focus on ways to 17 improve compliance in multi-family units and larger 18 residential buildings; 19 To empower communities to be involved in the 20 outreach so they're not relying upon Recology or the 21 City to educate ratepayers; 22 And to provide options for low-income seniors 23 and those on fixed incomes who earn above the lifeline 24 rate but below 55% of the AMI, which is about \$41,500. 25 Thank you.</p> <p style="text-align: right;">Page 576</p>
<p>1 pickup requirements. 2 Also, some confusion and misunderstanding with 3 the apartment and commercial rates. Some ratepayers 4 who live in buildings with 6 to 600 residents didn't 5 understand why they were commercial rates and if this 6 process even applied to them. 7 And also, of course, the issue with pilfering 8 and enforcement, probably the most popular topic at any 9 given meeting. 10 The public process itself, I think most of the 11 community members were pleased with the amount of 12 outreach but displeased with an 8:00 a.m. start times of 13 these meetings. 14 Education and outreach was a big topic. A lot 15 of people didn't understand where the money was going 16 and what it was being spent on and why there was a need 17 for more. 18 As well as zero waste. Generally, every 19 ratepayer in San Francisco understands the goal of 20 zero waste and agrees with it, I would say, by and 21 large. But as we talk about fixed costs, the need 22 for landfill versus the policies around getting to 23 zero waste, people are starting to wonder, when push 24 comes to shove, if this is going to be affordable for 25 the actual ratepayers.</p> <p style="text-align: right;">Page 575</p>	<p>1 DIRECTOR NURU: Okay, thank you. 2 All right. Mr. Baker, would you like to begin 3 Recology's rebuttal to the Staff Report? 4 MR. BAKER: Thank you, Mr. Nuru. 5 MR. PRADHAN: Excuse me, just one second. 6 I'm not sure if we marked the last exhibit 7 from the Ratepayer Advocate. In the even we didn't, 8 it's a five-page memo dated April 19th, 2017. 9 It will be Exhibit 82. 10 (Exhibit 82, "4/19/17 memo from the 11 Ratepayer Advocate [Ratepayers]," 12 was admitted into evidence.) 13 RECOLOGY'S PRESENTATION ON STAFF REPORT 14 MR. BAKER: Thank you. Michael Baker for 15 Recology. 16 First of all, I'd like to present an exhibit. 17 In the staff report, in discussion of the West Wing and 18 also the two Contingent Schedules, in the context of 19 leasing versus depreciation, there was a request that 20 Recology provide further justification demonstrating the 21 need for financial treatment by way of leasing and to 22 certify that the leases are booked at market-comparable 23 rates with zero profit accruing to Recology's leasing 24 company as recommended in the 2006 Director's Report for 25 future rate applications.</p> <p style="text-align: right;">Page 577</p>

1 Recology has submitted a letter to the  
2 Department and in particular to you, Mr. Nuru, in our  
3 view satisfying those requirements, and I would just  
4 want to mark that as an exhibit. It's a letter dated  
5 April 7, 2017, from Mark Lomele, Chief Financial Officer  
6 of Recology, to Mr. Nuru. And that would be --  
7 MR. PRADHAN: That would be Exhibit 83.  
8 (Exhibit 83, "4/7/2017 letter from Mark Lomele  
9 to DPW Director [Recology]," was admitted  
10 into evidence.)  
11 MR. BAKER: Mr. Nuru, let me explain our  
12 proposal as to how we proceed both today and next week  
13 in order to use the time that we have most efficiently.  
14 We and everyone else received the Staff Report  
15 Friday afternoon and want to commend the Staff on a  
16 report well done. We obviously don't agree with  
17 everything that's in it, but it does credit to the  
18 proceedings that have happened so far, clearly stated,  
19 and frames the issues very well; so we appreciate that.  
20 We have some particular issues that we would  
21 like to talk about through Recology witnesses, but we'd  
22 like to wait and do that next week and not this week so  
23 that we have additional time to organize those  
24 presentations. We don't think that is going to consume  
25 a large amount of time, and let's not take it off the

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1 calendar yet, but I think there's a chance we will not  
2 need the third hearing date on May 3rd, but we'll see.  
3 As for today, what we'd like to do is ask some  
4 questions about the Staff Report of the appropriate  
5 Staff members, and we'd like to ask today on two  
6 subjects: the first one has to do with the discussion  
7 of Contingent Schedule 2 and the conditions that are  
8 outlined in the Staff Report for ultimate approval of  
9 that, in particular, the aspirational diversion  
10 percentages; so we'd like to ask some questions to get  
11 the Staff's thoughts on that issue, whoever might be  
12 appropriate.  
13 And then the second issue we'd like to ask  
14 some questions about has to do with the apartment  
15 revenue assumptions, namely the statement in the  
16 Staff Report suggesting of 50 new customers in the  
17 apartment area as appropriate rather than 25; so we  
18 have some questions about that and Exhibit 77, which  
19 we understand is the basis for that.  
20 So those are the two areas that we have  
21 questions about, and we'd like to defer our other  
22 questions in our rebuttal presentation till next week.  
23 DIRECTOR NURU: Okay. So I guess we should  
24 start with the Contingent Schedule 2.  
25 MS. DAWSON: Probably a combination of Public

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1 Works and Environment.  
2 So could Jack Macy also come and join us.  
3 (Jack Macy steps up to the witness stand.)  
4 JACK MACY,  
5 having previously been duly sworn,  
6 was examined and testified as follows:  
7 EXAMINATION  
8 BY MR. BAKER:  
9 **Q. So just by way of background, Contingent**  
10 **Schedule 1, which has to do with the new iMRF, has as**  
11 **one of its conditions for approval that Recology must**  
12 **demonstrate that the facility will be able to achieve a**  
13 **minimum 70% recovery of C&D debris and significantly**  
14 **increased recovery for other materials currently**  
15 **processed. The 70% number was in fact a number that was**  
16 **testified to by Recology witnesses, and Recology's**  
17 **comfortable with that target in that condition.**  
18 **With regard to Contingent Schedule 2, which**  
19 **is the trash processing facility, again, we have four**  
20 **conditions. And the second condition is that Recology**  
21 **demonstrates that the facility will be able to achieve a**  
22 **minimum 15% diversion from the entire trash stream to be**  
23 **processed, and the fee's ability of increasing to a**  
24 **minimum 30% diversion within three years of operation.**  
25 **So Recology witnesses did testify that given**

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1 **current technology, they believe that a 15% diversion**  
2 **was a reasonable and achievable target. The 30% though**  
3 **is, from Recology's standpoint, aspirational and not**  
4 **achievable with the current technology that they're**  
5 **using.**  
6 **So not intending to be confrontational about**  
7 **it, we kind of wanted to get the City's thoughts on how**  
8 **you thought that 30% might be achieved given the current**  
9 **technology that's available.**  
10 MS. DAWSON: Did you want to talk or did you  
11 want me to talk first?  
12 DIRECTOR NURU: Why don't you go first.  
13 THE WITNESS: Yes, Jack Macy with the  
14 Department of Environment.  
15 So we recognize that conservatively, based on  
16 the recovery of recyclables, the 15% target was  
17 identified. The proposed processing for the trash  
18 involves also separating out organics for potential  
19 recovery. And I think in the interest of helping the  
20 city move towards zero waste and benefit from this  
21 investment, Staff would really like to see that there's  
22 a clear effort and intention in planning on the part of  
23 Recology to work to be able to divert the organics that  
24 are separated out and not simply say, "Okay, we're  
25 satisfied in the long term that we just simply recover

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<p>1 the 15%," that there is potential for recovering more 2 and Recology has already engaged in efforts that will 3 provide opportunities for that. 4 Staff understands that includes the Company's 5 efforts to permit an anaerobic digestion facility at 6 their Hay Road facility; that staff understands is 7 on a probably on maybe two-to-four-year timeline, 8 understanding that's not guaranteed. 9 There's also money in the rates that are 10 reflected in the RSF in one schedule, I believe, that 11 provides engineering costs to conduct money for 12 engineering and permitting for an anaerobic digestion 13 facility at the Tunnel Road complex. Again, that's not 14 a guarantee, but there is planning for that. 15 So I think what Staff envisions is hopefully 16 common in the two-year time frame from now when, if all 17 goes well and we're on our kind of best case scenario 18 timeline-wise with the iMRF and we're ready to build the 19 trash processing facility, that at that point there 20 would be enough progress either with the Hay Road 21 digestion permitting and/or the Tunnel Avenue facility 22 engineering permitting and/or other options. 23 Recology, for example, has been working with 24 East Bay MUD for over a dozen years in having some 25 materials digested, and of course, that's part of the</p> <p style="text-align: right;">Page 582</p>	<p>1 discussing. It says, "... or other potential end 2 markets." That could be beyond organic material. 3 We recognize there are other materials in this 4 stream. For example, there's a substantial amount of 5 film plastic. And the markets are challenging, but we 6 want to continue working with the Companies to develop 7 markets for those kinds of materials. So we believe 8 with the organics, with other non-organic materials, 9 that the potential is there, and we'd like to explore 10 that with you down road. 11 MR. BAKER: That's very helpful. 12 BY MR. BAKER: 13 <b>Q. On the assumption at the beginning that the</b> 14 <b>15% that Recology had presented was for capturing</b> 15 <b>recyclables only, and I may have misunderstood you.</b> 16 <b>My memory was that the 15% was not only the capturing</b> 17 <b>of the recyclables, but also the recovery of this</b> 18 <b>organic paste that may have some commercial use with the</b> 19 <b>current technology that they have and the total was 15%.</b> 20 <b>Is my memory wrong on that?</b> 21 A. Well, I think we're maybe mixing a couple of 22 things. So first off, the trash processing pilot 23 program that would occur immediately has a 25% recovery 24 based on 10% of it being organics through the press 25 going to East Bay MUD and a projected 15% being</p> <p style="text-align: right;">Page 584</p>
<p>1 trash processing pilot program where the organic 2 fraction's going. Understandably, there's a strict 3 criteria there for that. But East Bay MUD, as Staff 4 understands, is looking at options -- pursuing options 5 where they might have additional processing that could 6 take material and clean it up for their digesters. 7 So those are three different scenario options 8 that Staff envisions, and there may well be additional. 9 So what Staff's envisioning is that Recology would 10 sort of identify potential options, and the condition 11 that's written in the Staff Report is -- says "the 12 feasibility"; doesn't say the absolute-without-question 13 will happen, but there's a feasibility the likelihood 14 that there would be the ability to divert it. 15 Now, Staff recognizes that that may well incur 16 additional costs that Recology would have to come back. 17 So within three years, the facility would get triggered 18 once it's operational; so then there would be three 19 years -- a plan that, within three years, those organics 20 that are being recovered where there's an investment to 21 recover them will have a home and markets versus just 22 being complete uncertainty and no plan. 23 MR. HALEY: And I'd like to just add to that. 24 If you look at Item No. 3 on page 25 of the 25 Staff Report, it's right below the item we're</p> <p style="text-align: right;">Page 583</p>	<p>1 recovered of recyclables from the overs being processed 2 at the new processing line at Recycle Central. 3 So the way Staff understands it from testimony 4 is that the 15% that's projected from the trash 5 processing contingency is based on the projected 6 recovery that you would see in the pilot program of 15%, 7 not on the organics because there's currently not a home 8 for that volume of organics. 9 And as Robert pointed out just now, you could 10 potentially achieve 30% if you were able to find enough 11 markets for plastics without even having to do the 12 organics. So we're not saying that the 30% has to be 13 organics, but we do want to address that, of course, 14 as it says in point 3. 15 So we see a lot of potential out there, 16 and as was acknowledged in testimony by the Companies, 17 potentially 50% of the stream is recoverable. It really 18 depends on how well you with can separate it out, how 19 clean it is, what the markets are; so there's a lot of 20 uncertainty in that. 21 <b>Q. And I appreciate your comment that as options</b> 22 <b>to achieve 30% are considered at the appropriate time,</b> 23 <b>it may require some additional capital investment which</b> 24 <b>would have to be considered then as well.</b> 25 A. Yes, we recognize that, yeah.</p> <p style="text-align: right;">Page 585</p>



1 **Q. And in discussing ways that 30% might be**  
2 **achieved, you didn't mention anything about some**  
3 **alternative technologies that are being considered in**  
4 **other jurisdictions dictionary -- different types of**  
5 **thermal processing, biogas, that sort of thing. And I**  
6 **think it might be interesting for the record for the**  
7 **City to kind of lay out the current thinking on those**  
8 **other types of technologies as a way to get to zero**  
9 **waste.**  
10 A. Well, as acknowledged in the Staff Report,  
11 Staff has been working with Recology for a number of  
12 years in looking at potential technologies around the  
13 globe. And so we're monitoring different technologies  
14 that have been -- there's a technology, for example,  
15 that was being piloted in Denmark and they just built a  
16 commercial-scale facility that is just starting up.  
17 We're going be looking at that closely as a potential  
18 model. There are other technologies. There are new  
19 processing facilities that are being built in the Bay  
20 Area, some that are claiming a higher recovery rate.  
21 But they haven't demonstrated that yet, so we'll be  
22 closely looking at that.  
23 And it's been acknowledged this is an area  
24 where technology continues to evolve and improve, and so  
25 we do see a lot of potential out there and we want to be

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1 working with the Companies over the next few years to  
2 keep identifying what would be the best, most effective  
3 cost-effective technology.  
4 Robert says you mentioned high temperature.  
5 We generally have a policy of not wanting to have  
6 high-temperature material destruction technologies.  
7 So for example, digesting materials, that would be in  
8 a range up to a 130-some degrees Fahrenheit. That's  
9 not considered a high temperature, but burning mixed  
10 material, you know, certainly would be; so you know,  
11 we see a lot of options there that don't require that.  
12 **Q. Thank you.**  
13 MR. HALEY: And I'll just add to that.  
14 You mentioned "high temperature" and "zero  
15 waste," I believe, in the same sentence. We don't  
16 consider that a form of zero waste. Zero waste is  
17 really about the highest and best use of materials.  
18 The hierarchy is really about reducing, reusing,  
19 recycling, composting, digesting, and not about landfill  
20 or high-temperature disposal. And we can, I think, talk  
21 about that more outside of the rate process. I think  
22 we're going to be talking about that more following this  
23 process as we get closer to our goal of 2020. We need  
24 to talk more about what zero waste is publically and how  
25 we're going to get further and how we might refine our

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1 policies as a city.  
2 MS. DAWSON: I just want to add that the  
3 reason we put those goals in, which we think are  
4 reasonable and had a long implementation time, one thing  
5 that Jack didn't echo, but the 30% says "within three  
6 years of operation"; so the City knows there's a lot of  
7 options here. We also recognize that this area of  
8 processing is a key place where we can achieve higher  
9 diversion, and so we're really looking to Recology to  
10 lead along with the City in advancing these diversion  
11 goals, and that is why we put these conditions in that  
12 schedule.  
13 MR. BAKER: Thank you.  
14 BY MR. BAKER:  
15 **Q. And then another question about the Contingent**  
16 **Schedules, and that's a question of timing. And the**  
17 **mechanics of when -- the mechanics of that, what stage**  
18 **in the development process Recology would make a**  
19 **presentation to the Director as to its satisfaction of**  
20 **the preconditions. And because final costs of**  
21 **construction are not known until the ribbon is cut, and**  
22 **maybe not even until after that sometimes, but we have**  
23 **estimates and projections just like we have here in the**  
24 **West Wing, which we feel very confident about and have**  
25 **been vetted quite a bit and the Staff Report expresses**

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1 **confidence in that as well.**  
2 **So there are different stages in the process**  
3 **and the Staff Report doesn't specify exactly when there**  
4 **would be an expectation that Recology would present its**  
5 **information indicating that it satisfied the conditions**  
6 **and the Contingent Schedule should go forward; so I just**  
7 **want to get the Staff's thoughts on that.**  
8 MS. DAWSON: I think in past years when we  
9 come to the Director's Report, we've been a lot more  
10 specific about, you know, kind of right at the time of  
11 permitting. And I think what is important here is that  
12 the project far enough long in development that both the  
13 City and Recology have confidence. I think we have  
14 evidence that that kind of time of triggering works  
15 pretty well.  
16 If you look at Recycle Central and the use  
17 of Zero Waste Incentives to make those improvements,  
18 Recology had refined its estimates and budgets very  
19 thoroughly before we got to that point of trigger,  
20 and as a result, that project came in on time and under  
21 budget. So I think we're going to look at something  
22 along those lines for the requirements that will be more  
23 clear in the Director Report.  
24 MR. BAKER: That would be very helpful.  
25 Thank you.

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1 DIRECTOR NURU: Do you want to go into the  
2 apartment revenue assumptions?  
3 MR. BAKER: Yes, thank you.  
4 (Mr. Macy steps down from the witness stand.)  
5 (Kevin Drew steps up to the witness stand.)  
6 DIRECTOR NURU: You may proceed, Mr. Baker.  
7 KEVIN DREW,  
8 having previously been duly sworn,  
9 was examined and testified as follows:  
10 EXAMINATION  
11 BY MR. BAKER:  
12 **Q. Good morning, Mr. Drew.**  
13 A. Good morning.  
14 **Q. I don't know if you've been sworn in yet or**  
15 **whether you need to identify yourself.**  
16 DIRECTOR NURU: He was sworn in earlier.  
17 THE WITNESS: I was sworn in earlier, yeah.  
18 BY MR. BAKER:  
19 **Q. All right. Very good.**  
20 **I wanted to ask you in particular as I**  
21 **mentioned about the discussion on page 15 of the**  
22 **Director's Report. And in particular, the middle of the**  
23 **page -- sorry, the Staff Report. And particularly, the**  
24 **middle of the page which talks about the projection of**  
25 **an increase of 25 apartment customers, and the statement**  
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1 **that Staff felt that 50 was a more appropriate number to**  
2 **use. Is the view that 50 is a more appropriate number**  
3 **than 25 based entirely on Exhibit 77?**  
4 A. I would say yes in that that includes both  
5 the Planning Department's -- their version of the  
6 pipeline, which then the Business Times reinterprets and  
7 applies. If you look at the Business Times, it has  
8 citations for a couple of other sources for their  
9 information; so it's really a combination of those two  
10 sources.  
11 **Q. Okay. And when you say "the Business Times,"**  
12 **the Business Times is the source for Exhibit 77; right?**  
13 A. It is one of the sources in Exhibit 77.  
14 **Q. Right. And then the second source is what?**  
15 A. Is the Department of City Planning's -- what  
16 they call their pipeline, which is a projection that  
17 they -- an analysis that they do on an annual basis of  
18 just a review of all the construction projects that are  
19 either in construction, in development, or in planning  
20 stage.  
21 **Q. And if I'm interpreting the Planning**  
22 **Department's spreadsheet which is part of Exhibit 77**  
23 **correctly, for multi-family buildings, it doesn't tell**  
24 **us the number of customers; rather, it tells us the**  
25 **number of occupants.**  
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1 A. The number of units. It has units as opposed  
2 to buildings.  
3 **Q. Whereas the excerpt from the Business Times**  
4 **talks about the number of buildings, and therefore the**  
5 **number of customers?**  
6 A. Exactly. As it has a specific buildings with  
7 the unit count, actually. If you look carefully, you'll  
8 see both.  
9 **Q. But you would agree that a single building is**  
10 **a single customer?**  
11 A. Is the account that we're talking about  
12 adding. That's one of the 25, for instance.  
13 **Q. And the Business Times report is dated**  
14 **June 24th, 2016; correct?**  
15 A. Right.  
16 **Q. And it has a list of -- looks like 39**  
17 **buildings that were then under construction.**  
18 A. Actually, it's 44. Because there's 5  
19 non-profits in there, which they don't count in their  
20 order. But if you look carefully, there's 44.  
21 **Q. I see. It has "NP" next to it.**  
22 A. Actually 43, yeah.  
23 **Q. 43 total. And then it also has a list of**  
24 **another 10 or 12 which are approved, but not yet under**  
25 **construction as of June of 2016?**  
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1 A. Right, right.  
2 **Q. And again, we're now talking about apartment**  
3 **customers.**  
4 A. Exactly.  
5 **Q. And apartment customers, by definition, has to**  
6 **be a building with less than 600 rooms; right?**  
7 A. Right.  
8 **Q. So if an apartment building has 400 units,**  
9 **it's likely to have more than 600 rooms?**  
10 A. Right. And that would commercial therefore.  
11 **Q. Right. And that's also true of 300 units --**  
12 **might even be 200 units depending upon the building,**  
13 **we're likely to have more than 600 rooms?**  
14 A. Right.  
15 **Q. And as you've pointed out, if it's more than**  
16 **600 rooms, it's classified as a commercial customer,**  
17 **not an apartment customer?**  
18 A. Right.  
19 **Q. Okay. So if we look at the list on**  
20 **Exhibit 77, a lot of these are commercial customers,**  
21 **not apartment customers. Am I right?**  
22 A. Right.  
23 **Q. And in particular, if we -- the list of**  
24 **buildings that were under construction as of June of**  
25 **2016 are ordered by size; correct?**  
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1 A. Right.  
2 **Q. The largest buildings are at the top and the**  
3 **smallest at the bottom; correct?**  
4 A. Yes.  
5 **Q. So about -- we go down to about half the list**  
6 **and that has 200 or more units; correct?**  
7 A. Right.  
8 **Q. So since at least the top half of the list are**  
9 **more than 600 rooms and therefore commercial and not**  
10 **apartment buildings --**  
11 A. Mm-hmm.  
12 **Q. I'm curious as to why you think this list**  
13 **justifies assuming 50 new apartment buildings coming**  
14 **online rather than 25.**  
15 A. Right. Well, we looked at both this high end  
16 of where there's obviously a lot of building has been  
17 going on in the city -- and you can't miss it because  
18 you see it in the sky -- as one indicator.  
19 And the other thing that we looked at was  
20 the -- at the bottom of the Department of Planning  
21 spreadsheet, if you look on Exhibit 77, at the very  
22 bottom you'll see a summary called "Project Status" that  
23 sums all the -- this is what I added to that exhibit  
24 that we got from Planning. Actually, it's their --  
25 I took it from another page and put it onto this page so

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1 you could see it together because I thought it was  
2 instructive.  
3 You'll see it's divided out by three different  
4 categories. "Under Review" in the far left-hand side  
5 under "Project Status," there's "Under Review,"  
6 "Entitled," and "Construction." There's a hundred --  
7 and then you go across reading to from left to right,  
8 you'll see the size of the units.  
9 The 2 through 9 will start to get you into  
10 apartment buildings, because you got a 6-, 7- and 8-unit  
11 building -- and 9-unit buildings are apartments, and  
12 then all the categories going to the right, 10 through  
13 19, 20 through 49, 50 through 99, and 100 through 249  
14 would represent buildings. Again, this is just showing  
15 it just by numbers of units, but we have to translate  
16 the units into the number of buildings. So that's where  
17 we did some work calculating the number of buildings  
18 that we could project from those units counts in those  
19 categories and evaluate how many buildings were coming  
20 along in that.  
21 And if you take simply the "Construction"  
22 line, not looking at "Entitled" or "Under Review," in  
23 each case we took average of those number of -- it was  
24 10 to 19, for instance, the middle of that 14.5 units.  
25 We'd say that was a divided 14.5 units into the number

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1 of units being projected, and projected a number of  
2 buildings. You come up with five buildings in that  
3 category. In other words, those number of units could  
4 reasonably represent five buildings.  
5 **Q. So you took 78 and you divided 14.5 into 78?**  
6 A. Right. And you get about 5.  
7 So we did that all the way along, and when you  
8 bring that total over to the right, you end up with 47  
9 as the number of buildings that could be built in just  
10 these smaller categories -- well excuse me, not just  
11 "these smaller categories." This covers everything up  
12 to 250 units, which is that lower half of the -- back  
13 over to the other chart that we talked about, the  
14 pipeline from the Business Times.  
15 That lower half, if you take a look at that --  
16 so I am jumping around here. I'm back over to the  
17 pipeline. The lower half of that has about 22 buildings  
18 in there, all of which came on -- most of which came on  
19 in '16 and '17, and it's about 10 in each; so that gives  
20 us confidence that there's those many coming on at that  
21 high end. And then what you see in the lower chart that  
22 we referenced a moment ago is the amount of construction  
23 happening on the lower end -- combined gets you to  
24 closer to 50 than the 25 that you would use.  
25 **Q. Okay. Well, I can't do math that fast,**

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1 **so I will probably take about a week to do to those**  
2 **calculations.**  
3 A. Get Porter to help you.  
4 **Q. So maybe we'll have some for questions for you**  
5 **next week, but I appreciate you describing the**  
6 **methodology.**  
7 A. Yeah. Actually, and there's one additional  
8 point in here that we were seeing, which was the  
9 25 units that are mentioned in both in the application  
10 and referenced in the Staff Report were average  
11 apartment building accounts. You took the average, the  
12 total income -- total revenue for the apartments divided  
13 by the number of buildings and you came up with an  
14 average revenue number. That's about a 14.5-unit  
15 building.  
16 And it appears to us that there's  
17 substantially a higher number -- a greater number of  
18 units in the buildings that are coming online, and that  
19 therefore -- we're working on some calculations about  
20 what we project could be the average for the buildings  
21 that are coming online which tend to be -- there are a  
22 lot that are in the 100-unit size. So that would seem  
23 to increase that average by some number, which might  
24 also compensate for the number of buildings being  
25 higher.

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1 **Q. One other question. You say source of this**  
2 **was from the Planning Department?**  
3 A. Right.  
4 **Q. And it looks like from the cover e-mail, that**  
5 **somebody from Planning sent to you?**  
6 A. Right.  
7 **Q. Is this a publicly-available document?**  
8 A. Yes. It's on the Web. And what the Business  
9 Times does is simply label the information in a way that  
10 makes it more easy to present. The raw data is there,  
11 and I'm not a great manipulator of data either, so I  
12 need help.  
13 **Q. And the second page of Exhibit 77, if I**  
14 **understood you correctly, the top 7/8th or so is just**  
15 **the information you got from Planning --**  
16 A. Right.  
17 **Q. -- that's publicly-available?**  
18 A. Yes.  
19 **Q. And that the section at the bottom was**  
20 **what you added to compile and summarize the other**  
21 **information?**  
22 A. Actually, yes. Just the totals. That  
23 "Project Status" and "Under Review" is in another tab in  
24 that same Excel file; so I just summed it in, brought it  
25 across.

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1 **Q. Great, very good. Thank you.**  
2 **So if I get this right, a question on the**  
3 **Contingent Schedules and the Zero Waste Program. And**  
4 **the question is the Staff Report, as I understand it,**  
5 **suggests an adjustment in zero waste goals if the**  
6 **Contingent Schedules are approved.**  
7 **And so the question Mr. Porter has is if the**  
8 **contingent schedule, one or both are approved mid-year,**  
9 **how would that adjustment work and what would be the**  
10 **timing of it?**  
11 MR. BAKER: We have a question for you.  
12 (Mr. Macy steps up to the witness stand.)  
13 MR. MACY: Yeah. So we're looking at a full  
14 rate year. So it would be our first full rate year of  
15 operation.  
16 MR. BAKER: Thank you.  
17 BY MR. BAKER:  
18 **Q. In other words, as I understand what you're**  
19 **saying, if the Contingent Schedule is approved mid-year,**  
20 **the goals are not changed for that year; the goals then**  
21 **become changed for next rate year?**  
22 A. Yes, that's correct.  
23 **Q. Going back to the question of revenue**  
24 **adjustments for apartments, in increasing the**  
25 **assumptions from 25 to 50, in coming up with the revenue**

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1 **adjustment of \$165,072 dollars, was any consideration**  
2 **given to extra operating costs, extra costs of**  
3 **collection, et cetera?**  
4 A. We understand that there is always additional  
5 costs when revenue comes on. We simply use the same  
6 number, the same average number to bring down along as  
7 was used in the -- for the 25-building figure. So we  
8 understand it. We didn't make any adjustment on that.  
9 We simply multiplied by the same number.  
10 **Q. So it's a revenue number and additional**  
11 **expenses, if any, are not accounted for in that number?**  
12 A. Not anymore than they are accounted for in the  
13 25.  
14 MR. BAKER: Okay. So we have may have some  
15 additional information to provide next week on that.  
16 We don't have any further questions today.  
17 (Mr. Macy and Mr. Drew step down from the  
18 witness stand.)  
19 DIRECTOR NURU: Okay. We've come to the  
20 period, I think, for public comment. So could everyone  
21 wishing to speak, please give me a show of hands so I  
22 can allow everyone to speak.  
23 Okay. I'll allow five minutes per person for  
24 public comment. Since this is public comment only, you  
25 do not need to be sworn in unless you also intend to

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1 present material you would like placed into the record.  
2 If that is the case, I'll have the clerk swear you in.  
3 Also when we come forward, please state your name so  
4 that the court reporter can enter it into the record.  
5 Thank you, and let's proceed with our first  
6 speaker.  
7 PUBLIC COMMENT BY COURTNEY CLARKSON  
8 MS. CLARKSON: My name is Courtney Clarkson  
9 and I own a small apartment building on Telegraph Hill  
10 that I've owned for a about 20 years, and I have four  
11 studios and one one-bedroom. I have five people living  
12 in the building.  
13 So looking at your proposed charges for  
14 residential buildings, with 1- to 5-dwelling units,  
15 I pay an extra -- well, I will pay for the five units  
16 just as a basic service charge \$100 dollars a month.  
17 Plus, I will have -- since I have one 64-gallon can,  
18 that's another \$21 -- and one 64-recycling, and a  
19 32-compost.  
20 Now it doesn't seem fair, and I'm sure you  
21 will agree, that apartments that are one-person studios  
22 should be paying the same base amount per month as, for  
23 instance, a flat with four or five bedrooms and eight or  
24 ten people living in it. The last time you had a rate  
25 increase of \$5 dollars, and then of course it went to

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1 \$5.15. Now my garbage rate went up. It was about 48%,  
2 which is a fair amount. Now it's going to almost  
3 double. Now, that just isn't equitable. Why should I  
4 be paying for -- I don't even know what I'm paying for.  
5 I go to my building every Monday because the  
6 compost bin has to be put on the sidewalk. So every  
7 week I look at the garbage bins because want to have  
8 some idea of what's going out, and my one black  
9 64-gallon bin is, on average, 2/3rds full. The  
10 recycling is maybe a little fuller. And since my  
11 tenants aren't too good at recycling -- they're male,  
12 but they're pretty good on the things that Recology  
13 makes money on: cardboard, aluminum, glass -- it just  
14 seems to me that this is quite inequitable.  
15 And I'm not sure if my comments will mean  
16 anything because they didn't the last time around, but  
17 looking at these rates go up 200% in -- what's it been,  
18 five or six years? -- for a small apartment building  
19 owner, that really isn't fair. We're being hit with  
20 increases in everything. We pay rat control, we pay all  
21 kind things where we don't have problems. We're already  
22 taking on the burden of a lot of what the City should be  
23 paying for out of our property taxes with one tax after  
24 another.  
25 And when it comes to my own single-family

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1 dwelling, I've been recycling cling for 40-plus years  
2 and composting within the last 15 years. We have --  
3 my husband and I -- the equivalent of one very small  
4 plastic bag of garbage, true garbage, a week. And our  
5 rates will go up quite a bit also. Seems to me that for  
6 those of us who are already recycling and composting and  
7 produce virtually no true garbage, that this is just a  
8 punishment. I mean, why do it? Why go through the  
9 effort of doing it when we don't get rewarded at all?  
10 Thank you.  
11 DIRECTOR NURU: Thank you.  
12 Next speaker, please.  
13 PUBLIC COMMENT BY NONI RICHEN  
14 MS. RICHEN: Good morning. My name is Noni  
15 Richen. I'm president of the Small Property Owners of  
16 San Francisco. I'm also the owner of a small four-unit  
17 building in Western Addition. I want to thank you for  
18 all the outreach you've done. Mr. Giusti from Recology  
19 and Ms. Dilger from the ratepayers office have visited  
20 both our board meeting and our public meeting, and we do  
21 appreciate that.  
22 But do I object to testifying on the rates  
23 that are proposed. Because at our public meeting, we  
24 had our own advocate say and show the rate chart that  
25 we'd been given that even though Recology is saying that

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1 increases are around 16%, for our two-to-five-unit  
2 buildings, it's actually around 50% percent. And I want  
3 to point out to you that we are being forced to comment  
4 on a structure that we don't know what it is because  
5 Mr. Giusti said it's changing, but we don't know what to  
6 what.  
7 Now at present, when we want to increase --  
8 when we receive an increase, we can go to the Rent Board  
9 and ask for a pass-through. This involves often hiring  
10 someone to help prepare all of the forms for us, and  
11 then even though we are successful, we can only  
12 pass-through 50% of the increase. We have to do this  
13 every time there's an increase.  
14 It may be a stereotype that landlords are rich  
15 fat cats, but I want to point out that in my own  
16 four-unit building, the rents that I receive for the  
17 entire building are similar to what the rates are for a  
18 friend receives for a one-bedroom condo. That's for the  
19 entire building. I'm basically in the hole if have I to  
20 do major repairs.  
21 We are asking that, first, that we know  
22 exactly what we're being asked to pay for. And we also  
23 would like this Department to help us by approaching  
24 either the Board of Supervisors or the Rent Board or  
25 whoever it takes to allow us to pass these rate

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1 increases through to our tenants without any procedures.  
2 We can do this now with bond issues. The water bond  
3 issue and the teacher bond issue, we can pass-through  
4 without any of these procedures. But right now, we can  
5 only pass-through with the procedures I mentioned.  
6 I would also like to mention that the rent  
7 increases are around 1% per year. My tenants for  
8 two-bedroom apartments pay an average of \$1,000 dollars  
9 a month. They've been there forever. I don't know how  
10 long I can continue doing businesses in this way.  
11 So thank you very much for the outreach, but  
12 we do need to know what we're being asked to pay for at  
13 this time and we would like your help in passing the  
14 increases through to our tenants without having to go  
15 through these owners' procedures.  
16 Thank you very much.  
17 DIRECTOR NURU: Thank you.  
18 Next speaker, please.  
19 PUBLIC COMMENT BY STEVE DELLS  
20 MR. DELLS: Good morning. My name is Steve  
21 Dells. I live here in San Francisco. And I just want  
22 to follow up with what Noni just said. I'm a member of  
23 the Small Property Owners and I live in the building  
24 that I own. It's a two-unit building.  
25 I was surprised to see the two-to-five-unit

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<p>1 buildings being classified separately than as single- 2 -family homes. To me, they are very similar. The block 3 I live on right now, I just kind of did a survey before 4 coming here this week. Out the 15 two-unit buildings on 5 my block, there's only one building that has more than 6 two people living in any one unit.</p> <p>7 Previous to living on the street I do now on 8 the Mission, I lived on Dolores Street down on 15th and 9 16th, and I lived in a three-unit building when they 10 were condos. And on that particular street also, except 11 for the two very large buildings, the majority of units 12 were occupied by two people or less. I know there's 13 exceptions. In fact, single-family homes, you're going 14 to find families that have more people than apartments 15 two to five units, and that's pretty much a fact around 16 San Francisco. There's a large senior population that 17 lives alone in studios and one-bedrooms.</p> <p>18 So I just think it's an issue of fairness and 19 logic. Fairness that -- and you know, Recology does a 20 great job. I appreciate their service. They've reached 21 out. I thought that Rosie's presentation on the 22 Ratepayer Advocate was a good presentation, trying to 23 deal with some of the things that Noni and I are 24 addressing. But I just think in fairness and logic that 25 the rates should be similar to single-families and</p> <p style="text-align: right;">Page 606</p>	<p>1 efforts. That was my introduction to the Staff Report. 2 It seemed to me that there were a couple of 3 items that weren't fully addressed or addressed at all 4 in the Staff Report, however: the impound account, the 5 issue with split bills that we've heard about a couple 6 of times, my suggestion about 16-gallon blue and green 7 containers, further discussions or a little more on 8 anti-poaching efforts. And I saw a lot of discussion, 9 but I didn't see a conclusion yet on combining the 10 Abandoned Materials Collection and Bulky Item Recycling 11 programs. I understand that that's still in works.</p> <p>12 Moving on, I support the recommendations 13 to disallow operating ratio on compost processing 14 and disposal by other Recology subsidiaries. Staff 15 correctly identified this item as an opportunity for 16 doubling profits. Further, the Staff analysis supports 17 generally maintaining the existing COLA formula to the 18 benefit of ratepayers. Also, maintaining the existing 19 use of Tier 1/2 and Tier 3/4 ZWI funds fairly balances 20 ratepayer interests and zero waste goals as I mentioned 21 a moment ago.</p> <p>22 I do think that further analysis of the 23 apartment accounts would increase revenue assumptions, 24 and I think I need to turn to Exhibit 76. Can someone 25 pull that up out of the binder?</p> <p style="text-align: right;">Page 608</p>
<p>1 shouldn't be doubled. I just don't see the logic on 2 that, so thank you.</p> <p>3 DIRECTOR NURU: Thank you. 4 Next speaker, please.</p> <p>5 PUBLIC COMMENT BY DAVID PILPEL 6 MR. PILPEL: Okay, guess it's me. Good 7 morning. David Pilpel.</p> <p>8 I wanted to started out recognizing and 9 appreciating the work of Julia Dawson and Carrie, 10 William Schoen, Garth Schultz -- and I don't see Garth 11 today. Is he okay?</p> <p>12 MS. DAWSON: I think he's fine. He just 13 couldn't make it today.</p> <p>14 MR. PILPEL: Okay, just checking. 15 -- the Department of the Environment staff, 16 Deputy City Attorney Manu Pradhan, and probably others, 17 in reviewing and analyzing the complicated and 18 interconnected assumptions and proposals here.</p> <p>19 Despite a few typos and omissions, the Staff 20 Report overall takes a careful and nuanced view of 21 Recology's application, fairly balancing zero waste and 22 ratepayer protection goals. I recognize the unique 23 combination of art and science that the 1932 Refuse 24 Ordinance affords, and other comments that I make today 25 and otherwise are only intended to further those</p> <p style="text-align: right;">Page 607</p>	<p>1 And while we're gathering that, I want to 2 correct a misstatement that I made at a previous 3 hearing. My understanding at the time was that the 4 8-gallon minimum for compostables currently applied to 5 apartments. Apparently it does not. It's currently 6 a 4-gallon minimum, and the proposal would be to 7 increase that to 8; so I misunderstood. I misspoke. 8 I apologize for that. I'll try to not to do that in 9 the future.</p> <p>10 So thank you. So on Exhibit 76, on the back, 11 there's a detailed migration analysis. And that's what 12 shows -- in the column labeled "C" for "compostables," 13 under "July 16 Gallons Per Unit," that's where it shows 14 less than 8 in all cases. So it seems to me that 15 analyzing the number of units there, the number of 16 gallons less than 8, that some detailed analysis would 17 suggest to me that there are -- with the increase to an 18 8-gallon minimum compostable service, that that would 19 yield some fairly significant revenues from the 20 apartment sector just by that change. And I'm not sure 21 if that's incorporated in the model or if Staff and the 22 consultants can spend some time looking at the revenue 23 assumptions there. I think that explains it, unless 24 you've got further questions on that point. Let me move 25 on.</p> <p style="text-align: right;">Page 609</p>

<p>1 Or not move on. Okay, just a couple of other 2 points I wanted to touch on then. The language about 3 CEQA in the report only references the rate increase 4 itself. And the 15278 exemption, I think there should 5 be an additional line that -- capital projects that 6 involve actual construction will be subject to further 7 CEQA review based on the permitting requirements. 8 Just to conclude then, on anaerobic digestion, 9 which was talked about a little bit this morning, I can 10 provide an example next week. There are two projects 11 that are currently in planning and construction in 12 Alameda County: one at the Altamont Landfill that 13 we just left that has some minor controversy, and a 14 different project at the Davis Street transfer station 15 which is engendering a little more controversy which 16 actually would site an anaerobic digester and process 17 more of the compostables at that facility in an 18 integrated fashion. 19 So I hate to think that Alameda County is 20 five years ahead of us, but I suppose that's entirely 21 possible. I can provide the staff report from the 22 Alameda County Waste Management Authority that looked at 23 that project and it might give us some insight into 24 where anaerobic digestion is going. And that relates to 25 the 30% diversion goal that was suggested as a</p> <p style="text-align: right;">Page 610</p>	<p>1 MS. DILGER: Mr. Marc Christensen was here 2 earlier. Unfortunately he was not able to make it back 3 for public comment. I'm sure that's why we're ending 4 early -- Murphy's law -- and he asked that I read it 5 instead. It's dated April 10th, 2017. 6 "Dear Hearing Officer, 7 "Although I am president of a 8 San Francisco neighborhood organization, I am 9 writing this protest as a single ratepayer 10 without any input from my local association. 11 "While I believe that Recology is entitled 12 to a rate increase, I firmly believe that the 13 proposed rate increases that are being 14 requested are excessive. I understand that 15 the proposed rate increases are to cover 16 increased costs and improvements in services 17 and for facility upgrades. 18 "I further understand that the proposed 19 rate increases include charges the City has 20 requested to pay for costs incurred by certain 21 City departments for solid waste management. 22 "The rate increases being proposed would 23 mean an increase in excess of 22% over the 24 next three years -- July 1st, 2017, through 25 July 1st, 2020 -- while also seeking annual</p> <p style="text-align: right;">Page 612</p>
<p>1 condition. 2 And just finally for me for today, I guess, 3 although we're way early. This is like, unusual. 4 DIRECTOR NURU: You only have five minutes, 5 Mr. Pilpel. 6 MR. PILPEL: Thank you for catching on that. 7 The triggers -- and you talked a little bit 8 this morning about the triggers for the Contingent 9 Schedules. I think the final report needs to be very 10 clear on when and how that's triggered, that there is an 11 application made to you as the Director, that that 12 application is put on the public website, that there's a 13 30 day notice of availability that you'll take comments 14 on that, that any action to approve that Contingent 15 Schedule would then trigger the change in the ZWI 16 goals that would be presumably subject to CEQA as a 17 discretionary action, and that you would take public 18 comment on whether they've met their requirements to 19 describe and to demonstrate, along with comments from 20 the Department of the Environment and others. 21 That's all for today. Thank you very much. 22 DIRECTOR NURU: Thank you. 23 Next speaker, please. 24 /// 25 PUBLIC COMMENT BY ROSIE DILGER</p> <p style="text-align: right;">Page 611</p>	<p>1 Cost of Living Adjustments similar to those 2 approved in prior rate orders. 3 "I have attended, listened to testimony, 4 and spoken at the technical workshop at City 5 Hall on February 28th, and again at a 6 March 15th hearing both regarding the rate 7 increases. I have offered several suggestions 8 that, if implemented by Recology, could save 9 several million dollars each year. 10 "One proposal would be to better secure 11 their blue recycling bins, to educate the 12 public on recycling theft including overall 13 financial loss for Recology, and to work with 14 City agencies to prosecute those individuals 15 who daily pilfer curbside recyclables from the 16 blue bins. 17 "Recycling proposal would have Recology 18 work with residents to suggest placement of 19 all three bins on the sidewalk next to 20 neighbor's bins to allow for less trucks 21 stops, faster loading, and thus saving of 22 pickup time and fuel. 23 "I agree that the pickup of recyclables 24 should be from one truck, that a combination 25 of 60% compost and 40% trash pickup is</p> <p style="text-align: right;">Page 613</p>

<p>1 cost-effective leading to an eventual zero 2 waste goal. 3 "A more palatable solution for rate 4 increases and one that gradually increases the 5 rates over a three-year period would be 6% in 6 July 2017, 5% in July 2018, and 5% July 2019 7 with a cumulative rate increase of well over 8 16%. This suggestion is reasonable and 9 gradually implements the rate increases for 10 the ratepayers. 11 "Furthermore, Recology must do a better 12 job of educating their customers on why the 13 rate increases are justified. 14 "Sincerely, Marc Christensen." 15 I'd like to enter this as an item per his 16 request. 17 DIRECTOR NURU: Okay. Well noted. 18 Any other public comment? 19 MR. PRADHAN: That will be Exhibit 83. 20 Oh, I'm sorry -- 21 DIRECTOR NURU: 84? 22 MR. PRADHAN: Yes, 84. 23 (Exhibit 84, "Marc Christensen letter 24 [Public]," was admitted into evidence.) 25 DIRECTOR NURU: If that's our last speaker, Page 614</p>	<p>1 REPORTER'S CERTIFICATE 2 3 4 I, MAXIMILLIAN A. CONTRERAS, CSR No. 13876, 5 Certified Shorthand Reporter, certify: 6 That the foregoing proceedings were 7 stenographically reported by me at the time and place 8 therein set forth and were thereafter transcribed; 9 That the foregoing is a true and correct 10 transcript of my shorthand notes so taken. 11 I further certify that I am not a relative or 12 employee of any attorney or any of the parties nor 13 financially interested in the action. 14 I declare under penalty of perjury under the 15 laws of California that the foregoing is true and 16 correct. 17 Dated this 1st day of May, 2017. 18 19 20 21 22 _____ 23 MAXIMILLIAN A. CONTRERAS 24 CSR NO. 13876 25 Page 616</p>
<p>1 I will go ahead and close public comment at this time. 2 I'd like to continue this hearing to 3 April 26th at 8:00 a.m. in the same room, Room 400. 4 We will pick up with the agenda items listed for that 5 day. I want to thank everyone for participating in 6 these proceedings, and our meeting is adjourned. 7 Thank you. 8 (Ending time: 9:38 a.m.) 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 Page 615</p>	



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