



Minutes of April 15, 2015 Special Meeting

The Sonoma County Waste Management Agency met on April 15, 2015, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California.

Present:

City of Cloverdale	Bob Cox
City of Cotati	Susan Harvey
City of Healdsburg	Brent Salmi
City of Petaluma	Dan St. John
City of Rohnert Park	Don Schwartz
City of Santa Rosa	John Sawyer
City of Sebastopol	Larry McLaughlin
City of Sonoma	Madolyn Agrimonti
County of Sonoma	Shirlee Zane
Town of Windsor	Deb Fudge

Staff Present:

Counsel	Ethan Walsh
Staff	Henry Mikus
	Patrick Carter
	Karina Chilcott
	Lisa Steinman
Agency Clerk	Sally Evans

1. Call to Order Regular Meeting

The meeting was called to order at 9:11 a.m.

2. CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION GOVERNMENT CODE SECTION 54956.9(d)(1)

Renewed Efforts of Neighbors Against Landfill Expansion vs. County of Sonoma, Sonoma Compost Company, Sonoma County Waste Management Agency
Case 3:14-cv-03804-THE

Pursuant to Government Code Section 54957
PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Executive Director

3. Adjourn Closed Session

4. Agenda Approval

Chair St. John stated it's been recommended that the following items be pulled from the agenda:

Item 7: Wood Waste and Yard Debris Tipping Fee Adjustment

Item 11: New Pond Mitigated Negative Declaration and Initial Study

Item 12: Approval of New Contact Pond; Approval of Mitigation, Monitoring, and Reporting Program

Shirlee Zane, County of Sonoma, motioned to approve the agenda with items 7, 11, and 12 pulled. John Sawyer, City of Santa Rosa, seconded the motion.

Vote Count:

Cloverdale	Aye	Cotati	Aye
County	Aye	Healdsburg	Aye
Petaluma	Aye	Rohnert Park	Aye
Santa Rosa	Aye	Sebastopol	Aye
Sonoma	Aye	Windsor	Aye

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

Motion passed unanimously.

Chair St. John stated there is no reportable action out of closed session.

5. Public Comments (items not on the agenda)

Roger Larsen, Happy Acres, inquired as to what happens to comments submitted for items taken off the agenda. Mr. Larsen added that there was going to be a public hearing regarding the Mitigated Declaration, but it has now been pulled from the agenda.

Chair St. John replied that his understanding is it would be applicable when and if the item returns to the agenda.

Margaret Kullberg, Stage Gulch Road, stated she's aware the Board will be voting on the permanent compost site soon, and wished to reiterate some facts concerning the fallacy of voting for Site 40 and emphasize compost should remain at the Central Site. Ms. Kullberg stated that according to her understanding, the cost to build the ASP compost facility at the existing site owned by the county is approximately \$44 million. Ms. Kullberg added that Site 40 would cost an extra \$4.6 million to purchase, in addition to the cost of new roads on the property, electric and water pipe lines, a new septic system, and another big pond for the compost water. Ms. Kullberg pointed out that there are streams on that property also, and added that there are many old buildings on the property that would need to be demolished, while there is nothing to demolish at the Central Site.

Ms. Kullberg stated that the biggest cost would be widening the road and the entrance to Site 40, and added that per the 2012 EIR report, there would be about 352 trucks per day and 444 trucks on weekends coming through the entrance. Ms. Kullberg added that lighting would also need to be added due to traffic. Ms. Kullberg compared this to Mecham Road, which already has an entrance, lights, and a well paved Stony Point Road. Ms. Kullberg stated that Site 40 is at the most southern part of the county, and the amount of trucks per day would generate extra emissions

and pollution. Ms. Kullberg asked the Board to consider these facts and make a decision to remain at the Central Site.

Kathy Ferrando, Happy Acres, stated she believes very strongly that Site 40 has not been given enough consideration for many of the reasons Ms. Kullberg just stated. Ms. Ferrando stated that the Central Site already has all the pollution from all the trucks for the landfill and will now have all the pollution from the trucks for composting as well, based on what's expected. Ms. Ferrando pointed out that one of the reports stated a truck would be going by every six minutes, and expressed they didn't move there wanting an industrial area.

Ms. Ferrando commented on the Environmental Determination, which was pulled from the agenda. Ms. Ferrando stated that practically nothing was marked on the EIR, and added that the only thing that was marked was the biological resources, which she's assuming is the tiger salamander. Ms. Ferrando stated she has spoken with an expert who looks for tiger salamander for both the state and federal government, and he said right now tiger salamanders are underground and it's impossible to see them by walking around for two and a half hours. Ms. Ferrando added that it is a registered tiger salamander area.

Ms. Ferrando noted that aesthetics were not covered in the report, and added that when you cut off the top of the hill, it's going to impact the aesthetics. Ms. Ferrando added that there will be greenhouse gas emissions from all the additional trucks, and that it affects the 100 houses on the side she lives at as well as those on the other side. Ms. Ferrando shared her concern for hazardous material in the pond and the effect on the animals there. She expressed her concern regarding air and water quality, as well as noise. Ms. Ferrando asked that the Board look at all those things.

Carlton Inkle, Happy Acres, stated that the project of cutting off the top of the hill, making a giant pond, polluting water, and then hauling that water to Oakland for treatment does not make any sense. Mr. Inkle added that it's a time where the state is trying to save water any way possible. Mr. Inkle shared that he doesn't understand the Board's process and what goes on behind closed doors, but hopes progress is being made. Mr. Inkle commented that he doesn't know why this project is being moved forward, and added that he's been told behind closed doors that residents of Happy Acres have upset some of the decision makers, and people are not going to lose face.

Mr. Inkle stated that cutting off the top of the hill will cause the landfill operations and the polluted pond to be visible from the highway and residential driveways, and the pond is going to add to the existing known discharge. Mr. Inkle asked the Board to make the decision regarding the pond solely based on the issue itself, apologized if decision makers have been offended, and added that the residents simply want to do the best they can for their neighborhood and the environment overall. Mr. Inkle added that the pond is a horrible decision for everyone in many ways, and asked that be taken into consideration.

Doug Chermak, Counsel for RENALE, stated he wanted to say a couple words about the items pulled from the calendar. Mr. Chermak stated that on 4/14/15, he emailed Mr. Mikus a letter offering comments on both the contact pond project and the compost facility project. Mr. Chermak added that on the same day after 5:00 pm, he also sent references that were included in one of the expert letters sent earlier in the day. Mr. Chermak added that he has the letters and documents to present at this meeting as well. Mr. Chermak stated that he's aware that the item considering the new pond has been pulled from the calendar today, but he would like to offer the

letters and urge the council, to the extent that the project is still under consideration, to consider the expert comments provided about the biological resource impacts, the air quality impacts, and the water quality impacts. Mr. Chermak stated they presented substantial evidence that there would be significant impacts, and therefore a Mitigated Negative Declaration is not proper, and a full EIR should be performed for this project before moving forward. Mr. Chermak added that they have made the point that the project has been improperly segmented from the other compost facility project, and the cumulative impacts of both the siting of the new compost facility as well as the potential pond need to be examined in a single environmental document. Mr. Chermak requested the letters and information be entered to the record, and handed them to the Agency Clerk.

6. Consent (w/attachments)

- 6.1 Minutes of March 18, 2015 Regular Meeting
- 6.2 Compost Zero discharge Plan Update
- 6.4 JPA Renewal Status Report

Don Schwartz, City of Rohnert Park, requested to pull Item 6.3, FY 15-16 Final Work Plan, from Consent for discussion.

Public Comment

None.

Susan Harvey, City of Cotati, motioned to approve the consent calendar with items 6.1, 6.2, and 6.4. Madolyn Agrimonti, City of Sonoma, seconded the motion.

Vote Count:

Cloverdale	Aye	Cotati	Aye
County	Aye	Healdsburg	Aye
Petaluma	Aye	Rohnert Park	Aye
Santa Rosa	Aye	Sebastopol	Aye
Sonoma	Aye	Windsor	Aye

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

Motion passed unanimously.

6.3 FY 15-16 Final Work Plan

Mr. Schwartz referenced page 37 of the agenda packet and stated he believes that Item 2.5, Uniform Construction and Demolition Rules, was considered as part of the work plan a few months ago and the Board declined to take that up. Mr. Schwartz added that he believes the Board approved to move forward with Item 2.4, and asked why Item 2.5 is labeled as proposed in this item.

Patrick Carter, Agency staff, replied that it his understanding from the direction given by the Board that these would be items staff would look into the feasibility of, not necessarily look into actually implementing the Polystyrene Ordinance, or the Uniform Construction and Demolition Rules. Mr. Carter pointed out that there is only staff time involved, and it's a rather minimal amount.

Mr. Schwartz stated that his recollection is different on Uniform Construction and Demolition Rules, and added that the concern is that with what's before the Agency, expanding the size of the plate is problematic. Mr. Schwartz added that if the minutes clearly illustrate that 2.5 was part of the decision, he will honor that, but his recollection is different. Mr. Schwartz inquired regarding staff costs and for confirmation that the total on staff cost equals salary, benefits, and all associated staff costs in the budget.

Mr. Carter replied affirmatively.

Mr. Mikus explained that a spreadsheet is set up that has everyone's hours, based on 2,080 hours, and there is a notification in place if hours exceed, to ensure work is done within the Agency's available hours.

Mr. Schwartz asked if those are fully loaded costs and Mr. Mikus affirmed.

Public Comment

None.

Mr. Schwartz motioned to approve Items 6.3 and John Sawyer, City of Santa Rosa, seconded the motion.

Vote Count:

Cloverdale	Aye	Cotati	Aye
County	Aye	Healdsburg	Aye
Petaluma	Aye	Rohnert Park	Aye
Santa Rosa	Aye	Sebastopol	Aye
Sonoma	Aye	Windsor	Aye

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

Motion passed unanimously.

Regular Calendar

8. FY 15-16 Draft Budget

Mr. Carter stated that the draft budget before the Board includes items related to the tipping fee increase that would not be decided at this meeting, but is seeking feedback from the Board whether there are items in this budget the Board wished changed or brought back the following month. Mr. Carter stated that besides the amount of the tipping fee related to the composting program and the amount of expenditures related to the composting program both in the wood waste and yard debris cost centers and Organics Reserve, staff presented this budget that reflects the best estimate of the resources needed to do all the Agency's tasks over the coming year.

Ms. Zane moved to push the approval of the budget until next month, because right now the budget assumes Item 7 was approved and it was actually pulled.

Mr. Carter clarified that staff is not asking for approval right now, as it is recognized there are a lot of things changing right now. Mr. Carter asked that if there are issues or feedback related to the

Household Hazardous Waste or the Planning cost centers, staff would like the feedback regarding this budget, so that staff can return next month with a document addressing any issues with those other cost centers.

Chair St. John clarified that comment or discussion on any of the other items on the budget could take place to provide staff direction.

Mr. Carter stated that it works better through the County's process to approve the budget in May.

Chair St. John pointed out that the goal is to have budget approval at the May Board meeting.

Mr. Schwartz referred to page 69 of the packet, under fund balances, and inquired what the distinctions between the proposed ending fund balance and the goal is.

Mr. Carter replied that the goal is what the reserve policy sets as the remainder in the fund balancing, to make sure there are no cash flow issues between when contractors and bills are paid and when money is actually received from the County. Mr. Carter added that the reserve policy recommends there be a couple months of funds to pay bills in case there's a delay. Mr. Carter explained that's also the case for wood waste, yard debris, household hazardous waste, education, and planning.

Mr. Carter stated the difference is that there are goals in the reserve accounts as well, and explained that for the HHW closure reserve it's \$68,000, which needs to be available shall the facility need to close and there be a need to deconstruct the building. Mr. Carter stated that there's also a HHW facility reserve of \$600,000, which is for an emergency situation or large change to the HHW collection program. Mr. Carter added that the contingency reserve also has a fund balance goal, which is related to the education and planning cost centers.

Mr. Carter stated that based on Board feedback in the past, where the Agency is above the goal for operating cost centers, it is brought down to the goal. Mr. Carter added that in the past, the Agency has been above that goal for most of the cost centers. Mr. Carter then pointed out that in this scenario, which includes significant expenditures from the Organics Reserve, it shows it being drawn down to about a half million dollars.

Mr. Schwartz asked Mr. Carter to clarify the reserve policy and to explain why the goal in the policy is to have nothing in the Organics Reserve.

Mr. Carter replied that the goal is not to have nothing in the Organics Reserve, but rather, that there is no specific goal set. Mr. Carter explained that when that reserve fund was established, the purpose behind it was to fund an account that would be used to either purchase a new site or defray the cost from the construction of a new site. Mr. Carter added that there was no goal set for that, which is why it's labeled none. Mr. Carter added that has been the Board's policy since at least 2007. Mr. Carter stated that the reserve policy was included in the previous month's packet and apologized for not including the reserve policy in this packet.

Mr. Schwartz asked Mr. Carter to explain the policy.

Mr. Carter explained that the reserve policy related to wood waste and yard debris is to have 15% of the operative cost center expenditures as a fund balance left, and added that he believes it's

the same for HHW, education, and planning. Mr. Carter stated that the closure reserve fund is at a set amount of \$68,000, and the HHW facility reserve is \$600,000. Mr. Carter added that he believes the contingency reserve is 15% of the combined education and planning funds.

Mr. Schwartz asked Mr. Carter to provide additional information on the Organics Reserve.

Mr. Carter replied that was money that was specifically set aside to pay for the cost of a new site, but there was no specific dollar amount set for that reserve.

Mr. Schwartz stated that for clarification transparency purposes, he would like to change goal to board policy, reserve policy, something similar, or to add an explanation. Mr. Schwartz then referenced page 71 under the organics reserve, and pointed out there is a \$250,000 item for legal services.

Mr. Carter confirmed that's correct.

Mr. Schwartz stated that on Page 86 it states \$10,000 for legal services, and inquired as to the difference.

Mr. Carter replied that's a mistake, and clarified that the Page 86 number should be the \$250,000.

Mr. Schwartz asked what the contingency fund showing \$64,000 in administrative services refers to.

Mr. Carter referenced the Work Plan, which talks about what specific tasks are involved for administration. Mr. Carter explained it mainly relates to staff's effort for the JPA renewal.

Mr. Schwartz replied that seems appropriate.

Chair St. John pointed out that between now and next month revenue account entitled County of Sonoma needs to be looked at.

Mr. Carter added that Other Contract Services will also need to be looked at.

Public Comment

None.

Board Discussion (continued)

Chair St. John asked if staff has enough direction to bring back a budget next month.

Mr. Carter replied affirmatively.

Mr. Mikus pointed out that in either later 2011 or early 2012, the Board reviewed and updated the policy regarding the reserve and policy goals on the fund balances. Mr. Mikus added that some of the numbers, particularly for the Household Hazardous Waste reserve amounts, were adjusted significantly at the time due to changes.

Ms. Harvey stated she recalls that it was also recommended the Board would periodically review that policy.

Chair St. John suggested that since there are a number of new Board members, Mr. Mikus could share the reserve policy with the Board within the next month if it's summarized simply.

Mr. Mikus stated an email with the policy and some explanation will be sent to the Board.

Mr. Carter shared that the policy is a four page document.

Mr. Schwartz commented that he views the contingency fund as a fund for unanticipated expenses, like a reserve, but it seems the contingency fund is being used differently and inquired as to why. Mr. Schwartz pointed out the JPA renewal activities and asked if the contingency fund is for expenses that don't fit into one of the other pockets.

Mr. Carter replied that in the past it has been used for one-time items, not ongoing programs, but rather specific projects that have a limited term. Mr. Carter stated that an example is the waste characterization study. Mr. Carter added that the JPA renewal doesn't really fit into the other categories as well, and hopefully is a one-time issue.

Ms. Zane referenced the education budget on page 93, and pointed out that administration services is a big ticket item under the expenditures for education. Ms. Zane stated it seems to be all over the map, and added that the actual vs. the requested in a two year period have gone up over 200%; from 96,000 for the actuals in 13-14, to the request now of \$285,000. Ms. Zane asked for further explanation.

Mr. Carter explained that at times the Agency was down two staff members, therefore the remaining four staff members had to fill in as needed. Mr. Carter added that since then, the Agency is back to full staff. Mr. Carter stated that one of the decisions made in the last budget year was that the new member added would be almost exclusively an education member, specifically doing mandatory commercial recycling outreach; which is grant funded.

9. Central Alternative Compost Site Preliminary Design & Cost Update

Mr. Mikus stated that last month staff provided the Board with a status report on where the Agency was with the continued work on the preliminary design and the cost update for the Central Alternative Site, and added that most of that work has been done. Mr. Mikus stated that in October of 2014, a basic preliminary design and a cost estimate were presented to the Board. Mr. Mikus stated it was recognized that the cost estimated had a problem because there was a concern there was some double counting of some of the cost between the engineer's estimate and a rather large lump sum figure provided by one of the suppliers of Aerated Static Pile equipment. Mr. Mikus added that one of the things the Agency has concentrated on is trying to get some input from other suppliers of the Aerated Static Pile infrastructure and trying to eliminate double counting, and get a much more meaningful and accurate cost estimate.

Mr. Mikus noted that the Board also asked staff to do deeper level and preliminary designs. Mr. Mikus pointed out this was not included in the packet, but the drawings that have been done in the last couple months are being provided and are also available for the public. Mr. Mikus stated the Board wanted to look at phase construction, and added that's also reflected in the revised cost estimate.

Mr. Mikus shared that in speaking with other suppliers and learning more about how the process works, some service improvements and efficiencies were identified. Mr. Mikus stated that in October there was a cost estimate of \$54 million, and added that \$44 million is feasible. Mr. Mikus stated that staff tried to put the money in terms of cost per ton that might be charged at the gate and what that might mean for individual rate payers. Mr. Mikus stated that the cost per ton is approximately \$2.50, and added that it really didn't significantly change the cost to the rate payers. Mr. Mikus pointed out that there has been a discussion about how roughly 10-12 percent of the per can rate people pay is related to the organics tip fee.

Mr. Mikus referenced page 102 of the packet, and pointed out it's the same chart used before to show the Agency's costs. Mr. Mikus stated the chart was redone with the new numbers and explained that the left column is revised costs and the right one is the costs that were presented in October 2014; so the before and after could be looked at. Mr. Mikus stated there were significant differences and explained that many months ago it was believed there would be money in the reserves to offset construction costs, but that is no longer likely to be the case.

Mr. Mikus added that when you see the cost estimate that was presented on page 105, it shows a cost of about \$44 million, but when you look at the total upfront costs on the charts, it's just under \$41 million. Mr. Mikus explained that staff tried to put it in terms of yearly cost, to take into account the amortization expense; the capital cost of building the site over twenty-five years. Mr. Mikus added that the engineer's estimate included approximately three and a half million dollars for all sorts of equipment, but you can't amortize that equipment over twenty-five years, as it doesn't last that long. Mr. Mikus noted that it's more practical over five or ten years. Mr. Mikus pointed out the Agency has been consistent in the analysis and pulled the equipment cost out of the total estimate, rolled it into a five year amortization, and made it part of the annual operations costs. Mr. Mikus added that's a recurrent item, as equipment will have to be replaced every five years. Mr. Mikus highlighted that the difference between the \$41 and the \$44 million is the equipment and how it's handled within the cost chart.

Mr. Schwartz stated there's a construction cost estimate of \$44 million on the last line of page 101, and the upfront costs on the chart on page 102 exclude equipment. Mr. Schwartz asked why it's only construction costs \$40,900,000 on page 102 and \$44 million on page 101.

Mr. Mikus replied that's that the three and a half million dollars equipment costs staff pulled out.

Mr. Schwartz stated that page 101 says construction, it doesn't say equipment.

Mr. Mikus explained that the \$44 million is the complete cost estimate presented on page 105, which was done by the engineer.

Mr. Schwartz stated he's finding the staff report confusing again, and added that it is labeled construction estimate at \$44 million on one page and the same estimate at \$40,900,000 on another page. Mr. Schwartz pointed out that Mr. Mikus stated it's a \$3.5 million dollar difference for equipment, which is not construction, and is in the operating costs.

Mr. Mikus replied that it is part of the document the engineer prepared, and has to be reconciled.

Mr. Schwartz replied that's what he's asking.

Chair St. John concurred that the report is a bit confusing, and added that it does appear that since October, the Agency has been able to lower the projected annual operating cost per ton, which Chair St. John believes to be the main point Mr. Mikus is trying to make. Chair St. John acknowledged that this is not a complete financial analysis with phasing, as it appears that Mr. Mikus would only be recommending, shall the work move forward, that only phase one would be done initially. Chair St. John added that the rate would be based on those costs, with phase two and three looking at possibly future rate adjustment costs as the volume grows. Chair St. John acknowledged the phase one proposal of about 100,000 tons per year, and inquired if Mr. Mikus is saying that is in line or slightly less than currently.

Mr. Mikus replied it's a little less, and added that staff kept the 100,000 because they would anticipate that when a new facility opens and starts to take full food waste, it would be reasonable to assume that there will be a slight jump in the beginning.

Chair St. John asked if there is any projection as to how long that 100,000 tons per year would take the Agency into the future.

Mr. Mikus stated that a reasonable way to project, if looking at four phases, is to take the twenty-five years and divide it by four.

Ms. Harvey stated it's her recollection that in the March packet, with the County numbers for leasing, there was some acknowledgement of that tonnage changing until it reached the twenty-five year period.

Mr. Mikus replied that staff tried to be consistent with that.

Ms. Harvey asked why the County per ton land lease fee is not included in the yearly operations, since it will also increase and will not be \$1.50 per ton.

Mr. Mikus replied that there was conversation about that point, and it was decided to keep it to the one column, to keep it simple, and focus on what it would be at the beginning. Mr. Mikus added that four columns could have been added to reflect whenever there's a bump in the fee or a bump in the tonnage; but it would've gotten much more complicated. Mr. Mikus stated that staff tried to listen to the Board when they asked staff to keep things simple, and since the starting point is going to be the date it's built, it would be the logical place to focus on.

Mr. Schwartz asked if the logical place is the start, what the anticipated volume on day one is.

Mr. Mikus replied it's 100,000 tons.

Mr. Schwartz asked why the starting point is 150,000 tons and added that he likes simple but consistent.

Mr. Mikus replied that as staff has done multiple analysis over the last couple years, staff has used that 150,000 and 200,000 ton benchmark, and staff is trying to compare apples to apples.

Ms. Harvey suggested that if all costs are starting equal, at 100,000 they should have what that number is start at 100,000. Ms. Harvey added that she agrees with Mr. Schwartz, and added that it's hard to guess.

Mr. Schwartz suggested staff revise the reports coming forward to have a day one cost, or year one costs, five, or ten, or something similar, with County fees and tonnage.

Mr. Mikus asked for confirmation that the added columns are being requested.

Mr. Schwartz replied he would like something that makes sense and is consistent. Mr. Schwartz inquired regarding the contracted rates and increases, and asked if there's an amount that can be put in as an estimate, based on what's happening today, in order to have a truer picture of what is being looked at. Mr. Schwartz added that in his jurisdiction, when they take a look at this type of scenario, they compare what today's rates are vs. what's going to happen in the future. Mr. Schwartz commented that working with the numbers provided now, makes it very difficult to understand when comparing costs.

Chair St. John stated he views this as a first cut, and does not want to represent to the public that these are any sort of final number, as this is not a comprehensive rate study and only a measure of where the Agency is going with this project. Chair St. John added he agrees with Mr. Schwartz that it's always helpful when numbers tie from one page to the next.

Chair St. John stated he heard Mr. Mikus say that the equipment cost was something like three and a half million, and is looking at a page where it says equipment cost is \$8.9 million. Chair St. John stated he has the same question Mr. Schwartz has, and is also looking at the simplified table and trying to follow a total per ton fee of 200,000 tons and one with 150,000 tons. Chair St. John said he is finding that the numbers don't add up. Chair St. John stated that even given the fact that staff is trying to keep a simplistic road map, this is not a rate study, and these are not final numbers. Chair St. John pointed out that more work will have to be done if the Agency heads down this path. Chair St. John pointed out that projecting the rates down the road would be subject to further study, if the Agency moves down this path, but it would be very helpful if the numbers tied more clearly.

Chair St. John stated he is very pleased with the work that has been done by Tetra Tech, and staff currently looking at phasing and critically looking at how to reduce cost from the initial preliminary design proposal. Chair St. John acknowledged that there has been some positive development of this project, and added that maybe the details are there, but staff is losing the Board a little bit on the presentation and the fact that some of the numbers don't follow.

Mr. Mikus replied that part of the reason staff tried to put some of these numbers not just in the total cost, but into a dollar per ton or a dollar per rate can, is to try and give the estimate some kind of reality for comparison purposes.

Chair St. John stated he understands the dilemma that it does not have the detail that is normally looked for when looking at rates.

Mr. Mikus referenced the estimate number and the chart, and stated that staff has been consistent with the information since 2013, and added that consistency is important so it makes sense to people.

Chair St. John stated that Board members are detailed individuals who actually add up the numbers and are looking for a clearer road map of how to get from one sheet to the next, keeping in mind that what's being provided is not a rate study.

Ms. Harvey stated she appreciates that Mr. Mikus did include the numbers for the individual service, and added that saying it was based upon a 32 gallon cart, which is the most selected item, and trying to give a range was helpful.

Chair St. John asked if there is anything else identified or if there are any other opportunities or systems that should be looked at to whittle away on the capital costs for design phasing.

Mr. Mikus replied that Tetra Tech identified some deficiencies, and staff's learning curve was increased substantially on how some of the material could be managed when you do Aerated Static Pile process. Mr. Mikus stated it is recognized when you look at some of the cost reduction, and added that they have done some evaluating and are looking at the process and see where some assumptions that may have been made three or four years ago maybe are not valid, or could be better.

Mr. Mikus stated that staff had held forth that the most likely way to finance building, due to some of the limits in the JPA agreement with indebtedness, was going to be a design/build/permit/operate model. Mr. Mikus added that in subsequent discussions with the Board, it was requested to look at other options. Mr. Mikus stated that some of the conversations about the new JPA agreement included that there would be language in there that would allow the Agency to take on indebtedness. Mr. Mikus added that if that happens, it opens up some doors for the project to be financed. Mr. Mikus stated that he may not be the best person to speak to this, and added he obtained help for finance options by speaking with individuals that have been working on financing major capital projects, and they provided a menu of things that might fit for the Agency. Mr. Mikus added that there may be others as the Agency explores further, but what was identified was initially a municipal or government bond issue, where the Agency would take out a loan and have five years to pay for this.

Mr. Mikus added that financing could be done through an alternative means, which would be a specialty investment banking firm to underwrite a long or conventional loan. Mr. Mikus stated that the design/build/operate he mentioned is an option, as well as a design build own operate, where a third party develops, owns the operation in return for material flow guarantees.

Mr. Mikus stated that since the Central property is owned by the County, it could be complicated, but he did include that, as it's a possibility when Site 40 is considered and an option that might exist if the location was elsewhere. Mr. Mikus stated he did not get into all the details, and added that staff thought four possibilities were vital for the Agency to consider in moving forward. Mr. Mikus suggested that discussion can take place if the Board would like.

Ms. Zane stated that being able to obtain bonds is always a good option, and added that as Mr. Mikus pointed out in the report, the JPA agreement would need to be revised, if it was agreed that the Board wanted to extend it. Ms. Zane added that on the issue of design/build/operate, Republic now has the permit to operate the landfill, and that would have to be with the understanding that Republic would agree to that. Ms. Zane stated that Republic has the capital, as they are a large international company, and there could be some options there.

Ms. Zane stated that the elephant in the room is how this state of the art compost facility is going to be paid for, and added that this discussion needs to happen at a more extensive level. Ms. Zane added that the Board has not talked about it much as a Board, and how they are going to

finance it is the number one discussion in her eyes. Ms. Zane pointed out it's good news that it's \$10 million dollars less, and added that a discussion needs to take place soon regarding financing, since the EIR still needs to be certified and which site will be used needs to be confirmed before the whole discussion on financing and the final numbers could take place.

Ms. Harvey asked if it would require voter approval to issue the bonds.

Mr. Walsh stated it would depend on what kind of bonds and more detailed investigation would need to take place.

Ms. Harvey stated that if that were the case, that would elongate any process in addition to the JPA. Ms. Harvey stated she appreciates at least having these various options. Ms. Harvey stated she made an assumption that there are contractors out there that would do the design build operate.

Mr. Mikus replied affirmatively and added that when the Agency did the rebid on the compost contract in 2012 through an RFP process, a short list and negotiations was reached, and one of the things staff asked was for them to talk about this particular subject. Mr. Mikus stated that staff spoke with companies like Waste Management, Redwood, Recology of Hay Road, and Sonoma Compost and asked if they were interested. Mr. Mikus stated that the feedback received was that it was a model that worked for them. Mr. Mikus stated that Republic did not submit an offer on that proposal. Mr. Mikus stated that staff requested this at the time, not as part of the bid, but as a courtesy to get an idea of kind of cost that would be, and it was determined it was about \$25 per ton. Mr. Mikus added that has been a consistent number.

Mr. Schwartz referred to operator design/build/own/operate options, and asked if the Agency has any options beyond the Agency doing this its self, if the JPA continues, or having the County operate it via an agreement they have with Republic.

Mr. Mikus replied he would think not.

Mr. Schwartz asked what the status is regarding the County sending the letter to request Republic provide a proposal upon on execution of the MOA, and if that has happened. Mr. Schwartz stated he understands that Republic needed additional information to be able to figure this out, and he would like to make sure the Agency provides whatever they need to do that.

Mr. Mikus replied he had not asked the County if that had happened yet, and needs to do that.

Mr. Schwartz asked if Ms. Zane knows.

Ms. Zane replied she does not.

Mr. Schwartz asked Mr. Mikus to look into it. Mr. Schwartz then referenced page 103, where it noted that the project total after all phases were built would rise to \$52 million, and asked Mr. Mikus to reconcile that number with the \$40 million on page 102 and the \$44 million on page 101.

Mr. Mikus referenced page 106 and stated that shows the estimate broken up by the phases, and when you add up the bottom line numbers there's a loss of efficiency and some double counting due to remobilizing what has to happen. Mr. Mikus added that you don't necessarily have the

exact same cost if you do it in pieces. Mr. Mikus stated that he believes there's also probably a recognition in there that costs rise over time.

Chair St. John pointed out that there appears to be some additional equipment that may need to be replaced.

Mr. Schwartz stated that he is again struggling with the consistency issue and asked that it be brought back in context of year one, year 10, 15 or similar. Mr. Schwartz added that as he understands, there's no financing cost included on the table on page 102, and asks for confirmation.

Mr. Mikus referenced the up-front costs, yearly basis chart line on page 102 and explained that staff took the \$40.9 million dollars and amortized it over the twenty-five years, and used an interest rate of approximately 6 or 6.5%. Mr. Mikus added that's where the financing cost goes in.

Chair St. John stated that some of these questions will be raised during the process, particularly if the Agency gets into rate studies and things like that. Chair St. John stated that design/build/operate doesn't imply financing, it means the Agency has the money and is going to pay to design, build it and operate it, and will have a contract to do that. Chair St. John compared that to design/build/own/operate, where the contractor hired would finance the construction and pay for the equipment over time, and provide the guaranteed price to the Agency based on commitments. Chair St. John added that who finances the construction of the project, is the biggest difference between the two.

Chair St. John stated that there is an option where the contractor could actually do the final design based on the Agency's standards, and recommended being mindful of that distinction and making it clear in the future when talking about it. Chair St. John stated that there are a lot of composting facilities in California he believes are privately operated and financed and asked if the Agency would be bucking the trend if it were to do the traditional design, bid, build scenario mostly familiar with in municipal projects. Chair St. John stated that it would be helpful to him and other Board members to get a sense of how and why things are done within the State.

Mr. Mikus shared that he read a state report in the last month that talked about solid waste facilities in general and how they were structured. Mr. Mikus stated that government owned contract to operate model happens, and it was not just solid waste facilities, and included compost and others. Mr. Mikus stated that he thinks, but is not sure, that it's 13%. Mr. Mikus added that he believed Napa is very similar to Sonoma County, as it is run by a government agency and has a contract to operate.

Chair St. John stated he echoes Mr. Schwartz regarding the belief that in the effective MOA, Republic has an obligation to provide a proposal if requested. Chair St. John stated the Board would like to take advantage of that, and ask Republic what they could do. Chair St. John asked if the engineering that was produced in the phasing plan is adequate for Republic to provide a proposal and if this gives Republic enough specificity to do what the County will be asking them to do on the Agency's behalf.

Mr. Mikus stated that he met with Rick Downey from Republic and gave him the October version of the design, but Mr. Downey does not have this last bit the Agency received in the last week. Mr. Mikus stated he asked Mr. Downey the question, but Mr. Downey has not been able to get

back to Mr. Mikus. Mr. Mikus added that he understand Mr. Downey and Republic are busy with the new April MOA, and when the dust settles, staff will share the latest information and see if there is anything else they need. Mr. Mikus noted he suspects that there will be more needed, based on some comments he has heard that Republic was going to ask for more information. Mr. Mikus stated that a list will need to be developed of what that is, and Staff will do the best possible to supply what's requested.

Ms. Zane stated that the bond issue was a very complicated long process that SMART went through, and added that it's probably not a good thing to throw into the mix in terms of the discussion of the extension of the JPA at this point, as it makes it a lot more complicated. Ms. Zane noted that would have to be included in the white paper. Ms. Zane stated that there's an 18 month allowance with Republic, in terms of the April 1st MOA, and added that the whole question remains to be seen whether Republic even wants to do compost. Ms. Zane stated that an EIR has not been certified, and there is no site selected, and added that those have to happen first. Ms. Zane stated that if there's going to be a capital investment on any type of private public partnership, they have to show intent that they want to operate. Ms. Zane stated there are a lot of questions, and added that she thinks this county needs a state of the art compost site that has to be completely contained as to not be open to lawsuits. Ms. Zane added that how it will be done still remains to be seen.

Ms. Harvey asked if flow commitment will be talked about separately.

Mr. Mikus replied that's the next item on the list.

Ms. Harvey stated she's a little confused, because if Republic is going to take this away from the Agency, the question would be why the Agency would spend a whole lot more money on completing many other things to then hand them over.

Chair St. John replied that somebody has to do it, and right now it's the Agency's mission.

Ms. Harvey asked if the Agency would possibly be spending millions more to have construction, permit, and everything ready and just hand it over.

Mr. Schwartz replied that those costs are going to be incurred one way or the other, and the Agency might end up doing that, but it could be part of a negotiated deal. Mr. Schwartz stated that the Board unanimously approved the request to send a letter to Republic to get their proposal with the effectuation of the MOA, and the County agreed to honor it. Mr. Schwartz added that he understands Republic needs more information. Mr. Schwartz noted he thinks that's the path the Agency should be continuing to go down, not as the sole committed path, but as one possibility.

Ms. Harvey stated that her understanding is that won't happen until a lot more information is prepared.

Mr. Schwartz stated that the County agreed to send a letter upon effectuation of the MOA, which is the trigger to start the rest of the conversations. Mr. Schwartz added that he would not expect anything to happen until then, but given that they agreed to do that, and the Board unanimously requested it, Mr. Schwartz would like to at least get to that point and then have conversations about all the other pieces, including what information they need.

Chair St. John stated that he's not hearing that there will be a lot more cost, and added that he respects what Ms. Zane is saying and would request that Agency Counsel consider the sequencing of CEQA vs. making that request. Mr. St. John added that he's not looking for an answer right now, but that would be a concern that's been raised by one of the Board members, and it seems like a legitimate concern, that should have legal pondering.

Mr. Walsh stated that a site selection has not been made and added that there's dialogue continuing about site selection. Mr. Walsh stated that if the MOA requires the County to submit that letter, that's something separate and apart from what the Agency is doing. Mr. Walsh added that as far as committing to a specific site or a specific path forward, the Agency is still in the information gathering phase. Mr. Walsh added that until the EIR is certified and a specific site is selected, the Agency can only get so far down that path.

Mr. Mikus stated that the current JPA agreement requires member jurisdictions to direct flow to the treatment system, which is the JPA agreement language for the composting facility. Mr. Mikus added that how that plays out in the future depends on how the JPA agreement is extended. Mr. Mikus stated that if the current language is maintained, the status quo stays there and it takes care of the flow commitment issue. Mr. Mikus added that one of the items that's under discussion and is included in the matrix, is opt-out language. Mr. Mikus stated that an amendment was passed that allowed opt-out for non-core programs, but compost is a core program, so it's not affected by that. Mr. Mikus added that in the future it could be, because there are some people that expressed a desire to be able to pick and choose what agency services they participate in. Mr. Mikus added that in that case, some mechanism would need to be crafted to address flow commitments, which ties back to financing, because some of the options require a flow commitment to make the money work.

Mr. Mikus stated that some Board members expressed some concern regarding how the MOA might impact the future flow of green waste, and added that the way it's worded leaves the flexibility open to the member jurisdictions. Mr. Mikus stated that staff looked at the city Republic waste delivery agreements the Agency could access, to look at the topic of the flow waste materials. Mr. Mikus stated that as he understands the reading, the language exempts green yard wood waste from what they call committed city waste, which is the subject of the MOA and the waste delivery agreements. Mr. Mikus added that if he reads that correctly, that mean that flow commitments for the green wood yard waste is an open item that's still within the city's purview.

Mr. Mikus stated that he's also looked at the franchise agreements to see how they're developed, and noted that they are not all the same, and added that some require the franchise haulers submit a place to take green waste to and the city can approve or disapprove it. Mr. Mikus added that some require the city to direct it into a specific place and some are silent on the issue. Mr. Mikus stated that the franchise agreements in the MOA are still in the cities hands, and added that there doesn't appear to be an impediment with either keeping the language about flow commitments in the JPA agreement or providing opt-out clauses.

Ms. Harvey stated that when looking at the costs, they will have to have some sense of the ticking point. Ms. Harvey added that if the opt-out language is in there; at some point these numbers won't make any sense at all. Ms. Harvey noted that if people start opting out, there is a tipping

point where that's just not a cost effective solution. Ms. Harvey stated those numbers will be needed in the blend of numbers.

Mr. Mikus stated that when looking at the cost chart referenced earlier, the difference between 150,000 and 200,000 tons, you see the 50,000 ton swing has an impact of about \$10 per ton, which provided some relative sense as to how that might work.

Ms. Harvey stated that along with that, they might need to also include by city, how much tonnage is contributed so that an educated guess can be made as to where that tipping point might be.

Chair St. John stated there's a road map on this, and added that the County is going through the same thing with garbage, where they had to give flow commitments.

Ms. Zane noted that it took them three years.

Chair St. John stated that the County had to do the same thing, and Republic would not have taken the MOA if they denied them flow commitments. Chair St. John explained that no reasonable business would do that, and added that if you are going to build, you have to have flow commitments.

Mr. Schwartz referenced the out-haul discussion on page 104, and asked how the MOA fees are tied into out-haul if there is no hauling to the Central Site, and asked if the MOA fees apply.

Mr. Mikus replied that the MOA fees apply to what comes in the gate. Mr. Mikus explained that for example, if Rohnert Park's green waste is taken to Central, it goes through the gate, and it's consolidated to be taken somewhere else; therefore the gate fee is paid.

Mr. Schwartz asked for an explanation regarding the statement that three facilities would need to be utilized for out-haul with the cost ranging from \$55 a ton to \$90 a ton, and asked if those are the tipping fees at those facilities.

Mr. Carter replied that would be the cost of transportation and disposal at those other facilities.

Mr. Schwartz asked for that to be reconciled with the statement that refers to transportation disposal fees at \$98 per ton.

Mr. Carter replied that the \$98 per ton is looking at all the cost in wood waste and yard debris cost centers; so there's other things other than just the transfer of that material. Mr. Carter added that staff is concerned that there might be additional facilities that would need to be utilized to make this go into effect. Mr. Carter added that there are other costs involved in the wood waste and yard debris cost center that are beyond just the compost and operation.

Mr. Schwartz asked if apples and oranges are being compared, as the \$90 per ton excludes some things the \$98 per ton includes.

Mr. Carter replied that the \$98 per ton cost includes Agency staff time and some other contractors such as the University of California Cooperative Extension, and legal services, where as the \$90 per ton is based on out-haul cost; transport and disposal.

Mr. Schwartz stated that's a pricey cost for an Agency.

Chair St. John stated that it sounds like staff is doing more work on out hauling options, the evaluation of existing constraints; existing contracts and existing relationships, and is something that will be coming back to the Board in the near future.

Chair St. John explained that it was not the Board's intent that the section on out hauling be a comprehensive evaluation, and respects that there may be some apples and oranges in there. Chair St. John stated that his interpretation is that it's staff's intent to let the Board know not to forget there is this option, and maybe it's time to dust it off and develop specific options within the realm of out hauling.

Mr. Mikus stated that staff got the sense from some of the Board that they were looking at this as a benchmark to compare out-haul cost to building a new site. Mr. Mikus stated there is a paragraph that just states based on current available pricing, if the Agency would have to outhaul, as opposed to building a new facility and accommodate the growth that's expected. Mr. Mikus added that these are the kind of annual costs with a benchmark.

Mr. St. John stated he wanted to take the time to mention to members of the public who were very vocal on this point, asking why out-haul costs were not being looked at. Mr. St. John stated this represents responsiveness on the part of this staff and this Board to consider what certain members of the public brought to the Board's attention recently.

Mr. Mikus stated that 150,000 tons is achievable, given the food waste identified in the waste characterization study. Mr. Mikus pointed out that when you look at \$6.5 million dollars a year, it doesn't take very many years to pay for a \$44 million dollar site.

Ms. Harvey stated that those rough numbers assume the change to include food waste, and asked if the Agency would move on that path as quickly if out-hauling were taking place.

Mr. Mikus replied that no one knows the answer to that, but the reality is that through SWAG and discussions with the Board of Supervisors, the goal of the Board and the Cities is to really do some good things with waste diversion and get to a 90% rate. Mr. Mikus added that the only way to do that, is if you capture as much of the organic materials as possible. Mr. Mikus noted that if the Agency wants to pursue the goal everybody has put forth as a collective group, you have to deal with the organics.

Chair St. John inquired as to the pending legislation to do commercial organic starting a year from July.

Mr. Mikus replied that he's not sure if the answer to that is true, because if you look at what happened with mandatory commercial recycling two years ago, there was no teeth put into it for enforcement. Mr. Mikus stated that the Agency's role has been to educate, facilitate, and report back. Mr. Mikus added that if that's what happens with the organics, he suspects it will be a slow process, and added that it's really going to be on the shoulder of the business more than anybody.

Chair St. John pointed out that public comment is on the specifics of the preliminary design cost update.

Public Comment

Mr. Larsen stated that before May 2014, costs were charted for both Site 40 and for Central, and although the Board has not made a decision yet, charts, reports, and estimates are only provided for Central now. Mr. Larsen pointed out that in April of 2014, a report was issued that provided an estimate for \$18,200,000 as the cost of building walled Aerated Static Piles and included the roads, lighting, piles, pipelines. Mr. Larsen stated that Mr. Mikus has found a way to save \$10 million dollars off the Aerated Static Pile, but Mr. Larsen doesn't believe that number because he thinks the study was not fully complete.

Mr. Larsen stated that at Site 40 you don't have to build the buildings over the static piles, because you can build a pond that would hold 30 million gallons. Mr. Larsen stated that the water would be contained and the 300 acre ranch around there could be irrigated, and added there is no need for a roof. Mr. Larsen stated that by only looking at Central, the options are being limited.

Mr. Larsen stated that one estimate stated you can build for \$11 million dollars if you leased Site 40. Mr. Larsen suggested looking at more than just Central Landfill and added that Central is not going to be the place to compost. Mr. Larsen noted that numbers come through showing that the cost keeps increasing when you start looking at the actual cost of composting at the Central Landfill. Mr. Larsen added that \$100 per ton could very well be a real number for the price of doing business at Central Landfill, and added that may not have to be paid to do business someplace else.

Mr. Larsen stated that the Board just needs to open to the idea of looking someplace else. Mr. Larsen added that the statement that was made two years ago that the land is free at Central turns out not to be true; the land is not free. Mr. Larsen added that the statement that construction is free was made, and turns out not to be true, and added that it's at \$41 million dollars.

Mr. Larsen suggested that if the Board started looking at a real potential of building a great facility someplace else, they would be miles ahead. Mr. Larsen stated that if there would have been clarity of thought two years ago, the Agency would be composting right now in that facility.

Nea Bradford, Petaluma Resident, requested a correction to the minutes from the last Board meeting. Ms. Bradford stated that in reference to the EIR, she said that bio aerosols were not addressed in the EIR, and she did not say wild aerosols. Ms. Bradford added that to say wild aerosols, makes her comments nonsensical. Ms. Bradford added that more food items are being brought into a compost site and there is a lot more organic particulate matter and bio aerosols. Ms. Bradford stated that's an important concern and requested that be corrected in the minutes.

Rick Downey, Republic Services, stated he wanted to make a clarification regarding food waste. Mr. Downey stated that in the MOA, food waste has a commitment from the Cities to start that program October 1st. Mr. Downey added that's a voluntary program, but it's a program that all the Cities have agreed to participate in. Mr. Downey explained that The Ratto Group will be doing that service. Mr. Downey explained that the way it was set up, because Sonoma Compost and the Agency did not have a permit for food waste, is that food waste will be picked up and taken to Richmond, where Republic has permitted capacity for that food waste in one of their other operations. Mr. Downey added that the whole intent there was to do that so that diversion could get going in the County until either Sonoma Compost or the Agency could get a permit to take

that material. Mr. Downey added that in lieu of the conversation the Board was having regarding that, that will take place no matter what.

Chair St. John asked if Mr. Downey is referring to commercial organics when he says food waste.

Mr. Downey replied affirmatively and explained that the reason Republic did not do anything with residential food waste is obvious at this point.

Martin Mileck, Cold Creek Compost, stated that he believes AB26 compliance is mandated as of the first of the year, therefore a plan to deal with the organics needs to be in place. Mr. Mileck stated he believes the out-haul number the Board has been given was a completely unrealistic number, because it considers taking all of the material to Central and then taking it someplace else. Mr. Mileck stated that it would cost considerably less if it would go to the other places without having to be hauled to Central first.

Board Discussion (continued)

Ms. Harvey motioned to accept the report as is and Chair St. John seconded the motion.

Mr. Schwartz stated he will be voting no on accepting the report, because he does not find the work consistent and clear enough to approve the report as written, and added that it's much like the report turned down last month about tipping fee. Mr. Schwartz stated he does not find this report as problematic, but too problematic to vote on approval.

Mr. Sawyer inquired if there would be value in continuing the acceptance of the report until the corrections are made.

Mr. Schwartz stated that would be appropriate, whether the corrections are made in a revised version of the report or some more comprehensive analysis comparing the options.

Chair St. John clarified that it's not a full rate study, as long as the numbers tie, the Board understands staff is trying to provide a benchmark that's not going to be a full rate study level analysis.

Mr. Schwartz stated that he's not looking for a detailed rate study, but due to upcoming JPA discussions, he's looking for opt-out of programs options. Mr. Schwartz added that he believes Rohnert Park would prefer a County option, and added that he does not know that they would support paying too much of a premium for that. Mr. Schwartz added that he can't take this to his jurisdiction with any degree of confidence and say what out-haul costs or county option will be at Central, much less Site 40. Mr. Schwartz added that not only is there a decision to make about site selection, but this affects the views on the JPA process as well. Mr. Schwartz stated he would like to see the numbers appear consistent within the report and would support continuing the acceptance of the report until a revised version.

Mr. Sawyer asked that the assumptions in the out-haul cost be clarified as well.

Ms. Harvey amended the motion to continue this with the new report. Mr. Sawyer seconded the motion.

Vote Count:

Cloverdale	Aye	Cotati	Aye
County	Aye	Healdsburg	Aye
Petaluma	Aye	Rohnert Park	Aye
Santa Rosa	Aye	Sebastopol	Aye
Sonoma	Aye	Windsor	Aye

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

10. EIR Process Description

Mr. Mikus stated that being that the Agency is getting close to taking some steps with the EIR and site selection, and given that there are many who were not present the last time there was discussion, it is appropriate to go over the EIR process.

Mr. Sawyers left at 11:00 a.m.

Mr. Walsh stated this is an informational item, and added that there was some discussion at the last meeting he attended that certification of the EIR would be brought forward for the facility at this meeting. Mr. Walsh added that since there are ongoing discussions about site selection, the site has not yet been determined. Mr. Walsh stated that the certification of the EIR is a process where you are certifying that you have done an adequate environmental analysis of the issue, and then subsequent to that, you move forward with the approval of a project. Mr. Walsh stated that while that's the sequential order the things would happen in, it's recommended that they would happen at the same meeting, when the Board is ready to actually select a site and approve the project. Mr. Walsh added that it's premature to certify the EIR at this time.

Mr. Walsh stated there are two steps that you go through; you certify the EIR and then you would approve a project and a mitigation monitoring plan. Mr. Walsh added that those are all based on the specific project that you decide to approve; which could be the Central Site or Site 40. Mr. Walsh stated that until the Board is ready to move forward with a specific site, it's premature to move forward with the EIR. Mr. Walsh added that the EIR is ready to go, but site selection needs to be reached first.

Mr. Walsh stated that the information was provided in the report just to provide some background on the statutory and regulatory requirements for certification of the EIR. Mr. Walsh stated that as it was recommended not to proceed with the EIR certification at this time, it was decided to instead provide background on the process to help explain the reason for the decision to not bring the EIR certification to this meeting.

Ms. Zane stated that she is aware that a site selection needs to take place prior to certifying the EIR, and inquired how the schedule for the certification of the EIR and the site selection fit with the timeline in the Zero Discharge Plan.

Mr. Mikus replied that working backwards, if November 2016 is when the site is supposed to be ready for operation, construction would need to begin in March, and procurement and selection of contractor to do the work would take place this coming winter. Mr. Mikus added that site and JPA renewal decisions would be needed in September or October 2015, in order to go through the procurement process and prepare a bid package.

Ms. Zane asked if this is in order to be in conjunction with the Zero Discharge Plan.

Mr. Mikus replied affirmatively.

Ms. Zane highlighted that it's important for the Board to understand that, and how the two plans intersect.

Mr. Mikus pointed out the timeline leaves no room for any unanticipated problems, and recommended it should be advanced by a couple months; which would be June or July 2014.

Public Comment

Doug Chermak, Counsel for RENALE, stated he wanted to highlight the comments on the EIR process he included in the letter submitted on 4/14/15. Mr. Chermak stated it specifically pertains to the deficiency in the revised draft EIR and subsequent final EIR to evaluate the impacts to California tiger salamander at the Central Site alternative, which they understand to be the leading alternative for the new site selection. Mr. Chermak added that the information in the Revised Draft EIR is completely different from information that's in the Zero Discharge Plan, and also information that's in the Initial Study Mitigated Negated Declaration, in terms of surveys for the salamander, it's completely wrong information in terms of where the last known siting of the salamander was and does not include any surveys or evaluation. Mr. Chermak stated that for example, the surveys that were in the initial study are not referenced at all in the Revised Draft EIR. Mr. Chermak added that it's quite clear from information he has submitted that the proposed Central Site alternative is within critical habitat for California tiger salamander and needs to be considered in a supplemental EIR. Mr. Chermak added that's the thrust of the comments he made in the letter submitted on 4/14/15.

Mr. Chermak reiterated his earlier comment that there needs to be an evaluation of the potential new pond project, and its environmental impacts, as that affects what happened with the new compost facility project. Mr. Chermak urged the Board to revise and recirculate the EIR.

Chair St. John asked that comments be limited to the EIR process.

Mr. Larsen, Happy Acres, recommended recirculating the EIR because the EIR does not take into consideration Zero Discharge is even a problem. Mr. Larsen added that he was reading the EIR again yesterday, and recommends reading the section under hydrology to see what is being said will be done with the waste water off that site. Mr. Larsen stated that the water is going to be dumped down the pipeline and into Republic's ponds. Mr. Larsen added that none of that is true anymore, and added that if the Board wants to use that EIR to justify Central Landfill as the preferred site, they might really want to look at what was said was going to be done and what that report does. Mr. Larsen asked that the EIR report be recirculated and that Central and costs be included in the reports from now on.

13. Attachments/Correspondence:

13.1 Reports by Staff and Others:

13.1.a March and April 2015 Outreach Events

14. Boardmember Comments

Mr. Schwartz asked that last month's minutes be revised per the request to reflect the resident's comment as bio aerosols instead of wild aerosols.

15. Staff Comments

Karina Chilcott, Agency staff, announced that Recycling Guides are available at this meeting for Board members to take to their jurisdictions and added that staff can go to the jurisdictions to deliver more.

16. Next SCWMA meeting: May 20, 2015

17. Adjourn

The meeting was adjourned at 11:10 p.m.

Submitted by
Sally Evans