



Minutes of June 24, 2015 Special Meeting

The Sonoma County Waste Management Agency met on June 24, 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	Gary Wysocky
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
	Karina Chilcott
	Lisa Steinman
Agency Clerk	Sally Evans

1. Call to Order Special Meeting

The meeting was called to order at 8:30 a.m.

2. Agenda Approval

Henry Mikus, Agency Staff, stated a notice was posted for the tip fee adjustment and the EIR certification, and recommended keeping those hearing items for 9:00 a.m. Mr. Mikus suggested item 9, JPA Renewal Status Report, and item 10, Do-it-Yourself Composting Education Outreach be discussed first.

Don Schwartz, City of Rohnert Park, motioned to approve the agenda as modified and Bob Cox, City of Cloverdale, 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.

3. Public Comments (items not on the agenda)

Roger Larsen, Happy Acres resident, stated the Agency Board promised the Northcoast Regional Water Control Board two ponds would be joined to construct one large pond by October 2014. Mr. Larsen added that construction began on September 15th, and at the September 17th 2014 meeting, Mr. Larsen asked if the proper permits had been obtained before construction began. Mr. Larsen indicated that after not receiving a response, he looked into it himself, and found that construction permits were not obtained until after its construction began. Mr. Larsen noted it was posted on the Friday afternoon before construction began Monday morning,

Mr. Larsen stated that area is environmentally sensitive and possibly California Salamander habitat, and added this is known due to the issues with Tiger Salamander in the large pond project that covers the same area. Mr. Larsen indicated he believes the Agency gave itself a categorical exemption from doing a type of Salamander study, and someone should have reviewed that exemption. Mr. Larsen added that County PRMD rubberstamped the exemption without talking with the California Department of Fish and Wildlife. Mr. Larsen stated that PRMD said they do not review with Fish and Wildlife. Mr. Larsen explained that according to the California Department of Fish and Wildlife, the Agency was told construction of a pond in this area would require a study that could take up to two years to complete. Mr. Larsen added that the California Department of Fish and Wildlife were not given any notification of this pond construction or of the self applied exemption.

Mr. Larsen stated RENALE is considering litigation against the County for a violation of the Federal Endangered Species Act, and recommended the pond be returned to its previous state as Tiger Salamander habitat as soon as possible. Mr. Larsen recommended a study regarding the endangered species should be done before any more construction or grading is done at Central Landfill for any purpose, and added this may also include landfill operations.

4. Consent (w/attachments)

- 4.1 Minutes of May 20, 2015 Regular Meeting
- 4.2 Compost Zero Discharge Plan Update Report
- 4.3 The Ratto Group Agreement 1st Amendment

Gary Wysocky, City of Santa Rosa, abstained from the minutes, as he was not present at the last meeting.

Mr. Schwartz motioned to approve the consent calendar and Susan Harvey, City of Cotati, seconded the motion.

Vote Count:

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

AYES -9- NOES -0- ABSENT -0- ABSTAIN -1-

Regular Calendar

10. Do-it-Yourself Composting Education Outreach Ideas

Karina Chilcott, Agency staff, reported that due to the impact of the closure of the municipal composting program, UC Cooperative Extension and staff have begun researching the development of programs to offer more opportunities and instructions in Do-it-Yourself Composting. Ms. Chilcott indicated the projects for the Board's consideration target the general public and or business organics generators. Ms. Chilcott added that after reaching out to Bay Area jurisdictions offering similar organics education programs, and talking to potential local project partners, staff came up with a short list.

Ms. Chilcott explained that targeting the general public is an idea brought forward by UC Cooperative Extension, which would be a series of professionally produced instructional how-to-compost and worm compost in one minute videos. Ms. Chilcott stated this would be geared for those who learn best through visual examples. Ms. Chilcott stated that Press Democrat's garden writer and Master Gardener Rosemary McCreary is being considered for this project, and added the videos would be promoted using social media.

Ms. Chilcott indicated the second idea, also targeting the general public, would be conducting composting and worm composting workshops that would also be taught by the Master Gardeners. Ms. Chilcott added that initial thoughts would be testing workshops at large venues and/or conducting classes in quieter environments.

Ms. Chilcott added that a third idea, complementing the workshops and classes, would be providing attendees the tools such as compost bins and worms. Ms. Chilcott indicated the purchase of these items could be subsidized by the Agency.

Ms. Chilcott added there are additional programs for the Board's consideration targeting landscapers, small farmers, and children. Ms. Chilcott stated the Agency could initiate a compost steward program at community gardens, or sponsor a professional composting workshop and/or subsidize assistance for small farms and landscaping businesses wanting to start composting on site. Ms. Chilcott stated the Agency could also sponsor more worm and compost in schools through groups such as the Compost Club.

Ms. Chilcott stated that at this time, Agency staff wished for the Board to be aware of this effort and direct staff to return with a more developed proposal, including cost information. Ms. Chilcott added Agency staff welcomes the Board's ideas, feedback and suggestions.

Shirlee Zane, County of Sonoma, inquired if a needs assessment has been conducted regarding all the different compost companies, their supply, capacity, and how much more product they could create if need be.

Mr. Mikus asked if Ms. Zane was talking about companies that are outside the county.

Ms. Zane responded she's talking about companies within the county providing compost and selling it as product.

Mr. Mikus stated the Agency looked at Grab 'n Grow some time ago to get an idea as to what capacity they might have, and they did not have capacity to help. Mr. Mikus added that was the extent of the conversation with them, and the Agency does not know what they produce.

Ms. Zane indicated she believes they are only one of several, and she would like to know what the present capacity is and what else they could do to produce more product if need be. Ms. Zane added that she would like to know if they are all at capacity, how many there are, and their location. Ms. Zane added she meets these people all the time at farmers markets and in the community.

Ms. Chilcott replied staff could do a survey.

Ms. Zane noted the Farm Bureau is very concerned about having sufficient product and it's unknown how much product is actually out there, and how much more could be made through different companies.

Chair St. John asked if staff is looking for prioritization or if staff is recommending the program, and added the program looks comprehensive to him and he would support it.

Mr. Mikus inquired if there is Board interest in having staff continuing to develop this and return with more detail and cost. Mr. Mikus added staff has received some feedback regarding cost, and was a little surprised as to the high cost. Mr. Mikus compared the cost to what has been spent on trying to manage compost the past couple years, and added that even if this is several tens of thousands of dollars, there is a benefit.

Mr. Wysocky stated he is in support of education, and inquired how much compost this would generate.

Mr. Mikus responded he doesn't think it's going to generate any significant volume of compost, and added home gardeners who really care about how they garden and the material they use could compost themselves. Mr. Mikus noted there was also conversation regarding the possibility of having UCCE work with the agriculture sector to see what could be done to encourage on-farm composting.

Mr. Wysocky suggested working with the agriculture sector should be a priority due to the potential for generating more tonnage.

Mr. Mikus replied staff thought the first suggestion would be accomplished quickly, where as the others would take some time.

Chair St. John asked for additional Board comments or alternative direction then what is recommended by staff, and acknowledged Mr. Wysocky's suggestion that agriculture should be a priority.

Mr. Wysocky clarified that's his priority choice, if there has to be an either or.

Don Schwartz, City of Rohnert Park, expressed he hopes what comes back are itemized cost options so choices could be made.

Ms. Fudge indicated she would like videos and what's produced to show different options for composting, as some options are more difficult than they appear. Ms. Fudge explained square boxes fall apart, the product can't be turned, and consumers don't know that at the time of purchase. Ms. Fudge added she would like to see options and pros and cons included.

Ms. Fudge expressed her interested in on-farm composting, as there is a huge outcry from the farm community regarding losing compost. Ms. Fudge expressed that losing compost even for two years is a hardship, and added she would really like to see a lot of emphasis in on-farm composting as well.

Ms. Zane inquired as to the possibilities regarding bringing compost back from one of the sites green waste will be out-hauled to, and added she is aware there is some difficulty with this.

Mr. Mikus replied staff had that conversation with the sites and with The Ratto Group, and added that compost has to go through pathogen reduction. Mr. Mikus added the contaminant is in the trailer that takes the raw material to the compost site, and before you can use that trailer to haul finished compost back that is not going to have pathogen issues, there has to be a way to clean the trailer. Mr. Mikus asked Steve McCaffrey to speak regarding this.

Steve McCaffrey, The Ratto Group, explained they are working with the different composting centers to see if there is a way to bring compost back that satisfies the LEA. Mr. McCaffrey noted the LEA has a concern about the pathogens, and added that there are other circumstances where there is backhaul that has been allowed to bring product back when product is delivered. Mr. McCaffrey indicated they are working on that, but they don't want to make promises until the LEA is satisfied with the results.

Mr. Wysocky inquired if every truck has a trailer, and if there are trailers at the site so that when one is bringing in the raw waste, there's a clean trailer ready to return, and there is not an empty load being taken.

Mr. McCaffrey replied that the plan would be that they would bring their walking floor trailers, unload the product, and the truck would return fully intact.

Mr. Wysocky asked if half the trip is empty.

Mr. McCaffrey replied that's the case at this point, and added they are hoping to close that loop.

Public Comment

None.

Ethan Walsh, Agency Counsel, clarified the two public hearing items don't have to start right at nine o'clock.

Mr. Mikus pointed out that they just don't want to start early.

9. JPA Renewal Status Report

Mr. Mikus stated that for the last several months all the member Agencies have met and discussed the matrix issues staff and the Board put together some months ago, and the last meeting was the County's, which it took place on 6/23/15. Mr. Mikus stated the matrix for all the

nine cities has been printed on a larger document so it can be looked at easier, and added that the individual response documents have also been included in the packet.

Mr. Mikus indicated he is providing a matrix summary to help facilitate the discussion. Mr. Mikus stated he attempted to make it objective and tried to identify some of the items that had more diverse opinions than others, as well as the ones where there were not descending opinions.

Mr. Mikus stated the County met on 6/23/15, but the Agency does not have a hard copy from the County with their responses. Mr. Mikus indicated he tried to take good notes of their discussion yesterday, 6/23/15, which was very robust and several hours long. Mr. Mikus asked that Ms. Zane correct him if he does not get it quite right.

Mr. Mikus stated the County supports a regional approach to the Agency programs and believes that the two operating programs, composting and hazardous waste, should be done by the County, through its contractors that are now working on site; Republic Services. Mr. Mikus indicated that as for the education, planning, and reporting, the County has a proposal that was discussed for the Regional Climate Protection Authority (RCPA) to take on the education outreach efforts. Mr. Mikus added the County's position is that's an agency that already exists, has some of these capabilities, and that it would be cost efficient if they did that instead of having a separate agency.

Mr. Mikus added that three of the five supervisor members felt that with that as a plan, there no reason to go through the rest of the matrix. Mr. Mikus noted there was some discussion about that, because some supervisors felt that the cities had weighed in, so they should also give their opinion. Mr. Mikus stated that the decision was that County staff's suggestions for the matrix would be the answers that they record.

Ms. Zane clarified it was decided they didn't want to go through the entire matrix from #3 on down, because they had made decision on the first two as to who would provide the services. Ms. Zane added that to her recollection, it was not said they wanted the County to provide compost, but that per the MOU contract between Republic, the County, and the Cities, Republic would give the first offer of Sonoma Compost to operate any type of facility being built. Ms. Zane pointed out they have yet to receive any type of financing for that facility, but have reached out to see if Republic was interested in building a facility. Ms. Zane pointed out there is a lot of discussion on that item today.

Ms. Zane indicated that on the education piece, it was just an idea floating out there that another JPA could be spoken with. Ms. Zane added the idea is the Regional Climate Protection Authority and Sonoma County Transit Authority possibly being the convener for any type of regional policy approach, as well as the education piece. Ms. Zane indicated there was also concern there were duplicate education efforts between the Agency and the hauler, because the hauler was doing a lot of education. Ms. Zane added that it's also been her understanding the hauler utilizes the education the Agency puts together and disseminates that, based upon their contract with the various cities in the county.

Ms. Zane stated she thinks there was a consensus the County did not want to create another body, in terms of another JPA on the education and outreach, but did want to discuss other possibilities. Ms. Zane added that in the end, all five supervisors did agree they wanted to look at the County through the MOU and Republic providing some of the other programs, compost was

still a big question mark, and then there was the idea of the education piece and policy creation and development in terms of RCPA.

Chair St. John asked if Mr. Mikus has a suggestion on how to proceed.

Mr. Mikus replied he wanted to give the County an opportunity to weigh in on what their position was.

Ms. Zane stated the foundation for their discussion was decisions made by the Solid Waste Advisory Group, which is continuing to reach the 90% diversion goal within the next five years, and wanted to provide cost effective services. Ms. Zane added that was the underlying foundation to all their discussion in terms of how the five programs the Agency currently provides would be provided as they move forward into the future, and how the two goals could be reached; cost effective and the 90% diversion rate.

Mr. Wysocky inquired if the County is ready to have the Waste Management Agency JPA go away after 2017, as it sounds like there's no renewal necessary from the County's perspective, and composting is still up in the air.

Ms. Zane replied affirmatively, and added that the compost site still needs to be selected. Ms. Zane stated that everyone did agree upon a state of the art facility and have already reached out to Republic, as they have the knowledge in terms of whether or not they can finance it. Ms. Zane stated that's a discussion that needs to take place also at the JPA. Ms. Zane stated that going back to the MOA, all the member Agencies and their attorneys negotiated that Sonoma Compost would have the first right to operate any new facility that was being built on the landfill.

Mr. Wysocky inquired if there are other companies that would have the opportunity to bid on either constructing or operating the facilities.

Ms. Zane replied that remains to be seen, as the EIR has not even been certified.

Chair St. John stated that while his city is not part of the MOA, he understands that the County has the contract with Republic and there could be additional services added to the contract. Chair St. John added that it's already been set up in the MOA. Chair St. John indicated there is always the possibility that should the County and their contractor not be able to negotiate an appropriate change order, then the County or the Agency would have the opportunity to do a selection process. Chair St. John stated this is not what he would call a project delivery process that involves an additional open selection process, because that was already done, in order to select Republic the first time.

Ms. Zane indicated she's not sure if she agrees with Chair St. John, and added that the contract is really for Republic to operate the landfill for the next twenty-five years. Ms. Zane added that they have all signed on to it and there are services there that they provide. Ms. Zane stated that if Republic was going to pick up things like household hazardous waste, that would be an amendment to the contract that all parties would agree on with the cities. Ms. Zane added that in terms of a facility, that's a different discussion. Ms. Zane noted Republic is operating the landfill, and there is no state of the art compost facility built today.

Susan Klassen, County of Sonoma Director of Transportation and Public Works, stated the Agency, the participating cities, and the County, have asked Republic to provide a proposal for composting and HHW in the future. Ms. Klassen added it was discussed by the Agency and requested that it be done, so they are doing so. Ms. Klassen noted it is one avenue, and added the responsibility for those programs still rest with the Agency Board. Ms. Klassen noted that the County is doing as the participating jurisdictions have asked the County to do, and working with them to see how a proposal can be obtained from Republic, but that is one option. Ms. Klassen stated she still sees the decision is with the Agency Board as to how they move forward.

Susan Harvey, City of Cotati, inquired regarding the suggestion on the table to have SCTA take over the policy and education. Ms. Harvey stated she would like to understand how many policies they have already produced and how much public education they have done, as solid waste is a little bit different than transportation. Ms. Harvey stated policy is a learning process, and added that what she heard said was that they already have these skills and capabilities to take this over.

Ms. Zane responded it's just an idea, and added it's the Regional Climate Protection Authority (RCPA); which is the same Board. Ms. Zane gave an overview of the discussion as follows: RCPA is assigned to hold together various programs and initiatives to reduce greenhouse gas emissions and meet the cities and county goal. Ms. Zane stated that methane in terms of landfills and solid waste is significant, so that might be a good place for them to house that particular side of the Waste Management Agency. Ms. Zane added it's just an idea for exploration, and Executive Director Suzanne Smith said she would be open to it. Ms. Zane explained they would be more of a convener in terms of having a JPA between the County and the cities to discuss potential policies, such as what was done with the bag ban ordinance. Ms. Zane stated it would be a convening body of a JPA that's already formed and meets those goals of the Regional Climate Protection.

Don Schwartz indicated his understanding is the County's position is if the Agency continues, the Agency would have the authority to create programs without having to go back to the initial jurisdictions. Mr. Schwartz inquired if the Climate Protection Authority would have that authority to create and implement programs without going back to the jurisdictions, and asked what policy means in this context.

Ms. Zane replied that there are a couple people sitting in the room who worked on the Solid Waste Advisory Group. Ms. Zane stated that when they got into talking about how 90% was reached it was pretty clear, based on a lot of research and study, that education and policy direction was really key in reaching that 90%. Ms. Zane stated that for example, construction and demolition is about 30% of what goes into the landfill right now. Ms. Zane added that some type of ordinance was created that mandated that all construction and demolition had to be recycled, which would get the County further in reaching the 90% goal. Ms. Zane explained that policy meaning that type of direction, if they want to discuss whether the cities and the County would like to move forward some type of ordinance that would help reach those goals.

Mr. Schwartz inquired if it's discussion or if the Agency would have the authority to create a countywide ordinance without going back to the original jurisdictions.

Ms. Zane replied that it's really just a convening body and it would still have to go back to all the cities and County.

Chair St. John stated a lot of details would need to be worked out, and that may be an action item the Agency Board wants to consider.

Mr. Schwartz stated one of the City of Rohnert Park's showstopper issues is that no jurisdiction gets to decide what programs another jurisdiction implements. Mr. Schwartz expressed he appreciated the clarification, and concurs that recommendation is consistent with what his council supported. Mr. Schwartz added that if the Agency Board was saying that body or any body has the ability to make decision for jurisdictions themselves, he would have to vote no.

Chair St. John acknowledged this is a new idea that was just discussed the day prior, and there is not a lot of information yet. Chair St. John indicated he is aware there are issues regarding policy, and added he does not believe the Agency Board is ready to get into that detailed discussion. Chair St. John added that there are a lot of things that would need to be flushed out, such as staffing and cost, and added that the idea provides an interesting direction.

Ms. Zane added the idea is that everyone agrees they want a regional approach without creating another body. Ms. Zane added that since everyone is pulled in different directions as it is, the question is, how a currently existing JPA that does a good job on transportation and regional climate protection can be used to work together as a regional approach, to do some of the things that are less tangible in terms of the current JPA's duties as it exists.

Chair St. John stated he's concluding the County is suggesting an alternative to the JPA after February of 2017, then there's the City of Petaluma, who has also made a similar recommendation without the creativity involving an existing JPA. Chair St. John stated that all ideas are good ideas at this point. Chair St. John stated that he's interested in what Santa Rosa's view of the emerging direction is.

Mr. Wysocky responded that his council felt they needed more information. Mr. Wysocky stated that his understanding based on what was just stated, is that the JPA doesn't do a good job on some of these programs. However, Mr. Wysocky stated the existing JPA is a current entity that does have experience and questioned why it's being set aside.

Chair St. John responded that the short answer is that the Agency sunsets.

Ms. Harvey inquired what the sunset on the suggested agency is, and what kind of amendments would have to be made to that JPA agreement, considering what it took to even do the plastic bag ban. Ms. Harvey highlighted that those are some of the details that are really quite important due to past history.

Mr. Wysocky stated he believes his council is very much in favor of a regional approach. Mr. Wysocky indicated that they are concerned about liability coming back to them as one of the larger contributors to any program. Mr. Wysocky added that's one of the details they will want to see, but are happy to join the rest of the County and do their fair share. Mr. Wysocky stated that everyone can appreciate that compost needs to be up and running somewhere soon, but the City of Santa Rosa does not feel there is enough detail to fill out the matrix completely.

Mr. Mikus indicated the Agency members have done a lot of work to get the matrix filled out, and he believes it's important to go through some of this. Mr. Mikus added that if it's the feeling of the majority of the Board that the County's idea has merit, there's a lot that needs to be figured out.

Mr. Mikus suggested the Board ask the County to put together a plan that addresses those details and provides some framework on how they want this to work, and answer some of the Board's questions.

Mr. Schwartz stated he thinks that's premature for a couple of reasons. Mr. Schwartz added that it doesn't address Santa Rosa's question about what the different costs and options are. Mr. Schwartz commented this goes back to the flawed R3 report several years ago which compared Agency and city operated options, but never offered County operated as an option. Mr. Schwartz added that secondly, he believes there are some fairly fundamental policy issues regarding if the Board wants the JPA to continue. Mr. Schwartz noted that leaving RCPA out of it, questions such as if the Board want the operations of hazardous waste and compost to be operated by the County should be addressed as early as possible. Mr. Schwartz indicated it's an issue that has and will continue to go on for years, and added they are issues that need to be discussed by the Agency Board.

Mr. Schwartz stated that the top issues for him on the matrix are items 1-5; should there be an Agency? Should it be the County? What should the role be? What about the major program expansion? Mr. Schwartz stated that he sees everything else on the matrix as secondary. Mr. Schwartz stated that he would like to say with a large degree of confidence that from a cost perspective, whether it would be County or Agency operated, it's not going to make much of a difference. Mr. Schwartz added that the important thing is doing it regionally vs. doing it city by city.

Chair St. John asked if the concept could be agreeable as long as some of the core principles were met.

Mr. Schwartz replied affirmatively and added that the City of Rohnert Park would support a countywide approach without the Agency, and added that's their preference. Mr. Schwartz added that the twist about having RCPA involved is interesting, and partially perhaps addresses the cities concerns about it being all County operated and the cities don't have a seat at the table because it's not the same table or same number of seats. Mr. Schwartz added that a conversation needs to occur amongst the Agency Board on the process perspective and it is a good time to start. Mr. Schwartz recommended going down as far as items 1-5 as much as possible, and added that everything else is secondary.

Ms. Zane stated that two and a half years were spent on the Solid Waste Advisory Group talking about this. Ms. Zane added that the County spent a hundred thousand dollars with a consultant, and a lot of experts donated hundreds of hours to put together a report. Ms. Zane noted that there was consensus with the cities and County in terms of what the issues were, who the entities were, the type of goals they wanted to reach, and ideas as to how to get there.

Ms Zane encouraged everyone to go back and look at the report as they move forward, as having the bigger picture is really important. Ms. Zane added that as policy makers, sometimes they get lost in the details. Ms. Zane reiterated there has been a lot of discussion on this, and added that the only thing the County is saying is that they feel they can ask their contractor to take on household hazardous waste, but the compost issue still needs to be resolved. Ms. Zane added that the County could do the reporting for the smaller cities, and a discussion would still need to take place as to how policy and education would be done, and move forward in a more cost effective way while meeting the goals.

Ms. Harvey stated she's hearing the City of Rohnert Park and some of the other cities would like the County to take this over, and the suggestion from the County is that it be done by SCTA/RCPA. Ms. Harvey stated that is a JPA, it is not the County taking it over, because all the cities are part of that JPA. Ms. Harvey added that if the County takes it over, then it's really just a service each city would purchase from the County at whatever cost they determined, and there would be no Board, and no seat at the table.

Ms. Zane responded the MOA already exists, and it's an agreement contract that Agency member attorneys, with the exception of Petaluma, participated in. Ms. Zane stated the County and the cities said this is what they are going to contract with Republic to provide services for. Ms. Zane stated that it's about everyone and not just about the County in terms of that contract. Ms. Zane added that what would be happening is that they would just be adding those two additional services.

Ms. Harvey responded that then there would not be any form of Board, and the County would take over the composting, household hazardous waste, and the cities would pay for those services and get no say.

Ms. Zane stated that her point is that the cities do have a say, and added that everyone had a say in that contract.

Ms. Harvey replied the contract is signed and done, but going forward, if the cities wanted to do something with compost, the cities would not necessarily get a say anymore.

Chair St. John affirmed that is accurate, as the Agency Board would no longer exist.

Deb Fudge, Town of Windsor, stated she has felt for a very long time there was a master plan put in place a number of years ago, and it's being rolled out now. Ms. Fudge added she's feeling like some on the Agency Board are becoming pawns in this plan, and feels there's been an undermining of the process in determining their own future. Ms. Fudge indicated she's come to the Agency as one member from a small city, with the attitude of all ten working together, but she feels like this is being driven by a stronger member.

Ms. Fudge indicated that when the option was put in the MOA at the County level for Republic to possibly build the compost facility and take over household hazardous waste, Ms. Fudge was worried about that language, because she saw a plan being put into motion. Ms. Fudge added that as one of the members on the SCWMA Agency, she has been spending the last two and a half years, trying to make sure all of the public is represented and decisions are not being made that are expedient for some agencies or for some people. Ms. Fudge stated that as she was worried about the MOA language, she's worried about the language in the MOA that talks about Sonoma Compost being offered the first right of refusal, and added she's skeptical until it happens.

Ms. Fudge stated the RCPA is already over burdened and can't get through many of their agendas now. Ms. Fudge added that their meetings run at least four hours and Ms. Fudge does not think they are able to take this on. Ms. Fudge added she's willing to think about it, but thinks they are being led in that direction. Ms. Fudge indicated she doesn't think it's just an idea that's been floating about, and believes there has been lobbying. Ms. Fudge expressed her concern regarding

the makeup of the RCPA that's quite different from the SCWMA Agency. Ms. Fudge noted there are three Supervisors that sit on that Board and not just one.

Ms. Fudge added she thinks everyone needs more of a say, and if they sit there and say it's just an idea, every time they have done that they end up at the end with a different decision, or a decision that was driven by a stronger member. Ms. Fudge added the Agency Board is representing the entire county, and added she even has a hard time with the super majority, but she can see that on voting for dollars, but feels that all ten members should be equal representing all of the public. Ms. Fudge commented she doesn't think 90% of the Santa Rosa residents believe one certain way, and may believe some of the ways that smaller cities do. Ms. Fudge cautioned this is a plan that's being rolled out and she doesn't want to just start marching down that path without some serious discussions or calling it out.

Bob Cox, City of Cloverdale, thanked Ms. Fudge for her comments and indicated he is in agreement. Mr. Cox explained he just spent eighteen months on the library JPA renewal, where the previous makeup was three of the larger cities, Board of Supervisors, plus the smaller cities. Mr. Cox added that the question of inequity was an issue, and the decision was made that every city would have a member on the commission, and the County was removed from having the majority say on that board. Mr. Cox indicated he sees this going in the opposite direction and he certainly does not like what he sees.

Ms. Madolyn Agrimonti, City of Sonoma, indicated she has the least experience on the Agency Board, but what she does have and has always used is her intuition. Ms. Agrimonti stated that her intuition from the first day she was on this committee said there's some overwhelming issue that's going on that was almost clandestine. Ms. Agrimonti stated she's an alternate on the transportation authority and just that mere fact that they bind a large report in a day that nobody else binds reports is a problem for her. Ms. Agrimonti expressed that as she has been on this committee she has felt the Board has been led down a road.

Ms. Agrimonti stated that while the City of Sonoma is very powerful, they are at the end of a pipe on everything. Ms. Agrimonti added she really doesn't like the idea of a County member saying they will speak for the smaller cities in this. Ms. Agrimonti expressed she would like to get to work on the matrix, because her city concentrated on it for some time, and she would like to get on with the business of what they are there to do.

Mr. Mikus went over the matrix summary page, which is page 205 of the Agenda packet.

Mr. Mikus stated that staff's original recommendation before hearing about the County's ideas on the future of the JPA or not, was asking the Board to direct Agency Counsel to prepare a new 3rd Amendment based on the consensus.

Ms. Harvey stated that she struggles with not seeing any straight consensus and in reading the staff report in directing staff to work on an amendment, she didn't feel like they were close enough to be able to do a very good amendment if they didn't resolve some of the discrepancies.

Mr. Schwartz stated that one of the questions on the matrix regarding compost from some cities is if it's more cost effective to operate compost through the Agency or through the County. Mr. Schwartz asked if there is any reason to think there's a significant difference.

Mr. Mikus replied that one of the things the Board did was ask the County to use the MOA clause to ask Republic to provide a cost proposal. Mr. Mikus added that if that happens, compared to the estimates provided by the Agency's engineer, that would provide clarity.

Mr. Schwartz stated that information is not available, and rephrased the question to based on what is known today, is there any reason to think the composting costs would be significantly different on an Agency model compared to a County model.

Mr. Mikus replied he does not know if there's a difference based on current information.

Ms. Zane stated it's her understanding that what costs the Agency so much is the household hazardous waste program, as it's one of the most expensive programs. Ms. Zane added there is more of a fee recovery with compost.

Mr. Mikus explained hazardous waste is paid for by approximately 80% of the tip fee surcharge, which is approximately 1.7 million dollars a year, and that income covers HHW with no deficit. Mr. Mikus pointed out that the important thing for everybody to understand about the HHW program as it's currently structured, is that it's a free service provided to citizens. Mr. Mikus added that when someone goes to the toxic facility or to one of the community toxic collection events in one of the cities, they don't have to pay, as it's a subsidized program. Mr. Mikus noted that when talking about cost, the benefit of the money put into it needs to be looked at.

Mr. Mikus added that over the past few years, over 2 million pounds of HHW material has been diverted from the landfill by this program. Mr. Mikus suggested the question should be if it's cost effective, not how much it costs, because it does pay for itself. Mr. Mikus stated it also covers a community toxic collection per week in the different jurisdiction, which averages to three visits per year, with the larger cities getting more than three. Mr. Mikus explained this program also covers a category of businesses called small quantity generator, and added they make a cost based nominal fee. Mr. Mikus stated most of the small businesses that use the system find it to be cost effective.

Ms. Zane stated her point is that it's a costly program that is still paid through the JPA fees.

Mr. Mikus asked why change it if it seems to work well the way it is now, and inquires why there is a sentiment to change that.

Chair St. John commented he's hearing four Agency members would prefer the County taking a stronger role on things that are going on, particularly on their property, such as compost and HHW. Chair St. John stated the Board just heard an idea or proposal discussed on 6/23/15 that may fit in with what three cities have indicated, however there's not enough detail to make a decision. Chair St. John added he's hearing very clearly from a couple agencies that they want a seat at the table, and there's a concern that if the Agency were to sunset, the possibility of all 10 Agency Board members having a seat at the table at every meeting might go away due to either the County government structure or the structure of the proposed JPA to take on some of the Agency Board's responsibilities.

Chair St. John commented that Petaluma would not support a technical advisory committee or some kind of advisory committee to the Agency Board, if the JPA were to extend. Chair St. John stated that the layers of what the Agency JPA could be have been discussed in the past, and a

previous idea was the Agency Board would be all elected and there would be another board of staff that would be a technical advisory committee level, which is a model similar to the Water Agency and possibly the Transportation Agency. Chair St. John stated Petaluma would not support that, but suggested if the County model were selected, there would be an advisory committee where all ten jurisdictions would have a seat at the table. Chair St. John added that Petaluma was suggesting that technical advisory committee be comprised of anyone the jurisdictions wants, and those numbers could be directed by their councils, and matters would be brought back to the council for discussion just as they are now.

Chair St. John stated he wanted to know what the opinion would be if the County model were to be explored further. Chair St. John stated he thinks the timing may be right, as there will be conversation shortly about the actual compost facility, the EIR, and the permitting. Chair St. John stated he believes this is essential to answer questions such as what Santa Rosa has asked regarding costs. Chair St. John added this will allow for obtaining further information on the County model idea and answer some questions, as well as possibly talk about mechanisms where all the jurisdictions would have a seat at some table as the alternative model is developed.

Chair St. John stated he does not think it's a good idea to head down that direction and start working with the attorneys to write a JPA amendment at the same time. Chair St. John suggested this is something they might want to look at sequentially, and added that if they head down the direction of exploring the County model with or without the Climate Protection Agency, he personally wouldn't want to be trying to reconcile all the differences in the summary matrix. Chair St. John added that may have to be revisited, but he would rather work on developing the County model, since there is a fair amount of momentum in that direction and see if something can be reached that answers everyone's concerns.

Ms. Harvey suggested that all costs being considered should be looked at so costs can be compared. Ms. Harvey noted the Agency is being charged \$8 million dollars to rent for composting, and the Agency doesn't know if the MOA with Republic already includes the rent, which could be a huge difference in costs. Ms. Harvey stated she feels all the details need to be looked at so that a good choice could be made. Ms. Harvey indicated she's not opposed to the County as a model, but then they have to be the optional service provider, or it needs to be figured out how to have a JPA do it. Ms. Harvey agreed that there is a desire for some form of regional approach, but the Board never got into the details of what it was. Ms. Harvey added that they have to determine what that regional approach is.

Mr. Wysocky expressed the importance of keeping hazardous waste out of the landfill and commented on hazardous waste that's in the landfill from 20-30 years ago. Mr. Wysocky commented that is one of the reasons the City of Petaluma opted out of some of the participation ten years ago, as it's unknown what is in the landfill and there are a lot of moving numbers. Mr. Wysocky stated he first heard closure cost estimates for the landfill of 73 million, then three or four years later 37 million, and the number really is unknown. Mr. Wysocky stated that's why a regional approach is very appropriate.

Mr. Wysocky stated he finds Petaluma's comment on the matrix as to who is going to be responsible for the funding appropriate, because Santa Rosa will be responsible for 1/3 of the cost, and it's his responsibility to his constituents, to make sure he makes the appropriate decision. Mr. Wysocky noted there has to be some kind of acknowledgement that the larger jurisdictions are writing the larger checks, and added he's not saying this is to the exclusion of

everybody else, but it is a key fact. Mr. Wysocky explained that is what Santa Rosa means in the matrix when talking about unanimous on purchase of real property, because the County and the larger cities will be writing the larger checks and responsible for that. Mr. Wysocky indicated he would like to see this move forward with more participation countywide.

Mr. Wysocky commented the SWAG that was started by former Supervisor Valerie Brown did bring a lot of good ideas to the table and community participation, but it did get political. Mr. Wysocky stated it's a very good process that provided good results, and recommended building on that.

Ms. Agrimonti stated she agrees with Mr. Wysocky, as she comes from San Mateo County, and her city where she served on a council was the largest in the county, or larger than many of the cities in Sonoma County. Ms. Agrimonti added they had twenty-three cities in the county. Ms. Agrimonti added that while they were the largest city, with respect to their own revenue, they were the poorest. Ms. Agrimonti stated they had to really fight to get their fair share. Ms. Agrimonti added that through her experience in Sonoma County, she is seeing more and more that the smaller cities have to fight very hard.

Ms. Zane stated that the liability issues in terms of indemnification were worked out two and a half years ago by attorneys and settled, and there's no need to go down that road. Ms. Zane said the issue is, what is the most cost effective way to provide the services for the constituents, and how to have a regional approach.

Ms. Zane stated she agrees with Chair St. John's recommendation, given the fact that if one looks at the matrix, four out of the nine jurisdictions feel they would like to look at Agency alternatives in terms of how these services are provided. Ms. Zane added that discussion needs to take place as to what the alternatives are, while nine jurisdictions make that decision. Ms. Zane added that is where she thinks the time and energy should be spent.

Ms. Fudge indicated she respectfully disagrees with the Chair, as she doesn't agree with the County model, and would like to not just go down a road where only one aspect is analyzed. Ms. Fudge stated a lot of this goes to the past, but she thinks that a regional approach is needed, and they all need voices.

Ms. Fudge indicated she's glad someone brought up the \$8 million dollar fee over twenty-five years that would be charged to the JPA should it lease the part of the landfill that would be used for the compost facility. Ms. Fudge stated she thought that fee was outrageous, and added the County and the JPA are public agencies, and one public agency is charging the public \$8 million dollars to rent a small piece of the landfill for compost. Ms. Fudge indicated she does not trust decisions going forward at just the County level without everyone's voices. Ms. Fudge added she appreciates the way Mr. Wysocky and Ms. Agrimonti just spoke respectfully about larger cities and the amount of money they invest.

Ms. Fudge stated that another problem with not having a regional approach is that one of the ideas from SWAG, or perhaps after SWAG, was to expand household hazardous waste to the north. Ms. Fudge added it is known that a lot of waste for the northern cities; Cloverdale, Healdsburg, and Windsor, is not making it to the facility. Ms. Fudge indicated it's difficult to make an appointment to get into the household pickups, and she knows people are not driving to the Central Landfill. Ms. Fudge added that to get to 90% diversion to make sure no hazardous waste

ever made it into the landfill Republic is now operating, an expansion really needs to happen, and she does not see that happening with just the Republic County model. Ms. Fudge added that is only one example.

Mr. Schwartz indicated he would like to float a motion to direct staff to work with R3, the consultant who did the report several years ago, to compare on all three topics. To compare all four County operated program, Agency operated program, and the model suggested by the County. Mr. Schwartz stated the question of what it costs to have the different models is on many people's minds.

Mr. Schwartz added that the second piece, which might come at a later date, is to assess the cost effectiveness of different models for operating household hazardous waste. Mr. Schwartz added that the third is one of the issues in going through the matrix seems to be a concern is the opt-out option, and effects Petaluma's interest in being involved. Mr. Schwartz stated that his understanding is that Petaluma is willing to be involved as long as they have an opt-out on compost for example. Mr. Schwartz added that several others expressed an interest in having opt-out options, as long as it doesn't negatively impact the other jurisdictions.

Mr. Schwartz added that the third piece of the R3 analysis would be to provide options that might work and allows flexibility for cities to opt-out and protects the interest of the other members. Mr. Schwartz proposed authorizing staff to engage in an R3 contract to provide work on the three points previously stated.

Chair St. John stated the City of Petaluma looked at the HHW models, and determined the city cannot replicate what's being done. Chair St. John asked if Mr. Schwartz is suggesting looking at other HHW models on the County level, and added he doesn't see getting anything better than what they have. Chair St. John pointed out Ms. Fudge's suggestion to expand HHW to the north in the future as the kinds of policy discussions he thought would be envisioned in proposals.

Chair St. John indicated that the proposal as planned is not to do anything with HHW, and added that the County would be paying that and all of a sudden the Agency wouldn't be paying for that and the customers would not see the difference. Chair St. John stated he doesn't see the County running it as not being a regional approach, and added it's still a regional approach and still the same service available to the entire region at the same price. Chair St. John stated that depending on how the model is set up, there will hopefully be a seat at the table for each jurisdiction, and added he doesn't see that this is a regional vs. non-regional issue so far. Chair St. John stated that Petaluma's solution might be considered a non-regional solution as far as Sonoma County.

Mr. Wysocky stated the HHW costs five or ten years from now and the other jurisdictions not having a say is a concern, especially when he hears about the \$8 million dollars of rent being charged. Mr. Wysocky pointed out that the City of Santa Rosa does not bill the Agency for the use of the room for the Board meeting, so he does not understand how the whole County is being charged for that facility for compost.

Ms. Zane clarified the county rent for compost is \$1 per ton on green waste over twenty-five years, which means the first year would be about \$100,000 per year, making the \$8 million dollars over twenty-five years. Ms. Zane stated that if the JPA sunseted and it was decided it would be more cost effective for the County to ask Republic to continue to provide the high level services, since they operate the landfill, it wouldn't be just the County, it would be all the cities also,

because they are all part of that agreement. Ms. Zane said it would be the County and the cities asking Republic to also operate household hazardous waste. Ms. Zane indicated that would be an amendment into the MOA. Ms. Zane reiterated this is a contract with all the cities and the County, and would be an amendment to what Republic is already providing. Ms. Zane added it took two and a half years for the lawyers to make sure all the indemnification issues were worked on and everybody was fairly represented, and added it was a lot of work for everyone to get to that contract and to agree to that regional approach and operation.

Chair St. John stated the Board has been making decisions for a year and half on the future of compost, design decisions, location, the EIR, and the permitting. Chair St. John added that is in the hands of the Agency Board and there are a lot of decisions the Agency members are going to be making. Chair St. John stated that once the decisions are made, and the deal is struck with Republic or if there is a competitive process, those decisions are made and they are locked in.

Chair St. John explained that while the JPA may say you can opt-out, in reality as in the landfill deal, you are locked in, because they need the flow commitment. Chair St. John added that the same will be true for compost. Chair St. John said he would predict there would be very harsh penalties to opt-out of flow commitments, because Republic or somebody else will have started the process of investing large amounts of money to build the facility counting on the material to be there. Chair St. John explained that when Petaluma did their study with R3, they looked at some of the opt-out clauses, and although the option to opt-out exists, the cost of any jurisdiction opting out of the Agency JPA right now starts at \$100,000, because the JPA would have to charge the opting out party to redo the regional annual reporting, making the opting out cost greater.

Ms. Harvey stated that her understanding is that the cities part is the agreement for the flow commitment, but the actual MOA itself is between the County and Republic. Ms. Harvey added the cities were part of the liability agreement and part of the flow commitment, but the MOA is only between the County and Republic. Ms. Harvey added it's a little subtle, and the only thing the cities have is their commitment. Ms. Harvey stated that the cities have no say in the MOA per say.

Ms. Zane cautioned that the lawyers are not present to explain all the clarifications, so she wants everyone to be careful. Ms. Zane stated the commitment to the flows from the cities was essential in getting the MOA signed, because it allowed Republic to have the long-term flows of solid waste to fund the reconstruction of the landfill. Ms. Zane stated that when the County thought they were going to sell the landfill to Republic six years ago, the cities came forward and said they wanted local control, and that was reached and SWAG was started to come up with some ideas. Ms. Zane added that it's always been that whole commitment of Republic to put in the new liner, to fully open the landfill so there doesn't have to be outhaul. Ms. Zane added that has always been contingent upon the commitment of the cities to take their stream of solid waste to the landfill.

Chair St. John reminded the Board that many in the audience are in attendance for a 9:00 a.m. public hearing and recommended coming to some direction on the item being discussed. Chair St. John noted Mr. Schwartz had made a motion.

Mr. Schwartz repeated the motion is with the intent to fill information gaps people need to help them move forward. Mr. Schwartz stated there are three components, and added he would be fine if the Board chose none.

Mr. Schwartz recommended the executive team and the Executive Director work together and ask R3 to provide a high level cost comparison of operating the programs with a County operated model, an Agency operated model, and a hybrid model the County came to the table with and splitting the operations between household hazardous waste and compost and RCPA for reporting, education and policy development. Mr. Schwartz stated that would be the first piece, to compare and answer the question as to what direction is most cost effective.

Mr. Schwartz added that the second is to include a component to assess the cost effectiveness of different household hazardous waste models. Mr. Schwartz added that he personally doesn't feel as strong about this as some, but thought this would be a good way to gather information and address that.

Mr. Schwartz added that the third would be to flush out how JPA language would look like if there were opt-out options which provide protection for the rest of the Agency. Mr. Schwartz added that he appreciates the Chair's comment about it being really difficult to opt-out, but in looking at the matrix that seems to be an issue many had and it appears that everyone felt it's okay to opt-out as long as there is protection for the rest. Mr. Schwartz added that perhaps that's premature because that assumes the Agency will continue.

Ms. Zane stated she has a problem with the last part of Mr. Schwartz' suggestion, and asked why have a JPA with an opt-out. Ms. Zane added that she thought there was a consensus on having some type of regional approach and who does the services is the second question. Ms. Zane indicated she doesn't see the priority in terms of staff time about looking at the opt-out issue in the JPA because it doesn't meet what was already decided, which is a regional approach. Ms. Zane added that if everyone starts opting out of programs, there is no regional approach, and no program funding.

Mr. Schwartz stated he is fine with leaving it out, as that presumes the JPA will continue. Mr. Schwartz noted the reason to include it was because from the City of Rohnert Park's perspective, they want that flexibility, and their agreement to continue with a regional approach is conditional on being more cost-effective than alternatives such as out-hauling. Mr. Schwartz added they might want the option Petaluma has now to participate in some programs and not others. Mr. Schwartz indicated this issue was brought up numerous times by many Agency jurisdictions as a point of concern. Mr. Schwartz added that the decision made to have a regional approach is not complete in the sense to have a regional approach for every program, and recommended moving off that assumption.

Mr. Wysocky commented he hears the emphasis on cost effectiveness, and agrees that's important, but he doesn't hear any emphasis on public policy, direction, and participation in the motion.

Mr. Wysocky referred to the matter on the agenda regarding out-haul costs being less than the compost program, and added it's unknown if that's going to be the fact ten to thirteen years down the road.

Mr. Schwartz replied out-haul vs. in-house compost seems like an operational question, and he recommends addressing the governance issues first.

Chair St. John indicated he would like to have the opportunity to have the executive team work with staff to clarify some of the issues heard today before a consultant comes in to say what it's going to cost. Chair St. John noted he has not seen anything in the County model that talks about any additional fees over what the JPA model is. Chair St. John stated it sounds like it would be the same thing as now, they would be doing it regionally, and added the governance issue needs to be worked out with a technical advisory committee or another alternative. Chair St. John stated he's not seeing anything today that would tell him the County model would cost more, and he would think there would be some savings. Chair St. John and Ms. Harvey agreed there is a need to look at what the County model looks like as far as costs.

Public Comments

Nea Bradford, Petaluma Resident, indicated the Board is talking about commitment and materials from the various cities and having to sign on to a certain amount, yet in today's world there is also talk about waste stream reduction. Ms. Bradford inquired how there could be a commit to an amount of material, if climate continues to change and there's a continual move to landscape with non-plant material and to use drought resistant materials, therefore there will be less plant material in the environment. Ms. Bradford added that some figures say Americans throw away 40% of the food they buy, and there's a big push to get people to reduce the amount of food they are throwing away and buy smarter. Ms. Bradford added that both of those things could significantly impact the amount that can be committed to composting in the future with more people doing home composting or finding other ways to take care of their cuttings and sending less to the facilities.

Chair St. John replied it's a commitment of waste stream and where it will be sent to and is not a tonnage commitment. Chair St. John acknowledged the Board understands it may reduce and the numbers may change.

Board Discussion (continued)

Mr. Wysocky stated the question that was raised is premature without the County numbers to compare it to.

Chair St. John replied the Executive Committee will discuss the motion and define the next steps to get the cost comparison done. Chair St. John added there will have to have some clarification and discussion with County staff to clarify some of the questions that have been raised.

Ms. Zane stated that when speaking of alternatives it's about a commitment to deliver services and not a commitment to deliver a certain quantity. Ms. Zane stated everyone is acknowledging they want a regional approach, that these are valuable services, but wish to look at alternatives as to how the services are delivered.

Ms. Fudge stated she would like to compare costs as well as services that some could request future services as well, and have a voice in that. Ms. Fudge added she wants to make sure it's not just about money, that it's also about diversion.

Mr. Schwartz stated that the motion is a cost comparison of the different models, policy setting, and comparing core programs; County-operated, Agency, or split approach where the County and RCPA split them and it's meant to address the questions that came up about cost comparison.

Ms. Agrimonti asked for confirmation that this meeting is being recorded and staff replied affirmatively. Ms. Agrimonti stated she feels comfortable with the commitment made by Mr. Schwartz, and added she wants to follow it through the process.

Mr. Schwartz motioned to have the Executive Director and the Executive Team initiate a contract with R3 to conduct the previously mentioned cost comparisons. Mr. Schwartz amended the motion to add policy setting as well. Ms. Harvey 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.

Adjourned meeting to a break at 10:22 am.

Meeting resumed at 10:30 am.

5. New Compost EIR Certification

Mr. Mikus announced speaker cards will be used today and asked that those wishing to speak regarding the EIR/site selection fill out a speaker card.

Mr. Mikus indicated there will be a discussion regarding certifying the Final EIR for the proposed new compost site. Mr. Mikus introduced Andrea Gardner, CH2M Hill, and explained she has previously spoken to the Board regarding the adequacy of the EIR and provided some research for the Agency. Mr. Mikus also introduced Sarah Owsowitz, Attorney with Best Best & Krieger, the same firm Gene Tanaka and Ethan Walsh work for, and added she's one of their environmental attorneys who has been very much involved in drafting the legal documents presented today. Mr. Mikus stated that Ms. Gardner and Ms. Owsowitz will be leading the discussion today with the assistance of Mr. Walsh when appropriate.

Ms. Gardner, CH2M Hill, indicated she will be going over the process summarized in the staff report. Ms. Gardner stated the objectives that were the basis for doing this environmental review over the last few years are to relocate Sonoma County's composting operations from its current location at the County's existing Central Disposal Site and establish a permanent composting facility with sufficient capacity for current future quantities, and provide a facility to assist jurisdictions within the Agency service area in meeting the goals and objectives for waste diversion.

Ms. Gardner went over the steps taken the last few years, and indicated a Draft Environmental Impact Report was originally prepared and had Site 5A as the proposed project. Ms. Gardner stated Site 40 was presented as the environmentally preferable alternative evaluated at the project level detail, and the Central Site alternative was included, but with insufficient capacity at the project level detail. Ms. Gardner noted this Draft EIR was released on December 21st, 2011 and

added there was a sixty-two day comment period, which exceeded the minimum required forty-five days. Ms. Gardner added that a notice of public hearing was held on January 18th, and a number of valid comments were received concerning the throughput capacity of the Central Site alternative. Ms. Gardner indicated this resulted in some design changes to that alternative, in order to compost 200,000 tons per year, which was the goal for a new facility.

Ms. Gardner explained that based on that change, per CEQA guideline 15088.5, a lead agency is required to recirculate a Draft EIR prior to certification, when significant new information is presented and added to the EIR after public review begins. Ms. Gardner indicated that therefore a Recirculated Draft EIR was prepared that focused on those changes to the Central Site facility. Ms. Gardner stated it looked at the potential impacts of that new information, and that was released on October 4th, 2012. Ms. Gardner stated that with those changes, Central Site just barely became the environmental preferred alternative. Ms. Gardner added there was a forty-five day comment period, with a notice of public hearing. Ms. Gardner added comments were received on that as well.

Ms. Gardner stated that led to the Final EIR, which was prepared and released in April 2013, and included responses to thirty-seven comment letters and emails received on the Original Draft EIR, eight comment letters and email received on the Recirculated Draft EIR, and the responses to the verbal comments received at both the Draft EIR and the Recirculated Draft EIR public hearing.

Ms. Gardner noted there were a few minor revisions made to both documents based on comments received, such as minor clarifications. Ms. Gardner added that this Final EIR was presented to the Agency on April 17th, 2013, it was not approved, but the Board directed staff to prepare additional analysis to help them support their decision. Ms. Gardner pointed out that some of that work was a preliminary design and construction cost estimate prepared by Tetra Tech BAS. Ms. Gardner added that based on that, the Central Site included revisions that address storm water management, which is one of the concerns going on, and other concerns.

Ms. Gardner stated that CH2M Hill looked at that revision, and concluded that it did not result in new significant impacts, substantial increase in the severity of any impact, or the need for any new mitigation measures, and therefore did not trigger the need for recirculation. Ms. Gardner added that CH2M Hill recently presented the results of that before the Board.

Ms. Gardner stated that based on those changes, the Central Site now has one significant unavoidable impact that contributes to significant and unavoidable long-term cumulative traffic volumes at the study intersection during weekday and commute day peak hours.

Ms. Gardner indicated that all other impacts are mitigated to a less than significant level. Ms. Gardner stated she wanted to touch on a couple of those just to add some clarifications that may not be apparent from documents directly. Ms. Gardner highlighted that one of those is noise. Ms. Gardner explained that the Recirculated Draft EIR said the operation of the Central Site alternative could expose a person to generate noise levels for operations or an excess of applicable standards. Ms. Gardner added that it listed a number of measures that could reduce impacts, but ended up concluding that it's not clear if it is reducing enough, so it will be said impacts are significant and unavoidable. Ms. Gardner referenced a table and pointed out the desired level is 50 decibels at the nearest receptor, and the grinder and the loader would be over that. Ms. Gardner added that as the review was being conducted of the changes in the Recirculated Draft EIR, a noise analyst looked at that. Ms. Gardner added that one thing that is apparent is the

grinders are now going to be inside buildings and can be designed as needed, so that is no longer a significant noise source and wouldn't have any significant impacts.

Ms. Gardner stated the mitigation measures were looked at, and those are feasible to achieve the 10 decibel reduction needed for the loaders. Ms. Gardner stated the mitigation measures include sound walls, sound curtains, earth berms, equipment muffling, and shielding, etc. to easily achieve a 10 decibel reduction. Ms. Gardner shared a little clip from an FHWA document that lists construction standard measures, but they would be the same for operations. Ms. Gardner added they range in effectiveness from 3-15 dBA reduction with things like noise curtains, earth berms, and sound walls.

Ms. Gardner stated that noise analysis was overly conservative, and added that in looking at the reference noise source, which is how loud you assume the piece of equipment is, it was based on 1971 data. Ms. Gardner added that since then, equipment has become much more efficient and quieter, and the current reference data people use is from an FHWA 2006 road way construction noise document. Ms. Gardner stated that looking at that, you would not expect 85 decibels at 50 feet, but 80 decibels at 50 feet, as current equipment is much quieter. Ms. Gardner added that there are other assumptions that assume there's no intervening topography, and chances are there is intervening topography.

Ms. Gardner stated meeting the County's L50 standard was also looked at, and explained that this means you hit that noise level for thirty minutes continuously. Ms. Gardner said that means a loader would be at the edge of the site running its engine at maximum load for thirty minutes straight. Ms. Gardner stated that is not going to happen, and added that more realistically the loader is moving around the site and one of the shorter term noise standards would be more appropriate.

Ms. Gardner referenced the table again and compared the two sensory receptors at 500 and 1,000 feet, and added that the noise level now at the nearest receptor just looking at the more realistic equipment measures, it's now 55 decibels and 48 decibels. Ms. Gardner stated that it appears that the equipment will probably meet any of the standards even without any mitigation. Ms. Gardner added that if mitigation were necessary, there are a lot of options to close gaps. Ms. Gardner added that it was also noted there would be operational administrative measures also, such as a rule that a machine can't be operated for more than ten minutes in an area. Ms. Gardner added that they felt it is very feasible to reduce the noise impacts.

Ms. Gardner stated that California Tiger Salamander came up recently with the stormwater pond discussion. Ms. Gardner stated that neither California Department Fish and Wildlife or US Fish and Wild Life commented on any of these documents. Ms. Gardner stated it is suggested they don't find this an issue. Ms. Gardner added that it was evaluated in some detail in the Recirculated Draft EIR, and there was a good discussion provided about why it isn't expected to be there. Ms. Gardner stated that the County provided a comment on that document during review period that does say it is in Santa Rosa Plain Conservation, and mitigation needs to take place. Ms. Gardner stated the response to that was that mitigation will be provided for the Tiger Salamander. Ms. Gardner added that there is mitigation provided in the record and it is essentially the County's comment that just says all the areas will be mitigated according to the Santa Rosa Plain Conservation Strategy. Ms. Gardner stated consultation with the agencies will take place to figure out what that appropriate mitigation would be.

Ms. Gardner added she also put in a couple points from the conservation strategy in case people are not familiar with the details. Ms. Gardner stated the first one is a quote which indicates that mitigation measures that are included in the plan are intended to decrease project by project impacts, as well as cumulative impacts when individual projects that are less than significant. Ms. Gardner added that generally if the plan is followed, there will be less than significant impacts on Tiger Salamander. Ms. Gardner added that some of the examples of the mitigation text can be things like fencing to be installed to exclude Tiger Salamander. You can include ramps to help them escape, and so on. Ms. Gardner explained that mitigation can be a monetary contribution to a fund overseen by Fish and Wildlife Service to restore habitat or similar activities. Ms. Gardner added that another choice may be to survey for Tiger Salamanders; do protocol surveys, and if Salamanders are proven to be absent, no mitigation will be required. Ms. Gardner added it is in the record that there will be mitigation measures for Tiger Salamander that is consistent with the Santa Rosa Conservation Strategy.

Ms. Gardner reported that a letter was received on the evening of 06/23/15 and one of the comments was on Tiger Salamander, and it's one of the reasons she touched on it. Ms. Gardner stated it is included, addressed, and mitigated to less than significant levels. Ms. Gardner added the rest of that letter touched on the Site 40 alternative. Ms. Gardner highlighted the comments regarding air quality, and added that in the Draft EIR for Site 40, it does state that ASP technology would need to be used at Site 40 to mitigate air flow impacts. Ms. Gardner added that there was an assumption that ASP would be used at Site 40, if it was moved forward.

Ms. Gardner stated the Board is voting on the certification of the EIR and placing all the documents in record. Ms. Gardner explained that the certification would mean that the Board finds the Agency's interested members, and the public have been afforded notice and opportunity to comment on all the documents in accordance with CEQA requirements. The documents have been independently reviewed, and the contents of all these documents considered prior to making decisions. That Agency Board is the final decision making body as the lead Agency, and that they reviewed and considered, testimony prior to acting, are exercising independent judgments, and that pursuant to CEQA guidelines, that the Final EIR has been completed in compliance with CEQA.

Ms. Gardner stated that what the Agency Board is not doing is selecting a project. Ms. Gardner added that certifying this EIR will basically say that because they were evaluated at project level detail, Alternative 5A, Site 40, and Central Site have all received complete CEQA evaluation.

Public Comments

Ms. Bradford stated that according to documents she's looking at, the problems for Site 40 are having significant and unavoidable increase of chronic exposure of sensitive receptors to certain toxic air contaminants, and that the windrow or ASP approaches would contribute to regional pollution.

Ms. Bradford indicated the Central Site only shows one problem, which is the traffic issues. Ms. Bradford noted that what she doesn't see in the document is if ASP and windrow pollution contribute to regional pollution at Site 40, using the very same techniques, why is it that they don't contribute to regional pollution at the Central Site. Ms. Bradford stated that after a quick look, she didn't see what those toxic air contaminants are, being referred to as problems of chronic exposure of sensitive receptors to certain toxic air contaminants at Site 40.

Ms. Bradford stated that one of the concerns at Central is the potential for air pollution in the community, and noted that over the years she has heard many people from Happy Valley talk about either themselves or relatives suffering from asthma who are affected by the particulate matter coming from the composting area on windy days.

Ms. Bradford stated she does not live in Happy Valley, but does live in the Dunham School District, and is concerned that she doesn't see anywhere that the County or the composting group will be putting out advanced sophisticated monitors in the community to protect the community from flying particulate matter. Ms. Bradford noted that one of the major contributing and deadly factors to lung problems are small particulate matter, and added it doesn't even have to be toxic. Ms. Bradford stated that the human lung cannot expel particles that are too small. Ms. Bradford stated she does not see why that is not an issue for the Central Site, and only traffic and noise are addressed.

Shayla Teixeira, an owner of Site 40, referred to a paragraph out of a CH2M Hill document, Revisions to the Central Site Alternative. Ms. Teixeira stated the Central Site alternative is described in chapter four of the Recirculated Draft EIR with references to some project description information to the Draft EIR. This section describes the proposed revisions to the Central Site alternative as described in these documents. Project description information not addressed here remains unchanged from what is included in the Draft EIR and the Recirculated draft EIR.

Ms. Teixeira indicated she wanted to discuss chapter 4.3, Alternatives eliminated from further consideration. Ms. Teixeira stated another alternative considered for this project was the use of a covered building. Ms. Teixeira stated that only a very small percentage of composting facilities occur in covered building, and asked that facilities that are located in urban areas be used, which are processing higher value feedstocks and are located in areas exposed to severe weather impacts.

Ms. Teixeira stated that in California, the majority of composting facilities use outdoor/indoor composting, and there are only two composting facilities in California that are entirely in buildings. Ms. Teixeira stated they are the Inland Empire Regional Composting Facility, which is located in Rancho Cucamonga, and the Mariposa County Mixed Solid Waste Composting Facility. Ms. Teixeira stated the Mariposa facility was located in a building to provide the extensive process control required for composting mixed solid waste, and also because the project area has seasonally freezing temperatures. Ms. Teixeira added that a third facility is the South Kern Regional Composting Facility in Taft, which is an enclosed receiving building, though the actual composting is done outside. Ms. Teixeira noted there are no in-building composting facilities in California that only process green material.

Ms. Teixeira cautioned that locating a composting facility within a building may solve some operational problems, but creates others. Ms. Teixeira added that most in-building composting facilities were designed to prevent odors or to mitigate inclement weather. Ms. Teixeira stated that locating the facility inside a building also adds significant cost, and noted that due to the corrosive nature of the decomposition process, buildings must be carefully constructed and insulated or coated to prevent corrosion. Ms. Teixeira added the buildings must be carefully engineered to specific project and size, which allows little flexibility, and once the building is built, it can be extremely costly to expand the facility to adapt changes in feedstock or volume. Ms. Teixeira stated composting facilities inside buildings must have significant air removal systems to assure a safe working environment for employees. Ms. Teixeira added that all the additional

venting required to provide a safe working environment, combined with the air movement needed to aerate the compost, can lead to significant electrical power loads for indoor composting facilities. Ms. Teixeria noted they increase electrical loads and result in increases in greenhouse gas emissions. Ms. Teixeria said that additionally, specialized equipment may be necessary to operate inside of a building, as opposed to more standard equipment using outdoor windrow facilities. Ms. Teixeria highlighted that the most important part is that this alternative was eliminated from further consideration in the EIR for these reasons. Ms. Teixeria added that this is included in the EIR because it was not addressed by CH2M Hill.

Allan Tose, Representative for Site 40, indicated that with this new state of the art facility, which would be the first in California to process green waste, it will be the most expensive composting in the state of California. Mr. Tose stated that out-hauling outside the county cost less than that now, even considering trucking fees. Mr. Tose added the reason out-hauling out of the county costs less is because virtually everywhere else in California, composting is processed in LEA zoning in the Williamson Act. Mr. Tose added that the places the compost is being out-hauled to, such as the one in Ukiah, Zamora, and the one in Dixon, are all in the Williamson Act, and are all in LEA zoning.

Mr. Tose indicated the entire state of California does it this way, but Sonoma County is different and will not allow composting in LEA zoning, because Sonoma County says composting is not agriculture, and only fifteen percent of compost is used in agriculture. Mr. Tose shared he has been speaking with PRMD for a couple years about this, and they were adamant that only fifteen percent of compost is used in agriculture, so therefore you can't compost in LEA zoning. Mr. Tose noted that the requirement is 50%, according to CalRecycle and the Williamson Act. Mr. Tose indicated that's the reason this county is stuck with this real expensive thing is due to the way the zoning is set of not allowing composting in LEA zoning like the whole rest of the state.

Mr. Tose stated that the only parcel that is legal for composting is the Central Site. Mr. Tose added that what is needed is for the Board of Supervisors to save the ratepayers possibly several million dollars a year with the stroke of a pen, and bring Sonoma County's ordinance into compliance with the State. Mr. Tose stated that this would allow the Agency to do their job of selecting an economical facility that meets California standards.

Doug Chermak, RENALE attorney, indicated he is the person who drafted and submitted the letter on 7/23/15, and has copies with him to provide if needed. Mr. Chermak stated he wanted to highlight what was included in his letter, and react to the presentation that was just made regarding two main issues about why the EIR is still legally inadequate and why it would be improper to certify today.

Mr. Chermak stated that as he included in his April 14th comments before this Board, the EIR still does not include an adequate description of what's going on with respect to the Salamander, as it relies on a 1998 study. Mr. Chermak noted there's no disclosure of where the Salamander is and what the potential impacts would be. Mr. Chermak added that the mitigation measures are still inadequate. Mr. Chermak stated there's a reference to the Santa Rosa Plains Conservation Study, and noted those specific measures included in that study, or the study itself are not attached to the EIR and it's not a complete document that truly analyzes that.

Mr. Chermak referenced the alternatives analysis, in particular the Site 40 alternative, and added that as explained in his letter, the Site 40 analysis has not received its full CEQA evaluation. Mr. Chermak indicated that the recommendation from the Agency is to certify the EIR based on impacts, which are not really depicted properly. Mr. Chermak noted that the conclusion is that there are a few different types of air quality impacts pertaining to the windrow composting and the aerated static pile option.

Mr. Chermak stated the Site 40 description in the EIR talks about ASP technology, and there's a more advanced ASP technology that's positive pressure ASP technology that's described for the Central Site Alternative in the Recirculated Draft EIR. Mr. Chermak indicated that technology was not analyzed or used for Site 40, and questioned why that technology is not proper that's going to affect the air quality impact. Mr. Chermak noted the specific impacts the Agency concludes are not going to be able to be mitigated to less than significant, are based on the analysis that the nitrogen oxide, NOx emissions, will not be reduced to the level below the BAAQMD threshold.

Mr. Chermak indicated there is an improper assumption based on the calculation errors he described in his letter, as it's not clear, because it says it's based on the windrow and ASP option. Mr. Chermak noted those are two different technologies that could be used, and asked why there was no analysis done based on the ASP option, which would presumably mitigate those air quality impacts to a level that's less than significant. Mr. Chermak added that currently with these improper assumption, the NOx level is still over, but if the assumption was done right using the ASP technology, it's likely that there would be no significant air quality impacts, and the only impacts that would remain would be the traffic impacts that were described, which are associated with the Central Site alternative.

Roger Larsen, Happy Acres, stated that CH2M Hill said a Recirculated EIR needed to be done due to going from 100,000 to 200,000 tons capacity at the Central Site, as that was a significant change. Mr. Larsen indicated that a zero discharge requirement was also a pretty significant change, yet nobody planned to do a recirculated EIR, because it would take too much time. Mr. Larsen indicated he does not believe a due diligent job has been done of comparing the two sites.

Mr. Larsen asked if the Board knows if there is a zero discharge requirement at Site 40 and if there's a requirement to compost indoors. Mr. Larsen stated the Board knows it's required at Central, but it's unknown for Site 40. Mr. Larsen commented that no cost and feasibility studies have been conducted for any location besides the one conducted by Tetra Tech for the Central Site.

Mr. Larsen commented on CH2M Hill's presentation regarding the traffic study. Mr. Larsen stated CH2M Hill spoke of an intersection, but did not speak regarding the intersection not studied, which is three hundred feet away and is the intersection used to take children in and out of Dunham School. Mr. Larsen stated there is no traffic light there. Mr. Larsen noted that there's a stop sign there with kids and cars pulling out in front of big garbage trucks that may or may not be able to stop in time.

Mr. Larsen stated that when the Board made a decision regarding the preferred site, Tiger Salamander was not even mentioned. Mr. Larsen indicated that the Board chose Central because there was a very slight difference between the two sites, but big elements like zero discharge and Tiger Salamanders weren't even mentioned in those comparisons. Mr. Larsen commented he doesn't think the Board has done their due diligent with comparing the two sites. Mr. Larsen

stated he thinks these EIR is flawed, and recommends the Board reconsider doing an EIR that answers all the questions openly and fairly, and measures green house gases and uses the same numbers everywhere. Mr. Larsen stated he also heard on 6/23/15 at the Board of Supervisors meeting that it may not be the best idea to compost up on the hill, and maybe other sites that are not mentioned in the EIR should be looked at. Mr. Larsen asked if the Board is now going to say this is the EIR, the preferred site, and not use it.

Margaret Kullberg, Stage Gulch Road resident, stated she hopes the Board has seen her letter with her concerns regarding the two sites, and added she has been attending the Board meetings for three years, and is glad a decision is going to be made now.

Ms. Kullberg commented that Adobe Road and Lakeville Road have more traffic issues than Mecham. Ms. Kullberg stated there are no electric lights near Site 40, and it's the freeway to Napa now and at times is bumper to bumper, even along 116. Ms. Kullberg added that Caltrans would require a huge amount of electric lights be put in at a large cost, and the lights are already on Mecham Road. Ms. Kullberg noted that after the four EIRs, discussions, studies, comments, reports, and staff recommendations, it all comes down to the fact that the Central Site meets all the primary objections, is the environmentally preferred superior alternative site, and is practically and technically feasible. Ms. Kullberg indicated she hopes the Board will vote for the Central Site.

Kathy Ferrando, Happy Acres resident, indicated that a lot of what she was going to say has already been said by others regarding particulate matter at Dunham School and in the community, the noise level, and Tiger Salamander.

Ms. Ferrando stated the Central Site evaluation provided in the packet with all the mitigation factors and everything else is beautiful, but that format was never used for Site 40. Ms. Ferrando stated that a decision can't be made without having the same format with the same issues addressed for all of the items. Ms. Ferrando added that an honest decision can't be made without the same basic facts. Ms. Ferrando asked the Board to put off any decision until they have that and stated the Board should be demanding that so that they can make honest decisions.

Ms. Ferrando indicated the packet includes something about Tetra Tech assuming that the site to be selected is the Central Site, because they are saying they want \$73,000 more. Ms. Ferrando stated that in the previous month's materials Tetra Tech stated there was no noise on Mecham that would be additional noise, and anything that needed mitigation was marked no, and that was not true. Ms. Ferrando asked that the Board look at somebody else before paying Tetra Tech another \$73,000.

David Harris, Santa Rosa Resident, stated that over thirty years ago he received a PhD in soil science and has had an interest in the topic of composting for many years. Mr. Harris indicated that the observations being made that Site 40 is concluded to have air quality issues that the Central Site doesn't are based on the fact that what has been looked at for the Central Site is a semi-permeable covered operation, and that has not been considered as the alternative for Site 40. Mr. Harris added that they could be equivalent in terms of the air quality. Mr. Harris indicated he thinks it's an erroneous conclusion to say that Site 40 has air quality issues that the Central Site does not have, because that could easily be handled by using the same technology. Mr. Harris added it does not have to be enclosed, and added that the organics could be controlled at 90% by simply using semi-permeable covers.

Mr. Wysocky stated the last speaker sparked an interest in him and he would like some clarification as to the different technologies for composting at the Central Site and Site 40, and inquired if they are in fact equivalent.

Mr. Mikus replied that basic technology would be the same, as they both would be aerated static pile technology. Mr. Mikus explained the major difference is that size of the property influences a lot, and Site 40 is several hundred acres, while Central Site is space constrained. Mr. Mikus indicated Site 40 has the same requirements for zero discharge and managing stormwater, but there is a lot of room to build ponds and a lot of agricultural space which can be used for that water, therefore there is no need to put a roof up.

Mr. Wysocky asked Mr. Mikus to touch on the enclosed or semi-enclosed building, and added that it appeared to him that Site 40 is not an enclosed facility, where as the Central Site is.

Mr. Mikus replied affirmatively.

Chair St. John pointed out this action is to certify the EIR and there is a separate item to discuss the site differences, as the Board will be asked to make a site selection.

Mr. Wysocky stated he appreciates that but they are paired and it's not analyzed with a building vs. not having a building.

Mr. Mikus replied it's a different set of circumstances, as it is a different location. Mr. Mikus compared it to the logic that one site might have traffic issues where as the other site may not.

Mr. Wysocky inquired regarding the LEA zoning not allowed in Sonoma but elsewhere in the state of California and asked if that plays into the EIR certification.

Mr. Mikus replied it does talk about the fact that Site 40 is subject to zoning and Williamson Act issues. Mr. Mikus added it's not a clear path and there are different opinions as to how that can be handled. Mr. Mikus added that anything else would require a zoning change by the County and would require dealing with the Williamson Act provisions at Site 40, whereas that's not the case at the Central Site.

Mr. Wysocky asked if it is a fair statement that the traffic impact on Site 40 is more significant than the traffic impact on the Central Site.

Mr. Mikus replied he does not know the answer and would need to research it.

Ms. Gardner clarified CH2M Hill did not prepare the Draft EIR, the Recirculated Draft EIR, or the Final EIR, but provided the analysis that occurred afterwards. Ms. Gardner added that the Draft EIR determined that traffic impacts on the Site 40 alternative could be mitigated to a less than significant level. Ms. Gardner added that the project level impact at the Central Site could be mitigated to less than significant level, but there would be accumulative significant and unavoidable impact at one intersection.

Mr. Wysocky asked for confirmation that the Central Site has more of a traffic impact than Site 40.

Ms. Gardner replied that the Central Site has a significant unavoidable impact, and added that it depends on a person's actual experience driving, and she can't speak as to what would be better or worse, but in terms of the thresholds of significance that were established for this document, everything for both sites is less than significant, except for the one cumulative impact at one intersection.

Ms. Harvey stated comments were made regarding traffic and Caltrans and inquired if there is any input on requirements from Caltrans.

Ms. Gardner stated she does not recall, but will pull up the comment letters to look.

Ms. Kullberg, Stage Gulch resident, stated that was a 2011 study.

Chair St. John asked Mr. Wysocky if he wanted to wait for the answer to his question before he casts his vote.

Mr. Wysocky replied he would and added he would like to be convinced as to why one site is required to have a fully enclosed building and the other one is not. Mr. Wysocky added that it's common sense that would affect the air quality, and he would like to know why the difference.

Ms. Zane stated this is on the agenda for the Board to certify and Mr. Wysocky could bring up the issue when that agenda item is reached. Ms. Zane pointed out that there is a motion and a second that has been cast.

Chair St. John stated the next item is the site selection item.

Mr. Wysocky stated this has to do with the actual process of how it was prepared, and it doesn't seem like they are on equal footing. Mr. Wysocky stated it's not about site selection; it's about the criteria of the different sites.

Chair St. John explained that in his view, you are not required to have the exact same project, building everything on every alternative. Chair St. John added that the alternatives are developed in the EIR as see fit. Chair St. John indicated that one may have a building, and the other may not have a building. Chair St. John stated that's not the issue, that the issue is there's an alternative and you describe it, then you have another alternative that provides those core services and those environmental requirements as described, which may not be exactly the same, but it's described, and the impacts are analyzed. Chair St. John stated there is no requirement in the EIR that they all have to be covered or a certain way. Chair St. John stated they are required to have to perform the same function, and the environmental impacts have to be evaluated.

Ms. Gardner concurred with Chair St. John, and added that it is not required in CEQA to make each alternative exactly the same.

Ms. Fudge explained that the reason for covering the buildings at the Central Site is for zero discharge, because there's no place to put ponds due to the hills. Ms. Fudge added that's not required due to the acreage at Site 40.

Mr. Mikus commented that makes perfect sense that if you have an issue on one site that you're dealing with roofing for water. Mr. Mikus pointed out that enclosing the buildings is to address

the neighbor's odor issues, and added there's nothing wrong with taking advantage of having an enclosed building that helps with noise and other impacts. Mr. Mikus stated that might not be needed at the other site.

Ms. Gardner addressed the Caltrans question and stated Caltrans had comments on the use of State Route 116 for alternatives 5A and Site 40. Ms. Gardner stated they just commented that it's a high speed road, and wanted to be involved in decision making and permits, but did not comment on the Central Site.

Mr. Schwartz motioned to approve staff's recommendation to certify the EIR and Brent Salmi, City of Healdsburg, 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-

The motion passed unanimously.

6. New Compost Site Selection

Mr. Mikus indicated that a project needs to be selected, and that means selecting a site. Mr. Mikus indicated the Agency has gone through a lot in the past two and a half years trying to figure out the best place to go. Mr. Mikus noted the following statement in the staff report summarizes it well: Because the Central Site alternative is the environmentally superior alternative, and it is practically, technically, and financially feasible, Central is the best site for a new compost facility.

Mr. Mikus stated it's been determined the Central Site does have the capacity needed over time for a robust composting program, and some things have been done in the design to address some of the neighbor's concerns regarding odor. Mr. Mikus added the Agency had to deal with the zero discharge issue, and managed that by figuring out it is cost effective to put a roof on. Mr. Mikus stated that while the price tag is steep for either site, it's financially doable when you look at amortizing the project over 25 years. Mr. Mikus recognized there are pros and cons for both sites being considered, which is why he wants to return to the statement that Central is technically, financially, and practically feasible.

Mr. Mikus stated Sarah Owsowitz, Attorney with Best Best & Krieger, will speak regarding the 90-page resolution.

Ms. Owsowitz indicated she will be explaining why 90 pages precede the Board's action on site selection, and noted the site selection issue is a policy issue for the Board, Mr. Mikus, and the public to discuss. Ms. Owsowitz stated that having certified the EIR, the Board is now in a position to approve a project or direct staff to pursue a project.

Ms. Owsowitz stated that what CEQA requires once an EIR has been certified is that the decision making body, which is the JPA, adopt a mitigation monitoring and reporting program that imposes

mitigation measures as to the site selected based on findings that the mitigation measures would actually address the impacts that were already identified in the EIR. Ms. Owsowitz stated the information certified is the EIR, and it is known if the mitigation measures are implemented, the Board finds the implementation of these mitigation measures will leave only one remaining significant unavoidable impact; the traffic cumulative impact discussed.

Ms. Owsowitz stated CEQA has a third requirement. Ms. Owsowitz explained there are findings, and the MMRP is adopted, but if you are left with an impact that you can't mitigate to below less than significant level, then you have to adopt a statement of overriding consideration. Ms. Owsowitz indicated this document is page 76 and 77 in Section 8 of the resolution. Ms. Owsowitz stated this is a policy section of the resolution where it's articulated why even with the single significant unavoidable impact, it's still believed it is worthwhile, given the public benefits of selecting this site to go ahead and direct staff to pursue that site.

Ms. Owsowitz stated the other issue that's somewhat unique in her experience is that CEQA always requires that and EIR identify the environmentally superior alternative. Ms. Owsowitz reference CEQA Guideline Section 15, 126 (e) (2) states that if it is the no project alternative, nothing will happen. Ms. Owsowitz indicated that if something is done, the question is what is the least impactful alternative, and that is called the environmentally superior alternative. Ms. Owsowitz added that this is little known, but CEQA requires that you adopt the environmentally superior alternative, unless it's found legally, socially, economically, technologically, or otherwise infeasible.

Ms. Owsowitz noted that when Mr. Mikus says that on a policy level it is feasible to pursue the Central Site alternative, CEQA says that alternative should be adopted, because it is feasible and the least impactful of the alternatives evaluated in the EIR. Ms. Owsowitz stated that's kind of a wrinkle, which is a factor if a decision making body rejects the environmentally superior alternative, but the Board is not supposed to do that today. Ms. Owsowitz added the Board could change their mind, but as currently drafted, the Board is proposing to adopt the environmentally superior alternative, which is what CEQA asks you to do when you find that alternative to be feasible. Ms. Owsowitz stated those are the different things the Board will be doing when they adopt the resolution.

Ms. Owsowitz stated that CEQA findings are a summary of the project or site considered, so that the impacts are before the Board and they can make determinations as to whether the Board thinks the mitigation measures will actually address those impacts.

Public Comments

Mr. Larsen stated that the City of Santa Rosa asked some good questions about the building vs. no building, and if this was compared in the EIR. Mr. Larsen indicated that it was not compared to the same length or level.

Mr. Larsen stated that two years ago in April, Agency staff told the Board that Site 40 was the preferable site, because there was room to grow, there were no waste water problems, and there was less risk involved. Mr. Larsen indicated he has presented that to the Board before. Mr. Larsen added that the cost has been presented to the Board, and added that at one time the Board was told it was \$60 million dollars to build at the Central Site, therefore it's \$60 million dollars plus the cost of the property purchase at Site 40. Mr. Larsen added it turns out buildings don't have to be built, but when the decision regarding the EIR was made, the Board was told comparable

comparisons were taking place. Mr. Larsen stated he just heard today that it's not the same, and it doesn't have to be the same.

Mr. Larsen stated he believes someone has an agenda regarding how this is going to be, and the Board is forced into it. Mr. Larsen indicated that by choosing the Environmental Impact Report they have, the Board will be held responsible later when the County says they have the Environmental Impact Report and studies and they will have to use them. Mr. Larsen added that the Board has not been given all the facts, carried water for the County, and they thanked the Agency by passing the blame on them.

Mr. Larsen indicated he is stuck with endless traffic on Mecham, compost stink, the kids that live on Dunham are at a higher risk, and two communities are disrupted, instead of putting the site in the country. Mr. Larsen added he is pretty discouraged it has gone the way it has regarding the EIR, but he full well expected that, because it has been cover your ears and eyes and do what the County says.

Mr. Tose indicated water wasn't addressed in any of the stuff with CH2M Hill or anything. Mr. Tose stated Site 40 has an 84 acre foot lake and they have a permit to expand to 164 acre feet. Mr. Tose added that's both industrial water, irrigation water, and stock watering water, and added the industrial and irrigation water could be used for compost.

Mr. Tose noted the Central Site is on a well that is shared between the MRF, the landfill, and the compost facility, and is located off site. Mr. Tose stated the water laws have changed in California most significantly in a hundred years, and talk about things like run off as a resource, and the identification of a water plan need.

Mr. Tose added that when the original EIR was put together, because it's only 38 acres, they were exempt from having the water study done at the Central site. Mr. Tose noted that one had to be done at Site 40. Mr. Tose stated there will likely be a water study of the Central Site with all the new rules, and it is possible it will not make it through that. Mr. Tose stated that at Site 40 all the water can come from the lake, there is no need for ground water. Mr. Tose added that you would build as big a pond as you want to get rid of the waste water, and irrigate the hayfields and grow crops, as it is done with dairy water. Mr. Tose stated there would be zero discharge and zero use of potable water.

Ms. Ferrando indicated she is very disappointed it was a unanimous decision and that no one would speak up to say this was an unfair comparison and they needed more time to look at it. Ms. Ferrando stated she is in the unincorporated area and doesn't feel represented by the supervisors.

Ms. Ferrando shared it's frustrating that a number of people were in attendance earlier but had to leave because they couldn't wait the entire time and didn't get a chance to speak. Ms. Ferrando thanked the Board for their time and reiterated her disappointment.

Ms. Kullberg stated there should be a state of the art facility at either the Central Site or Site 40, and everything has to be covered at either site, due to odors and noise. Ms. Kullberg added there are approximately 500 acres of vineyards around Site 40, organic dairies, and commercial vegetables being grown, therefore the same type of state of the art aerated static pile facility needs to be available. Ms. Kullberg stated it will cost the same at either location, except for the

cost of \$6.4 million for Site 40. Ms. Kullberg indicated there are streams running through Site 40 as you do at the Central Site, so there will have to be a pond that would hold the zero discharge.

Ms. Kullberg noted that the traffic study was conducted in 2011 and is therefore outdated as to Adobe and Lakeville. Ms. Kullberg stated that there is a small two lane road near Site 40 what will require electric lights, and added these are major roads to Napa and Petaluma.

Mr. Chermak stated he wanted to make a point regarding the site selection, not about the exact CEQA issues, but to highlight something that he was raising in his earlier points. Mr. Chermak recommended the Board take a hard look to see whether they are in fact planning to use the same state of the art ASP technology at Site 40; positive pressure technology that was specifically described for the Central Site alternative in the Recirculated Draft EIR. Mr. Chermak indicated that is not contained in what is the present description of Site 40 in the Draft EIR. Mr. Chermak asked the Board to think about whether that technology is going to be used, and should be used, as it's a feasible technology that could be used for Site 40.

Mr. Chermak recommended thinking about the air quality impacts, and then when thinking about what truly is the best site, to select the site that's going to result in fewer environmental impacts. Mr. Chermak added that those air quality impacts as he described earlier, were not calculated correctly, and are the only impacts the EIR has concluded would be present with Site 40. Mr. Chermak added that if the Board wants to select the environmentally superior alternative, they should select the one that is not going to have any impacts, which is Site 40 and not the Central alternative which that is going to have the cumulative traffic impacts.

Ms. Bradford referenced the professional journals for the composting industry and stated that many of the sites along the west coast, such as California, Oregon, and Washington, are really into monitoring the air. Ms. Bradford indicated the Environmental Impact Report only talks about old style air pollution and things from the petroleum industry, heavy metals, etc., and there's virtually nothing in there about the kinds of things other facilities are doing to monitor bioaerosols, organic pollutants, and small particulate matter. Ms. Bradford added that there does not appear to be a plan to do that.

Ms. Bradford stated she addressed a previous EIR about this, and was told the tests are too expensive and not accurate enough, and noted that other communities have found ways of doing this. Ms. Bradford acknowledged that there are some accuracy and expense cost issues, but technology is improving every day, and there will be a time very soon when there will be a requirement to conduct monitoring.

Ms. Bradford indicated she lives in the Dunham School District, and there are days when the air quality is so bad, you have to leave the house. Ms. Bradford noted that's not just odor, that it's the kind of thing that chokes your lungs up, and added that the school district is in direct line with the Central Site.

Ms. Bradford noted there has never been a real study done on Site 40, and added she's not necessarily for Site 40, but that it came down to Site 40 and Central. Ms. Bradford indicated that Supervisor Rabbitt has said that he categorically will not accept Site 40 being used, and noted that seemed like an agenda to her, if there are only two choices.

Ms. Bradford asked that the Board not sweep them under the rug and at least get accurate information. Ms. Bradford acknowledged that while things don't need to be done exactly the same at each site, it's not the same as looking at one thing with one set of glasses and another with a different set of glasses, when you could apply equal standards.

David Harris, stated this CEQA process falls under the classic "where the sites don't need to be considered equality" idea, so the EIR is going to be accepted. Mr. Harris added that they are still not bound by the EIR in choosing the site. Mr. Harris added that it's not a very good process that would allow these CEQA to be turned around and used in that way when the actual technology that could be used is not considered. Mr. Harris added this is a process that does not seem to be objective.

Jim Faoro, Central Landfill neighbor since 1980. Mr. Faoro stated he has seen a lot of changes over the years. Mr. Faoro stated that over the years when the odors and all the other issues started coming up at the landfill, there was an attempt to contact the supervisors. Mr. Faoro said that first it was former supervisor Mike Kerns, and then it was Supervisor David Rabbitt. Mr. Faoro stated there were invited to neighborhood group meetings where they could talk about this, but not only was their participation not obtained, a response was not even received. Mr. Faoro indicated that they live out there and have to put up with all the down side of the dump operations, and a big part of that is the smell and the water quality. Mr. Faoro shared that neighbors have moved due to the odors, as they can't tolerate the odors in the afternoon.

Mr. Faoro challenged any Board member to spend some time out there and go through what the residents go through with the odors, traffic, and the water quality. Mr. Faoro stated he's aware there are monitor well and a water company out there too, and added that the residents do monitor their wells, due to the potential hazards of the old stuff in the landfill. Mr. Faoro noted that to continue this practice after listening to the neighbors asking the Board to stop it and not do so is not right. Mr. Faoro stated he begs the Board to reconsider.

Nick Loiacono, resident near the Central Landfill, stated this is the first time he attends one of these meetings, and indicated it's obviously a very controversial subject. Mr. Loiacono stated that what he does understand from reading certain materials and mostly being at the meeting, is that the proposed plan to locate at the Central Landfill appears in many ways to be "a large version of planet fail," and resulting in the closing of the current composting operation. Mr. Loiacono added that his understanding, according to what he is hearing from staff, is that the Central Landfill has one element that cannot be mitigated below a significant impact, and everything at Site 40 can be mitigated below significant. Mr. Loiacono indicated that the conclusion that the Central Landfill is the preferred place to host the composting operations seems to be inconsistent with the testimony of staff on this particular item.

Board Discussion (continued)

Ms. Harvey stated she would appreciate it if staff would go into a little bit of detail for the public who has not attended before, as to the technologies and things reached to address some of the concern, in particular the odor and water. Ms. Harvey indicated she believed there are still some people who do not understand how that was addressed, and that it has been addressed. Ms. Harvey added that she believes that when costs and things were being looked at, the intent was to use the same technology at whichever site was chosen, and those were the cost and examples provided to the Board.

Mr. Mikus indicated there were two main issues at the Central Site. Mr. Mikus stated that one of the issues was the odor concerns, and what was done to address that was the processing buildings were designed in a preliminary design to be enclosed under negative pressure so that those odors would be dealt with rather than released out into the atmosphere. Mr. Mikus explained that part of that is recognizing that a difference in the new site is the ability to process food waste, and it has been learned that food waste causes a lot of odor issues when it is first processed.

Mr. Mikus stated the discharge water with contact compost materials was the other issue at the Central Site. Mr. Mikus added that the Central Site has limited space, and the only way found to cost effectively deal with the water issues there and meet the zero discharge requirement, was to build roofs over the working areas. Mr. Mikus added that some time ago, an estimate was done of what that roof would cost, and it was compared to the cost of building a pond elsewhere on the property that could contain all the water for a year, as the other way zero discharge could be achieved. Mr. Mikus indicated that building the roof actually costs less, and noted there was an annual expense for a pipeline that would be needed between the site and the pond that would have impacted costs every year after that, and it is why the roof option is being looked at.

Mr. Mikus stated that regarding Site 40 and technology, both sites are intended to use aerated static pile technology, and it was included in the EIR when it was first developed years ago. Mr. Mikus added there is no intent to use the old windrows like now. Mr. Mikus explained that the difference at Site 40 is that it has land, so there is a place to build ponds and also a place to dispose of the water, as that is a problem at the Central Site. Mr. Mikus added that it is not necessarily a given Site 40 has to have a roof, and added another factor is that it's a different regional water quality control board, whose regulations are not as strict as in the North Coast Region. Mr. Mikus stated there have been conversations with people from the Bay Area Water Quality Control Board about how some of those regulations would apply. Mr. Mikus acknowledged that zero discharge does have to be achieved, but one of the big differences is that they don't have a policy on a prohibition of treatment options at Site 40. Mr. Mikus added that one of the problems at the Central Site, and the reason a roof is needed, was because North Coast doesn't allow treatment, where as that would be a possibility at Site 40.

Mr. Mikus acknowledged the comment regarding costs, and added there are balances in costs. Mr. Mikus stated that at the Central Site the County worked out the MOA with Republic so that they would do the majority of the base grading at no cost, whereas at Site 40, there's a lot of grading that needs to be done that the Agency would need to pay for.

Mr. Mikus added that while it's known the rent to the County for the use of the Central Site will be \$1.50 per ton, to be increased \$0.25 per ton every five years, and the reason it accelerates to the \$8 million dollars. Mr. Mikus stated that is balanced with a selling price, and it's not that much less at Site 40. Mr. Mikus added those are some of the things that offset the cost of the roof when the cost analysis was done about six months ago.

Chair St. John stated the Board is acting on the information that has been circulated, the Draft EIR, and the Recirculated Draft EIR. Chair St. John added the redirected EIR was not revised as a result of some of these additional work that was done last year that involved the building and the roof.

Mr. Mikus stated he concurred.

Chair St. John added that his understanding is that therefore the building and the roof is not part of the analysis in the Recirculated EIR. Chair St. John added that the Agency hired CH2M to look at what was being done, to obtain an opinion as to whether the Agency needed to recirculate. Chair St. John stated CH2M produced a document called Review of Changes to Central Site Alternative. Chair St. John added that his understanding is that's not part of the Recirculated EIR.

Ms. Owsowitz clarified the CH2M Hill report titled Review of Changes to Central Site Alternative, is part of the record before the Board. Ms. Owsowitz stated that in approximately the third page of the resolution, the whereas clause does include a statement that the Board has considered the report and therefore, it's part of the Board's conclusion that the information in that report did not trigger recirculation, that the revisions, while they are revisions to the site the Board would be considering approving and would apply, those revisions do not result in a substantial increase in severity of any impacts. Ms. Owsowitz added that it is part of the whole of the Board's consideration. She added there were some technological changes and minor revisions that were considered by CH2M Hill in the March 2015 report. Ms. Owsowitz added that Chair St. John is correct that it is not in the Recirculated Draft EIR or the Final EIR, but it is part of the project before the Board, and it is part of the whole of the finding the Board is making.

Chair St. John replied he understands that, but his point is that it was not considered the environmental impacts the Board just acted on and considering with respect to site selection. Chair St. John added that the work that has been done and included in these review of changes the document, actually improve the environmental impacts disclosed.

Ms. Owsowitz replied affirmatively.

Chair St. John added that they are actually making comparative comparisons, as the environmental impacts both consider sites that do not have roofs and do not have odor control; don't have the things studied last fall.

Ms. Gardner stated that she believes what Chair St. John is getting at is that the Recirculated Draft EIR included a Central Site Alternative that did not have roofing or enclosed grinders, and still found it to be the environmental superior alternative.

Chair St. John acknowledged that document has been introduced into the record and is part of the Board's consideration that actually makes it even more superior.

Mr. Wysocky asked that the water issue discussion be elaborated, as he is hearing that Site 40 has much more water available than the Central Site. Mr. Wysocky stated he wants to make sure there is plenty of water and there won't be any discharge. Mr. Wysocky indicated that his understanding is that the Board is being told Site 40 is superior on that one aspect.

Mr. Mikus asked if Mr. Wysocky is inquiring regarding water supply or water discharge.

Mr. Wysocky replied he's asking about both.

Mr. Mikus explained they both have the same regulations that you can't have discharge, but the difference is one you could roof, and the other one has land to build as big of a pond as you want, and you can spray and irrigate the rest of the land. Mr. Mikus stated he does not know if one is better or worse than the other, as they both have to deal with the water accumulating on site.

Mr. Mikus confirmed the water at the Central Site is primarily well water, and added that the preliminary design includes an approximately 4 or 5 million gallon pond that would be used as a detain pond for the regular stormwater, and at the end of the rainy season could be used to hold water for summer irrigation.

Chair St. John commented that is currently being done today.

Mr. Mikus replied some of that occurs now, but not to that degree of extent. Mr. Mikus stated Site 40 does have water on site, but he would have to go back to look at a study done and discussed in the EIR about using water generated by Petaluma. Mr. Mikus added that until recently, Petaluma was piping water to Site 40, and the people that run the site now and have cows on, were using recycled water from Petaluma. Mr. Mikus added that has changed, but he does remember having a conversation with Petaluma some time ago regarding the need for water from Petaluma at the site.

Mr. Wysocky inquired if that's a concern for the Central Site being selected that there won't be enough water.

Mr. Mikus replied there is not a concern because the difference is that aerated static piles, since it is enclosed and reuses water so much more efficiently than the open windrows, the water use would be much less. Mr. Mikus stated that right now approximately 11 or 12 million gallons are used per year, and it would be less than half of that if aerated static pile was used.

Mr. Wysocky asked for confirmation that the question on air quality close to the Central Site would also be part of landfill operations and not just composting.

Ms. Zane stated that as a Director on the Bay Area Air Quality Management District, she would like to make a clarification. Ms. Zane stated monitoring is done in the North Bay both pollutants as well as small particulate matter. Ms. Zane added there are very strict thresholds in terms of healthcare hazards; being some of the strictest in the country. Mr. Wysocky asked if that's an issue for Central and Ms. Zane replied it is not.

Mr. Wysocky inquired if it's correct that 365 trucks per day were going to go to Site 40.

Mr. Mikus replied that at 100,000 tons per year, the average is 325 tons per day, which is approximately 18 tons per truck. Mr. Mikus added peak is 600 tons.

Mr. Wysocky stated that would be less than 20 trucks per day.

Mr. Schwartz stated that in September 2013, Supervisor Zane mentioned she didn't think Site 40 would be feasible given the County's position on land use in that area, and asked if there is any reason to think that position may change.

Mr. Mikus replied that one of the debates never entirely settled was if as a public agency the Agency had to comply with zoning rules or not. Mr. Mikus stated former the Agency Counsel gave the opinion that as a public agency, the Agency would not have to follow zoning requirements, and if the Agency has a piece of property, the Agency could do what they wanted with it. Mr. Mikus indicated he does not know if that's correct or not, and noted he could see several

scenarios. Mr. Mikus stated that if that is incorrect, the Agency does have to comply with the County zoning requirements. Mr. Mikus stated that the other scenario is whether or not the Agency Board has an interest in exercising this right as a public body, and determining that they would want to use the property and not enforce the County zoning.

Ethan Walsh, Agency Counsel, stated that as a general matter joint powers authorities have the powers of a specific designated agency; one of their member agencies. Mr. Walsh added that as a general matter, certain public agencies, cities, counties, and the State, do not have to comply with the land use designations of adjoining, if they are developing something, such as if the County is developing something in the city, or the city is developing something in the County, they don't need to comply with their zoning. Mr. Walsh added that public agencies do need to comply with their own general plan designation and at minimum have to comply with their own general plan.

Mr. Walsh added that the Agency's joint powers agreement doesn't expressly say which jurisdiction's rules the Agency will follow, whether it be the cities or the County's. Mr. Walsh added that given the context of the document, he thinks it's pretty clear that they follow the County's rules. Mr. Walsh stated he thinks the the former counsel was talking about those rules generally, that typically public bodies don't have to follow other jurisdiction's zoning. Mr. Walsh added that given that the Agency has to follow the County's rules, the Agency presumably would have to comply with the County's general plan land use designations. Mr. Walsh stated that if one of the Board members felt there is inconsistency with the general plan for Site 40, Mr. Walsh thinks that would be an issue that would have to be addressed, and added that issue has not gone away.

Mr. Schwartz indicated he is glad the environmentally preferred site is financially feasible, and added he doesn't feel there is a real choice. Mr. Schwartz added he doesn't like the cost or the affect it will have on the rates, particularly with the \$8 million dollar cost, because that could lead to have to outhaul, which would not be preferred. Mr. Schwartz referenced an earlier conversation regarding wanting an opt-out provision to the JPA to make the options more palatable to his city. Mr. Schwartz added having to outhaul accelerates the interest in moving along and having the option to have composting in the County as quickly as possible.

Ms. Agrimonti motioned to move these new site selection and Ms. Zane seconded the motion and clarified the Central Site was being selected, which is the staff recommendation.

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-

The motion passed unanimously.

7. New Compost Site Permits Preparation

Chair St. John stated the Executive Committee had been working with staff and asked them to be prepared, assuming and in the event the site selection was made on this day, and in the interest of

time, to move directly into the permitting process and help facilitate the actual delivery of the new project. Chair St. John thanked staff for getting the proposal together in a timely manner. Chair St. John added that it is the Board's intent the permit process would involve the County and the County's primary contract, Republic initially. Chair St. John added the Board is exercising its mission and authority to move this project along.

Public Comment

None.

Mr. Schwartz motioned to approve the staff recommendation and Brent Salmi, City of Healdsburg, 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.

8. Wood Waste and Yard Debris Tipping Fee Adjustment

Chair St. John complimented staff for providing a very clear staff report, from his standpoint.

Mr. Mikus complimented The Ratto Group for working with staff on developing alternative sites and revisiting some of the sites. Mr. Mikus noted the Board already approved an amendment to the contract with The Ratto Group to expand the sites. Mr. Mikus added that on an annual basis it looked like the Agency's anticipated expense for overhaul dropped almost three quarters of a million dollars. Mr. Mikus explained there was conversation about a tip fee increase of approximately \$60 to \$70, but given that savings, staff's proposed tip fee increase is to be \$58, from an average of \$34.58. Mr. Mikus stated that currently there are different product lines that have a different number, and staff though the easiest way to do this was to have everything be \$58 per ton, whether it's at the transfer stations, Central, or whether it's wood waste or yard waste.

Mr. Mikus reference the chart on page 157 of the Agency packet and stated that would provide the needed revenue to remain revenue positive on the overhaul and to provide a small buffer in case there is more than expected overhaul. Mr. Mikus explained that the actual tip fee would be just under \$78, which includes the \$19.10 MOA fees.

Mr. Mikus recommended the tip fee increase be effective July 1, and added staff has had conversations with The Ratto Group about getting that translated into new rates for them at the can for the cities. Mr. Mikus added that he has asked Steve McCaffrey from The Ratto Group to speak to the Board under public comment as to how they work that out. Mr. Mikus stated that Ratto is okay with July 1, and they have a way to make that work.

Mr. Schwartz stated July 1 is problematic for Rohnert Park, and they would like to change the effective date to October 1 to avoid retroactive billing. Mr. Schwartz stated that the billing for Rohnert Park and possibly for some of the other cities cannot happen with the July bills. Mr. Schwartz stated he spoke with staff prior to the meeting and the Agency has the funds available without doing serious damage to the fund balances to carry this for three more months and October 1 could be the start date for the new fee for all Agency members.

Mr. Mikus estimates the Agency's reserve account to be at \$1.8 million dollars, and noted that if the Agency covered the cost of overhaul of approximately \$150,000 per month for three months, the reserve account would be reduced by approximately half a million dollars, leaving over a million dollars in the reserve account.

Mr. Wysocky asked if this tip increase due to the overhaul caused by the closure of the compost facility be return to the existing rate should another compost facility be opened.

Mr. Mikus replied that is possible and would depend on what the expense of the new compost facility would be. Mr. Mikus stated staff has always said there's going to be an increase, and added that the most recent numbers were between a \$20-\$25 per ton increase.

Mr. Wysocky stated he sees this is tied to the increased cost for overhaul, and when that cost goes away, he sees the fee increase going on.

Chair St. John stated the overhaul would go away, and therefore there wouldn't be a need to pay for that any longer.

Mr. Wysocky replied he understands that the residential customers won't.

Mr. Mikus stated it would be expect that when overhaul goes away and nothing changes, and if there was a site that was operated at the same cost as now, the rate would be reduced. Mr. Mikus indicated he does not anticipate that happening, and added that staff has been pretty consistent that a new site is going to cost more.

Mr. Wysocky stated that's a separate issue and he's okay with that, but he is not okay with this just being permanent.

Mr. Mikus suggested the proper thing to do would be to amend the motion or amend staff's recommendation and indicate that when overhaul stops, Agency Board at least has to relook at the tip fees.

Mr. Wysocky stated he would like to see an amendment.

Ms. Fudge stated that in some ways it feels good today to be making decisions and moving forward, and in other ways, the Board has never spoken as a body about why the Agency is overhauling and what happened to cause the Agency to get to this point. Ms. Fudge added she thinks it is a travesty to have to overhaul and having to close compost. Ms. Fudge stated that many on the Agency Board worked very hard for a length of time to try to overcome roadblocks. Ms. Fudge indicated that some roadblocks were caused by the neighbors from the lawsuit, and some were caused by some internal roadblocks by some members of the Agency. Ms. Fudge stated she

doesn't want the Board to forget what the Board has gone through and done to keep coming up with solutions.

Ms. Fudge thanked staff for working hard and providing endless hours on nights and weekends trying to come up with alternatives. Ms. Fudge also thanked Stu Clark for his work, and added that the Board started to move forward when Stu Clark became a consultant for the Agency. Ms. Fudge thanked Sonoma Compost for coming to the table continually agreeing to reduce the footprint of their site, making adjustments, and laying off people. Ms. Fudge stated that the decision that had to be made to settle the lawsuit is causing perhaps the failure of the whole company and lay off of people. Ms. Fudge acknowledged that on this date, the Board is raising rates to outhaul, which environmentally is the worst thing to do, but the Board doesn't really have a choice right now.

Chair St. John stated this is not changing the customer's rate directly, it's changing the cost to the contractor to provide the service, which then the contractor will be passing through to the customers. Chair St. John added this action is so the Agency can have a contractor start outhauling on July 1st. Chair St. John added it's his understanding that would the phase closing of the facility, and outhauling needs to begin on July 1st. Chair St. John added he wants to be clear that additional dates included do not prevent outhaul starting on July 1st, to facilitate the scheduled October 15th closure.

Mr. Mikus clarified that what's being discussed now is the tipping fee adjustment to balance the income, the contract to outhaul was passed as an amendment under consent for Ratto to add the other sites and begin outhaul on July 1st.

Chair St. John asked for confirmation that the Agency is using the negotiated tonnage prices from last Fall's contract with Ratto.

Mr. Schwartz confirmed he's recommending that everyone start collecting revenue at the same time, and no revenue will be collected retroactively.

Public Comment

Evan Edgar, Compost Engineer, stated he's representing Upper Valley Disposal Service in Napa County, Quackenbush Mountain Compost in Lake County, and Clover Flat Resource Recovery Park in Napa County. Mr. Edgar added these are the Bob Pestoni family of companies who have been making compost for the vineyards for the last twenty-five years and understand compost. Mr. Edgar indicated they are coming late to the process because they fully supported Sonoma Compost surviving. Mr. Edgar stated that since Sonoma Compost has signed an agreement, he is before the Board on behalf of Bob Pestoni and his three composting facilities to offer additional disposal capacity for composting on adjacent counties.

Mr. Edgar spoke regarding their certifications and expressed they want to team up with Sonoma Compost to backhaul compost they can market.

Mr. Edgar requested the possibility to add Quackenbush Mountain to Exhibit C, list of approved sites, of Consent Item 4.3 on the Agenda for today's meeting. Mr. Edgar indicated he is providing a letter and a statement of qualifications that the Quackenbush Mountain Compost Facility in Lake County is fully permitted for the new waste discharge requirements and are zero discharge. Mr. Edgar added this facility is available and has 260 tons of capacity and they could make a \$58 per ton cost to haul 63 miles from the Central Site to Quackenbush, which is on the eastside of Lake

County. Mr. Edgar added there is an additional capacity of backup for Upper Valley Disposal and Clover Flat Resource Recovery.

Mr. Edgar indicated they are permitted to take residential food waste. Mr. Edgar added that the rates he saw here is only green yard waste, and a lot of cities are adding food waste to their material. Mr. Edgar noted they are permitted per AB1826, which is mandated commercial recycling of organics.

Mr. Edgar indicated that Sonoma County and its cities had 58,000 tons of organics go into the landfill in 2013, based on the new waste characterization study by CalRecycle. Mr. Edgar added that 20,000 ton of it has to be diverted by 2017, and by 2020 it's about 48,000 tons. Mr. Edgar stated that Sonoma County is only addressing green waste today, but the Agency has to have a plan to CalRecycle by January 2016. Mr. Edgar asked what Sonoma County is going to do with the 48,000 tons of commercial organics.

Mr. Edgar stated he will be leaving 12 copies of the proposal and a cover letter with staff so it can be distributed to the Board later.

Mr. McCaffrey stated that he met with Mr. Mikus on 6/23/15 to briefly talk about the additional fee of \$22 or so charged at the gate to when it trickles down to the rate payers. Mr. McCaffrey added that as stated before, The Ratto Group is not in a position to be the bank for this. Mr. McCaffrey added he understands the Board has done a good job of alerting their staff this is coming down the road.

Mr. McCaffrey stated that Mr. Schwartz's point about October 1 billing is well stated, and clarified that when Ratto bills on residential bills it's done quarterly, so there will always be a retroactive charge at some point. Mr. McCaffrey noted that October 1st does work for a lot of the jurisdictions, but not all of them. Mr. McCaffrey stated the County and the City of Santa Rosa billing is divided into three separate billing groups, due to the number of phone calls that go with billing. Mr. McCaffrey agreed October 1st is a good date to take to the jurisdictions in order to make the necessary rate adjustments. Mr. McCaffrey indicated that Ratto will be ready on July 1st to be directed by Agency staff as to where to take the material to any site staff deems fit.

Chair St. John inquired if Mr. McCaffrey will be able to provide the cost impact fees to the jurisdictions long before October 1st so they can take whatever action needed in order to actually push through the fee increase to the can customers.

Mr. McCaffrey replied affirmatively and added that each jurisdiction has their own process for pass through costs, and it's possible it could be treated in a similar way as the \$19.10 per ton increase due to the MOA.

Chair St. John asked for confirmation that October 1st would work for tipping rate increase.

Mr. Mikus replied Mr. McCaffrey said July 1st was okay, which Mr. Mikus is fine with, as that generates money for the Agency quicker, but there are other issues involved. Mr. Mikus added that he has always understood that Ratto is on the deficit side, and is part of the reason staff has talking with Ratto to try to avoid that as much as possible.

Mr. McCaffrey stated Mr. Mikus is correct, but acknowledged that Mr. Schwartz' point is that by doing it October 1st you don't have make the impact retroactive, and it upsets rate payers when they get a retroactive charge on their bill. Mr. McCaffrey added that it will be much easier for the Agency in terms of the public perception, but will have an impact on the Agency's reserves and it is a policy decision the Board will get to make.

Ms. Zane stated she agrees with Mr. Schwartz and doesn't want a retroactive cost on the rate payers.

Rick Downey, Republic Services, stated that regarding outhauling The Ratto Group has contacted Republic and Republic is going to allow the transfer station to be used to dump the green waste and load it. Mr. Downey added there will be a point when that can't happened, because of the MRF that's being built. Mr. Downey added that up until 6/23/15, he can guarantee through the end of the year, but really doesn't want to do that, due to the rainy season. Mr. Downey added that after speaking with Stu Clark, who is going to lead the project on the MRF, Mr. Downey believes the facility can be used through March or April using that facility, but there needs to be a plan B at some point.

Ms. Zane clarified that MRF is a Material Recovery Facility and is being built on the landfill so that they can get down to the dirty recyclables and get the diversion rates even higher.

Mr. Wysocky motioned as requested with the provision that the tipping fee increase is only for the duration of the outhaul due to the lack of a composting facility in Sonoma County, and re-evaluated when outhaul is no longer required. Mr. Schwartz seconded the motion and added that the effective date will be October 1.

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-

11. Attachments/Correspondence:

- 11.1 Reports by Staff and Others:
 - 11.1.a June and July 2015 Outreach Events
 - 11.1.b 2nd Letter of Support for AB 1159
 - 11.1.c CPSC Press Release-Alameda Ordinance
 - 11.1.d Call2Recycle Leaders in Sustainability Letter

12. Boardmember Comments

None.

13. Staff Comments

Lisa Steinman, Agency staff, stated that each year the Agency applies for an Oil Payment Program funding through CalRecycle, and indicated there's a resolution that was passed by the Board. Ms. Steinman stated that in addition to that, CalRecycle requires a letter of authorization from each

member jurisdiction. Ms. Steinman added that every year she sends out an email with a copy of that letter in word, and each jurisdiction just needs to put it on their letterhead and have someone with signing authority sign it and return it to Ms. Steinman so she can upload it on to the Calrecycle website.

- 14.** Next SCWMA meeting: July or August meeting to be determined by the Executive Committee.

Chair St. John adjourned the meeting.

Adjourn

The meeting was adjourned at 12:24 pm

Submitted by

Sally Evans