



Minutes of October 24, 2012 Adjourned Regular Meeting

The Sonoma County Waste Management Agency met on October 24, 2012, in the Cotati Room at Ray Miller Community Center, 216 East School Street, Cotati, California

Present:

City of Cloverdale	Bob Cox
City of Cotati	Susan Harvey, Vice Chair
City of Healdsburg	Mike Kirn
City of Petaluma	Dan St. John
City of Rohnert Park	Linda Babonis
City of Santa Rosa	Jennifer Phillips
City of Sebastopol	Sue Kelly
City of Sonoma	Steve Barbose
County of Sonoma	Susan Klassen
Town of Windsor	Debora Fudge

Staff Present:

Counsel	Janet Coleson
Staff	Patrick Carter
	Karina Chilcott
	Henry Mikus
	Lisa Steinman
Recorder	Debra Dowdell

1. Call to Order/Introductions

The meeting was called to order at 9:03 a.m. by Vice Chair Harvey.

2. Agenda Approval

Mike Kirn, City of Healdsburg, moved to approve the agenda. Susan Klassen, County of Sonoma, seconded. City of Santa Rosa and Town of Windsor absent. Agenda approved.

3. Public Comments (items not on the agenda)

None.

Consent

4.1 Minutes of September 19, 2012

4.2 FY 12-13 First Quarter Financial Report

Sue Kelly, City of Sebastopol, moved to approve the consent calendar with the revised September minutes. Susan Klassen, County of Sonoma, seconded. City of Santa Rosa and Town of Windsor absent. City of Rohnert Park abstained. Consent calendar approved as revised.

Jennifer Phillips, City of Santa Rosa arrived at 9:08 a.m.

Debora Fudge, Town of Windsor arrived at 9:09 a.m.

Regular Calendar

5. **Public Hearing for Receiving Comments on Recirculated Draft Environmental Impact Report (EIR)**

Patrick Carter reported that on October 4, 2012 the Notice of Availability of the Recirculated Draft Environmental Impact Report (RDEIR) was mailed out to interested parties and relevant public agencies as required by the CEQA. The notification of completion was delivered to the California State Clearing House beginning a 45 day comment period. On October 8, 2012 a Notice of Availability was published in the Press Democrat announcing the RDEIR's availability and this public hearing. Copies of the RDEIR were delivered to the Sonoma County libraries and posted on the SCWMA website. The 45 day comment period began on October 4, 2012 and will conclude on November 19, 2012 at 4:00pm. Written comments can be mailed to Patrick Carter at the SCWMA offices. Staff recommended opening up the meeting as a public hearing to receive oral comments and closing it after receiving comments.

Paul Miller, Project Manager from ESA, gave a presentation on the impacts and the reason for the recirculation of the draft EIR. A handout of the presentation was available.

Board Discussion

Mike Kirn, City of Healdsburg, asked what the mitigation effort with Caltrans entails. Mr. Carter replied the intersection has a signal but the delay time for left turn lane signal would need to be increased.

Dan St. John, City of Petaluma asked about the noise impact. Mr. Miller said the site would be a little further away so the noise would be slightly less but not much of a change.

Vice Chair Harvey, asked if we were in discussions with Caltrans on the interchange. Mr. Carter responded at this point there have only been preliminary conversations.

Vice Chair Harvey opened the public hearing.

Public Comment

(Note: These comments were copied verbatim from the recording for the transcript)

Margaret Kullberg – 1036 Stage Gulch Road, Petaluma

My name is Margaret Kullberg and I live at 1036 Stage Gulch Road across from Site 40 which I commented on in the original Draft EIR. I wish to comment now on the adequacy of the recirculated Draft EIR. According to the RDEIR the SCWMA compost facility the Central Site Facility is the most practical site for the compost. The report states on page 4 that the other sites, 5A and the Lakeville Site and the site across from me Site 40 would both require a general plan amendment for zoning change and also the Williamson Act contracts on them would have to be nullified. All these changes would be difficult. It also states that the Central Site alternative meets all the primary objectives as he so stated. One of the big major factors was that the original EIR was that the processing from 110,000 tons per year is going to be projected to 200,000 tons per year and due to the new technology this can now be accomplished at the Central Site. Page 3 states that the Central Site is now environmentally superior and the preferred alternative to the project. Therefore, I find the RDEIR very adequate. I'm very thankful that the RDEIR decides that this site is the most logical and I hope that you will concur with this because it is the cheapest definitely and the most practical place to have the compost facility. Thank you.

Allan Tose – 561 Broadway (Site 40 Representative)

Hi I'm Allan Tose. I'm the representative for the owners of Site 40 and there's been an omission in the EIR update. The County Board of Supervisors changed the zoning requirement for composting facilities in LEA zoning in January with the adoption of Ordinance

6954. So, commercial composting is now allowed in LEA zoning. As well as it complies with the Williamson Act because they've changed the designation from basically industrial and agricultural zoning to composting is now an agricultural function. So the ordinance that they passed apparently the General Plan consistency analysis with which the EIR is based on is obsolete at this point. It was done in about a year ago and in the interim the County has passed this ordinance that brings it into compliance with the state recycling code and also in compliance with the Williamson Act. So General Plan amendment is no longer needed. All that's needed to provide build the composting facility on Site 40 is a use permit and it will be in full compliance. So the comments that in the recirculated EIR for Site 40 for the comments that they say that make it less desirable are would require General Plan amendment a zoning change and dealing with the Williamson Act none of those apply anymore. Also, it said it would require an aerated static pile system would be required and that a windrow composting wouldn't be allowed but actually it would be because it's agricultural rather than an industrial function at this point. So as far as if you look at the cost which is in part of the EIR having to do this very expensive composting at the Central Site compared to shipping it out of the County which is probably about a third the cost of composting it this way and composting it at Site 40 would be the cheapest by far because you could actually still windrow them the yard waste and such. So I from reviewing this would look like Site 40 really probably is the best environmental site if you take into account the new information of the Board of Supervisors passing a new resolution.

Nea Bradford

I have several sets of questions. One of them pertains to the description of the advanced composting technology. I don't understand those terms of cement push walls, special covers, and my just from a little rudimentary building science I have when you have positive pressure building it's pushing things out so how does positive pressure within a building composed of where things are composting keep emissions from going out. I mean if positive pressure is pushing the emissions out I mean I know that must be wrong but I don't quite get it. Why you would want positive pressure within the composting building in order to maintain emissions. So that's one set. Their terms used in this the new technologies that's going to make this work which was the cement walls, special covers and I'd be curious to know I looked that up as to kind of know what special covers means it's kind of a vague term. So they can be made of vinyl or Geotech or Micropore and for example I understand the Micropore depending on how well it's used covers can be fit as low as 50% effective up to 95% effective whether different rates of effectiveness for vinyl covers or Gore-Tex or the Geotech covers. So I'd like to know what kind of covers the special covers are going to be and let's see and I just as a layman try to understand what the advantage of positive pressure is and then that's one set the other set of questions has to do with am I understanding this correctly that the composting is going to take place within a building and its going to have special covers and a positive pressure within the building and there's some kind of computer thing that's going to monitor this and what those terms mean and then a related question is. What how are the emission contained on the compost the raw materials before they are put in this building and on the what are the emissions containment for the compost products after their finished when there so at different stages when is the composting material covered and not covered and what's the emission containment on it? The other thing I didn't understand is on looking at the recirculated thing it said well obviously options A and B don't work. I didn't quite understand why they didn't work because I went through and tallied up on that chart of comparing all the different sites to 5 I think it was 5A and compared them and A and B got the low the most low the most l's which is the least impact and so but then at the bottom of the table it just said but obviously these aren't useful or these aren't good sites. Why aren't they? They seem to have the best rating compared to 5A and then I guess that's one other question I wanted to ask and maybe this is not the appropriate meeting and are the cities and the County trying to indemnify themselves from this project so those of us in these neighborhoods if something goes wrong we're just kind of left holding the bag or are you all willing to be our partners in making Sonoma County

green so if something goes wrong you are on the hook with us? That's the end of my questions.

Pam Davis – Sonoma Compost Company

Good morning. I'm Pam Davis with Sonoma Compost and just a couple of quick comments. First I just want to say that we support the selection of the Central Site alternative for developing a new compost facility that will meet the future needs of residents of Sonoma County and provide a facility that can meet the increased environmental standards. The compost program is already operating adjacent to the proposed site and with meeting increased air and water quality regulations we think the impacts on the new facility will be decreased overall. Just in terms of some of the conflicts that are mentioned here specific to the noise impacts during operations is limited to one adjacent house and we think that with the additional sound mitigations that could be reduced even further. As far as the traffic goes the material that's being accepted at the site right now and the additional material that's being proposed to be accepted at compost is already being delivered to that location. So we don't really anticipate much of if any increase of traffic to the facility and then leaving the facility because a lot of the proposed material right now were processing as you know about 100,000 tons a year and the facility is going to be rated for 200,000 tons which will take some time to develop that but a lot of that material that their talking about increasing coming to the facility is going to be food waste, food scraps which is a very high water content so we're not going to see a doubling of material leaving. There might be 60 to 70% because we're going to lose a lot of that moisture there. So we don't think that the you know we're not going to see a doubling of the traffic occurring. Finally, just to real briefly speak to the technology you know we're the proposed technology is meeting is going to meet increased air and quality standards so it's a very different process than what we're doing right now. Right now we have an open windrow system. We are going to indeed have covered piles that meet the increased imposed standards for I guess San Joaquin Air Quality District has some new proposed standards that are going to be the highest in the state and before they get watered down and actually accept this technology that we are proposing meets those higher standards so we're confident that we're going to see much less emissions well were definitely going to be seeing a lots less emissions than we're currently having and I think that it will be quite satisfactory so anyway just want to say that we support the central alternative site and thank you very much. Look forward to continuing to work with you.

Vice Chair Harvey closed the public hearing.

Patrick Carter stated all questions and comments would be addressed in the Final EIR.

6. Compost Operations Contract

Henry Mikus, Executive Director, recapped that in June a compost operating contract with Sonoma Compost Company (SCC) was presented for approval. The vote was not successful so as an interim measure a four month extension was agreed to. The Agency recommended another four month extension to the composting operating contract as there are still some unresolved issues.

Public Comment

Pam Davis, SCC, stated it was their idea to request another four month extension because it was obvious that a unanimous vote would not be reached. It's their hope that in the next few months a contract for a four year term can be agreed upon.

Board Comment

Dan St. John, City of Petaluma, asked for an update on the composting operations issues. Mr. Mikus responded that there were two issues that prevented the agreement from being approved previously, the license/lease agreement and the term of the agreement.

Steve Barbose, City of Sonoma, added that until the question is answered about whether or not Compost is going to be included in the Master Operations Agreement (MOA) being discussed with the landfill these extensions will probably have to continue.

Debora Fudge, Town of Windsor, stated it isn't financially feasible for SCC to have another four month extension so this needs to be taken seriously.

Mr. Barbose stated that SCC has continued to give favorable pricing with these contract extensions but they need a long term agreement so they can plan for capital improvements and amortize their costs.

Vice Chair Harvey asked what could be done to move this along. Susan Klassen, County of Sonoma, said she expects this to be resolved in short order. The County's goal with the MOA is to get it to their Board by January and have it for the cities consideration in January and February. The four month extension would go through July and she sees no reason why resolution could not be reached by then. She has no authorization to vote on the compost operations contract until there is a lease in place.

Mr. St. John asked what would happen if the extension fails. Mr. Mikus answered that on November 15, 2012 SCC would no longer accept material. That material would most likely have to be hauled out of the county. Mr. St. John said then it seems we have no choice but to extend.

Mr. Barbose, motioned to adopt the tenth amendment to the agreement between the County of Sonoma, SCWMA and SCC for organic materials processing, composting and marketing services. This would extend the current agreement four months which would mean that the acceptance date for new materials would now be March 15, 2013 and the end date for operations would be July 15, 2013. Sue Kelly, City of Sebastopol seconded.

Mr. St. John asked that the motion be amended to include a request of the County to return to the Board in two months with a complete update on the status of the lease.

Steve Barbose, City of Sonoma, moved to approve the amended motion to adopt the tenth amendment to the agreement between the County of Sonoma, SCWMA and SCC for organic materials processing, composting and marketing services and for the County to bring the status of the lease agreement back to the Board in two months. Sue Kelly, City of Sebastopol, seconded. Motion carried unanimously.

7. Joint Powers Agreement Expiration

Henry Mikus, Executive Director, reported that the draft Joint Powers Agreement (JPA) is being brought back for discussion. Agency Counsel revised the agreement using suggestions Boardmembers had previously given. There were five key areas revised.

Janet Coleson, Agency Counsel, added that she tried to include all of the comments that were received from the Board and that it is a work in progress. Ms. Coleson remarked on a letter was sent out by the County indicating they believed this item was in violation of the Brown Act. Agency Counsel stated it met the requirements of the Brown Act and urged Boardmembers to contact her in the future if they have questions about the Agency packet. Ms. Coleson asked for direction on the JPA realizing that Boardmembers need to go back to their jurisdictions.

Public Comment

Ernie Carpenter, consultant, said he disagreed that this is a negotiation between two private companies, Republic and SCC. He suggested that landfill ownership, public policy issues, the

solid waste plan that describes certain things, rate structures, and public responsibilities are all affected by these negotiations. He asked that the Agency look beyond that to the public policy issues. His opinion is that there is more going on here than meets the eye and it's kind of in this letter from the County. He suggests that something is happening with the County and Republic to put SCC in the position of having no power. Somehow the role of SCC is being diminished. He concluded that if things continue on the path they are going, he doesn't think there will be a viable JPA when the process is concluded.

Board Discussion

Dan St. John, City of Petaluma, asked what the drop dead date is. Mr. Mikus replied that February 2017 is the drop dead date, the expiration of the Agency. The contracts are driven by the end date of the Agency.

After much discussion it was determined that a decision cannot be made on the options of the JPA at this time. The Board directed staff to come back to the December 5, 2012 meeting with a detailed description of each program, including what the Agency does as it relates to that program, what their contractor does as it relates to that program, and how it fits into the budget.

8. Sonoma County/City Solid Waste Advisory Group (SWAG)

Steve Barbose, City of Sonoma and Sonoma Waste Advisory Group (SWAG) liaison, gave an update on what was discussed at the last SWAG meeting. The next SWAG meeting will be held October 25, 2012. Minutes of the SWAG meetings can be found on the TPW website at http://www.sonoma-county.org/tpw/divisions/integrated_waste/solid_waste_adv_group.htm

Board Discussion

Janet Coleson, Agency Counsel, said she is concerned that the Agency has been brought into the County/City liability mix. She was aware of discussions amongst the county and the cities about the cities liability at the landfill site but she has never heard that the Agency would have any of that liability. There has been no discussion with her or the Agency about this. The Agency has two sites at the Landfill, the Compost and the Household Toxics Facility site and it has indemnification from both those operators.

Dan St. John, City of Petaluma, said he's uncomfortable that things are going on at the SWAG that involve the Agency yet the Agency is not at the table. Mr. Mikus added that he asked to be involved in the discussions with the SWAG but his request received no traction.

Public Comment

Nea Bradford, asked if the cities and the county and this Agency are concerned that they are directing activities that they feel could cause a risk to the residents of Sonoma County and that is the reason they are asking to be released from that liability. She inquired when the citizenry of Sonoma County would be allowed to provide input. Susan Klassen, County of Sonoma, replied that one of the primary goals associated with the MOA was to have the private operator take over full liability going forward for the post closure maintenance, the closure of the landfill and long term maintenance of the entire property itself. If other operations are going to be on that property that County has no control over, the County wants appropriate indemnification for those operations. The issue is not that County is looking for the Agency to take on additional liability.

Board Comment

Mr. Barbose commented that if there are now going to be discussions about the possibility of this Agency entering into a contract with Republic in some fashion then certainly the Executive Director should be brought into the loop about those discussions.

9. Attachments/Correspondence

Vice Chair Harvey called attention to the Director's Agenda Notes, Reports by Staff and Others; October, November and December 2012 Outreach Events and Agenda Plan Worksheet.

10. On File with the Clerk

Vice Chair Harvey noted resolutions approved in September 2012, on file with the clerk.

11. Boardmember Comments

None.

12. Staff Comments

Henry Mikus, Executive Director, noted that under the Attachments/Correspondence there is an agenda plan worksheet. Comments had been made in previous meetings about having an advanced calendar.

Lisa Steinman announced that there is a new state paint stewardship program that was launched last Friday and there are about 330 locations currently within California that are participating. Six of which are in Sonoma County and will accept up to 5 gallons of paint a day from residents and small quantity generator businesses. All the information can be found on the Agency website.

16. Next SCWMA Adjourned Regular Meeting, December 5, 2012.

17. Adjournment

Meeting adjourned at 11:39 a.m.

Respectfully submitted,
Debra Dowdell

Copies of the following were distributed and/or submitted at this meeting:

Revised Minutes of September 19, 2012

PowerPoint of the ESA presentation

Letter from Allan Tose concerning the RDEIR