



MINUTES OF NOVEMBER 28, 2007

The Sonoma County Waste Management Agency met on November 28, 2007, at the City of Santa Rosa Utilities Department's Subregional Water Reclamation System Laguna Plant, 4300 Llano Road, Santa Rosa, California.

PRESENT:

City of Santa Rosa	Dell Tredinnick, Chair
City of Cotati	Marsha Sue Lustig
City of Cloverdale	Gus Wolter
City of Healdsburg	Mike Kirn
City of Petaluma	Kevin Hornick
City of Rohnert Park	Tim Smith
City of Sebastopol	Dave Brennan
City of Sonoma	Steve Barbose
County of Sonoma	Susan Klassen
Town of Windsor	Christa Johnson

STAFF PRESENT:

Executive Director	Ken Wells
Counsel	Janet Coleson
Staff	Patrick Carter
	Karina Chilcott
	Charlotte Fisher
	Lisa Steinman
Recorder	Elizabeth Koetke

1. CALL TO ORDER

Dell Tredinnick, Chair, called the meeting to order at 9:10 a.m. Chair Tredinnick, rearranged the order of the agenda addressing Item 8.1 after the consent calendar to accommodate one of the Board member's prior commitments. Item 6.1 will be heard when guest Wes Chesbro arrives.

2. ATTACHMENTS/CORRESPONDENCE

Chair Tredinnick, called attention to the Director's Agenda Notes.

3. ON FILE WITH CLERK

Chair Tredinnick, noted the items on file with the clerk.

4. PUBLIC COMMENTS

Ernie Carpenter, Global Materials Recovery Services, presented a letter to the Board and commented on the contract the Agency has with Goodwill Industries of the Redwood Empire for e-waste collection events. He said what was presented to the Agency Board was that Goodwill would pay \$0.25 cents per pound for e-waste collection; the contract was awarded to them based on that. He recently obtained a copy of the Goodwill contract and found that the contract is not for \$0.25 cents a pound; instead it is for \$0.025 cents a pound. Global had offered \$.06 cents a pound in their proposal.

Mr. Carpenter asked the Agency to revisit the issue to insure the contract award was based on full and accurate information.

Ken Wells suggested pulling this item from the consent calendar, and discussing it after the unanimous vote item.

Tim Smith, Rohnert Park, made a motion to pull item 5.3 off the consent calendar. Susan Klassen, County of Sonoma seconded. Motion passed.

CONSENT

5.1 Minutes of October 17, 2007

5.2 First Quarter Financial Report

5.3 E-waste Events Schedule – *pulled from consent calendar*

5.4 Beverage Container Collection Contract with Probation Department

5.5 Recycling Container Purchase

Tim Smith, Rohnert Park, moved to approve the consent calendar excluding item 5.3. Dave Brennan, Sebastopol, seconded. Motion approved.

Chair Tredinnick directed the Board to Item 8.1.

PLANNING

8.1 CONTRACT FOR PREPARING CEQA DOCUMENT FOR THE CoIWMP AMENDMENT

Patrick Carter explained the background of the CoIWMP amendment process.

In May 2007, staff issued a request for proposals to obtain professional help to prepare the necessary CEQA documents for the revisions to the CoIWMP.

The RFP process resulted in proposals from ESA and Kleinfelder. While both proposals were very similar in cost, staff felt ESA had a better understanding of the project. The proposed cost for the contract with ESA for this project is \$175,000; \$17,000 is reserved as a contingency for unforeseen issues. \$150,000 was budgeted for a consultant for the preparation of the CEQA documents related to the CoIWMP amendment. As the contract exceeds the budgeted funds, \$25,000 in additional funds are proposed to be appropriated from the Contingency Reserve Fund to cover the difference.

Dave Brennan, Sebastopol, asked about the 3% communications fee in Exhibit B.

Patrick Carter said that fee is included in every ESA contract, it's a percentage of the total staff charge and encompasses all communications costs; phone calls, and FTP access to transfer files, etc.

Dave Brennan, asked if that was a 'not to exceed' number?

Patrick Carter said no, it's just 3% of the total staff charge.

Dave Brennan, Sebastopol, asked if the 10% for administrative costs for their sub consultants in Exhibit B was included in the contingency.

Patrick Carter said no, the 10% is not included in the contingency.

Dave Brennan recommended not including the contingency in the contract but giving authorization to the Executive Director to approve the contingency.

Dave Brennan, Sebastopol, made a motion to approve the contract with the condition that the contingency not be included in the contract and to authorize the

Executive Director to approve the contingency in writing, if necessary. Tim Smith, Rohnert Park, seconded. Motion approved unanimously.

Gus Wolter left the meeting at 9:25 a.m. (e.k.)

5.3 E-Waste Events Schedule – from consent calendar

Executive Director, Ken Wells, addressed item 5.3 from the consent calendar.

In response to the question from Mr. Carpenter, he is correct; there was an error in the staff report presented at the last meeting where the Board approved the contract for the partnership with Goodwill for e-waste collection events. Staff misread their proposal. It was interpreted as \$0.25 cents a pound for CEW's. The error was not discovered until the first meeting with Goodwill to discuss scheduling the future e-waste events. The proposal and the contract had the correct value in it, staff apologizes for that mistake. Since the discovery of the error, Goodwill has offered to increase the funding from \$0.025 to \$0.05 cents per pound for CEW's. And in addition to the planned quarterly events, they have also offered to do monthly events, and additionally to reimburse the Agency for all CEW's collected by Goodwill.

With all of that considered, the actual funding that the Agency will collect from Goodwill is greater than the incorrect \$0.25/lb in the staff report.

An agenda item will be prepared to amend the contract to show that all revenues from all CEW's collected by Goodwill during the term of this agreement will be shared with the Agency.

Chair Tredinnick asked staff if they felt confident that this revised structure that departs from quarterly roundups would generate more revenue.

Ken Wells responded affirmatively and said that Goodwill has collected more than 750,000 tons of CEW's in the past few years.

Christa Johnson, Windsor, said the staff recommendation was Goodwill; would that have changed if the \$0.025 had been known?

Ken Wells said, no, because Goodwill collects e-waste throughout the County, every day of the week, and their sites are already established, which is a significant benefit to Sonoma County's residents regardless of the price per pound.

Tim Smith, Rohnert Park, said there was an open bidding process and it was closed on a mistake. In fairness, it should be reopened.

Stephen Barbose, Sonoma, agreed that the integrity of the process is compromised if a bid is accepted on misinformation and then is fixed by having after-the-fact negotiations.

Dave Brennan, Sebastopol, agreed with the comments by Boardmembers Smith and Barbose, adding if the process is reopened, criteria for selection should be clearly identified. The award will not necessarily go to the highest bidder.

Marsha Sue Lustig, Cotati, said she was also uncomfortable with after-the-fact negotiations.

Janet Coleson, Agency Counsel, said she was comfortable with the contract because the contract that the Board approved had the correct amount in it. It was only the staff report that had the incorrect amount.

Susan Klassen asked when the error was discovered and, since the alternate negotiations had started, had the agreement been signed and executed? She also asked what the cancellation clause was?

Janet Coleson said the agreement was signed after the October Agency meeting, she believes the termination is at-will with a 30-day notice.

Kevin Hornick, Petaluma, said this needs further investigation so that the integrity of the Board isn't questioned.

Christa Johnson, Windsor, asked if action could be taken to agendaize this item next month so the Board can consider canceling the contract and rebid.

Tim Smith, Rohnert Park, suggested leaving the contract in place from now until January and collect on the e-waste that is collected at the Goodwill sites.

Tim Smith, Rohnert Park, moved to agendaize this item for the January meeting. Kevin Hornick, Petaluma seconded. The motion carried.

Chair Tredinnick, directed the Board to item 7.1

COMPOSTING/WOOD WASTE

7.1 NORTH COAST RWQCB PRESENTATION BY DAVID LELAND

The Board invited David Leland of the North Coast Regional Water Quality Control Board (RWQCB) to attend the meeting and address a list of questions posed by the Board regarding the Agency's composting program and the Central Disposal Site where Sonoma Compost Company (SCC) is currently located.

David Leland explained that the RWQCB derives their authority, and regulations from two sources; Federal Law (the Clean Water Act), and State Law (the Water Quality Control Act). The Clean Water Act investigates discharges to surface water, compost operations that discharge to surface water could be subject to permitting with individual permits or an industrial storm water permit. Operations that don't discharge to surface waters, but instead discharge to land, may be regulated using waste discharge permits. The RWQCB has a number of permits for composting facilities, including Sonoma's. Currently there is not a policy on composting operations; they are dealt with on a case-by-case basis. New facilities are addressed as new facilities, existing facilities are only addressed if there are particular concerns, or complaints, or an issue that would require attention. Other regions are in a similar state of development in terms of how they approach composting facilities.

In general, facilities that are only handling green waste are viewed as having a relatively low threat to water quality.

There are concerns about a composting operation at the landfill that distinguish it from any other composting operation in the region. The compost site at the Central Landfill sits on an unclosed landfill cell for which there is not a closure plan although waste is no longer accepted there. It is the largest compost site in the region. The operation is mostly uncovered giving potential for runoff and possibly contaminating water.

Another concern is the material streams that are handled, one of which is animal wastes. This is not a zero discharge facility as there is a discharge point offsite.

The monitoring results indicate there are an elevated number of constituents and concerns about the water quality. The existing operation is not in compliance with the

permit. SCC has been working to address those issues and the RWQCB supports those efforts and want to work towards a condition where the operation is in compliance with the permit.

There have been a variety of other issues at the landfill including the corrective action plan which is a large, complex, important area of concern. The model that has been developed is at a point where it can be used to understand how the system works, and also how to improve and modify it to address those issues.

A new facility would have similar concerns. The goal for any new facility would be zero discharge to surface water. The process used for that new facility proposal should come to the RWQCB with a report of what would be done at the facility and its possible effects on water quality.

The ideal facility is a covered facility that results in no generation of runoff so there's no waste generated. In that situation there is no need for a permit. It's also possible to achieve zero-discharge through other means, one of which is the runoff is treated to the point where there is no waste constituents in the runoff or a land application alternative.

At Central Landfill there exists the unusual opportunity to take advantage of what may become a pipeline to move the leachate from the facility to the Laguna Treatment Plant and it would be possible to tie-in surface water runoff generated to that system.

Chair Tredinnick, asked if SCC were to tie into the existing leachate line would the RWQCB have a problem with them staying where they are?

David Leland said there are some significant concerns that tie into the closure process. The current operation is on top of an unclosed cell, in order to close that cell, the operation would have to be moved at a minimum for the time it would take to implement that closure. It is possible an operation could be reestablished on top of a closed cell. That would again require a report of waste discharge, description of the operation, and a determination if it is consistent with the RWQCB mandate.

Susan Klassen, reiterated that any new site would need a report of waste discharge permit. Currently SCC operates under a storm water permit, but a new facility would operate under a waste discharge permit, if it had a discharge.

Dave Brennan, commented on how the facility is operating on an unclosed cell, and asked if that cell needs to be capped or lined?

David Leland said he believes it needs a cap since that particular area does not have a liner. It has to have a cap, and there could be other requirements.

Stephen Barbose, Sonoma, asked if there was any course of action that would allow SCC to continue its operation at its present location.

David Leland said he didn't see how the closure process could take place with the compost operations on the site they're on now.

Marsha Sue Lustig, Cotati, thanked David Leland for coming to the meeting. She asked if there were any facilities that the RWQCB has permitted in their region or are there facilities like the operation at Central elsewhere that have been issued permits, which could possibly be used as a guideline.

David Leland said the recent facilities that have been proposed have been zero

discharge. One suggestion would be to create a new design or modify something existing that doesn't have any surface discharge. Another alternative would be to discharge to land. Those types of permits are issued widely in the region. They require storage for discharge water. Stored water cannot be applied in the winter without running off so a storage requirement is needed to manage the runoff in the wintertime.

Susan Klassen asked where the zero discharge facilities are so the Board can see what they are like.

David Leland said he believe there was one in Blue Lake, Humboldt County.

Will Bakx, SCC, said their facility operates on a cement treated base and questioned if that been taken into consideration?

David Leland said it is his understanding that that does not constitute a substitute and is not in line with the landfill closure requirement.

Will Bakx asked if there is a plan for capping off the landfill.

Susan Klassen said there is an approved preliminary closure plan as part of the County permit and the County is working towards a final closure plan.

Will Bakx asked if SCC presented a plan where they could operate on half of the current surface, and still handle the same volume by changing their operations, could the capping-off take place in two-phases?

Susan Klassen said the County would look at anything SCC presented.

Ernie Carpenter, GMRS, said if Sonoma Compost Co. can move onsite without a new zero discharge permit, the capital improvement costs would be a lot less then wherever they would move to have zero discharge elsewhere. Can they move onsite under the same permit?

David Leland said the RWQCB would want to see a proposal on that, and again, the goal for the existing facility or for a new facility is zero discharge.

Tim Smith, Rohnert Park, thanked David Leland for coming. He commented that while there is a potential threat to water quality at the landfill, there is a real threat to air quality. This Board has known for years that the Central Landfill is a temporary site for SCC. With the Central landfill needing to be capped, and the possible sale of the landfill, the Agency should proceed with siting process. His opinion is that SCC will have to relocate.

Dell Tredinnick commented that the threat to air quality was the outhaul that's being done. He then asked David Leland if he had any experience with these conflicting issues of air quality and water quality.

David Leland said it happens all the time and that's part of the coordination process.

Marsha Sue Lustig said she felt that keeping a compost facility operational with very little down-time is critical. It's going to be a long process and the Agency should continue with the siting process.

Dell Tredinnick thanked David Leland for attending the meeting and answering questions.

Chair Tredinnick directed the Board to address item 7.2.

7.2 COMPOST SITING UPDATE

Patrick Carter addressed the Board on the recent developments with the new compost site selection. The contractor the Agency hired, Environmental Science Associates (ESA) has consolidated the Agency-adopted siting criteria into a series of GIS maps, which were used to identify potential regions where a composting site would be feasible. The consultants visited Sonoma County to visually inspect each region, noting specific site characteristics that would exclude potential sites.

Tim Raibley, ESA, gave a PowerPoint presentation showing potential areas, and areas that have been excluded as suitable sites.

Next steps will be to apply preferential criteria. After the siting selection is down to 20 sites, the Agency will take it from there to reduce it to three. The following phase would be a conceptual design of the site.

7.3 COMPOST PROGRAM UPDATE

Compost reports for August and September 2007 were included in the packet. Allocations for the 2nd quarter of 2007 were distributed at the meeting.

REGULAR CALENDAR

6.1 CONVERSATION WITH CIWMB BOARD MEMBER WESLEY CHESBRO

Wesley Chesbro gave a brief history of his experience with recycling and the CIWMB. He said the issues that Sonoma County faces with water quality and landfills and long-term closure plans are common as you travel north up the coast.

The state has reached the 50% recycling goal, which is a significant accomplishment. The zero waste advocates would say that's not enough. Senator Padilla has drafted a bill to set another arbitrary goal of 75%. The 50% goal changed a lot of things in this state and the 75% goal would certainly do the same thing. He said he supports the concept.

The question of whether the approach in AB 939 is appropriate for the new goal has been raised. AB 939 worked pretty well because it was a performance-oriented goal not a prescriptive goal. Now the question is whether the remaining portions of the waste stream that should be prioritized are evenly spread in all the jurisdictions so does a mechanism like AB 939 makes sense or not. Clearly there are pockets of material that are under diverted; C&D waste and commercial waste are two examples. In many counties organics are not being diverted or are being sent back to the landfill as cover.

One issue that will drive us to a greater level of waste reduction and diversion is global warming. The traditional disposal method in landfills results in not only the methane component of landfill gas which is said to be 23 times more potent than carbon as a greenhouse gas, but also the energy used to manufacture virgin products versus recycled products. The whole mentality behind the approach to global warming is a different approach than pollution. The whole lifecycle analysis of how the economy, personal choices and government policies affect global warming is important. When the full force of AB 32 comes to bear on the point sources, there are going to be economic impacts. The single greatest flaw of AB 939 was to not provide shared responsibility and to place the primary responsibility on local governments. But local governments clearly do not have the ability to affect the materials that are being produced, how they're being produced, their recyclability and what diversion systems are in place to help divert materials. Policy makers have addressed the issue at the State level dealing with problem materials, starting with bottles and cans that people got tired of seeing as litter. The Waste Board has been involved in a discussion this year about manufacturer responsibility.

Susan Klassen asked what the Waste Board's opinion was on the dilemma of fewer and fewer open landfills. Landfills are closing all over the state, which results in hauling trash to other states and other parts of the state.

Wesley Chesbro said since before AB 939, landfill capacity and the lack thereof has helped to drive this issue. The motivation started with the bottle bill and shifted to landfill capacity, and now global warming. A lack of landfill capacity can be looked at in different ways; it continues to drive the desire to do a greater and greater level of waste diversion. On the other hand, having a local landfill has become a greater and greater challenge with the state. Existing landfill capacity has value, environmental value, not just economical value.

Tim Smith, Rohnert Park, indicated that the Agency will be interested in participating with the Waste Board in the pilot projects for SB 966, the Reducing Pharmaceuticals in Waste Stream bill and Ken Wells said in addition to SB 966, AB 1109 Huffman's Lighting Efficiency Act has assigned some responsibility to the Waste Board. The Agency looks forward to participating in the development of those activities. Fluorescent lamps are a real problem material. The ability to have some support at the local level to provide convenient opportunities to people to dispose of those correctly would be greatly appreciated.

HOUSEHOLD HAZARDOUS WASTE

9.1 HHW PROGRAM EXPANSION STUDY

Patrick Carter explained that the RFP was sent to 32 consulting firms. No proposals were received by the deadline of September 28, 2007.

At the last Agency meeting, the Board directed staff to solicit feedback from the firms that were sent the RFP and did not respond. The question was to find out if there was a problem with the RFP so that staff could correct the deficiency.

Staff surveyed the 32 consulting firms that were sent the RFP and received 14 responses. The responses indicated the consultants either could not accommodate the workload of this project or that the services required were not the company's specialty. Based on this response, staff did not revise or re-circulate the RFP.

Following direction given by the Board at the October 2007 meeting, and an expression of interest from R.W. Beck, a qualified consulting firm, staff negotiated directly with R.W. Beck, Inc. to perform the services requested in the RFP.

During negotiations it was determined that the best approach was a three-phase project, in which the first phase (covered by this proposed agreement) will identify the potential range of costs for new permanent facilities and the associated financial feasibility. If the Board determines that further effort is warranted, phase two, to be authorized with another agreement, will include site selection, preliminary facility design, cost estimating, and CEQA review. This second phase could be performed by R.W. Beck or another consultant. After completion and Board approval of phase two, the Board may direct staff to proceed with phase three which would be final design and construction of new facilities.

\$60,000 has been included in the SCWMA FY 2007-08 budget for the purposes of the preliminary design and feasibility of additional HHW collection facilities in Sonoma County (phase one). The agreement between the SCWMA and R.W. Beck, Inc. includes a cost proposal of \$45,832.82 for the Scope of Services.

Staff applied for and the Agency was awarded funding from the CIWMB's Household Hazardous Waste Infrastructure Grant (16th Cycle). Should additional permanent HHW facilities appear financially feasible and the Board gives direction to proceed to phase-two, the grant will supply a total of \$199,755 in additional funding.

Tim Smith, Rohnert Park, made a motion to approve the agreement with R.W. Beck and to authorize the Executive Director to approve an additional \$4,000 for contingency. Dave Brennan, Sebastopol, seconded. Motion approved.

ADMINISTRATION

10.1 2006 SOLID WASTE DISPOSAL REPORT

Ken Wells explained that the Agency's funding comes from tipping fee surcharges. There has been a dramatic drop in the amount of solid waste processed through the County system that generates those tipping fees. Staff has been trying to determine where waste goes that is generated in Sonoma County. Using data from the County's disposal reporting system and data collected from other facilities that manage Sonoma County solid waste, staff developed a disposal data table. Disposal data was received from Waste Management, Industrial Carting/Global Materials, and M&M Services. As of the date of this report, data was not received from Timber Cove Recycling/North Bay Corp, despite several requests.

Several Board members commented about the numbers on the report.

Tim Smith, Rohnert Park, said that although this is an informational item he wanted to know if staff had a recommendation or would be bringing back a recommendation.

Ken Wells said the hauler contracts with Santa Rosa and Windsor explicitly call for the reporting of residuals as a requirement of their contracts. In reviewing Rohnert Park's contract, there is not an explicit requirement that they report the residuals from the recycling program as part of their contract. In regards to a recommendation from staff, the Agency could create a requirement that all haulers in Sonoma County report this data. It would have to be an ordinance or a regulation, but the Agency does have the authority to obtain that data.

Tim Smith, Rohnert Park, proposed that staff come back to the Board in 2008 with a recommendation for a method in which countywide data on waste disposal can be collected, with a recommendation from Agency Counsel on how to enforce that recommendation.

Susan Klassen, County of Sonoma, clarified that the landfills under contract for the outhaul are not obligated to provide a breakdown of all transactions, particularly where the material originated. Also, there are some materials that are accepted at the other landfills that are not accepted at our County Disposal Sites; such as asbestos and treated wood.

Curtis Michelini, Industrial Carting/Global Materials Recovery Services, presented a letter to the Board and gave a brief history of the debris box collection and recycling and redemption businesses that he operates in Santa Rosa. He is opposed to paying a fee or a tax while not being able to conduct business countywide.

Ernie Carpenter, Industrial Carting/Global Materials Recovery Services, said their company would not dispute a fee if they could openly compete in the debris box business countywide.

Norman Duvall, Industrial Carting/Global Materials Recovery Services, said the information that staff requested is proprietary and should not have been made available to the public.

Ken Wells explained this was an informational item, requested by the Board. He thanked Industrial Carting for providing the information on their solid waste disposal. Staff does not feel that information is proprietary.

Dave Brennan, Marsha Sue Lustig, left the meeting at 11:48 a.m. (ek)

11. BOARDMEMBER COMMENTS

Dell Tredinnick, reminded the Board of the posted 15 mph speed limit. Also, public parking is in the front (south) of the building.

Christa Johnson, requested additional hours for the Community Toxics Collections in the Town of Windsor. She'd also like the staff reports in the agenda packets page numbered.

Christa Johnson left the meeting at 12:05 p.m. (e.k.)

Tim Smith, said he and Ken Wells will be going to Sacramento in January to attend a workshop on EPR.

Kevin Hornick, asked if there was any direction from the Board on biodegradable plastic bags. Ken Wells said at the moment there is no direction to staff to deal with that issue. Staff will pass on any information that is received.

Ken Wells recommended canceling the December 19th meeting. The next Agency meeting will be held January 16, 2008.

Ken thanked Lisa Hardin, Industrial Carting/Global Materials Recovery Services for providing the snacks for the meeting today.

Ken thanked C2 Alternatives for providing the beverages today and the snacks for the monthly meetings throughout the year.

Ken thanked guests Wes Chesbro, CIWMB, and David Leland, RWQCB, for taking time out of their schedules to attend our meeting.

Lastly, there is a Zero Waste Conference next week, if anyone is interested in attending.

12. STAFF COMMENTS

There were no staff comments.

13. ADJOURN

Meeting adjourned at 12:10 p.m.

Respectfully submitted,
Elizabeth Koetke

Distributed at meeting:

Compost Allocations for 2nd Quarter 2007
Letter from Ernie Carpenter, Global Materials Recovery Services, Inc.
Letter from Curtis Michelini, Global Materials Recovery Services, Inc.