

## **Sonoma County Waste Management Agency**

### **SPECIAL MEETING**

#### **CLOSED SESSION PRIOR TO REGULAR MEETING**

August 18, 2010

**8:30 a.m.**

**\*Please note time change\***

City of Santa Rosa Council Chambers  
100 Santa Rosa Avenue  
Santa Rosa, CA

**Estimated ending time 12:00 p.m.**

### **AGENDA**

- | <b><u>ITEM</u></b> | <b><u>ACTION</u></b>  |
|--------------------|---|
| 1.                 | Call to Order Special Meeting   |
| 2.                 | Open Closed Session   |
|                    | Government Code Section 54957 PUBLIC EMPLOYEE APPOINTMENT<br>Title: Executive Director  |
| 3.                 | Adjourn Closed Session  |
| 4.                 | Call to Order Regular Meeting/Introductions 9:00 a.m. or immediately following the closed session   |
| 5.                 | Agenda Approval   |
| 6.                 | <u>Attachments/Correspondence:</u><br>Director's Agenda Notes<br>Compost Allocations from Sonoma Compost Company for 1 <sup>st</sup> Quarter 2010<br>SB 1100 Support Letter<br>AB 1998 Support Letter |

7. On file w/Clerk: for copy call 565-3579  
Resolutions approved in July 2010  
2010-021 Appropriation Transfer from HHW Facility Reserve Retained Earnings to  
HHW Facility Contract Services

8. Public Comments (items not on the agenda)

CONSENT (w/attachments)

Discussion/Action

- 9.1 Minutes of July 21, 2010
- 9.2 EPR Update
- 9.3 FY 09-10 Year End Financial Report
- 9.4 Plastic Bag Ban Update
- 9.5 HHW Building Extension Notice of Completion
- 9.6 Biennial Review of Conflict of Interest Code

REGULAR CALENDAR

- |   |                                |
|---|--------------------------------|
| 10. Sonoma County/City Solid Waste Advisory<br>[Barbose]  | Discussion/Action<br>PLANNING  |
| 11. 5 <sup>th</sup> Amendment to Agreement with ESA<br>for Compost Relocation<br>[Carter](Attachment) | Discussion/Action<br>ORGANICS  |
| 12. Mandatory Commercial Recycling Measure<br>[Chilcott](Attachment)                                  | Discussion/Action<br>EDUCATION |
| 13. Boardmember Comments  |                                |
| 14. Staff Comments  |                                |
| 15. Next SCWMA Meeting<br>September 15, 2010  |                                |
| 16. Adjourn   |                                |

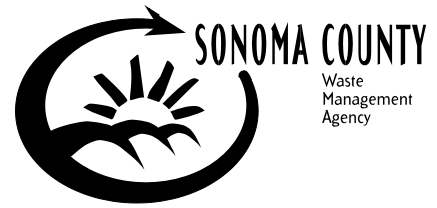
**CONSENT CALENDAR:** These matters include routine financial and administrative actions and are usually approved by a single majority vote. Any Boardmember may remove an item from the consent calendar.

**REGULAR CALENDAR:** These items include significant and administrative actions of special interest and are classified by program area. The regular calendar also includes "Set Matters," which are noticed hearings, work sessions and public hearings.

**PUBLIC COMMENTS:** Pursuant to Rule 6, Rules of Governance of the Sonoma County Waste Management Agency, members of the public desiring to speak on items that are within the jurisdiction of the Agency shall have an opportunity at the beginning and during each regular meeting of the Agency. When recognized by the Chair, each person should give his/her name and address and limit comments to 3 minutes. Public comments will follow the staff report and subsequent Boardmember questions on that Agenda item and before Boardmembers propose a motion to vote on any item.

**DISABLED ACCOMMODATION:** If you have a disability that requires the agenda materials to be in an alternative format or requires an interpreter or other person to assist you while attending this meeting, please contact the Sonoma County Waste Management Agency Office at 2300 County Center Drive, Suite B100, Santa Rosa, (707) 565-3579, at least 72 hours prior to the meeting, to ensure arrangements for accommodation by the Agency.

**NOTICING:** This notice is posted 72 hours prior to the meeting at The Board of Supervisors, 575 Administration Drive, Santa Rosa, and at the meeting site the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa. It is also available on the internet at [www.recyclenow.org](http://www.recyclenow.org)



**TO:** SCWMA Board Members

**FROM:** Susan Klassen, Interim Executive Director

**SUBJECT:** AUGUST 18, 2010 AGENDA NOTES

### **CONSENT CALENDAR**

These items include routine financial and administrative items and **staff recommends that they be approved en masse by a single vote.** Any Board member may remove an item from the consent calendar for further discussion or a separate vote by bringing it to the attention of the Chair.

9.1 Minutes of July 21, 2010

9.2 EPR Update The purpose of this staff report is to update the Agency Board on current Extended Producer Responsibility (EPR) legislation.

9.3 FY 09-10 Year End Financial Report The JPA agreement requires a financial report be presented to the Board of Directors every quarter for review and approval.

9.4 Carryout Bag Update Updates Board members on the status of carryout bag ordinances and related recycling and reduction efforts.

9.5 HHW Building Extension Notice of Completion At the December 2, 2009 Agency Board meeting, the Board executed a contract with Page Construction Company to construct the extension to the Household Hazardous Waste Building located at the Central Disposal Site. It is recommended that the Agency Board authorize the Executive Director, subsequent to completion of the final inspection of the project by PRMD, to accept the HHW Building Extension Project as complete and file the Notice of Completion with the Sonoma County Recorder's office.

9.6 Biennial Review of Conflict of Interest Code The Political Reform Act requires every local government agency review its conflict-of-interest code biennially. The last review was August 20, 2008. There have been no changes since that time. The deadline for completing the biennial review and submitting it to the County Clerk is October 1, 2010.

### **REGULAR CALENDAR**

10. Sonoma County/City Solid Waste Advisory Verbal report from Steve Barbose, City of Sonoma, serving as SCWMA liaison to the recently convened advisory group. **No action required.**

11. 5<sup>th</sup> Amendment to Agreement with ESA for Compost Relocation Report on research of other nearby regional compost facilities, considerations for out-hauling compost materials, potential changes to the definition of food waste, and ESA's response to staff's request for additional studies for the Draft Environmental Impact Report. ESA has proposed a Water Supply Assessment for Site 40, which staff believes is necessary to be compliant with the California Water Code. **Staff Recommendation: Approve the Fifth Amendment to the Agreement with ESA for Consulting Services.**

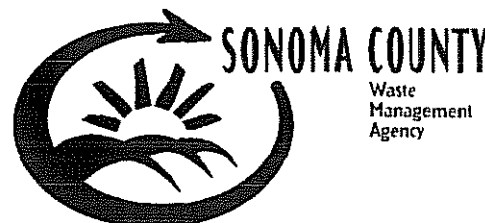
12. Mandatory Commercial Recycling Measure update Report on the progress, details and local program implications of CalRecycle's draft regulations under the California Air Resources Board Scoping Plan for the California Global Warming Solutions Act of 2006 (AB 32). **No action required.**

**SONOMA COUNTY WASTE MANAGEMENT AGENCY ALLOCATIONS**  
**1st Quarter 2010**

<b>WOOD WASTE</b>						
Tons of Wood Waste Delivered to the Central Facility and Path Mulch Allocations						
Member	January	February	March	Total	%	Allocation (C.Y.)
Cloverdale	10	8	8	25	3%	5
Cotati	9	8	8	25	3%	5
County	64	83	82	229	25%	46
Healdsburg	15	29	34	79	8%	16
Petaluma	32	28	47	107	12%	21
Rohnert Park	8	11	15	33	4%	7
Santa Rosa	49	74	104	228	25%	46
Sebastopol	9	17	26	52	6%	10
Sonoma	23	34	36	93	10%	19
Windsor	16	15	26	58	6%	12
<b>Total</b>	<b>235</b>	<b>307</b>	<b>386</b>	<b>928</b>	<b>100%</b>	<b>186</b>

<b>YARD DEBRIS COMPOST (Sonoma Compost)</b>						
Tons of Yard Debris Composted at the SCC Facility and Compost Product Allocation Based on Sales of 6,034 Cubic Yards						
Member	January	February	March	Total	%	Allocation (C.Y.)
Cloverdale	111	113	140	365	2%	7
Cotati	87	78	104	270	1%	6
County	1,488	1,731	2,379	5,599	25%	114
Healdsburg	259	262	337	858	4%	18
Petaluma	857	1,000	1,420	3,278	15%	67
Rohnert Park	345	420	544	1,310	6%	27
Santa Rosa	1,884	2,082	2,742	6,708	30%	137
Sebastopol	151	188	242	581	3%	12
Sonoma	539	638	600	1,776	8%	36
Windsor	389	474	567	1,430	6%	29
<b>Total</b>	<b>6,111</b>	<b>6,986</b>	<b>9,077</b>	<b>22,173</b>	<b>100%</b>	<b>453</b>

Disposal information is taken from the Source Tonnage Reports (RP375), includes MOM loads.



August 3, 2010

Assemblymember Felipe Fuentes, Chair  
Assembly Appropriations Committee  
State Capitol  
Sacramento, California 95814  
**FAX: (916) 319-2181**

**RE: SB 1100 (Corbett) Battery Stewardship Act - Support**

Dear Assemblymember Fuentes:

The Sonoma County Waste Management Agency (SCWMA) is a California Integrated Waste Management Board (CIWMB)-approved Regional Agency comprised of all the jurisdictions in Sonoma County tasked with many of the responsibilities of AB 939, including management of household hazardous wastes. In June 2001, the SCWMA, recognizing that Extended Producer Responsibility (EPR) is a waste management approach that significantly improves our ability to manage discarded hazardous products, approved a resolution supporting EPR policies and efforts by governmental and non-governmental organizations to develop such policies.

The SCWMA supports Extended Producer Responsibility (EPR) policies that shift California's product waste management system from one focused on local government funded and ratepayer financed to one that relies on producer responsibility in order to reduce public costs and drive improvements in product design that promote environmental sustainability.

The SCWMA urges your support of SB 1100, which would require battery manufacturers to create and implement a stewardship program to manage batteries at end of life.

In February 2006, all household batteries were banned from solid waste landfills and classified as a Universal Waste because they contain heavy metals, a corrosive electrolyte, or both. However, consumers are frustrated because they have been told batteries cannot be thrown in the trash, yet finding a place to recycle their used batteries can be difficult.

SB 1100 will help local governments save tax-payer money used to manage battery waste. The SCWMA pays \$882 per ton to manage this Universal Waste, which amounts to \$9,042 each year and we estimate we only collect from 12% of Sonoma County households.

These high costs to manage batteries have been externalized onto the general taxpayers and garbage ratepayers ensuring that consumers have no idea of the real cost to manage batteries. It is now time to start rethinking who pays to manage problem products at their end of life. We need to bring the private sector competition back to product waste to drive greener design and reduce management costs to society.

California's local governments need the battery industry to take a bigger role in sharing the

responsibility to manage their product waste. The program envisioned in SB 1100 will help California's environment by ensuring that battery waste is properly managed as well as create private sector jobs recycling batteries.

The SCWMA strongly urges your support of SB 1100 when it is heard in the Assembly Appropriations Committee.

Sincerely,

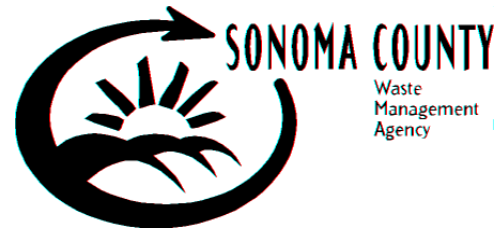


Susan Klassen, Interim Executive Director  
Sonoma County Waste Management Agency

Cc: Members, Assembly Appropriations Committee  
State Assembly Members  
SCWMA Board Members

July 29, 2010

Honorable Senator Christine Kehoe  
State Capitol, Room 5050  
Sacramento, CA 95814



RE: AB 1998 - Support

Senator Kehoe:

The Sonoma County Waste Management Agency (SCWMA) supports the goals of AB 1998 to reduce single use bag waste. As a Joint Powers Agency responsible for household hazardous waste, organics composting, public education, and solid waste planning for Sonoma County, the SCWMA is well versed in efforts to reduce single use bag waste. The SCWMA believes AB 1998 bill will significantly reduce the common and persistent carryout bag waste stream.

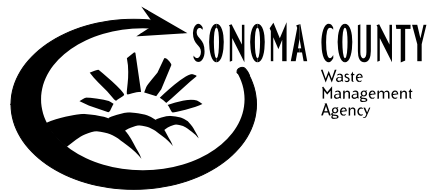
While it is unfortunate that language preempting individual jurisdictions from creating localized legislation on the subject of single use carryout bags is contained in AB 1998, the SCWMA understands this provision provided grocer associations enough certainty and consistency throughout the state to support the bill. The SCWMA agrees that the issue of single use carryout bags should be dealt with on a statewide level and therefore offers its support for the bill.

The SCWMA respectfully requests your vote in favor of AB 1998.

Sincerely,

Susan Klassen  
Interim Executive Director  
Sonoma County Waste Management Agency

Cc: Senator Elaine Alquist  
Senator Ellen Corbett  
Senator Bill Emmerson  
Senator Mark Leno  
Senator Curren Price  
Senator Mimi Walters  
Senator Lois Wolk  
Senator Mark Wyland  
Senator Leland Yee



Agenda Item #9.1

### MINUTES OF JULY 21, 2010

The Sonoma County Waste Management Agency met on July 21, 2010, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue., Santa Rosa, California

#### PRESENT:

Town of Windsor	Christa Johnson, Chair
City of Cloverdale	Nina Regor
City of Cotati	Marsha Sue Lustig
City of Healdsburg	Mike Kirn
City of Petaluma	Vince Marengo
City of Rohnert Park	Linda Babonis
City of Santa Rosa	Elise Howard
City of Sebastopol	Jack Griffin
County of Sonoma	Phil Demery

#### ABSENT:

City of Sonoma

#### STAFF PRESENT:

Interim Executive Director	Susan Klassen
Counsel	Janet Coleson
Staff	Patrick Carter
	Karina Chilcott
	Charlotte Fisher
	Lisa Steinman
Recorder	Elizabeth Koetke

#### 1. **CALL TO ORDER MEETING/INTRODUCTIONS**

The meeting was called to order at 9:00 a.m.

#### 2. **AGENDA APPROVAL**

Chair Johnson requested that item #8 be addressed prior to item #7.

**Vince Marengo, Petaluma, moved to accept this change to the agenda. Mike Kirn, Healdsburg, seconded. City of Sonoma absent.**

#### 3. **ATTACHMENTS/CORRESPONDENCE**

Chair Christa Johnson, called attention to the Director's Agenda notes.

#### 4. **ON FILE WITH CLERK**

Chair Johnson noted the resolutions approved in June, 2010, on file with the clerk.

#### 5. **PUBLIC COMMENTS (items not on the agenda)**

None.

#### CONSENT

**6.1 Minutes of June 16, 2010**

**6.2 CoIWMP Five Year Review**

**6.3 SCC Monthly Reports for April and May 2010**



## **6.4 Household Hazardous Waste Facility Expansion**

Nina Regor, Cloverdale, requested that item #6.1 be pulled from consent for a correction to the minutes

**Items 6.2, 6.3, and 6.4 moved for approval by Marsha Sue Lustig, Cotati. Vince Marengo, Petaluma, seconded with a comment acknowledging staff for the extraordinary work they did on item 6.4. Items 6.2, 6.3, and 6.4 approved. City of Sonoma absent.**

### **6.1 Minutes of June 16, 2010**

Ms. Regor asked for a correction to the June 16, 2010 SCWMA Minutes on page 5, Item # 11 doesn't have the results of the vote.

**Ms. Regor moved to approve item #6.1 with corrections, Mike Kirn seconded. Motion approved. City of Sonoma absent.**

## REGULAR CALENDAR

### **8. COMPOST RELOCATION UPDATE**

Patrick Carter presented milestones of the project and announced that the Draft Environmental Impact Report (EIR) could possibly be released prior to the August 18, 2010 Agency meeting.

Paul Miller, ESA, gave a presentation explaining the project.

Matt Cotton, Integrated Waste Management Consulting, a subcontractor of ESA, explained the interaction of current composting technologies affect this project.

Mr. Carter explained that the Administrative Draft EIR had been received and identified some concerns. Site 5a is identified as needing road improvements would be necessary to access the site. The cost of doing the necessary road improvements would be equal to, or greater than the cost of purchasing the site. The site's position on the 100 year flood plain is producing issues with ground water and waste water feasibility. Site 13 is basically has the same concerns as Site 5a; more significant road improvements may be needed in order to do the project.

Site 40 looks to be the more attractive choice. It moves the project from its current site and provides enough capacity. While some off-site improvements may be necessary, they are projected to not be as expensive as the other sites. The parcel is for sale and, while the initial purchase price of the site may require some additional funding sources, staff still believes it's feasible from a cost perspective.

The EIR will detail all of the impacts continuing with analysis and focus on Site 40 and Central.

The site at Central would move the composting operation off its current site, but it would not have the capacity that is needed. There is rock that would need to be blasted and it would add some complexity to the project. There is also the general uncertainty concerning the future use by the County of the site.

Staff recommends continuing the analysis and focusing on Site 40 and Central.

## Public Comments

Will Bakx, Sonoma Compost, inquired about the technology that reflects the 110,000 tons annual production mentioned in the presentation, windrow composting or aerated static? Paul Miller answered that the technology described was aerated static.

### Boardmember Discussion

Phil Demery, Sonoma County, questioned whether Site 40 was off the market and now is available. Was that one of the reasons it was not studied at the same level as Site 5A?

Mr. Carter confirmed that Site 40 was ranked the most feasible site. The Open Space District was pursuing a purchase, but their negotiations were not successful, which makes it available now.

Phil Demery asked, with the space limitation of the Central Site, has consideration been given to going Gray property?

Mr. Carter replied part of the study done on the Gray property. The study identified two issues, one was the topography and another issue was the property was habitat for the California Tiger Salamander and Red-legged Frog. Any mitigation would be very expensive.

Marsha Sue Lustig, Cotati, expressed concerns about the impact of removing large amounts of rock from the Central site. She also expressed concern about limiting the study.

Ms. Klassen clarified that none of the sites are being removed from the EIR at this point. Some sites are more feasible than others. The study is focused on the more feasible ones, but all four sites will be in the EIR as alternatives.

Mr. Demery stated the decision makers will be able to select those alternatives to be studied at the project level. Currently site 5A Site 40 and Central are being studied at the project level. Staff's recommendation is to only look at Site 40 and Central for additional analysis. When the document is certified, will only those two sites, Site 40 and Central, be selected due to the detailed environmental analysis?

Janet Coleson, Agency Counsel, explained that those two sites would have a complete study done on them; staff brought this item to the Board as a potential cost-saving measure. All four sites can be studied at the same level. There are two issues with what's been done to this point, one on site 5a and one on Site 13 that could cause those two sites to drop out of the mix because they will be cost prohibitive. The question is whether the Board would like to continue to study those two sites given the fact that it appears likely they could drop out. All four sites would still be in the study, but those two sites would not have the complete analysis that the other two have.

Ms. Klassen added that site 5A is in a flood plain.

Christa Johnson, Windsor, expressed Windsor's interest in contracting out for this service and sending the materials to a private facility. She requested that staff do additional research about this option.

Mr. Demery expressed support in researching other options as long as it would not undermine the efforts of this project as staff has been acting on the Board's direction for this project.

**After much discussion, Mike Kirn, Healdsburg, moved to approve staff expand the study of Site 40 and the Central Site to take them to the project level for the draft EIR. Included in the motion would be the exploration and cost analysis of two specific issues on site 13 related to the traffic impacts on Highway 37, flood impacts and mitigation. As part of the 'no option alternative', identify what the fallback would be as far as privatizing the compost program. Jack Griffin, Sebastopol, seconded. City of Sonoma absent. Vince Marengo, Petaluma, asked that an engineer's estimate of time and costs be included.**

Recess from 10:38 to 10:45

July 21, 2010 SCWMA Meeting Minutes

*City of Cotati left the meeting at 10:45 a.m.*

## **7. SONOMA COUNTY/CITY SOLID WASTE ADVISORY GROUP**

Chair Johnson gave the SWAG update as Steve Barbose was not available.

In September a facilitator will be brought in to start looking at various alternatives for a solid waste solution in Sonoma County. At some point in the process the SWAG will establish a resource committee which will be comprised of members of the public and related industries and town, city and county staff.

There was an informative presentation about Material Recovery Facilities (MRF), and the SWAG has planned a fieldtrip for Friday, July 30<sup>th</sup> to visit a few MRF's in San Jose.

## **9. UNVEILING OF NEW WEBSITE**

Karina Chilcott gave a presentation of the new [www.recyclenow.org](http://www.recyclenow.org) website. The domain name has remained the same and the programming was done by ISD staff. Staff can add features such as upcoming meetings where automatic email can be requested.

The reason for the upgrade is that the old site was created in 1998 using "HTML" language, while the new site uses "CSS". Some of the old HTML tags and attributes are being deprecated by newer browsers, so this new CSS framework is more functional and flexible for the future. It follows the ADA protocol which is useful for screen readers. Meeting archives are now available and this website links to the eco-desk Access database

Ms. Johnson asked about the cost of the upgrade.

Ms. Chilcott said the original contract was \$30,000 but in order to meet some of the ADA requirements there were some unexpected costs. The financial details are still being sorted out.

Chair Johnson said she felt this project was very well done and was a large expenditure for education.

## **10. BOARDMEMBER COMMENTS**

None.

## **11. STAFF COMMENTS**

Ms. Klassen said the recruitment for Executive Director position closed, the applicants were screened and narrowed down to a one day interview panel. Hopefully, there will be a recommendation for the Board at the August meeting.

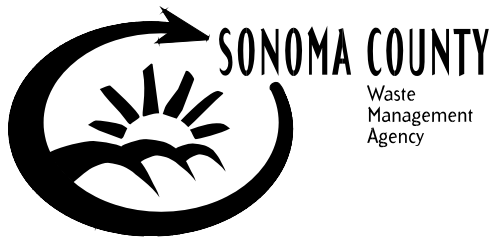
## **12. NEXT SCWMA MEETING AUGUST 18, 2010**

## **13. ADJOURNMENT**

Meeting adjourned at 11:00 a.m.

Respectfully submitted,  
Elizabeth Koetke

**Copies of the following were distributed and/or submitted at this meeting:**  
**SCWMA Proposed Sonoma County Compost Facility PowerPoint Presentation**  
**Feasibility of Goals Comparison chart**



**Agenda Item #: 9.2**  
**Cost Center: HHW**  
**Staff Contact: Steinman**  
**Agenda Date: 8/18/2010**

## **ITEM: EPR Update**

### **I. BACKGROUND**

The SCWMA recognizes that Extended Producer Responsibility (EPR) is a waste management approach that will assist and enhance efforts to manage waste products by shifting responsibility for collection, transportation and management for discarded products away from local governments to the manufacturers. To formalize this support, the SCWMA passed and circulated a resolution (Resolution 2001-021) to elected officials at the state and national level. The SCWMA has maintained an active interest in EPR with actions such as being a founding member of the California Product Stewardship Council (CPSC) and hiring a consultant (R3 Consulting Group, Inc.) to write an Extended Producer Responsibility Implementation Plan, which the SCWMA Board of Directors approved at their February 21, 2007 meeting.

Since the plan was approved, staff has stayed current on EPR legislation and continues to send letters of support to legislators when appropriate. All letters of support are included as part of the Agency Board agendas. The Agency actively participates with CPSC and Product Stewardship Institute (PSI) to develop coordinated efforts with other California local governments to promote EPR legislation for batteries, lamps, and other wastes of concern.

### **II. DISCUSSION**

The purpose of this staff report is to update the Agency Board on current EPR legislation.

There are three stewardship bills currently moving through the legislature: Carpet, Paint, and Batteries.

#### **AB 2398 (John Perez) - Carpet Product Stewardship**

AB 2398 requires producers of carpet to participate in a product stewardship program, under a plan approved by Department of Resources Recycling and Recovery (CalRecycle). Previously, this bill passed Senate Environmental Quality Committee on June 28, 2010. In the house of origin, it went through Assembly Natural Resources, Assembly Appropriations and passed Assembly Floor with 49-27 vote.

The carpet product stewardship bill was put on the suspense file on Monday, August 2, 2010 and will be heard Thursday, August 12th by the Senate Appropriations Committee. The bill will either be pulled off suspense at that time, or will die in committee. The speaker's office is working on amendments with the carpet industry and there has been great movement and they are very close to agreement.

#### **AB 1343 (Huffman) - Paint Recovery Act**

This measure will require paint manufacturers to develop and implement a program to collect, transport, and process postconsumer paint to reduce the costs and environmental impacts of the disposal of postconsumer paint in California. AB 1343

passed through the Assembly side and Senate Environmental Quality Committee but was held in Senate Appropriations. This is now a 2-year bill.

SB 1100 (Corbett) - Household Battery Recycling Bill

SB 1100, Product stewardship for household batteries, passed the Assembly Environmental Safety and Toxic Materials Committee June 29, 2010 and was heard in Assembly Appropriations Committee on August 4<sup>th</sup>. Previously, it passed Senate Environmental Quality Committee, and Senate Appropriations. It passed Senate Floor 23-10.

The battery bill remains in suspense in the Assembly Appropriations Committee but the author's office is working hard on amendments. We expect to hear on Thursday, August 12th if it will move out of suspense.

Sadly, AB 2139 (Chesbro), the Producer Stewardship Framework Bill, stalled on the Assembly Floor on June 3, 2010 in a 30-31 vote. AB 2139 would have required producers of products to create product stewardship plans if said products were deemed by CalRecycle to either 1) be a significant threat to public health and safety when disposed; or 2) pose a threat of increased greenhouse gas emissions; and or 3) impose significant end-of-life management costs on state or local government

Additionally, on July 13, 2010, because the State has failed to take action on Sharps legislation and there has been no voluntary effort by the Sharps or pharmaceutical companies to help share in the responsibility to manage Sharps, the City of Sacramento adopted an ordinance requiring retailer and hospital/distributor take-back.

Staff will continue to update the Board on EPR related items as they arise.

III. FUNDING IMPACT

This agenda item is for informational purposes only. There is no funding impact resulting from this transmittal.

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

There is no recommended action resulting from this agenda item.

V. ATTACHMENTS

There are no attachments.

Approved by: \_\_\_\_\_  
Susan Klassen, Interim Executive Director, SCWMA



**Agenda Item #: 9.3**  
**Cost Center: All**  
**Staff Contact: Klassen**  
**Meeting Date: 8/18/2010**

## **ITEM: FY 09-10 Year-End Financial Report**

### **I. BACKGROUND**

In accordance with the requirement contained in the Joint Powers Agreement that the Agency Board of Directors receive quarterly financial reports, this report contains information about Agency operations, all receipts to and disbursements from the Agency.

### **II. DISCUSSION**

This report, using information from the county accounting system (FAMIS) for revenues and expenses, contains the actual amounts spent or received to date, accounts payable and receivable, the approved budget and the difference between the approved budget and the actual revenues/expenditures. Accounts payable are invoices that are expected to be paid after the close of the fiscal year for services received prior to June 30, 2010, the end of the fiscal year. Accounts receivable are revenues anticipated for work and/or services performed by the Agency prior to the end of the fiscal year. By including the accounts payable and receivable as well as the reserve balances, this report serves a year-end financial statement.

### **III. FUNDING IMPACT**

In summary, the expenses for the entire Agency are expected to be \$856,057 under budget and the revenues are anticipated to be \$341,509 under budget. This situation results in a projected annual net cost reduction of \$497,914. Descriptions of major fiscal impacts within the individual cost centers follow and more detailed information is contained in the attached report.

#### **ORGANICS COST CENTERS (Wood Waste and Yard Debris)**

##### **Wood Waste**

The greatest impact on the Wood Waste Cost Center is the reduction of material coming to the facility to be processed. This reduction affects both expenses, (\$31,402), and revenues, \$12,373. Revenue reductions were offset by \$29,995 in profit sharing from the previous year.

##### **Yard Debris**

The most notable impact on the Yard Debris Cost Center is the increase of material coming to the facility for processing, resulting in increased contractor expense and revenue sharing. A budget adjustment was done in order to provide enough allocations to process the increased material being delivered.

Both of the organics cost centers reflect an increase in revenue sharing, based on the sales of finished products, than originally budgeted. This increase is due to deposits from the previous fiscal year, FY 08-09, as well as the increased sales of compost products.

## **SURCHARGE COST CENTERS (Household Hazardous Waste, Education, Diversion and Planning)**

### **Revenue Major Impacts**

All sources of revenue for three of the four surcharge cost centers, except for Diversion, are below the FY 09-10 budgeted levels.

With solid waste tonnage entering the County system experiencing notable reductions, the surcharge tipping fee available to these cost centers continues to be negatively impacted. The surcharge revenue budgeted for FY 09-10 was \$1,458,000, based on 270,000 tons disposed, and the actual revenues received were \$1,321,085, based on 244,645 actual tons disposed, which results in a decrease of \$136,915 for the four surcharge cost centers. The reductions are as follows:

HHW	(\$31,943)
Education	(\$89,026)
Diversion	\$3,266
Planning	(\$19,212)

Other major revenue impacts are: State-Other, (\$59,604), and OT-Within Enterprise (\$10,134). The State-Other funds will be carried over into FY 10-11 for continued work on the Used Oil program. The OT-Within Enterprise is the funds that are transferred from reserve centers into the cost centers.

### **Expenditure Major Impacts**

For the four surcharge cost centers, expenses are below the budgeted amount. One major source of reduced expenses was a staff vacancy for 90% of the fiscal year. This resulted in a \$58,348 net reduction in Administration Costs in the surcharge cost centers. Another major reduction in OT-Within Enterprise, which is the contributions made from the cost centers to the reserve centers. For the four surcharge cost centers, the reduction is \$49,233.

### **Household Hazardous Waste**

There were two major impacts in the household hazardous waste operations expenditures. The largest impact was \$23,824 under budget for Contract Services. This was mainly due to less disposal costs for material coming to the facility. The second impact was \$13,516 over budget for Professional Services, which is the used oil program. The reason was more efforts being made targeting the Latino population this fiscal year. With the Used Oil Block grant being funded for a three year cycle, there is still funding for continuing the program in another fiscal year.

### **Education**

There were several major impacts in the Education cost center. The largest is \$130,257 in Contract Services, which includes carried over encumbrances from previous years. In the third quarter report it was projected that Contract Services would be \$41,000 instead of the \$98,000 approved in April as a part of the FY 10-11 budget. This reduction is due to the intense involvement in the design and development of the website site, which resulted in less staff time available for some of the other projects.

Other major impacts were Office Expense (\$14,913), a result of less cost of printing the Recycling Guide, Legal Services, \$27,261, a result of development and implementation of the staffing agreements for the Executive Director's position, and Data Processing – New Projects, \$29,118, the design and development of the Agency website.

## Diversion

Other than the reduction in Administration Costs, there were no other major impacts in this cost center.

## Planning

There were no major impacts in this cost center.

## **RESERVE FUNDS (Organics, HHW Closure, HHW Facility and Contingency)**

The Board has a policy of not using the reserve funds for operations, only special or one-time projects. Currently, there are three projects being funded with reserves. They are: the relocation of the compost site being funded with the Organics Reserve, the expansion of the HHW facility being funded with the HHW Facility Reserve, and the development of the future funding model being funded with the Contingency Reserve.

Revenue sources for the reserves are any excess operational funds from the six operating cost centers. Any impacts on the operating cost centers have a direct impact on the amount of reserve transfers.

### Organics Reserve

The Organics Reserve policy is derived from the JPA agreement, Section 13, which states, "The Agency shall receive all revenues accruing in connection with the Treatment System, and then use them to defray operation maintenance (O&M) expense of the wood or yard waste Treatment System." All tipping fee proceeds from the Wood Waste and Yard Debris cost centers not used to operate the composting facility are transferred to the Organics Reserve at the end of the fiscal year". There is no stated limit on the Organic Reserves.

The transferred revenues are \$1,521,329, which is \$33,203 under budget due to the decreased transfer made this fiscal year.

### HHW Closure Reserve

The HHW Closure Reserve has an established goal of \$62,000. The facility operates under a Permit-by-Rule, which states that a reserve must be maintained and the amount needs to be supported by a closure plan. The closure plan was revised May 21, 2008 at a regularly scheduled SCWMA Board of Directors' meeting. The contribution, \$6,667 and the interest earned, \$468, made to the HHW Closure brings the fund balance to \$59,451 at the close of FY 09-10.

### HHW Facility Reserve

The HHW Facility Reserve has the stated goal of 50% of the operating expenses of the HHW cost center, which for FY 09-10 is \$783,414. The fund balance at the beginning of FY 09-10 was \$1,267,146. The current project is the expansion of the HHW facility in order to handle more universal waste. The expense incurred for the project is \$252,065.

### Contingency Reserve

The Contingency Reserve has the stated goal of 25% of the other surcharge cost centers' operating expenses. For FY 09-10 the goal is \$159,944. The fund balance at the beginning of FY 09-10 was \$210,227. The revenues are projected to be \$53,003 under budget due to the reduced revenues in the contributing cost centers, Education, Diversion, and Planning. The expenses are expected to be \$2 under budget.



### Future Budgetary Adjustments

Budgetary updates, called technical adjustments, will be brought to the Board in either September or October. The Auditor-Controller Division has modified the process for carrying multi-year contracts from one fiscal year to the next. Technical adjustments will be used to implement this new process and make any adjustments to the remaining contractual obligations.

Another potential group of technical adjustments will be any changes to revenues or expenses that have occurred since the FY 10-11 Budget was approved in April.

As a part of the technical adjustment report, the fund balances for all of the reserves will be included for Board information.

### III. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends approving the FY 09-10 Year-End Financial Report on the Consent Calendar.

### IV. ATTACHMENT

FY 09-10 Year End Financial Report

Approved by: \_\_\_\_\_  
Susan Klassen, Interim Executive Director, SCWMA

**FY 09-10 YEAR END FINANCIAL REPORT  
SONOMA COUNTY WASTE MANAGEMENT AGENCY**

INDICES 799114, 799213, 799312, 799411, 799510  
799619, 799221, 799320, 799338, 799718

**A. SUMMARY**

	<b>FY 09-10 Adopted Budget</b>	<b>FY 09-10 Actual</b>	<b>Over/(Under) Budget</b>
TOTAL EXPENDITURES	9,009,434	8,153,377	(856,057)
TOTAL REVENUES	8,047,006	7,705,497	(341,509)
NET COST	962,428	447,880	(497,914)

**B. SUMMARY OF EXPENDITURES**

	<b>Actual July 09- June 10</b>	<b>Budget FY 09-10</b>	<b>Over/(Under) Budget</b>
SERVICES & SUPPLIES	6,017,219	6,869,915	(852,696)
OTHER CHARGES	2,136,158	2,139,519	(3,361)
TOTAL EXPENDITURES	8,153,377	9,009,434	(856,057)

**C. SUMMARY OF REVENUES**

	<b>Actual July 09- June 10</b>	<b>Budget FY 09-10</b>	<b>Over/(Under) Budget</b>
INTEREST ON POOLED CASH	66,935	66,727	208
TIPPING FEE REVENUE	4,586,672	4,753,252	(166,580)
SALE OF MATERIAL	284,998	95,000	189,998
STATE-OTHER	136,374	397,374	(261,000)
PRIOR YEAR REVENUE	72,887	0	72,887
DONATIONS/REIMBURSEMENTS	421,473	419,023	2,450
OT-WITHIN ENTERPRISE	2,136,158	2,315,630	(179,472)
TOTAL REVENUES	7,705,497	8,047,006	(341,509)

**C. SUMMARY OF NET COSTS**

	<b>Actual July 09- June 10</b>	<b>Budget FY 09-10</b>	<b>Over/(Under) Budget</b>
NET COST	447,880	962,428	(497,914)

**FY 09-10 YEAR END FINANCIAL REPORT  
SONOMA COUNTY WASTE MANAGEMENT AGENCY**

INDEX 799114 WOOD WASTE

**A. SUMMARY**

	<b>FY 09-10 Adopted Budget</b>	<b>FY 09-10 Actual</b>	<b>Over/(Under) Budget</b>
TOTAL EXPENDITURES	300,865	269,463	(31,402)
TOTAL REVENUES	243,315	255,688	12,373
NET COST	57,550	13,775	(43,775)

**B. SUMMARY OF EXPENDITURES**

	<b>Actual July 09- June 10</b>	<b>Budget FY 09-10</b>	<b>Over/(Under) Budget</b>
SERVICES & SUPPLIES	158,147	219,346	(61,199)
OTHER CHARGES	111,316	81,519	29,797
TOTAL EXPENDITURES	269,463	300,865	(31,402)

SERVICES AND SUPPLIES and OTHER CHARGES is projected to be \$31,402 under budget primarily as a result of:

Contract Services is under budget by \$67,306. Tonnage of wood waste processed by this program has not met the budget estimate of 22 tons/day. For the period July 1, 2009 to June 30, 2010, wood waste processed averaged 12 tons/day. The non-fuel wood waste processing is billed at \$23.84 and the fuel wood waste is billed at \$22.10.

Administration Costs is over budget by \$6,373 because the interim executive director's staff time was recorded in this cost center instead of being distributed throughout the Agency's cost centers.

OTHER CHARGES, which is the transfer of funds from operations to the Organics Reserve, are \$29,797 over budget due to more undesignated funds being available for transfer after the close of the fiscal year.

**C. SUMMARY OF REVENUES**

	<b>Actual July 09- June 10</b>	<b>Budget FY 09-10</b>	<b>Over/(Under) Budget</b>
INTEREST ON POOLED CASH	946	795	151
TIPPING FEE REVENUE	139,289	227,520	(88,231)
SALE OF MATERIALS	90,458	10,000	80,458
PRIOR YEAR REVENUE	19,995	0	19,995
DONATIONS/REIMBURSEMENT	5,000	5,000	0
TOTAL REVENUES	255,688	243,315	12,373

Tipping Fee Revenue is under budget \$88,231 due to lower wood waste tonnage being processed.

Sale of Materials is \$80,458 over budget due to revenue sharing from last year being deposited in this fiscal year. This sort of delay is common to this part of the composting program.

Prior Year Revenue is \$19,995 over budget. This is an accounting transaction clearing a portion of the revenue sharing from the assets listing.

**D. SUMMARY OF NET COST**

Overall, the Wood Waste Cost Center net cost was \$43,775 less than was budgeted.

**FY 09-10 YEAR END FINANCIAL REPORT  
SONOMA COUNTY WASTE MANAGEMENT AGENCY**

INDEX 799213 YARD DEBRIS

**A. SUMMARY**

	<b>FY 09-10 Adopted Budget</b>	<b>FY 09-10 Actual</b>	<b>Over/(Under) Budget</b>
TOTAL EXPENDITURES	4,714,133	4,474,128	(240,005)
TOTAL REVENUES	3,170,572	3,412,599	242,027
NET COST	1,543,561	1,061,529	(482,032)

**B. SUMMARY OF EXPENDITURES**

	<b>Actual July 09- June 10</b>	<b>Budget FY 09-10</b>	<b>Over/(Under) Budget</b>
SERVICES & SUPPLIES	3,064,115	3,325,180	(261,065)
OTHER CHARGES	1,410,013	1,388,953	21,060
TOTAL EXPENDITURES	4,474,128	4,714,133	(240,005)

SERVICES AND SUPPLIES and OTHER CHARGES are projected to be \$240,005 under budget due to:

Office Expense is \$2,159 over budget due to the unbudgeted expense of printing bilingual materials for the composting program.  
County Services are \$1,199 over budget due to charges for the recruitment of the Executive Director.  
Contract Services is under budget by \$243,895. Tonnage of yard debris processed by this program has exceeded the budget estimate of 212 tons/day. For the period July 1, 2009 to June 30, 2010, yard debris processed averaged 231 tons/day. Because of a previous year invoice being paid in FY 09-10, the budget was increased to provide enough appropriations and the estimate was too high.  
Administration Costs are \$7,509 under budget due to a staff vacancy for 90% of the fiscal year.  
Legal Services are \$4,977 under budget due to less than anticipated required legal assistance.  
Rents/Leases-Equipment is \$3,944 under budget due to less copier use. The Agency is increasingly using electronic information transfer for communication. File management is becoming electronic as well.  
Enforcement Agency Fee is \$1,745 under budget due to less required activity of the Local Enforcement Agency.  
County Car Expense is \$2,646 under budget due to cost savings measures.

OTHER CHARGES is \$21,060 over budget due to more undesignated funds being available for transfer.

**C. SUMMARY OF REVENUES**

	<b>Actual July 09- June 10</b>	<b>Budget FY 09-10</b>	<b>Over/(Under) Budget</b>
INTEREST ON POOLED CASH	13,534	12,840	694
TIPPING FEE REVENUE	3,126,298	3,067,732	58,566
SALE OF MATERIALS	194,540	85,000	109,540
PRIOR YEAR REVENUE	69,370	0	69,370
DONATIONS/REIMBURSEMENT	8,857	5,000	3,857
TOTAL REVENUES	3,412,599	3,170,572	242,027

Tipping Fee Revenue exceeds the budget by \$58,566 due to increased tonnage of material delivered to the composting site.

Prior Year Revenue is \$69,370 over budget. This is an accounting transaction to clear a portion of the revenue sharing the assets listing from FY 08-09.

Sale of Material exceeds budget by \$109,540 due to greater sales of processed material and a deposit from the previous fiscal year.

Donations/Reimbursement is \$3,857 over budget due to an errant entry.

**D. SUMMARY OF NET COST**

Overall, the Yard Debris Cost Center net cost is \$482,032 under budget due primarily to undesignated funds from prior years being transferred during the current fiscal year and increased unanticipated revenues from increased composting production.

**FY 09-10 YEAR END FINANCIAL REPORT  
SONOMA COUNTY WASTE MANAGEMENT AGENCY**

INDICES 799312 HOUSEHOLD HAZARDOUS WASTE  
799411 EDUCATION  
799510 DIVERSION  
799619 PLANNING

**A. SUMMARY**

	<b>FY 09-10 Adopted Budget</b>	<b>FY 09-10 Actual</b>	<b>Over/(Under) Budget</b>
TOTAL EXPENDITURES	2,840,648	2,632,737	(207,911)
TOTAL REVENUES	2,108,308	1,880,821	(227,487)
NET COST	732,340	751,916	19,576

**B. SUMMARY OF EXPENDITURES**

	<b>Actual July 09- June 10</b>	<b>Budget FY 09-10</b>	<b>Over/(Under) Budget</b>
SERVICES & SUPPLIES	2,042,774	2,206,601	(163,827)
OTHER CHARGES	589,963	634,047	(44,084)
TOTAL EXPENDITURES	2,632,737	2,840,648	(207,911)

SERVICES and SUPPLIES are \$164,526 under budget and OTHER CHARGES are \$44,084 under budget as a result of:

**Household Hazardous Waste Cost Center**

Office Expense is \$8,210 over budget due to purchasing advertising for the e-waste program.

Professional Services is \$13,516 over budget because funds from the Used Oil Block grant were used this fiscal year. These grants are three year grants, and these funds can be spent as necessary.

Contract Services are under budget \$23,824 due to less disposal costs for toxic materials than anticipated.

Administration Costs are \$7,794 over budget due to more staff time required for the e-waste program.

Legal Services are \$5,679 under budget due to less legal assistance required than budgeted.

OTHER CHARGES are \$33,525 under budget because less undesignated funds were transferred to the HHW Facility Reserve.

**Education Cost Center**

Office Expense is \$14,913 under budget because of less demand for usual office service and supplies.

The Agency office continues to utilize electronic communication as much as possible and continues to repurpose and reuse supplies for the educational events.

Professional Services are \$3,788 under budget because all of the SonoMax promotional grant funds were not used for the conversion of the materials exchange educational efforts. The Agency is currently using the site developed by CalRecycle, formerly the CA Integrated Waste Board.

Contract Services are \$130,257 under budget because the Recycling Guide cost less than anticipated, the phone book tab was not purchased, and the Spanish language recycling guide was not produced.

Administration Costs are \$47,710 under budget due to a staff vacancy for 90% of the fiscal year.

Legal Services are \$27,261 over budget due to increase legal assistance dealing with issues coming before the Board, such as the staffing contracts and more complicated agendas.

Data Processing - New Projects is \$29,118 over budget because the website needs to ADA (American Disabilities Act) compliant. This condition was placed on the developing website by County policy well into the process and was not budgeted. Negotiations with the Information Systems Department for this added expense are ongoing. The expenditure has been added to the Accounts Payable list and an appropriation transfer could be coming to the Board if it remains the responsibility of the Agency.

**Diversion**

Professional Services is \$1,340 over budget due to cuts in grant funding coming after an agreement with the Probation Department was negotiated and executed.

Contract Services are \$5,000 over budget due to a Board approved donation to the San Diego Foundation for a climate protection project sponsored by the foundation.

Administration Costs are \$21,218 under budget due to a staff vacancy for 90% of the fiscal year.

Legal Services is \$1,520 under budget due to less than anticipated legal assistance.

## B. SUMMARY OF EXPENDITURES (con't)

### Planning

Administration Costs is \$2,786 over budget due to more staff required for the ColWMP update.

Engineering Services is \$7,964 under budget. There were no expenses budgeted in this category. Services were required for the ColWMP update.

OTHER CHARGES is \$53,854 under budget due to less funds available for transfer to the Contingency Reserve.

## C. SUMMARY OF REVENUES

	Actual July 09- June 10	Budget FY 09-10	Over/(Under) Budget
INTEREST ON POOLED CASH	7,558	8,666	(1,108)
STATE - OTHER	136,374	197,619	(61,245)
TIPPING FEE REVENUE	1,321,085	1,458,000	(136,915)
PRIOR YEAR REVENUE	(16,478)	0	(16,478)
OT-WITHIN ENTERPRISE	24,866	35,000	(10,134)
DONATIONS/REIMBURSEMENTS	407,416	409,023	(1,607)
TOTAL REVENUES	1,880,821	2,108,308	(227,487)

Interest on Pooled Cash is \$1,108 under budget due to a lower than anticipated cash balance in all of the surcharge cost centers.

State-Other is \$61,245 under budget because the Used Oil Block grant will not be completely used this fiscal year. The Used Oil Block grants are awarded for a three-year-cycle.

Tipping Fee revenues is \$136,915 under budget due to decreased surcharge tonnages.

Prior Year Revenue is the removal of prior year revenues being removed from the accounts receivable list.

Donations/Reimbursements are \$1,607 under budget as a result of less than anticipated donations from the end of the "veggie" pail program.

OT-Within Enterprise is under budget \$10,134 under budget due to lack of undesignated funds available for transfer to the appropriate reserve centers.

## D. SUMMARY OF NET COST

The net cost for cost centers receiving revenue from the \$5.40/ton surcharge is \$18,877 over budget as follows:

	Actual	Budget	Difference
Index 799312 - HHW	680,890	606,916	73,974
Index 799411 - Education	41,909	33,242	8,667
Index 799510 - Diversion	(7,025)	14,380	(21,405)
Index 799619 - Planning	36,142	77,802	(41,660)
Overall Net Cost	751,916	732,340	19,576

**FY 09-10 YEAR END REVENUE AND EXPENDITURE SUMMARY  
SONOMA COUNTY WASTE MANAGEMENT AGENCY**

INDICES

799221 ORGANICS RESERVE  
799320 HHW CLOSURE RESERVE  
799338 HHW FACILITY RESERVE  
799718 CONTINGENCY RESERVE

**A. SUMMARY**

	<b>FY 09-10 Adopted Budget</b>	<b>FY 09-10 Actual</b>	<b>Over/(Under) Budget</b>
TOTAL EXPENDITURES	1,153,788	777,049	(376,739)
TOTAL REVENUES	2,524,811	2,156,389	(368,422)
<b>B. SUMMARY OF EXPENDITURES</b>	(1,371,023)	(1,379,340)	(8,317)

	<b>Actual July 09- June 10</b>	<b>Budget FY 09-10</b>	<b>Over/(Under) Budget</b>
SERVICES & SUPPLIES	752,183	1,118,788	(369,622)
OTHER CHARGES	24,866	35,000	(10,134)
TOTAL EXPENDITURES	777,049	1,153,788	(376,739)

**Organics Reserve**

Contract Services is \$261,996 under budget because the scope of work and compensation for the composting site relocation project was extended, but the work was not completed in FY 09-10.

Administration Services is \$30,490 under budget because of a vacancy for 90% of the fiscal year.

Legal Services is \$17,559 under budget due to less than anticipated necessary legal assistance.

**HHW Facility Reserve**

Contract Services is \$86,153 under budget due to the construction contract being negotiated for less than was budgeted.

Administration Services is \$14,753 over budget because there are change orders to the construction that needed to be addressed.

Engineering Services is \$2,002 over budget because there was more work than was planned.

Legal Services is \$2,274 over budget due to legal assistance associated with the change orders.

**Contingency Reserve**

Office Supplies is \$2,842 over budget due to printing and distribution of the Notice of Determination.

Contract Services is \$49,711 over budget due to carry overs from last fiscal year because of a late billing, a much more involved ColWMP project and contracting for a financial model for future Agency funding.

Administration Services is \$37,705 under budget because of a staff vacancy for 90% of the fiscal year.

Legal Services is \$4,891 under budget due to less legal assistance required.

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - WOOD WASTE  
DETAIL**

**799114**

**EXPENDITURES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
6103	LIABILITY INSURANCE	835	950	(115)
6400	OFFICE EXPENSE	3	0	3
6521	COUNTY SERVICES	442	500	(58)
6540	CONTRACT SERVICES	138,574	205,880	(67,306)
6573	ADMINISTRATION COSTS	13,083	6,710	6,373
6610	LEGAL SERVICES	0	0	0
6629	ACCOUNTING SERVICES	1,117	998	119
6630	AUDIT SERVICES	1,900	1,900	0
7400	DATA PROCESSING	2,193	2,408	(215)
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>158,147</b>	<b>219,346</b>	<b>(61,199)</b>
8624	OT-WITHIN ENTERPRISE	53,766	23,969	29,797
	OT-WITHIN ENTERPRISE(PY)	57,550	57,550	0
<b>TOTAL OTHER CHARGES</b>		<b>111,316</b>	<b>81,519</b>	<b>29,797</b>
<b>TOTAL EXPENDITURES</b>		<b>269,463</b>	<b>300,865</b>	<b>(31,402)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - WOOD WASTE  
DETAIL**

**REVENUES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
1700	INTEREST ON POOLED CASH	946	795	151
2901	TIPPING FEE REVENUE	139,289	227,520	(88,231)
3980	PRIOR YEAR REVENUE	19,995	0	19,995
4020	SALE OF MATERIAL	90,458	10,000	80,458
4102	DONATIONS/REIMURSEMENTS	5,000	5,000	0
<b>TOTAL REVENUES</b>		<b>255,688</b>	<b>243,315</b>	<b>12,373</b>
<b>NET COST</b>		<b>13,775</b>	<b>57,550</b>	<b>(43,775)</b>



**C. SUMMARY OF REVENUES**

	Actual July 09- June 10	Budget FY 09-10	Over/(Under) Budget
INTEREST ON POOLED CASH	44,897	44,426	471
STATE-OTHER	0	199,755	(199,755)
DONATIONS/REIMBURSEMENTS	200	0	200
OT-WITHIN ENTERPRISE	2,111,292	2,280,630	(169,338)
TOTAL REVENUES	2,156,389	2,524,811	(368,422)

Interest on Pooled Cash for all of the reserve cost centers is \$471 over budget because the fund balance in the HHW Facility Reserve is greater than anticipated.

State-Other is \$199,755 under budget due to not receiving grant funding. Originally the HD16F was to be used for construction of satellite facilities, the scope of work was changed to allow for construction of the extension, although the timeline for completion of construction and grant billing was very tight. With building delays, it became impossible for the necessary conditions of the grant and the documentation to be completed. An extension was applied for, denied, appealed and denied again.

OT-Within Enterprise for all of the reserve funds is \$169,338 under budget because the contributing cost centers were unable to transfer funds due to decreasing revenues and increased expenses.

**D. SUMMARY OF NET COST**

The net cost for cost centers receiving contributions from the appropriate cost centers is anticipated to be \$8,317 under budget as follows:

	Actual	Budget	Difference
Index 799221 - Organics Reserve	(1,192,212)	(916,090)	276,122
Index 799320 - HHW Closure	(7,135)	(7,260)	(125)
Index 799338 - HHW Facility	(342,784)	(557,463)	(214,679)
Index 799718 - Contingency	162,791	109,790	(53,001)
Overall Net Cost	(1,379,340)	(1,371,023)	8,317

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - YARD DEBRIS  
DETAIL**

**799213  
EXPENDITURES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL June 09-July 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
6104	LIABILITY INSURANCE	1,669	1,900	(231)
6400	OFFICE EXPENSE	2,159	0	2,159
6521	COUNTY SERVICES	1,724	525	1,199
6540	CONTRACT SERVICES	2,929,166	3,173,061	(243,895)
6573	ADMINISTRATION COSTS	92,722	100,231	(7,509)
6590	ENGINEERING SERVICES	250	0	250
6610	LEGAL SERVICES	3,023	8,000	(4,977)
6629	ACCOUNTING SERVICES	5,363	4,797	566
6630	AUDIT SERVICES	3,350	3,350	0
6820	RENTS/LEASES - EQUIPMENT	1,556	5,500	(3,944)
7062	ENFORCEMENT AGENCY FEE	18,255	20,000	(1,745)
7301	COUNTY CAR	354	3,000	(2,646)
7302	TRAVEL EXPENSE	17	0	17
7309	UNCLAIMABLE COUNTY	121	0	121
7400	DATA PROCESSING	4,386	4,816	(430)
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>3,064,115</b>	<b>3,325,180</b>	<b>(261,065)</b>
8624	OT-WITHIN ENTERPRISE	404,725	404,725	0
	OT-WITHIN ENTERPRISE (PY)	1,005,288	1,005,288	0
8700	REIMBURSEMENTS	0	(21,060)	21,060
<b>TOTAL OTHER CHARGES</b>		<b>1,410,013</b>	<b>1,388,953</b>	<b>21,060</b>
<b>TOTAL EXPENDITURES</b>		<b>4,474,128</b>	<b>4,714,133</b>	<b>(240,005)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - YARD DEBRIS  
DETAIL**

**REVENUES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL June 09-July 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
1700	INTEREST ON POOLED CASH	13,534	12,840	694
2901	TIPPING FEE REVENUE	3,126,298	3,067,732	58,566
3980	PRIOR YEAR REVENUE	69,370	0	69,370
4030	SALE OF MATERIAL	194,540	85,000	109,540
4102	DONATIONS/REIMBURSEMENT	8,857	5,000	3,857
<b>TOTAL REVENUES</b>		<b>3,412,599</b>	<b>3,170,572</b>	<b>242,027</b>
<b>NET COST</b>		<b>1,061,529</b>	<b>1,543,561</b>	<b>(482,032)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - HOUSEHOLD HAZARDOUS WASTE  
DETAIL**

**799312  
EXPENDITURES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
6104	LIABILITY INSURANCE	3,515	4,000	(485)
6400	OFFICE EXPENSE	14,210	6,000	8,210
6500	PROFESSIONAL SERVICES	93,036	79,520	13,516
6521	COUNTY SERVICES	2,166	2,000	166
6540	CONTRACT SERVICES	1,231,411	1,255,235	(23,824)
6573	ADMINISTRATION COSTS	176,108	168,314	7,794
6610	LEGAL SERVICES	9,321	15,000	(5,679)
6629	ACCOUNTING SERVICES	2,124	1,900	224
6630	AUDIT SERVICES	8,400	8,400	0
6840	RENTS/LEASES-BLDGS/IMP	23,000	23,000	0
7062	ENFORCEMENT AGENCY	253	0	253
7120	TRAINING IN SERVICE	119	0	119
7303	TRAVEL EXPENSE	929	1,000	(71)
7400	DATA PROCESSING	2,193	2,458	(265)
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>1,566,785</b>	<b>1,566,827</b>	<b>(42)</b>
8624	OT-WITHIN ENTERPRISE	58,562	58,562	0
	OT-WITHIN ENTERPRISE (PY)	524,734	572,915	(48,181)
	HHW CLOSURE	6,667	6,667	0
8700	REIMBURSEMENTS	0	(14,656)	14,656
<b>TOTAL OTHER CHARGES</b>		<b>589,963</b>	<b>623,488</b>	<b>(33,525)</b>
<b>TOTAL EXPENDITURES</b>		<b>2,156,748</b>	<b>2,190,315</b>	<b>(33,567)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - HOUSEHOLD HAZARDOUS WASTE  
DETAIL**

**REVENUES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
1700	INTEREST ON POOLED CASH	5,999	7,615	(1,616)
2500	STATE-OTHER	104,269	163,873	(59,604)
2901	TIPPING FEE REVENUE	1,025,107	1,057,050	(31,943)
3980	PRIOR YEAR	(20,169)	0	(20,169)
4102	DONATIONS/REIMBURSEMENT	360,652	354,861	5,791
<b>TOTAL REVENUES</b>		<b>1,475,858</b>	<b>1,583,399</b>	<b>(107,541)</b>
<b>NET COST</b>		<b>680,890</b>	<b>606,916</b>	<b>73,974</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - EDUCATION  
DETAIL**

**799411  
EXPENDITURES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
6104	LIABILITY INSURANCE	1,252	1,425	(173)
6400	OFFICE EXPENSE	15,087	30,000	(14,913)
6500	PROFESSIONAL SERVICES	7,212	11,000	(3,788)
6521	COUNTY SERVICES	2,074	2,374	(300)
6540	CONTRACT SERVICES	32,585	162,842	(130,257)
6573	ADMINISTRATION COSTS	165,493	213,203	(47,710)
6610	LEGAL SERVICES	52,261	25,000	27,261
6630	ACCOUNTING SERVICES	2,124	1,900	224
6642	AUDIT SERVICES	2,000	2,000	0
6820	RENTS/LEASES - EQUIPMENT	195	0	195
6840	RENTS/LEASES-BLDGS/IMP	3,120	2,500	620
7302	TRAVEL	338	0	338
7400	DATA PROCESSING	2,193	2,408	(215)
7402	DP - NEW PROJECTS	64,118	35,000	29,118
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>350,052</b>	<b>489,652</b>	<b>(139,600)</b>
8624	OT-WITHIN ENTERPRISE	0	0	0
8700	REIMBURSEMENTS	0	(43,295)	43,295
<b>TOTAL OTHER CHARGES</b>		<b>0</b>	<b>(43,295)</b>	<b>43,295</b>
<b>TOTAL EXPENDITURES</b>		<b>350,052</b>	<b>446,357</b>	<b>(96,305)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - EDUCATION  
DETAIL**

**REVENUES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
1700	INTEREST ON POOLED CASH	464	79	385
2500	STATE OTHER	8,665	11,000	(2,335)
2901	TIPPING FEE REVENUE	231,734	320,760	(89,026)
3980	PRIOR YEAR	3,691	0	3,691
4103	DONATIONS/REIMBURSEMENTS	38,723	46,276	(7,553)
<b>SUBTOTAL REVENUES</b>		<b>283,277</b>	<b>378,115</b>	<b>(94,838)</b>
4624	OT-WITHIN ENTERPRISE	24,866	35,000	(10,134)
<b>TOTAL REVENUES</b>		<b>308,143</b>	<b>413,115</b>	<b>(104,972)</b>
<b>NET COST</b>		<b>41,909</b>	<b>33,242</b>	<b>8,667</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - DIVERSION  
DETAIL**

**799510  
EXPENDITURES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
6104	LIABILITY INSURANCE	835	950	(115)
6400	OFFICE EXPENSE	65	500	(435)
6500	PROFESSIONAL SERVICES	23,440	22,100	1,340
6521	COUNTY SERVICES	555	700	(145)
6540	CONTRACT SERVICES	5,000	0	5,000
6573	ADMINISTRATION COSTS	16,014	37,232	(21,218)
6610	LEGAL SERVICES	5,480	7,000	(1,520)
6629	ACCOUNTING SERVICES	445	397	48
6630	AUDIT SERVICES	950	950	0
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>52,784</b>	<b>69,829</b>	<b>(17,045)</b>
8624	OT-Within Enterprise	0	0	0
	OT-Within Enterprise (PY)	0	0	0
<b>TOTAL OTHER CHARGES</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL EXPENDITURES</b>		<b>52,784</b>	<b>69,829</b>	<b>(17,045)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - DIVERSION  
DETAIL**

**REVENUES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
1700	INTEREST ON POOLED CASH	789	389	400
2500	STATE-OTHER	23,440	22,746	694
2901	TIPPING FEE REVENUE	32,426	29,160	3,266
4102	DONATIONS/REIMBURSEMENT	3,154	3,154	0
<b>TOTAL REVENUES</b>		<b>59,809</b>	<b>55,449</b>	<b>4,360</b>
<b>NET COST</b>		<b>(7,025)</b>	<b>14,380</b>	<b>(21,405)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - PLANNING  
DETAIL**

**799619  
EXPENDITURES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
6103	LIABILITY INSURANCE	835	950	(115)
6400	OFFICE EXPENSE	26	0	26
6521	COUNTY SERVICES	0	797	(797)
6573	ADMINISTRATION COSTS	42,663	39,877	2,786
6590	ENGINEERING SERVICES	0	7,964	(7,964)
6610	LEGAL SERVICES	26,091	27,000	(909)
6629	ACCOUNTING SERVICES	445	397	48
6630	AUDIT SERVICES	900	900	0
7400	DATA PROCESSING	2,193	2,408	(215)
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>73,153</b>	<b>80,293</b>	<b>(7,140)</b>
8624	OT-Within Enterprise	0	1,052	(1,052)
	OT-Within Enterprise (PY)	0	52,802	(52,802)
<b>TOTAL OTHER CHARGES</b>		<b>0</b>	<b>53,854</b>	<b>(53,854)</b>
<b>TOTAL EXPENDITURES</b>		<b>73,153</b>	<b>134,147</b>	<b>(60,994)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - PLANNING  
DETAIL**

**REVENUES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
1700	INTEREST ON EARNED CASH	306	583	(277)
2901	TIPPING FEE REVENUE	31,818	51,030	(19,212)
4102	DONATIONS/REIMBURSEMENT	4,887	4,732	155
<b>TOTAL REVENUES</b>		<b>37,011</b>	<b>56,345</b>	<b>(19,334)</b>
<b>NET COST</b>		<b>36,142</b>	<b>77,802</b>	<b>(41,660)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - ORGANICS RESERVE  
DETAIL**

**799221**

**EXPENDITURES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
6540	CONTRACT SERVICES	316,514	578,510	(261,996)
6573	ADMINISTRATION SERVICES	21,666	52,156	(30,490)
6590	ENGINEERING SERVICES	8,221	8,690	(469)
6610	LEGAL SERVICES	12,441	30,000	(17,559)
6630	AUDIT SERVICES	1,000	1,000	0
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>359,842</b>	<b>670,356</b>	<b>(310,514)</b>
8624	OT-WITHIN ENTERPRISE	0	0	0
<b>TOTAL OTHER CHARGES</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL EXPENDITURES</b>		<b>359,842</b>	<b>670,356</b>	<b>(310,514)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - ORGANICS RESERVE  
DETAIL**

**REVENUES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
1700	INTEREST/POOLED CASH	30,725	31,914	(1,189)
4624	OT-WITHIN ENTERPRISE	1,521,329	1,554,532	(33,203)
<b>TOTAL REVENUES</b>		<b>1,552,054</b>	<b>1,586,446</b>	<b>(34,392)</b>

<b>NET COST</b>		<b>(1,192,212)</b>	<b>(916,090)</b>	<b>276,122</b>
-----------------	--	--------------------	------------------	----------------

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - HHW CLOSURE RESERVE  
DETAIL**

**799320  
EXPENDITURES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>0</b>	<b>0</b>	<b>0</b>
8624	OT-WITHIN ENTERPRISE	0	0	0
<b>TOTAL OTHER CHARGES</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL EXPENDITURES</b>		<b>0</b>	<b>0</b>	<b>0</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - HHW CLOSURE RESERVE  
DETAIL**

**REVENUES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
1700	INTEREST/POOLED CASH	468	593	(125)
4624	OT-WITHIN ENTERPRISE	6,667	6,667	0
<b>TOTAL REVENUES</b>		<b>7,135</b>	<b>7,260</b>	<b>(125)</b>
<b>NET COST</b>		<b>(7,135)</b>	<b>(7,260)</b>	<b>(125)</b>



**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - HHW FACILITY RESERVE  
DETAIL**

**799338**

**EXPENDITURES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
6400	OFFICE SUPPLIES	901	0	901
6540	CONTRACT SERVICES	178,701	264,854	(86,153)
6573	ADMINISTRATION SERVICES	62,428	47,675	14,753
6590	ENGINEERING SERVICES	2,761	759	
6610	LEGAL SERVICES	7,274	5,000	2,274
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>252,065</b>	<b>318,288</b>	<b>(66,223)</b>
8624	OT-WITHIN ENTERPRISE	0	0	0
<b>TOTAL OTHER CHARGES</b>		<b>0</b>	<b>0</b>	<b>0</b>
<b>TOTAL EXPENDITURES</b>		<b>252,065</b>	<b>318,288</b>	<b>(66,223)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - HHW FACILITY RESERVE  
DETAIL**

**REVENUES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
1700	INTEREST/POOLED CASH	11,353	10,419	934
2500	STATE-OTHER	0	199,755	(199,755)
4102	DONATIONS/REIMBURSEMENT	200	0	200
4624	OT-WITHIN ENTERPRISE	583,296	665,577	(82,281)
<b>TOTAL REVENUES</b>		<b>594,849</b>	<b>875,751</b>	<b>(280,902)</b>
<b>NET COST</b>		<b>(342,784)</b>	<b>(557,463)</b>	<b>(214,679)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - CONTINGENCY RESERVE  
DETAIL**

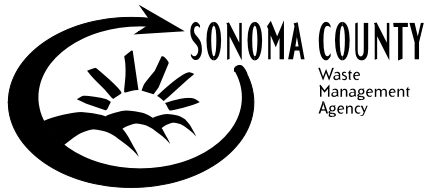
**799718  
EXPENDITURES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
6400	OFFICE SUPPLIES	2,842	0	2,842
6521	COUNTY SERVICES	175	0	175
6540	CONTRACT SERVICES	112,547	62,836	49,711
6573	ADMINISTRATION COSTS	19,603	57,308	(37,705)
6610	LEGAL SERVICES	5,109	10,000	(4,891)
<b>TOTAL SERVICES &amp; SUPPLIES</b>		<b>140,276</b>	<b>130,144</b>	<b>7,115</b>
8624	OT-WITHIN ENTERPRISE	24,866	35,000	(10,134)
<b>TOTAL OTHER CHARGES</b>		<b>24,866</b>	<b>35,000</b>	<b>(10,134)</b>
<b>TOTAL EXPENDITURES</b>		<b>165,142</b>	<b>165,144</b>	<b>(2)</b>

**FY 09-10 YEAR END FINANCIAL REPORT  
SCWMA - CONTINGENCY RESERVE  
DETAIL**

**REVENUES**

<b>SUB-OB NO.</b>	<b>DESCRIPTION</b>	<b>ACTUAL July 09-June 10</b>	<b>ADOPTED BUDGET FY 09-10</b>	<b>OVER/ (UNDER) BUDGET</b>
1700	INTEREST/POOLED CASH	2,351	1,500	851
4624	OT-WITHIN ENTERPRISE	0	53,854	(53,854)
<b>TOTAL REVENUES</b>		<b>2,351</b>	<b>55,354</b>	<b>(53,003)</b>
<b>NET COST</b>		<b>162,791</b>	<b>109,790</b>	<b>(53,001)</b>



**Agenda Item #: 9.4**  
**Cost Center: Planning**  
**Staff Contact: Carter**  
**Agenda Date: 8/18/2010**

**ITEM: Carryout Bag Update**

**I. BACKGROUND**

The SCWMA Board of Directors requested staff to provide updates at each SCWMA meeting subsequent to the March 2008 meeting. Staff researches new developments in California and out-of-state legislation regarding paper and plastic carryout bags.

**II. DISCUSSION**

AB 1998 was approved by the State Senate Committee on Environmental Quality on June 10, 2010 and sent to the Senate Committee on Appropriations. The bill was heard on August 2, 2010 and referred to the suspense file. In order for the bill to become law, it needs to be removed from the suspense file, passed by the Senate Committee for Appropriations by August 13, passed by the entire Senate and Assembly by the end of August, and signed by the Governor.

The City of San Jose released a draft Environmental Impact Report on July 12, 2010. The comment period will continue until August 26, 2010, and the city expects to hold a public hearing to consider the Final EIR October 13, 2010. The San Jose law would ban all paper and plastic carryout bags except paper bags with at least 40% recycled content which are provided to customers for a charge of at least \$0.10 per bag initially and \$0.25 per bag after two years of ordinance adoption. The draft EIR found that there were no negative environmental impacts resulting from this ordinance that required mitigation measures. All impacts were either beneficial or less than significant.

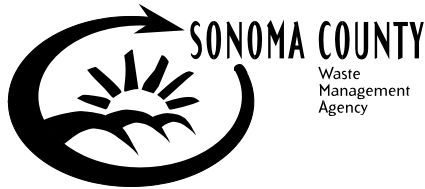
**III. FUNDING IMPACT**

There are no funding impacts resulting from this transmittal.

**IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION**

This transmittal is for informational purposes only. There is no requested action.

Approved by: \_\_\_\_\_  
Susan Klassen, Interim Executive Director, SCWMA



**Agenda Item #: 9.5**  
**Cost Center: HHW**  
**Staff Contact: Steinman**  
**Agenda Date: 8/18/2010**

**ITEM: HHW Building Extension Notice of Completion**

**I. BACKGROUND**

At the January 17, 2007 Agency Board meeting, the Sonoma County Household Hazardous Waste (HHW) Program Benchmarking and Program Evaluation was accepted by the Agency Board. The evaluation included suggestions for modifications to the HHW Building, located at the Central Disposal Site, including expanding the building canopy and walls to the west for management of high-volume/less dangerous wastes. The HHW Program Recommendations Implementation Plan was presented to the Agency Board at its March 21, 2007 meeting, where direction was given to staff to solicit proposals and return to the Board with a contract for a consultant to prepare construction documents to extend the canopy of the existing facility.

At the June 20, 2007 Agency Board meeting, the Board approved executing an Agreement with VBN Architects for the HHW Building Enclosure Expansion. VBN developed the design for the extension project and provided assistance to Agency staff during the permit and construction phases.

Concurrent to moving forward with the HHW Building Enclosure Expansion project, the Agency was looking into the possibility of building additional facilities in the County.

Taking advantage of an opportunity for grant funding, upon Board direction, staff applied for the California Integrated Waste Management Board's (CIWMB) Household Hazardous Waste Infrastructure Grant (16<sup>th</sup> Cycle- HD16 F). The Grant was awarded to the Agency in late 2007. The deadline for expenditure of all grant funds for the 16<sup>th</sup> Cycle was March 31, 2010, when the final written report detailing the tasks performed under this Grant was due to the CIWMB. The intent of the \$199,755 Grant was to apply the funds towards siting new HHW facilities.

On June 20, 2007 the Board authorized Staff to issue a Request for Proposals (RFP) to study the feasibility, design, and permitting of additional HHW collection facilities in Sonoma County. On November 28, 2007, the Agency entered into an agreement with R.W. Beck for these services.

At the April 16, 2008 Agency Board meeting, staff reported the findings of R.W. Beck's study. The study indicated that building additional facilities would not provide any cost savings to the Agency and would drive up disposal costs. Staff's recommendation to the Board was to 1) spend more staff time and funding on Extended Producer Responsibility (EPR) instead of moving forward with this project or 2) continue moving forward with this project. The direction from the Board was that staff should explore all remaining opportunities to increase capacity at the existing HHW facility through expansion of the existing facility and pursue the possibility of using the Grant funds for EPR.

Staff contacted the CIWMB Grant Manager and discussed altering the scope of the HD 16 F Grant to allow EPR tasks, but the request was rejected. Staff then inquired as to whether the scope of the Grant could be changed to encompass the planned enclosure expansion of the existing HHW Building. The CIWMB Grant Manager indicated this use would better match the original scope of the Grant. On February 18, 2009, the Agency Board approved staff's requests to submit a new Scope of Work for the HD16 F Grant to fund the HHW Building Enclosure

Expansion Project. The new Scope of Work was approved by the CIWMB Grant Manager in March of 2009.

In order to receive funding through the Grant, all construction work for this project needed to be complete by March 31, 2010. The late change to the Scope of Work left the Agency with only one year to complete the project, in order to receive the Grant funding.

By November 2008, Agency staff had submitted the building plans to the Permits and Resource Management Department (PRMD). After reviewing the plans for the project, PRMD required a new soil analysis report be prepared since the existing soils report was over two years old and was completed prior to the construction of the existing HHW Building. It was also explained that a contractor would need to be hired to do the work. This task was not anticipated within the project timeline.

On February 18, 2009, the Agency Board approved awarding a contract to Taber Consultants for Geotechnical Engineering Services (Soils Report) with a completion date of June 30, 2009. Staff submitted the new soil report to PRMD in July 2009.

At the June 17, 2009 Agency Board meeting, the Board approved staff's requests to advertise and receive bids for the construction of the HHW Building Enclosure Expansion Project and return to the Board with a selected contractor. VBN prepared the construction documents suitable to obtain a building permit and for bidding, including plans and specifications. PRMD reviewed the final plans for the project and had required resubmittals from VBN. Once submitted, PRMD approved the final plans for the project but would not issue a building permit until final shop drawings of the building were received from the selected bidder. Noticing for construction bids went out in October 2009 and bids were received by November 12, 2009.

Due to the short timeline for completion of the project, staff returned to the Agency Board on October 21, 2009 to recommend delegating the signing authority to the Agency Interim Executive Director for selection of a contractor for the HHW Building Enclosure Expansion Project Construction Contract. The Agency Board directed the award of the construction contract for this project to be brought back to the Board on November 18, 2009. The November meeting, however, was postponed to December 2, 2009, as a result of not all the Board Members being able to be present in November for unanimous vote Board items. On December 2, 2009, the Agency Board executed a contract with Page Construction Company to construct the extension to the HHW Building located at the Central Disposal Site.

## II. DISCUSSION

As of June 30, 2010 (the end of FY 09-10), the building has been erected and the job is 99.31% complete. \$293,434 had been budgeted in the HHW Facility Reserve for this project for FY 09-10. It was estimated by VBN Architects that the HHW Building Expansion Project would cost \$240,000. Due to the state of the economy at the time, the bids for this project came in lower than expected. The bid cost of the project was \$191,142 plus an additional 10% (\$19,114.20) for construction contingency totaling \$210,256.20.

Staff submitted the final written report detailing the tasks performed under this Grant to the Department of Resources Recycling and Recovery (CalRecycle, formerly CIWMB) by the March 31, 2010 deadline. Unfortunately, at that time, construction was just beginning and there were no invoices to submit to CalRecycle for reimbursement yet. Staff included, with the final report, a request for extension to June 28, 2010 in order to submit payment requests for reimbursement for the building constructions costs. Once encumbered, the funds had to be spent by the end of the 09/10 fiscal year.

In April 2010, staff received a response from the Grant Manager that CalRecycle was unable to approve the modification because the Grant term ended on March 31, 2010 and the Grant agreement language did not allow extensions. Although Grant funds were available through fiscal year 09/10, the March 31, 2009 deadline allowed time for administrative closure on the part of CalRecycle.

Staff inquired into the possibility of filing an appeal, since invoices had been received by the Contractor and the Grant funds were technically available until June 30, 2010. CalRecycle responded by sending a letter to Agency staff stating that they could not accommodate our request since deadlines are imposed by the State Controller's Office. Therefore, all funding for this project is being paid from the HHW Facility Reserve, as originally intended prior to receiving grant funding.

With construction nearly complete, the final step in the process will be to file a notice of completion with the Sonoma County Recorder and process the final payment of retained funds. Material suppliers, subcontractors and others furnishing provisions, services or supplies may serve a stop-notice on the Agency for nonpayment of their services and materials pursuant to Civ. Code §§ 3179 *et seq.* Stop-notices must be filed with the Agency within 30 days after the Agency records a timely "notice of completion." If the Agency does not record a "notice of completion," then stop-notices may be filed within 90 days after completion or cessation of the project.

While the Agency is not required to file a notice of completion once the work is complete, filing a notice of completion will protect the Agency by shortening the time period in which stop-notices may be filed.

To be valid, the Agency must record the notice of completion with the Sonoma County Recorder's Office within 10 days after acceptance of the project. Given that the project will be completed in the month of August, and that the Agency should file the Notice of Completion as soon as possible after the final inspection, it is recommended that the Agency Board delegate to the Executive Director, the authority to accept the project and file the Notice of Completion.

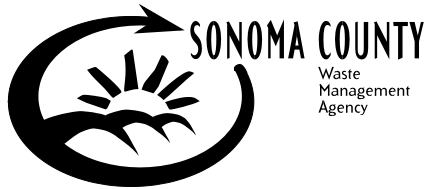
### III. FUNDING IMPACT

The Contractor has been paid \$189,812 on the base contract and \$6,416.61 for change orders (totaling \$196,228.61) from the \$293,434 which had been budgeted in the HHW Facility Reserve for this project. At the July 21, 2010 Agency Board meeting, the Agency's Interim Executive Director was granted signing authority for up to \$20,000 in change order costs for identified improvements needed to meet American Disabilities Act (ADA) compliance requirements. Determination of whether improvements will need to be made will be based on PRMD's final site inspection. If needed, we believe that the issue will be addressed with spending less than \$16,720, the preliminary estimate from the County Design Engineering Division for ADA improvements.

### IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

It is recommended that the Agency Board authorize the Executive Director, subsequent to completion of the final inspection of the project by PRMD, to accept the HHW Building Extension Project as complete and file the Notice of Completion with the Sonoma County Recorder's office.

Approved by: \_\_\_\_\_  
Susan Klassen, Interim Executive Director, SCWMA



**Agenda Item #: 9.6**  
**Cost Center: All**  
**Staff Contact: Klassen**  
**Agenda Date: 8/18/2010**

**ITEM: 2010 Biennial Review of Conflict of Interest Code**

**I. BACKGROUND**

The Political Reform Act requires every local government agency review its conflict-of-interest code biennially. The Agency adopted a conflict-of-interest code June 17, 1992 using Resolution No. 92-007. The code has been reviewed every two years since that time.

The last review was August 20, 2008. The Agency Board reviewed and approved modifications to the job description and title for the Executive Director position (Appendix A). The modifications were submitted to the Sonoma County Board of Supervisors, the code reviewing body for agencies within the jurisdiction of the County, for the completion of the amending process.

**II. DISCUSSION**

There have been no changes to the number or type of positions and the designations have remained the same. No positions have been deleted and no titles have been changed.

The deadline for completing the biennial review and submitting it to the County Clerk is October 1, 2010.

**III. FUNDING IMPACT**

There is no direct funding impact to the Agency.

**IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION**

Staff recommends approving the review process and authorizing the Interim Executive Director's signature on the notice stating there is no amendment required.

**V. ATTACHMENTS**

Resolution Approving the Amendments  
Copy of the Amended Conflict-of-Interest Code  
Copy of the 2010 Local Agency Biennial Notice

Approved by:

---

Susan Klassen, Interim Executive Director  
Sonoma County Waste Management Agency

ATTEST: FEB 26 2009

ROBERT DEIS, Clerk of the Board of Supervisors

Dated: February 24, 2009

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF SONOMA  
APPROVING AMENDMENTS TO THE CONFLICT OF INTEREST CODE FOR THE  
SONOMA COUNTY WASTE MANAGEMENT AGENCY

WHEREAS, the Political Reform Act, Government Code section 81000, et seq., requires state and local government agencies to adopt conflict of interest codes; and

WHEREAS, state law requires that every two years agencies review their conflict of interest codes and make such changes as are necessary to keep the codes current; and

WHEREAS, the Board of Supervisors is the code reviewing body for agencies within the geographic jurisdiction of the County, and charged with the responsibility of ensuring that the amended codes comply with law; and

WHEREAS, the Sonoma County Waste Management Agency has proposed amendments to its code to rename existing positions, and has submitted it to this Board for approval; and

WHEREAS, County Counsel has reviewed the amended code and determined that it complies with the Political Reform Act; and

NOW THEREFORE, BE IT RESOLVED THAT the conflict of interest code of the Sonoma County Waste management Agency is approved as amended. The Clerk is directed to send a copy of this resolution to the Agency and County Counsel.

SUPERVISORS:

BROWN Aye KERNS Aye ZANE Aye CARRILLO Aye KELLEY Absent

AYES 4 NOES        ABSTAIN        ABSENT 1

SO ORDERED.



RESOLUTION NO. 92-007

Dated: June 17, 1992

RESOLUTION OF THE SONOMA COUNTY WASTE MANAGEMENT AGENCY  
("AGENCY") AMENDING RESOLUTION NO. 92-003 CONCERNING THE  
ADOPTION OF A CONFLICT OF INTEREST CODE

---

WHEREAS, the Agency adopted a conflict of interest code pursuant to Resolution No. 92-003 dated April 15, 1992; and

WHEREAS, Appendix A listing the designated employees needs to be revised to reflect that public officials specified in Government Code section 87200 are required to file statements of economic interest;

NOW, THEREFORE, BE IT RESOLVED THAT the Appendix A currently attached to Resolution No. 92-003 shall be replaced with the Appendix A attached hereto.

MEMBERS:

<u>Aye</u>	<u>Aye</u>	<u>Aye</u>	<u>Aye</u>	
Sonoma	County	Cloverdale	Cotati	
<u>Absent</u>	<u>Absent</u>	<u>Absent</u>	<u>Aye</u>	<u>Aye</u>
Santa Rosa	Sebastopol	Petaluma	Healdsburg	Rohnert Park

AYES 6 NOES -0- ABSTAIN -0- ABSENT 3

SO ORDERED.

I HEREBY CERTIFY that the foregoing Resolution was duly adopted at a regular meeting of the Agency held on the 17th day of June, 1992, of which meeting all Members were duly notified, and at which meeting a quorum was present at all times and acting.

By:   
Clerk

## APPENDIX A

Designated Employees	Disclosure Categories
Members (including alternates)	1, 2 and 3
Executive Director	1, 2 and 3
Agency Counsel	1, 2 and 3
Consultants*	1, 2 and 3

\*Consultants shall be included in the list of designated employee and shall disclose pursuant to the broadest disclosure category in the code subject to the following limitation:

The Executive Director may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements described in this section. Such written determination shall include a description of the consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. The Director’s determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

## APPENDIX B

### Disclosure Categories

#### Disclosure

- Category 1: Investments and business positions in business entities and sources of income, which provide services, supplies, materials, machinery or equipment of the type utilized by the Agency.
- Category 2: All investments and business positions in business entities and sources of income, which are subject to the regulatory authority of the Agency.
- Category 3: All interests in real property located within the jurisdiction that is or may be used as a disposal site, transfer station or resource recovery facility in which the designated employee provides planning or technical assistance or has enforcement branch responsibility.

(Regulation of the Fair Political Practices Commission, Title 2, Division 6 of the California Code of Regulations)

18730. Provisions of Conflict of Interest Codes

(a) Incorporation by reference of the terms of this regulation along with the designation of employees and the formulation of disclosure categories in the Appendix referred to below constitute the adoption and promulgation of a conflict of interest code within the meaning of Government Code Section 87300 or the amendment of a conflict of interest code within the meaning of Government Code Section 87306 if the terms of this regulation are substituted for terms of a conflict of interest code already in effect. A code so amended or adopted and promulgated requires the reporting of reportable items in a manner substantially equivalent to the requirements of Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 81000, et seq. The requirements of a conflict of interest code are in addition to other requirements of the Political Reform Act, such as the general prohibition against conflicts of interest contained in Government Code Section 87100, and to other state or local laws pertaining to conflicts of interest.

(b) The terms of a conflict of interest code amended or adopted and promulgated pursuant to this regulation are as follows:

(1) Section 1. Definitions.

The definitions contained in the Political Reform Act of 1974, regulations of the Fair Political Practices Commission (2 Cal. Code of Regs. Sections 18100, et seq.), and any amendments to the Act or regulations, are

incorporated by reference into this conflict of interest code.

(2) Section 2. Designated Employees.

The persons holding positions listed in the Appendix are designated employees. It has been determined that these persons make or participate in the making of decisions which may foreseeably have a material effect on financial interests.

(3) Section 3. Disclosure Categories.

This Ccode does not establish any disclosure obligation for those designated employees who are also specified in Government Code Section 87200 if they are designated in this code in that same capacity or if the geographical jurisdiction of this agency is the same as or is wholly included within the jurisdiction in which those persons must report their financial interests pursuant to Article 2 of Chapter 7 of the Political Reform Act, Government Code Sections 87200, et seq.<sup>1</sup> Such persons are covered by this code for disqualification purposes only. With respect to all other designated employees, the disclosure categories

---

<sup>1</sup> Designated employees who are required to file statements of economic interests under any other agency's Cconflict of Iinterest Ccode, or under Article 2 for a different jurisdiction, may expand their statement of economic interests to cover reportable interests in both jurisdictions, and file copies of this expanded statement with both entities in lieu of filing separate and distinct statements, provided that each copy of such expanded statement filed in place of an original is signed and verified by the designated employee as if it were an original. See Government Code Section 81004.

set forth in the Appendix specify which kinds of financial interests are reportable. Such a designated employee shall disclose in his or her statement of economic interests those financial interests he or she has which are of the kind described in the disclosure categories to which he or she is assigned in the Appendix. It has been determined that the financial interests set forth in a designated employee's disclosure categories are the kinds of financial interests which he or she foreseeably can affect materially through the conduct of his or her office.

(4) Section 4. Statements of Economic Interests:  
Place of Filing.

The code reviewing body shall instruct all designated employees within its code to file statements of economic interests with the agency or with the code reviewing body, as provided by the code reviewing body in the agency's conflict of interest code.<sup>2</sup>

(5) Section 5. Statements of Economic Interests:  
Time of Filing.

(A) Initial Statements. All designated employees employed by the agency on the effective date of this code, as originally adopted, promulgated and approved by the code reviewing

---

<sup>2</sup> See Government Code Section 81010 and 2 Cal. Code of Regs. Section 18115 for the duties of filing officers and persons in agencies who make and retain copies of statements and forward the originals to the filing officer.

body, shall file statements within 30 days after the effective date of this code. Thereafter, each person already in a position when it is designated by an amendment to this code shall file an initial statement within 30 days after the effective date of the amendment.

(B) Assuming Office Statements. All persons assuming designated positions after the effective date of this code shall file statements within 30 days after assuming the designated positions, or if subject to State Senate confirmation, 30 days after being nominated or appointed.

(C) Annual Statements. All designated employees shall file statements no later than April 1.

(D) Leaving Office Statements. All persons who leave designated positions shall file statements within 30 days after leaving office.

(5.5) Section 5.5. Statements for Persons Who Resign  
30 Days After Appointment.

Persons who resign within 30 days of initial appointment are not deemed to have assumed office or left office provided they did not make or participate in the making of, or use their position to influence any decision and did not receive or become entitled to receive any form of payment as a result of their

appointment. Such persons shall not file either an assuming or leaving office statement.

(6) Section 6. Contents of and Period Covered by Statements of Economic Interests.

(A) Contents of Initial Statements.

Initial statements shall disclose any reportable investments, interests in real property and business positions held on the effective date of the code and income received during the 12 months prior to the effective date of the code.

(B) Contents of Assuming Office Statements.

Assuming office statements shall disclose any reportable investments, interests in real property and business positions held on the date of assuming office or, if subject to State Senate confirmation or appointment, on the date of nomination, and income received during the 12 months prior to the date of assuming office or the date of being appointed or nominated, respectively.

(C) Contents of Annual Statements. Annual statements shall disclose any reportable investments, interests in real property, income and business positions held or received during the previous calendar year provided, however, that the



period covered by an employee's first annual statement shall begin on the effective date of the code or the date of assuming office whichever is later.

(D) Contents of Leaving Office Statements.

Leaving office statements shall disclose reportable investments, interests in real property, income and business positions held or received during the period between the closing date of the last statement filed and the date of leaving office.

(7) Section 7. Manner of Reporting.

Statements of economic interests shall be made on forms prescribed by the Fair Political Practices Commission and supplied by the agency, and shall contain the following information:

(A) Investments and Real Property Disclosure.

When an investment or an interest in real property<sup>3</sup> is required to be reported,<sup>4</sup> the statement shall contain the following:

---

<sup>3</sup> For the purpose of disclosure only (not disqualification), an interest in real property does not include the principal residence of the filer.

<sup>4</sup> Investments and interests in real property which have a fair market value of less than \$1,000 are not investments and interests in real property within the meaning of the Political Reform Act. However, investments or interests in real property of an individual include those held by the individual's spouse and dependent children as well as a pro rata share of any investment or interest in real property of any business entity or trust in which the individual, spouse and dependent children own, in the aggregate, a direct, indirect or beneficial interest of 10 percent or greater.

1. A statement of the nature of the investment or interest;

2. The name of the business entity in which each investment is held, and a general description of the business activity in which the business entity is engaged;

3. The address or other precise location of the real property;

4. A statement whether the fair market value of the investment or interest in real property exceeds one thousand dollars (\$1,000), exceeds ten thousand dollars (\$10,000), or exceeds one hundred thousand dollars (\$100,000).

(B) Personal Income Disclosure. When personal income is required to be reported,<sup>5</sup> the statement shall contain:

1. The name and address of each source of income aggregating two hundred fifty dollars (\$250) or more in value or fifty dollars (\$50) or more in value if the income

---

<sup>5</sup> A designated employee's income includes his or her community property interest in the income of his or her spouse but does not include salary or reimbursement for expenses received from a state, local or federal government agency.

was a gift, and a general description of the business activity, if any, of each source;

2. A statement whether the aggregate value of income from each source, or in the case of a loan, the highest amount owed to each source, was one thousand dollars (\$1,000) or less, greater than one thousand dollars (\$1,000), or greater than ten thousand dollars (\$10,000);

3. A description of the consideration, if any, for which the income was received;

4. In the case of a gift, the name, address and business activity of the donor and any intermediary through which the gift was made; a description of the gift; the amount or value of the gift; and the date on which the gift was received;

5. In the case of a loan, the annual interest rate and the security, if any, given for the loan.

(C) Business Entity Income Disclosure. When income of a business entity, including income of a sole proprietorship, is required to be reported,<sup>6</sup> the statement shall contain:

---

<sup>6</sup> Income of a business entity is reportable if the direct, indirect or beneficial interest of the filer and the filer's spouse in the business entity aggregates a 10 percent or greater interest. In addition, the disclosure of persons who are clients or customers of a business entity is required only if the clients or customers are within one of the disclosure categories of the filer.

1. The name, address, and a general description of the business activity of the business entity;

2. The name of every person from whom the business entity received payments if the filer's pro rata share of gross receipts from such person was equal to or greater than ten thousand dollars (\$10,000).

(D) Business Position Disclosure. When business positions are required to be reported, a designated employee shall list the name and address of each business entity in which he or she is a director, officer, partner, trustee, employee, or in which he or she holds any position of management, a description of the business activity in which the business entity is engaged, and the designated employee's position with the business entity.

(E) Acquisition or Disposal During Reporting Period. In the case of an annual or leaving office statement, if an investment or an interest in real property was partially or wholly acquired or disposed of during the period covered by the statement, the statement shall contain the date of acquisition or disposal.

(8) Section 8. Disqualification.

No designated employee shall make, participate in making, or in any way attempt to use his or her official position to influence the making of any governmental decision which he or she knows or has reason to know will have a reasonably foreseeable material financial effect, distinguishable from its effect on the public generally, on the official or a member of his or her immediate family or on:

(A) Any business entity in which the designated employee has a direct or indirect investment worth one thousand dollars (\$1,000) or more;

(B) Any real property in which the designated employee has a direct or indirect interest worth one thousand dollars (\$1,000) or more;

(C) Any source of income, other than gifts and other than loans by a commercial lending institution in the regular course of business on terms available to the public without regard to official status, aggregating two hundred fifty dollars (\$250) or more in value provided to, received by or promised to the designated employee within 12 months prior to the time when the decision is made;

(D) Any business entity in which the designated employee is a director, officer, partner, trustee, employee, or holds any position of management; or

(E) Any donor of, or any intermediary or agent for a donor of, a gift or gifts aggregating \$250 or more in value provided to; received by, or promised to the designated employee within 12 months prior to the time when the decision is made.

(8.3) Section 8.3. Legally Required

Participation.

No designated employee shall be prevented from making or participating in the making of any decision to the extent his or her participation is legally required for the decision to be made. The fact that the vote of a designated employee who is on a voting body is needed to break a tie does not make his or her participation legally required for purposes of this section.

(8.5) Section 8.5. Disqualification of State

Officers and Employees.

In addition to the general disqualification provisions of Section 8, no state administrative official shall make, participate in making, or use his or her official position to influence any governmental decision directly relating to any contract where the

state administrative official knows or has reason to know that any party to the contract is a person with whom the state administrative official, or any member of his or her immediate family has, within 12 months prior to the time when the official action is to be taken:

(A) Engaged in a business transaction or transactions on terms not available to members of the public, regarding any investment or interest in real property; or

(B) Engaged in a business transaction or transactions on terms not available to members of the public regarding the rendering of goods or services totaling in value one thousand dollars (\$1,000) or more.

(9) Section 9. Manner of Disqualification.

When a designated employee determines that he or she should not make a governmental decision because he or she has a disqualifying interest in it, the determination not to act must be accompanied by disclosure of the disqualifying interest. In the case of a voting body, this determination and disclosure shall be made part of the agency's official record; in the case of a designated employee who is the head of an agency, this determination and disclosure shall be made in writing to his or her appointing authority; and in

the case of other designated employees, this determination and disclosure shall be made in writing to the designated employee's supervisor.

(10) Section 10. Assistance of the Commission and Counsel.

Any designated employee who is unsure of his or her duties under this code may request assistance from the Fair Political Practices Commission pursuant to Government Code Section 83114 or from the attorney for his or her agency, provided that nothing in this section requires the attorney for the agency to issue any formal or informal opinion.

(11) Section 11. Violations.

This code has the force and effect of law. Designated employees violating any provision of this code are subject to the administrative, criminal and civil sanctions provided in the Political Reform Act, Government Code Sections 81000 - 91014. In addition, a decision in relation to which a violation of the disqualification provisions of this code or of Government Code Section 87100 or 87450 has occurred may be set aside as void pursuant to Government Code Section 91003.

Note: Authority cited: Section 83112, Government Code.  
Reference: Sections 87300-87302, Government Code.

History:

- (1) New Section filed 4/2/80 as an emergency; effective upon filing.
- (2) Editorial correction



- (3) Amendment of subsection (b) filed 1/9/81; effective thirtieth day thereafter
- (4) Amendment of subsection (b)(7)(B)1. filed 1/26/83; effective thirtieth day thereafter
- (5) Amendment of subsection (b)(7)(A) filed 11/10/83; effective thirtieth day thereafter
- (6) Amendment filed 4/13/87; operative 5/13/87
- (7) Amendment of subsection (b) filed 10/21/88; operative 11/10/88
- (8) Amendment filed 8/28/90; operative 9/27/90.

## 2010 Local Agency Biennial Notice

Name of Agency: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Contact Person: \_\_\_\_\_ Office Phone No: \_\_\_\_\_

E-mail: \_\_\_\_\_ Fax No: \_\_\_\_\_

**Accurate disclosure is essential to monitor whether officials have conflicts of interest and to help ensure public trust in government.** This agency has reviewed its conflict-of-interest code and has determined that (*Check one box*):

☐ **An amendment is required. The following amendments are necessary:**  
(*Mark all that apply.*)

- ☐ Include new positions (including consultants) that must be designated.
- ☐ Delete positions that manage public investments from the list of designated positions.
- ☐ Revise disclosure categories.
- ☐ Revise the titles of existing positions.
- ☐ Delete titles of positions that have been abolished.
- ☐ Other (*describe*) \_\_\_\_\_

☐ **No amendment is required.**

---

### Verification

*The agency's code accurately designates all positions that make or participate in the making of governmental decisions; the disclosure categories assigned to those positions accurately require the disclosure of all investments, business positions, interests in real property, and sources of income that may foreseeably be affected materially by the decisions made by those holding the designated positions; and the code includes all other provisions required by Government Code Section 87302.*

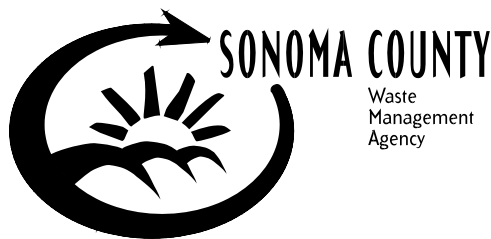
\_\_\_\_\_  
*Signature of Chief Executive Officer*

\_\_\_\_\_  
*Date*

Complete this notice regardless of how recently your code was approved or amended.  
Please return this notice no later than **October 1, 2010**, to:

**(PLACE RETURN ADDRESS OF CODE REVIEWING BODY HERE)**

**PLEASE DO NOT RETURN THIS FORM TO THE FPPC.**



**Agenda Item #: 11**  
**Cost Center: Organics**  
**Staff Contact: Carter**  
**Agenda Date: 8/18/2010**

**ITEM: 5<sup>th</sup> Amendment to Agreement with ESA for Compost Relocation**

**I. BACKGROUND**

At the August 15, 2007 SCWMA Board meeting, the Board entered into an agreement with a team of consultants led by Environmental Science Associates (ESA) to assist the SCWMA in the selection, conceptual design, and preparation of CEQA documents for a new compost site in Sonoma County. Staff and the contractor have provided project updates at each subsequent Board meeting.

Project Milestones:

June 18, 2008 – the SCWMA Board selected one preferred site (Site 5a) and two alternative sites (Sites 13 and 14) to be studied further in an Environmental Impact Report (EIR).

March 18, 2009 – First Amendment, the term of the agreement with ESA was extended to December 31, 2009 and an alternative composting technology, aerated static pile, was added to the EIR.

May 20, 2009 – Second Amendment, Site 40 was added to the EIR to be studied at an equal level of detail as Site 5a.

December 2, 2009 – Third Amendment, the term of the agreement was extended to June 30, 2010.

February 17, 2010 – Fourth Amendment, Central Disposal Site was added to the EIR to be studied at an equal level as Sites 5a and 40. The term of the agreement was extended to October 31, 2010.

At the July 21, 2010 SCWMA meeting the Board directed staff to return in August with a proposal for performing additional studies on Site 40 and the Central Disposal Site, along with an engineering estimate, including time and cost, of the road improvements for Site 13. At that meeting, the Board also requested staff examine the capacity of other compost facilities in the region.

**II. DISCUSSION**

Regional Compost Facilities:

Board members directed staff to examine capacity of in-county and out-of-county composting facilities. Staff examined permitted compost facilities in neighboring counties for available capacity and whether the facility could receive food materials. Staff contacted the Local Enforcement Agency (LEA) for each facility to compare their permitted capacity with their average material throughput. The attached facility matrix describes the results for each facility. No single facility could accommodate the over 300 tons per day the Agency currently receives, and all facilities within Sonoma County are very close to their maximum permitted or physical capacities.

Only three of the facilities examined, Jepson Prairie Organics, Cold Creek Compost, and Redwood Landfill, could accept food waste. According to their LEAs, Jepson Prairie and Redwood Landfill are very near their maximum capacity for food waste. While Cold Creek

is operating at about half of permitted capacity, the LEA noted that the composting footprint is nearly filled, so it would be difficult to accept additional material without an expansion. Given all the factors above, staff concludes that there are currently very few food composting opportunities.

Even with potential expansions of these facilities, staff believes it would be difficult for these facilities to accommodate existing green and food wastes generated in Sonoma County. Further diversions of these materials would compound the capacity issues.

#### In-County vs. Out-Haul of Organic Material Considerations:

Aside from environmental impacts that would be studied in an EIR, staff would like to bring several considerations to the Board's attention when considering in-county vs. out-of-county composting.

- There is a local market for finished compost. Removal of this material to a further location may result in an underserved market and/or a large switch to more expensive, chemical-based fertilizers.
- A December 11, 2007 staff report from the then-CIWMB stated that approximately 25% of the state's waste was compostable material. In order to meet their strategic waste reduction goals, they determined more large composting facilities were needed. Discontinuing the Agency's composting facility would work against the state's goal.
- The Agency's contractor, Sonoma Compost Company, provides 25 local, private sector jobs at the site and 10-12 additional jobs through the delivery of material. It is unlikely these jobs would be preserved if the material was out-hauled.
- There may be a negative public reaction both in-county and in the destination county if a waste stream that is currently processed in-county is processed outside Sonoma County.
- The Agency currently shares revenue from the sale of finished product and is provided free allocations of finished product by Sonoma Compost. If the material is delivered to another facility, it is possible these programs would not continue.
- As was presented at the March 17, 2010 SCWMA meeting, the Agency's tipping fee for yard waste was toward the lower end of the spectrum. Changing processing facilities would change initial tipping fee amount.
- The other facilities are generally further away from the transfer stations than the Central Disposal Site, so the hauling distance and resultant hauling charge would increase.
- The Agency's composting program has been one of the most successful programs in the Agency's history from a funding and diversion perspective reducing over 1.3 million tons of organic waste from landfill disposal or alternative daily cover since 1993.

#### Organic Waste Definition Changes:

Staff contacted CalRecycle regarding whether there was any pending change in the definition of food waste. CalRecycle staff conveyed that they were in an information-gathering stage and they may not begin the informal rulemaking process until next year.

#### Discussion with Caltrans Regarding Site 13 Road Improvements:

Staff attempted on three occasions to receive a response from Caltrans regarding traffic logistic and road improvements. At the time of transmittal preparation, all attempts have been unsuccessful. Staff will attempt to present findings at the August SCWMA meeting.

5<sup>th</sup> Amendment to Agreement with ESA:

While reviewing the Administrative Draft Environmental Impact Report (EIR), staff identified additional studies for ESA to address. ESA proposes to address this additional work through a Water Supply Assessment for Site 40. The budget for these additional tasks is \$32,300. Staff believes this additional study is necessary to comply with provisions in the California Water Code.

Staff had mentioned the possibility of additional biologic and hydrologic studies at the July SCWMA meeting, but after consulting with PRMD and ESA staff, Agency staff believes the existing scope of work is sufficient to accomplish those tasks. No agreement amendment or additional budget is proposed for those sections.

III. FUNDING IMPACT

ESA has submitted a proposal for additional studies for \$32,300. Adding these tasks to the agreement would bring the new project total to \$715,486.

To date, ESA has invoiced the SCWMA for \$499,935 out of the current \$683,186 budget.

As of August 4, 2010, the equity in pooled cash for the Organics Reserve Cost Center remains at approximately \$4.5 million.

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends approval of the Fifth Amendment to the Agreement with ESA for Consulting Services with regard to the Compost Relocation Project.

V. ATTACHMENTS

Fifth Amendment to the Agreement with ESA for the Compost Relocation Project  
Appropriations Transfer  
Exhibit B4  
ESA Memo  
Compost Facility Matrix

Approved by: \_\_\_\_\_  
Susan Klassen, Interim Executive Director, SCWMA

FIFTH AMENDMENT TO  
AGREEMENT BETWEEN SONOMA COUNTY WASTE MANAGEMENT AGENCY  
AND ENVIRONMENTAL SCIENCE ASSOCIATES  
FOR CONSULTING SERVICES WITH REGARD TO THE COMPOST RELOCATION  
PROJECT

This Fifth Amendment ("Amendment") to the Agreement for Consulting Services ("Agreement"), dated as of August 18, 2010, is by and between the Sonoma County Waste Management Agency ("Agency"), a joint powers agency, and Environmental Science Associates, a California Corporation, ("Consultant"). All capitalized terms used herein shall, unless otherwise defined, have the meaning ascribed to those terms in the existing Agreement.

R E C I T A L S

WHEREAS, Consultant represents to Agency that it is a duly qualified firm experienced in compost site selection, conceptual design, and preparation of CEQA documents and related services;

WHEREAS, Agency and Consultant amended this agreement as of March 18, 2009 ("First Amendment"); and

WHEREAS, Agency and Consultant amended this agreement as of May 20, 2009 ("Second Amendment"); and

WHEREAS, Agency and Consultant amended this agreement as of December 2, 2009 ("Third Amendment"); and

WHEREAS, Agency and Consultant amended this agreement as of February 17, 2010 ("Fourth Amendment"); and

WHEREAS, Agency is satisfied with services provided by Consultant and would like to continue receiving said services from Consultant; and

WHEREAS, the parties desire to amend the Agreement to extend the term of Agreement until January 19, 2011;

NOW, THEREFORE, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

A G R E E M E N T

1. Section 3 Term of Agreement is hereby deleted and replaced in its entirety to

read as follows:

3. Term of Agreement. The term of this Agreement shall be from Effective Date to January 19, 2011, unless terminated earlier in accordance with the provisions of Article 4 below.

2. Section 2.1 Payment is hereby deleted and replaced in its entirety to read as follows:

2.1 Consultant shall be paid Seven Hundred Fifteen Thousand Four Hundred Eighty Six Dollars (\$715,486) for services rendered in accordance with tasks detailed in Section 1.1 above and in Exhibit B4, upon monthly submission of progress reports, verified claims and invoices, in the amount of ninety percent (90%) of the work billed and approved. Payments shall be made in the proportion of work completed based upon progress reports to total services to be performed. Payment for satisfactory performance includes, without limitation, salary, fringe benefits, overhead, sub-consultant costs, non-labor expenses, and profit.

3. Exhibit A – Scope of Service is hereby amended to include the following addition:

4. Exhibit B3 is hereby deleted and replaced in its entirety with Exhibit B4.

AGENCY AND CONSULTANT HAVE CAREFULLY READ AND REVIEWED THIS AMENDMENT AND EACH TERM AND PROVISION CONTAINED HEREIN AND, BY EXECUTION OF THIS AMENDMENT, SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Effective Date.

AGENCY:

SONOMA COUNTY WASTE MANAGEMENT  
AGENCY

By:

---

Christa Johnson, Chair

CONSULTANT:

ENVIRONMENTAL SCIENCE ASSOCIATES

By:

---

Title:

APPROVED AS TO FORM FOR AGENCY:

---

Janet Coleson, Agency Counsel

APPROVED AS TO SUBSTANCE FOR AGENCY:

---

Susan Klassen, Interim Executive Director



# SPECIAL DISTRICTS GOVERNED BY LOCAL BOARDS - BUDGETARY REVISIONS

Resolution No. 2010-

District Name: Sonoma County Waste Management Agency (JPA)  
Address: 2300 County Center Dr., Rm. 100B  
Santa Rosa, CA 95403  
Phone: 565-2413  
FY: 2010-11

Auditor's Office Use Only

DOCUMENT #

BATCH #

BATCH DATE

	TC	INDEX	SUB-OBJECT	PROJECT	SUB-OBJECT TITLE	AMOUNT
TO:	203	799221	6540	Compost Site Relocation	Contract Services	\$32,300
FROM:		799221	4624	Same as Above	Retained Earnings	\$32,300

WHEREAS, it is desirous to the Agency to include additional studies to the existing Environmental Impact Report being prepared by Environmental Science Associates; and

WHEREAS, the additional scope of work and accompanying expense was not anticipated and, therefore, not budgeted in the Sonoma County Waste Management Agency budget for FY 10-11; and

WHEREAS, it is would create greater efficiencies, both in location and purchasing options, to direct the contractor to proceed with the exploration and appropriate the necessary funds from the Organics Reserve Fund to cover the unanticipated expenditures.

NOW, THEREFORE, BE IT RESOLVED, the County Auditor is hereby authorized and directed to make all necessary operating transfers and the above transfer within the authorized budget of the Sonoma County Waste Management Agency (JPA).

The foregoing resolution was introduced by DIRECTOR ( x ) TRUSTEE ( )

\_\_\_\_\_, who moved its adoption, seconded by

\_\_\_\_\_, and adopted on roll call by the following vote:

\_\_\_\_\_  
Cloverdale Cotati Healdsburg Rohnert Park Petaluma

\_\_\_\_\_  
Santa Rosa Sebastopol Sonoma Windsor County

WHEREUPON, the Chairperson declared the foregoing resolution adopted, and SO ORDERED.

Date: \_\_\_\_\_

Attested: \_\_\_\_\_

Signature: \_\_\_\_\_  
Secretary/Clerk of the Board

Signature: \_\_\_\_\_  
Christa Johnson, Chairperson

Prepared:

Exhibit B4  
ESA Labor Detail and Expense Summary  
Revised August 18, 2010

Task Number / Description	Sicular	Miller	Sherman	Martorana	Grattidge	Morales, M	Hecock	Hudson	Fain	Morales, E	Hutchison	Schnabel	Fischer	Lee	Subtotal	Administrative Staff Hours					Total Hours	Total Labor Price
	PD	PM	Tec Advisor	Cultural	Planning	Noise/AQ	Land Use	Hydrology	Alts./CEQA	Alts./CEQA	Traffic	Traffic	Biological	Biological		Wyatt Sr Adm/Grph	Allen Sr GIS	Patrus WP	Clerical	Subtotal		
Hourly Billing Rate	\$160	\$160	\$170	\$100	\$145	\$90	\$100	\$160	\$115	\$100	\$160	\$100	\$185	\$100		\$ 95	\$125	\$80	\$65			
Task 1 Submit a Work Plan (includes 1 meeting 5 key people [3 ESA])	12	40	12	-	-	-	-	-	-	-	-	-	-	-	\$ 10,360			2		\$ 160	66	\$ 10,520
Task 2 Meetings (Included in Task 1, 3, 7 and 10)				-	-	-	-	-	-	-	-	-	-	-	\$ -					\$ -	-	\$ -
Task 2.1 Monthly Phone Conferences (4 persons per call x 8 months [2 ESA])		8			8										\$ 2,440					\$ -	16	\$ 2,440
Task 2.2 Additional Meetings (3 additional meeting with Agency - 4 persons [2 ESA])		24			24										\$ 7,320					\$ -	48	\$ 7,320
Task 3 Site Evaluation (includes 1 meeting 5 key people [3 ESA] - and Summary Notes)	8	36	-	-	8	-	-	-	-	-	-	-	-	-	\$ 8,200		40			\$ 5,000	92	\$ 13,200
Task 4 Conceptual Design of Composting Facility	-	16	-	-	-	-	-	-	-	-	-	-	-	-	\$ 2,560					\$ -	16	\$ 2,560
Task 5 Prepare Administrative Draft EIR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -					\$ -	-	\$ -
5.1 CEQA Start-Up	-	8	-	-	8	-					-	-	-	-	\$ 2,440					\$ -	16	\$ 2,440
5.2 Prepare Project Description	-	16	4	-	-	-	24	-			-	-	-	-	\$ 5,640					\$ -	44	\$ 5,640
5.3 Prepare Data Request for SCWMA	-	8	-	-	4	4	-	4	-	-	4	-	4	-	\$ 4,240					\$ -	28	\$ 4,240
5.4 Develop Project Alternatives	-	8	-	-	12	-	-	-		20	-	-	-	-	\$ 5,020	4	8			\$ 1,380	52	\$ 6,400
5.5 Confer with Involved Agencies	-	4	-	-	-	4		8	-	-	-	-	4	8	\$ 3,820					\$ -	28	\$ 3,820
5.6 Prepare and Submit Initial Study / NOP	8	16	-	4	16	-	-	8	-	-	4	-	4	-	\$ 9,220					\$ -	60	\$ 9,220
5.7 Complete Environmental Analyses	16	16	-	-	-	-		-	-	-	-	-	-	-	\$ 5,120	40		40	40	\$ 12,600	176	\$ 17,720
5.7.1 Land Use Planning and Agriculture	-	2	-	-	12	-	60	-	-	-	-	-	-	-	\$ 8,060		16			\$ 2,000	90	\$ 10,060
5.7.2 Aesthetics	-	8	-	-	16	-	-	-	-	-	-	-	-	-	\$ 3,600	4				\$ 380	28	\$ 3,980
5.7.3 Traffic and Transportation	-	2	-	-	-	-	-	-	-		52	88	-	-	\$ 17,440					\$ -	142	\$ 17,440
5.7.4 Public Services, Utilities and Service Systems	-	2	-	-	8	-	-	-		64	-	-	-	-	\$ 7,880					\$ -	74	\$ 7,880
5.7.5 Hydrology	-	-	-	-	-	-	-	20	70	-	-	-	-	-	\$ 11,250					\$ -	90	\$ 11,250
5.7.6 Air Quality	-	6	-	-		40	-	-	-	-	-	-	-	-	\$ 4,560					\$ -	46	\$ 4,560
5.7.7 Noise	-	6	-	-	-	40	-	-	-	-	-	-	-	-	\$ 4,560					\$ -	46	\$ 4,560
5.7.8 Biological Resources	-	-	-	-	-	-	-	-	-	-	-	-	20	75	\$ 11,200		8			\$ 1,000	103	\$ 12,200
5.7.9 Cultural Resources	-	-	-	30	-		-	-	-	-	-	-	-	-	\$ 3,000					\$ -	30	\$ 3,000
5.7.10 Alternatives	-	-		8	-	8	8	-	8	24	16	-	-	21	\$ 10,300	8	8			\$ 1,760	109	\$ 12,060
5.7.11 Other CEQA Sections	-	-	-	-	-	-	-	-	-	24	-	-	-	-	\$ 2,400					\$ -	24	\$ 2,400
Task 6 Prepare Draft EIR (ADEIR II, Screen Copy, 60 hardcopies, 30 CDs)	8	30	-	-	16	16	30	-	-	20	-	-	-	-	\$ 14,840	16	8	40	8	\$ 6,240	192	\$ 21,080
Task 7 Attend Hearing on Draft EIR (includes 1 meeting 5 key people - [4 ESA] & Summary Notes)	-	16	-		8	-	-	8	-	-	8	-	-	-	\$ 6,280					\$ -	40	\$ 6,280
Task 8 Respond to Comments and Prepare Admin. Final EIR (3 hardcopies + 1 electronic)	8	40	-	-	40	20	20	8	20	-	-	-	12	32	\$ 26,280	16		40		\$ 4,720	256	\$ 31,000
Task 9 Prepare Final EIR (One Screen Copy + 50 hardcopies + 10 CDs)	8	20	-	-	20	10	10	4	10	-	-	-	18	-	\$ 14,400	16		40		\$ 4,720	156	\$ 19,120
Task 10 Attend hearing for Final EIR (includes 1 meeting 5 key people [4 ESA] - & Summary Notes)	-	16	-	-	8	-	-	8	-	-	8	-	-	-	\$ 6,280					\$ -	40	\$ 6,280
Task 11 Other Necessary Tasks (Upon written authorization of Executive Director)															\$ -					\$ -	-	\$ 25,000
Project Management	16	76	4	-		-	-		-	-		-	-	-	\$ 15,400					\$ -	96	\$ 15,400
															\$ -					\$ -	-	\$ -
Total Hours	84	424	20	42	208	142	152	68	108	152	92	88	62	136		104	112	162	48		2,204	
Subtotals - Labor Hours	\$13,440	\$ 67,840	\$ 3,400	\$ 4,200	\$30,160	\$12,780	\$15,200	\$10,880	\$12,420	\$15,200	\$ 14,720	\$ 8,800	\$11,470	\$13,600	\$ 234,110	\$ 9,880	\$ 14,000	\$ 12,960	\$ 3,120	\$ 39,960		\$ 299,070
Percent of Effort - Labor Hours Only	3.8%	19.2%	0.9%	1.9%	9.4%	6.4%	6.9%	3.1%	4.9%	6.9%	4.2%	4.0%	2.8%	6.2%		4.7%	5.1%		2.2%		100.0%	
Percent of Effort - Total Project Cost	1.9%	9.5%	0.5%	0.6%	4.2%	1.8%	2.1%	1.5%	1.7%	2.1%	2.1%	1.2%	1.6%	1.9%		1.4%	2.0%		0.4%			41.8%

ESA Labor Costs	\$ 299,070
Communications Fee of 3% on ESA Labor Costs	\$ 8,972
ESA Non-Labor Expenses	
Reimbursable Expenses	\$ 20,199
ESA Equipment usage	\$ 1,810
Subtotal ESA Non-Labor Expenses	\$ 22,009
Subconsultant Costs	\$ 190,875
Task 12 - Aerated Static Pile (First Amendment)	\$ 33,260
Task 13 - Site 40 Addition (Second Amendment)	\$ 66,000
Task 14 - Central / Gray Site Additions (Fourth Amendment)	\$ 63,000
Task 15 - Water Supply Assessment	\$ 32,300
TOTAL PROJECT PRICE	\$ 715,486



2600 Capitol Avenue  
Suite 200  
Sacramento, CA 95816  
916.564.4500 phone  
916.564.4501 fax

[www.esassoc.com](http://www.esassoc.com)

# memorandum

date 8/9/10

to Patrick Carter, Sonoma County Waste Management Agency

from Paul Miller; Emily Bacchini

subject Revised Cost and Schedule Considerations for Water Supply Assessment tasks for Site 40 for the Sonoma County Waste Management Authority Compost Facility EIR

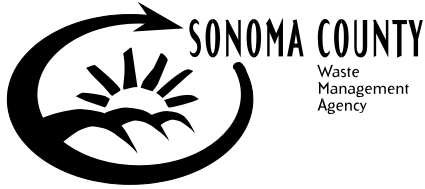
SCWMA requested the cost and schedule of preparing a water supply assessment for the Sonoma County Waste Management Authority Compost Facility Site 40 Alternative. The cost and schedule considerations are provided for this task for Site 40 in Table 1.

A more detailed scope of work is attached.

Table 1 Site 40 Tasks, Cost and Schedule		
Task	Cost	Schedule
Water Supply Assessment	\$30,800 <sup>1</sup>	Approximately 20 weeks (assuming a 3-week review period by SCWMA). See attached scope.
Update Hydrology Section of EIR	\$1,500	Approximately 2 weeks after completion of water supply assessment
<b>TOTAL</b>	<b>\$32,300</b>	

<sup>1</sup>Tully and Young's cost of \$28,000, plus 10 percent.

Facility Name	County	Permitted Capacity	Capacity Available	Additional Comments	LEA Phone Number	Department
City of Napa Compost	Napa	200 tpd	95 tpd	The available capacity fluctuated greatly, with some days approaching the max. There are pilot commercial food composting projects, though these are very small scale for now. They may revise their permit in the next year or so.	(707) 253-4144	County Executive Office
Cold Creek Compost	Mendocino	400 tpd	200 tpd (see additional comments)	The Mendocino LEA stated that they were using about 1/2 of their permitted capacity, but from an available space perspective, they are about maxed. They may expand the facility in the future, but that is in the planning stage at this point. The facility can accept food waste.	(707) 463-4140	Division of Environmental Health
Goodyear Road	Solano	392 cu yd/day	Minimal	LEA stated that the facility operates at very near capacity	(707) 784-6765	Department of Resource Management
Grab 'N Grow	Sonoma	300 cu yd/day	Minimal	According to the LEA, there is very little room for additional materials, though this was not quantified	(707) 565-6560	Department of Health Services
Jepson Prairie Organics	Solano	750 tpd	Estimated 50-100 tpd	The LEA indicated they could accept ~50-100 tpd of greenwaste, but they are at the limit for food waste	(707) 784-3306	Department of Resource Management
Laguna Treatment Plant	Sonoma	410 cu yd/day	Minimal	Additional materials are limited by the amount of biosolids. The site needs prepared (already ground up) materials	(707) 565-6560	Department of Health Services
Redwood Landfill	Marin	170 tpd / 30 tpd food	For April - June 2010 average available capacity was at least 50 tpd	Redwood is looking to get a separate permit for composting and expanding their capacity to 570 tpd, including additional food waste capacity. It was also noted that the available capacity has been decreasing in recent months and the trend is expected to continue.	(415) 499-6790	Environmental Health Services
Upper Valley Compost	Napa	34,000 tons per year	19,300 tons per year	This operation is seasonal, and coincides with the seasonal grape crush. Any incoming green material would need to be timed with incoming grape material	(707) 253-4144	County Executive Office
Sonoma Compost	Sonoma	623 tons/day	~300 tpd			



**Agenda Item #: 12**  
**Cost Center: Education**  
**Staff Contact: Chilcott**  
**Agenda Date: 8/18/2010**

## **ITEM: Mandatory Commercial Recycling Measure**

### **I. BACKGROUND**

The California Air Resources Board (ARB) Scoping Plan for the California Global Warming Solutions Act of 2006 (AB 32, Núñez, Chapter 488, Statutes of 2006) was adopted with a Mandatory Commercial Recycling Measure designed to achieve a reduction in greenhouse gas emissions of 5 million metric tons of carbon dioxide (CO<sub>2</sub>) equivalents by 2020 and beyond.

The California Department of Resource, Recycling and Recovery (CalRecycle) estimates that annually about 30-40 million tons of solid waste is disposed in California landfills. Of this waste, ¾ or 27 million tons annually are generated from the commercial sector broadly defined as businesses and large residential multifamily units. CalRecycle studies have shown that much of the waste coming from the commercial sector is recoverable clean material, especially paper and cardboard.

To implement this Measure the divisions of responsibility between CalRecycle and the ARB are as follows:

- The ARB Scoping Plan designates CalRecycle as the lead in development, implementation and compliance with the Regulation using the AB939 process.
- The ARB considers the formal adoption of the Regulations and retains ultimate oversight authority.

The details of complying with this Measure, one of which is by local ordinance, is the responsibility of local jurisdictions. The commercial sector is not directly subject to the requirements of the Integrated Waste Management Act of 1989, (AB 939, Sher, Chapter 1095, Statutes of 1989), to divert waste from landfills.

At the May 19, 2010 Agency meeting, Board members received a presentation from Yvonne Hunter, Institute for Local Government (ILG) about their Sample Commercial Recycling Ordinance. The sample commercial recycling ordinance was prepared by ILG in 2009 under a contract with CalRecycle. The sample ordinance emphasizes policy choices at the local level and is designed to be modified by individual agencies with a menu of options to reflect the unique circumstances in the community.

The discussion below attempts to add additional information about the Measure by focusing on the content of an informational webinar hosted by ILG, providing CalRecycle draft regulatory language and summarizing current local commercial outreach/education in existing garbage franchise agreements.

### **II. DISCUSSION**

#### **June 30, 2010 ILG Webinar Summary:**

On June 30, 2010, the ILG hosted a webinar, the first in a series, "How to get started: Adopting a Commercial Recycling Ordinance." The presentation was given by Dr. Howard Levenson, Assistant Director of Materials Management and Local Assistance Program, CalRecycle. The notes below paraphrase the contents of the webinar:

**Regulatory goals and diversion goals:**

In order to meet greenhouse gas reduction goals, the Regulation targets a modest goal of recycling 2-3 million tons of the estimated 27 million tons of commercial waste by 2020 and beyond.

The Regulation is designed for flexibility in implementation as it does not specify which materials must be diverted, it allows jurisdictions to design programs and it allows businesses various ways to recycle depending on local infrastructure.

Jurisdiction reporting is streamlined with established AB 939 processes.

**Requirements for businesses and who must comply:**

The draft provision requires that all businesses and multi-family units (5 units or more) that generate 4 cubic yards of waste and/or recyclables per week must do one of the following:

1. Subscribe to a recycling service, or
2. Send materials to a mixed waste processing facility, or
3. Self-haul recyclables.

Businesses have the flexibility to choose one of these options depending on their waste stream and local options. The draft Regulations do not require businesses, or jurisdictions, to track greenhouse gas emission reductions at the local level.

**Jurisdiction responsibilities:**

All jurisdictions, regardless if the jurisdiction has satisfied the 50% per capita disposal target, must implement commercial recycling programs that consist of education, outreach and monitoring by July 2012. Monitoring basically means notifying the commercial sector which are not participating in diversion about the requirements and trying to educate them to participate.

Jurisdictions have flexibility in their approach and flexibility to phase program components:

1. Adopt an ordinance (such as CalRecycle/ILG draft model) Ordinance enforcement is not a mandatory requirement in the Regulations.
2. Develop own policy.
3. Use existing franchise agreements.

Jurisdictions are also required to report to CalRecycle in the electronic AB939 Report. Reporting information should include the amount of disposal that is being diverted from the businesses and on the number of businesses that are subscribing to service.

**CalRecycle responsibilities:**

CalRecycle is responsible for reviewing jurisdiction's implementation plan upon receipt of the AB939 Report in 2013. Thereafter, as SCWMA is on a 4-year program review cycle with CalRecycle, the formal evaluation of SCWMA's commercial recycling implementation plan starts in 2016 and will be repeated every four years.

As CalRecycle knows that jurisdictions will take different implementation approaches, they plan on using "good faith effort" criteria in their evaluation taking into account local circumstances and conditions.

CalRecycle is also responsible for measuring emission reductions statewide based on statewide disposal based on 2011 volumes, State Waste Characterization Studies that will be conducted in 2014-15 and 2019-20, and emission factors developed by ARB.

**CalRecycle commercial cost study:**

CalRecycle understands that cost is a huge issue for everyone concerned and plans to present a cost assessment on September 21, 2010 at an upcoming workshop. The intent of the cost assessment is to provide an estimated range of costs, savings and net costs for expanding commercial recycling programs.

Issues CalRecycle has identified through the preceding year of informal stakeholder workshops include:

1. **Transformation** Regulations would not prohibit waste from going to any of the three permitted waste-to-energy facilities, nor would it require that haulers or jurisdictions measure how much material goes to those facilities. Transformation facilities remove recyclables at the front end.
2. **What constitutes an acceptable mixed waste processing facility** and should it be held to some sort of standard. CalRecycle is grappling with this issue and looking at setting standards that could be incorporated into the Regulation.
3. **Rural exemptions** It's obvious that rural costs will be higher than urban costs and should some sort of exemption be considered for rural jurisdictions. This will hinge on what CalRecycle's cost studies determine.

To listen to the complete ILG webinar and for copies of sample educational materials, visit <http://www.ca-ilg.org/commercialrecycling>.

#### **Timeline:**

Formal rulemaking is expected to start in mid-August, 2010. After the 45-day comment period and after comments have been addressed, the tentative plan is to take the regulatory package to the ARB for formal adoption in spring, 2011. Assuming it is adopted, CalRecycle will begin implementation consisting of CalRecycle staff visiting local jurisdictions, offering workshops, guidance and assistance in developing plans.

#### **CalRecycle draft Regulations:**

See attached Draft Proposed Regulatory text which includes definitions and further explains obligations under the Regulations. Key concepts are excerpted below:

1. Jurisdictions will not be required to revise their planning documents, the Countywide Integrated Waste Management Plan Source Reduction and Recycling Element.
2. Jurisdictions will be required to include the addition or expansion of a commercial recycling program in its electronic annual report.
3. The jurisdiction is the one to determine the types of educational and outreach programs to best address the commercial sector.
4. Commencing August 1, 2013, CalRecycle shall review a jurisdiction's compliance plan.
5. CalRecycle's evaluation of a jurisdiction's "good faith effort" shall include: 1) Information on the amount of disposal this is being diverted from the businesses and on the number of businesses that are subscribing to service; 2) The extent to which the jurisdiction is conducting education and outreach to businesses; 3) The extent to which the jurisdiction is monitoring businesses.
6. Penalties for a jurisdiction's non-compliance enforced by CalRecycle are \$10,000 per day until the jurisdiction implements the program.

### **Commercial outreach/education requirements in existing local franchise agreements:**

<b>City/area</b>	<b>Franchise agreement requirements and extras provided by the garbage company as a courtesy</b>
Cloverdale	<b>Requirements:</b> none <b>Garbage company extras provided:</b> 2x/year newsletter sent to residential and commercial accounts; new start packets; commercial and multifamily visits
Cotati	<b>Requirements:</b> 40 commercial and multifamily visits/year; 2x/year newsletter sent to residential and commercial accounts; new start packets
Healdsburg	<b>Requirements:</b> 2x/year bill inserts; 4x/year newsletter sent to residential and commercial accounts; new start packets <b>Garbage company extras provided:</b> commercial and multifamily visits
Petaluma	<b>Requirements:</b> 2 x/year customer newsletters sent to residential and commercial accounts.
Santa Rosa	<b>Requirements:</b> Annual outreach plan of 4 campaigns including 2x/year newsletter sent to residential and commercial accounts <b>Garbage company extras provided:</b> Utility bill inserts on various topics.
Sebastopol	<b>Requirements:</b> 1x/year Multifamily bill insert; 1x/year Commercial bill insert; 2x/year newsletter; new start packets
Sonoma	<b>Requirements:</b> 2x/year customer newsletter sent to residential and commercial accounts
Windsor	<b>Requirements:</b> 40 Multifamily visits/year; 40 Commercial visits/year; 2x/year newsletter sent to residential and commercial accounts; yearly outreach plan of 4 campaigns <b>Garbage company extras provided:</b> Welcome card for new customers
Unincorporated area	<b>North Bay Corp Requirements:</b> 2x/year newsletters; new start packets <b>Sonoma Garbage Company Requirements:</b> 2x/year newsletters <b>Industrial Carting Requirements:</b> TBD

### **Examples of other local communities with mandatory recycling policies and programs**

- City of San Carlos
- Sacramento Regional Waste Management Authority
- San Diego
- Fresno
- San Francisco
- San Luis Obispo

### **Future webinars/information meetings**

- September 21, 2010: CalRecycle <http://www.calrecycle.ca.gov/Climate/Recycling/default.htm> stakeholder workshop on the potential economic and environmental impacts of the proposed draft Regulations.
- October 6, 2010: ILG <http://www.ca-ilg.org/commercialrecycling> webinar about addressing the importance of education and outreach activities when developing and adopting a commercial recycling ordinance.
- December 16, 2010 (tentative): ILG <http://www.ca-ilg.org/commercialrecycling> webinar and will share options for effective enforcement, monitoring and compliance activities as a part of the commercial recycling ordinance.

### **What to do next?**

As this Measure allows jurisdictional flexibility in implementation, jurisdiction should start considering roles and responsibilities. The language in the draft Regulations is only clear in requirements for reporting which is through annual AB939 reports. Agency staff currently performs CalRecycle reporting on behalf of its member jurisdictions.



Some scenarios could include:

1. Each jurisdiction takes responsibility for developing its own plan through individual franchise agreements and/or individual ordinances. Jurisdictions provide required plan and reporting information to Agency staff for AB939 annual reports.
2. The Agency considers developing and/or adopting an ordinance on behalf of all the jurisdictions. Jurisdictions respond to components of the ordinance over time when franchise agreements are renegotiated. The Agency Board considers a new Work Plan item in the Education Cost Center to implement a countywide program in cooperation with garbage company staff. Agency staff/franchised garbage companies/jurisdictions work together to provide required plan and reporting information for AB939 annual reports.
3. Each jurisdiction and/or the Agency develop a Policy.

**AB939 Local Task Force potential role in developing an implementation plan**

At the May 19, 2010 Local Task Force meeting, Ken Wells with Guiding Sustainability commented that this new mandate would be the perfect opportunity to get the LTF involved and use their expertise.

If the Board elects to implement this measure through an Agency ordinance, the LTF could look at the ILG draft ordinance and based on their expertise offer suggestions as to how it could be tailored to best meet Sonoma County's goals and needs.

III. FUNDING IMPACT

There are no funding impacts resulting from this transmittal.

IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Direct staff to continue monitoring the progress of the regulations and begin drafting a report for Board member consideration on the pros/cons of implementing this Measure through the Agency or individually by jurisdiction.

V. ATTACHMENTS

- CalRecycle Draft Proposed Regulatory Text 12/15/09

Approved by: \_\_\_\_\_  
Susan Klassen, Interim Executive Director, SCWMA

# **DRAFT PROPOSED REGULATORY TEXT**

## **MANDATORY COMMERCIAL RECYCLING**

**TITLE 17: PUBLIC HEALTH**  
**DIVISION 3. AIR RESOURCES**  
**CHAPTER 1. AIR RESOURCES BOARD**  
**ARTICLE X. MANDATORY COMMERCIAL RECYCLING**

### **§9XXX0. Purpose.**

The purpose of this Article is to implement the Mandatory Commercial Recycling Measure (RW-3) provisions of the Scoping Plan adopted by the State Air Resources Board pursuant to Assembly Bill 32, (Nunez, 2006) §38500, et seq., of the Health and Safety Code.

### **§9XXX1. Definitions.**

- (a) For the purposes of this Article the following definitions shall apply:
- (1) “Annual Report” means the electronic report, submitted annually by a jurisdiction, summarizing its progress in reducing solid waste, as required by §41821 of the Public Resources Code and 14 California Code of Regulations §§18794-18794.6.
  - (2) “DRRR” means the Department of Resources, Recycling and Recovery.
  - (3) “Jurisdiction” means a city, county, city and county, or a regional agency that is approved by the DRRR pursuant to §40975 of the Public Resources Code.
  - (4) “Business” means any commercial entity, including, but not limited to, a firm, partnership, proprietorship, joint-stock company, corporation, or association that is organized as a for-profit or nonprofit entity, that generates four cubic yards or more of commercial solid waste and recyclables per week. For purposes of this Article, “business” also includes a multifamily residential dwelling of five units or more that generates four cubic yards or more of commercial solid waste and recyclables per week.
  - (5) “Commercial solid waste” means all types of solid waste, including recyclable materials that are generated from businesses as defined in subdivision (4) but does not include waste from single family residences.
  - (6) “Diversion” or “divert” means activities which reduce or eliminate the amount of solid waste from disposal, as defined in Public Resources Code §40124, but for the purposes of this Articles does not include transformation, as defined in Public Resources Code §40201.
  - (7) “Disposal” means the final disposition of solid waste at a permitted landfill.
  - (8) “Franchise” means any contract, license or agreement between a jurisdiction and a hauler for transporting solid waste.
  - (9) “Hauler” means any person or commercial entity which collects, hauls, or transports solid waste for a fee by use of any means, including but not limited to, a dumpster truck, roll off truck, side-load, front-load, or rear-load garbage truck, or a trailer.

- (10) "Landfill" means a permitted disposal site which accepts solid waste.
- (11) "Mixed Waste" means solid waste that contains both recyclable materials and trash.
- (12) "Recycle" or "recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste and returning them for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place, as defined in Public Resources Code §40180. Recycling does not include transformation as defined in Public Resources Code §40201.
- (13) "Recycling services" means services consistent with state or local laws or requirements, including a local ordinance or agreement, which provide for the collection and handling of recyclables.
- (14) "Recycling facility" means a recycling, composting, materials recovery or re-use facility that is fully licensed, certified and eligible under federal, state and local laws and regulations and includes those facilities that receive, process, compost, and transfer to market recyclable and/or compostable materials that have been separated from the solid waste stream. The recycling facility may be located at a landfill operation site. Recycling facility includes a mixed waste processing facility.
- (15) "Recyclables" and "recyclable materials" means materials that have been separated from the solid waste stream prior to disposal and returned for use or reuse in the form of raw materials for new, used or reconstituted products which meet the quality standard necessary to be used in the market place and that are not land-filled. Recyclable materials can include, but are not limited to paper, plastics, glass, metals, cardboard, organics, food waste, and construction and demolition materials.
- (16) "Self hauler" or "self hauling" means a business that transports its own waste and/or recyclables rather than contracting with a hauler for that service.
- (17) "Source separating" or "source separation" means the process of removing recyclable materials from solid waste at the place of generation, prior to collection, and placing them into separate containers that are separately designated for recyclables.
- (18) "Solid waste" means all putrescible and nonputrescible solid, semisolid, and liquid wastes, including garbage, trash, refuse, paper, rubbish, ashes, industrial wastes, demolition and construction wastes, abandoned vehicles and parts thereof, discarded home and industrial appliances, dewatered, treated, or chemically fixed sewage sludge which is not hazardous waste, manure, vegetable or animal solid and semisolid wastes, and other discarded solid and semisolid wastes as described in §40191 of the Public Resources Code.

**§9XXX2.Mandatory commercial recycling by businesses.**

- (a) On or before July 1, 2012, the owner or operator of a business, as defined in §9XXX1(4), shall, consistent with local requirements, recycle its commercial solid waste by taking one of the following actions:

- (1) Source separating recyclable materials from the solid waste they are discarding and either self-hauling, or subscribing to a service that hauls, the recyclable materials separately from the solid waste to divert them from disposal; or
  - (2) Subscribing to an alternative type of recycling service that includes mixed waste processing that diverts recyclable materials from disposal.
- (b) Each business shall be responsible for ensuring and demonstrating its compliance with the requirements of this Section.
- (c) This Section does not limit the authority of a jurisdiction to adopt, implement, or enforce a recycling program that is more stringent or comprehensive than the requirements of this Section. Businesses located in such a jurisdiction are required to comply with any local requirements that have been enacted.
- (d) This Section does not modify or abrogate in any manner any of the following:
  - (1) A franchise granted or extended by a city, county, or other local government agency;
  - (2) A contract, license, or permit to collect solid waste previously granted or extended by a city, county, or other local government agency; or
  - (3) The existing right of a business to sell or exchange its recyclable materials at fair market value, for reuse or recycling, or to donate its recyclable materials to another entity for reuse or recycling.

**§9XXX3.Implementation of commercial recycling program by jurisdictions.**

- (a) Effective July 1, 2012, each jurisdiction shall implement a commercial recycling program which diverts solid waste generated by businesses, as defined in §9XXX1(4), by targeting the jurisdiction's commercial waste stream.
- (b) A jurisdiction shall determine the specific material types targeted by its commercial recycling program, which could include, but are not limited to, paper, plastics, glass, metals, organics, food waste, construction and demolition and cardboard.
- (c) If, prior July 1, 2012, a jurisdiction has implemented a commercial recycling program that meets the requirements of this Article, the jurisdiction will not be required to implement a new or expanded program.
- (d) If, in order to satisfy the requirements of this Article, a jurisdiction has to implement a new, or expand an existing, commercial recycling program, it shall not be required to revise its source reduction and recycling element nor comply with the requirements of Public Resources Code §41800 et seq. The jurisdiction shall include the addition or expansion of a commercial recycling program in its electronic annual report.
- (e) The recycling program adopted pursuant to Subdivision (a) may include, but is not limited to, implementing a commercial recycling policy or ordinance requiring businesses, as defined in §9XXX1(4), to recycle, requiring a mandatory commercial recycling program, as defined in §9XXX1(4), through a franchise agreement or contract, or requiring that commercial solid waste from businesses, as defined in §9XXX1(4), be sent to a mixed waste processing facility.
- (f) The commercial recycling program shall apply to businesses, as defined in §9XXX1(4), but may also apply to any other commercial entity identified by the jurisdiction as being a source of recyclable materials.

- (g) The commercial recycling program shall include education and outreach to businesses, as defined in §9XXX1(4). The jurisdiction shall determine the types of educational and outreach programs to insure that the program targets the components of the jurisdiction's commercial waste stream.
- (h) The commercial recycling program shall include identification and monitoring of businesses, as defined in §9XXX1(4), to assess if businesses are subscribing to recycling services and participating in recycling services. If any businesses subject to these regulations are not in compliance with these provisions, the jurisdiction shall, at a minimum, notify those businesses that they are out of compliance.
- (i) The recycling program may also include:
  - (1) Enforcement, including, but not limited to, a penalty or fine structure that, consistent with a jurisdiction's authority, incorporates warning notices, civil injunctions, financial penalties, or criminal prosecution. Any fees or penalties generated by the enforcement program shall be used to pay the costs of operation, outreach, education, and other associated program costs;
  - (2) Building design standards that specify space requirements for storage of recyclables or other purposes that may assist the compliance of businesses, as defined in §9XXX1(4), with the program;
  - (3) Exemptions deemed appropriate by the jurisdiction such as, but not limited to, zoning requirements, lack of storage space, lack of markets, non-generation of recyclable materials, or current implementation by a business of actions that result in recycling of a significant portion of its commercial waste; or
  - (4) Certification requirements for self-haulers which may include, but are not limited to, requiring businesses, as defined in §9XXX1(4), to maintain written records demonstrating that all self-hauling activities have been completed in accordance with the standards imposed by the jurisdiction's commercial recycling program.
- (j) Each jurisdiction shall report the progress achieved in implementing its commercial recycling program, including education, outreach, identification and monitoring, and enforcement efforts, by providing updates in its electronic annual report.
- (k) The recycling program implemented by the jurisdiction does not limit the existing right of any business to sell or exchange its recyclable materials at fair market value, for reuse or recycling, or to donate its recyclable materials to another entity for reuse or recycling.

#### **§9XXX4. DRRR Review**

- (a) Commencing August 1, 2013, the DRRR shall review a jurisdiction's compliance with §9XXX3 as part of its review of the jurisdiction's source reduction and recycling element and household hazardous waste element programs, pursuant to 14 California Code of Regulations §18772 and §41825 of the Public Resources Code.
- (b) The DRRR may also review whether a jurisdiction is in compliance with §9XXX3 at any time that the DRRR receives information that a jurisdiction has not implemented, or is not making a good faith effort to implement, its commercial recycling program.
- (c) During its review pursuant to this Section, the DRRR shall determine whether each jurisdiction has made a good faith effort to implement its selected commercial recycling program. For this purpose, "good faith effort" means all reasonable and feasible efforts by

a jurisdiction to implement its commercial recycling program. During its review, the DRRR may include, but is not limited to, the following factors in its evaluation of a jurisdiction's "good faith effort":

- (1) the extent to which the businesses, as defined in §9XXX1(4), have subscribed to recycling services, including information on the amount of disposal that is being diverted from the businesses and on the number of businesses, as defined in §9XXX1(4), that are subscribing to service;
  - (2) the extent to which the jurisdiction is conducting education and outreach to businesses, as defined in §9XXX1(4);
  - (3) the extent to which the jurisdiction is monitoring businesses, as defined in §9XXX1(4), and notifying those businesses that are out of compliance; and
  - (4) the availability of markets for collected recyclables.  
A jurisdiction's failure to implement its commercial recycling plan may be a sufficient basis for issuance of a compliance order pursuant to Public Resources Code §41825, even if the jurisdiction has met its 50% per capita equivalent disposal target.
- (d) If, after a public hearing on the matter, the DRRR finds that a jurisdiction has failed to make a good faith effort to implement a commercial recycling program and meet the requirements of §9XXX3, the DRRR shall issue a compliance order with a specific schedule for achieving those requirements. The DRRR shall issue the compliance order within 30 days after making its finding of non-compliance.
- (e) The compliance order shall identify the portions of the commercial recycling program which are not being implemented or attained by the jurisdiction, or identify areas of the commercial recycling program which need revision. The DRRR shall also set a date by which the jurisdiction shall meet the requirements of the compliance order.
- (f) Pursuant to Public Resources Code §41850, the DRRR shall hold a hearing to determine whether the jurisdiction has complied with the terms of the compliance order. If the DRRR determines that the jurisdiction has failed to make a good faith effort to implement its commercial recycling program and meet the requirements of §9XXX3, the DRRR may impose administrative civil penalties upon the jurisdiction of up to ten thousand dollars (\$10,000.00) per day until the jurisdiction implements the program.