



MINUTES OF MARCH 18, 2009

The Sonoma County Waste Management Agency met on March 18, 2009, at the City of Santa Rosa Utilities Department's Subregional Water Reclamation System Laguna Plant, 4300 Llano Road, Santa Rosa, California.

**PRESENT:**

City of Petaluma	Vince Marengo, Chair
City of Cloverdale	Gus Wolter
City of Cotati	Marsha Sue Lustig
City of Healdsburg	Mike Kirn
City of Rohnert Park	Dan Schwarz
City of Santa Rosa	Dell Tredinnick
City of Sebastopol	Sue Kelly
City of Sonoma	Steve Barbose
Town of Windsor	Christa Johnson
County of Sonoma	Phil Demery

**STAFF PRESENT:**

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

- 1. CALL TO ORDER/INTRODUCTIONS**  
The regular meeting was called to order at 9:00 a.m.
- 2. ATTACHMENTS/CORRESPONDENCE**  
Chair Marengo, called attention to the Director's Agenda Notes.
- 3. PUBLIC COMMENTS (items not on the agenda)**  
There were no public comments.

CONSENT

- 4.1** Minutes of February 18, 2009
- 4.2** Environmental Purchasing Policies
- 4.3** Compost Your Veggies Final Report
- 4.4** Plastic Bag Update

**Dan Schwarz, City of Rohnert Park, abstained from item 4.1.**  
**Phil Demery, County of Sonoma, moved to approve the consent calendar.**  
**Dell Tredinnick, Santa Rosa, seconded. Consent calendar approved.**

*Christa Johnson, Town of Windsor arrived at the meeting at 9:05 a.m. (ek)*  
*Sue Kelley, Sebastopol arrived at the meeting at 9:07 a.m. (ek)*

## REGULAR CALENDAR

### ADMINISTRATION

#### **5.1 DRAFT BUDGET FY 09-10**

Mollie Mangerich explained that staff was returning to the Board with a draft budget which was based on the FY 09-10 Work Plan, which was approved at the February meeting. When developing the Work Plan, the budget was deficit. The Board directed staff to prioritize programs and calculate the savings. In March, staff returned with prioritized elimination of programs with accompanying savings. These changes were approved by the Board. With those budget reductions in place, staff is submitting the draft budget for Board approval. The proposed FY 09-10 Draft Budget now has a surplus of approximately \$120,000.

A summary of significant elements of the FY 09-10 Budget were provided to the Board:

- A significant reduction in revenues – derived from surcharge fees placed on the solid waste tip fee - will again occur in FY 09-10 due to the reduction in tonnage of municipal solid waste that enters the County system. This decrease in revenue, will impact the programs funded by the surcharge; education, planning, diversion and household hazardous waste.

The Agency's other revenue stream is from the tipping fee placed on organics collected for processing and composting; as well as the shared revenue from sales of finished compost and mulch products.

- Administration Costs increased 24 % (\$139,570) primarily due to changes in the County's compensation and medical benefits package for active employees and retirees (current and future).
- Removal of the use of one Fleet vehicle from Agency staff. Van will be retained for education/outreach purposes.
- Legal expenses were increased to cover projected additional services for counsel necessary for development of the Agency Program Fee and the Compost Site Relocation Project.
- Accounting services incurred a mild increase. The Agency is adhering to GASB standards of providing required separation between auditing service provision and financial statement generation.
- Agency will cease insertion of the Recycle Guide into the AT&T Phone Book in FY 09-10. Historically, placing the Recycling Guide in the phone book has cost \$60,000. Staff plans to use \$30,000 of that amount to expand the web-based marketing and Spanish language translation services of our Recycling Guide and other public education materials. The resulting net savings is \$30,000.
- Contributions towards educational partnerships were removed from FY09-10 Budget for a savings \$21,000.

Christa Johnson, Town of Windsor, asked why the HHW Reserves were so high.

Ms. Fisher said this is the first year the prior year transfers have been made by year end. The goals, which were set in 2002 and amended in 2006, were stated to be a percentage of the operating costs for the facility.

Ms. Mangerich remarked that because of the possible divestiture of the landfill, the HHW facility expansion and the unknown matching requirements, it is prudent to keep the HHW Reserve fund at this level for the time being.

Ms. Johnson expressed support for staff training and asked if there was money in the budget for staff training.

Ms. Mangerich said the required training schedule is maintained, such as OSHA training. Professional development money is available to staff as County employees. Mr. Demery added that there is mandatory staff training that all County employees are required to take. Ms. Fisher commented that staff currently has access to additional money for professional training of their choosing as part of the employee benefit package.

Ms. Johnson said she thinks there should be a balance between required training and networking with professionals in similar positions and if the Executive Director would chose to allocate money for staff training she would be supportive of that.

Ms. Mangerich said staff will attend the upcoming Northern California Recycling Association conference. This is an example of professional development available to staff.

Dell Tredinnick, Santa Rosa, commented about the references in the HHW Closure Plan about demolishing rather than deconstruction, he asked that the language regarding that be changed to deconstruction. One of the programs of the Agency does is C & D waste and deconstruction is a better term.

Ms. Mangerich said staff intimates that, but doesn't state it as specifically as Mr. Tredinnick just did, but will use the term deconstruction, when appropriate in the future.

Chairman Marengo questioned the 24% increase in administrative costs and asked if that increase was Countywide.

Phil Demery, County of Sonoma, remarked that in May 2009 there will be a reduction in health insurance benefits to County employees, but in turn there will be a \$600 monthly cash payment for premiums to the employees as a departmental expense.

Chairman Marengo called for a motion to approve the FY 09-10 draft budget with the additional recommendation that Agency staff be cognizant of training opportunities for advancement and also being sensitive to the language regarding demolition and deconstruction.

**Christa Johnson, Town of Windsor moved to approve the draft budget. Steve Barbose, Sonoma, seconded. FY 09-10 draft budget approved unanimously.**

**Public Comment:** Tim Smith said he would be remiss if he didn't remark on the tip-fee death spiral. He commented that a change needs to happen sooner rather than later and he congratulated staff on achieving a balanced budget.

## **5.2 AMENDMENT TO CITY OF PETALUMA SERVICES AGREEMENT**

Janet Coleson, Agency Counsel clarified that this item will not be a unanimous vote item as the Agency is not expending the money but the recipient of the funds.

Ms. Fisher reported in 2004 the City of Petaluma entered into an agreement with the Agency to reimburse the Agency for the AB 939 services they receive. This Agreement

has been renewed every year. The basis of the payment is the \$5.40/ton surcharge on solid waste disposed from the City of Petaluma and per the agreement the tonnage from the prior year is used for the calculation. The disposed solid waste tonnage for 2008 was used for the FY 09-10 budget year. The total calculation on 29,208 tons, as reported by the City of Petaluma's hauling company, is \$157,723. These funds are proportionally distributed throughout the four surcharge fee-based cost centers (hhw, education, planning, diversion).

Gus Wolter, Cloverdale, asked what the surcharge fee was last year.

Mrs. Fisher said it was \$5.40/ton; it's been the same for the past 2 years.

Phil Demery, County of Sonoma, commented that some jurisdictions across the country are seeing a 30% reduction in waste and Sonoma County is projecting close to 15% reduction in waste disposed. Pursuant to the public comment made by Tim Smith, the Agency is going in the wrong direction. Next year it's possible that this charge could be quite a bit less, but the County will still have the hard costs, the fixed costs associated with operation of the facilities. The County is concerned about these costs.

Chairman Marengo comments if diversion is going up and, based on the economy, the municipal solid waste is going down there will be concern about continued payment if there is no need. This issue needs to be discussed more thoroughly.

**Dan Schwarz, Rohnert Park, moved to approve the motion. Dell Tredinnick, Santa Rosa, seconded. The Petaluma Services Agreement approved unanimously.**

## HOUSEHOLD HAZARDOUS WASTE

### **6.1 LETTER FROM CLEAN HARBORS PROPOSING CONTRACT EXTENSION**

Lisa Steinman explained that the Agency has a Contract with Clean Harbors Environmental Services to operate the HHW Facility and Mobile Collection Programs.

The Board approved the Sixth Amendment to the HHW Operations Agreement with Clean Harbors at the September 17, 2008 Agency meeting to extend the Agreement an additional year until January 6, 2010 with the same terms and conditions.

On February 27, 2009, a letter was received by Agency staff from Clean Harbors Environmental Services offering Sonoma County the opportunity to continue services with Clean Harbors for an additional 2 year period (to begin on January 6, 2010), with no changes to the current contract rates and terms. Clean Harbors has made this offer as a result of the unfavorable current economic conditions. Also offered were three additional one-year extension options. Their proposal requests that prior to consideration of the one year optional extension periods, Clean Harbors may ask for mutually agreed upon increases based on the Consumer Price Index, (assuming an index increase), as well as the ability to request fuel cost recovery if the national average cost of diesel rises above \$3.50 per gallon.

Staffs' recommendation is that the Board first adopt Resolution to Approve the Seventh Amendment to the Agreement with Clean Harbors Environmental Services, extending the term of the Agreement until January 6, 2012 without any changes to the current terms and conditions and then give approval for staff to evaluate conditions, costs and benefits of exercising an optional one-year extension prior to January 6, 2012.

Chairman Marengo asked for clarification on the fuel cost recovery. It would appear one recovery could be based on CPI and the other is an opportunity for appropriate compensation. He inquired whether staff considered the benefit for the item to be bid,

which would then establish the budget in terms of a ceiling. He also requested an estimation of fuel consumption between now and 2012 in terms of dollars.

Ms. Mangerich explained this type of analysis would be done coming into 2012. Staff has not asked Clean Harbors for a surcharge fee estimation for the current fuel consumption for the Toxic Rover. Maintaining the current terms and conditions of this contract will save the Agency money versus going out for an RFP. Staff has contact with other jurisdictions with large contracts for hazardous waste disposal and while disposal costs in this region are fairly comparable between programs, the Agency labor costs are lower in the current contract.

Phil Demery, County of Sonoma, clarified that the idea is to index labor on the CPI and index the fuel separately on a fuel index.

Ms. Mangerich said that has not been discussed with Clean Harbors. The Agency pays a flat fee for personnel costs and that doesn't change from year to year.

Sue Kelly, Sebastopol, asked if the disposal cost is based on tonnage disposed and is it decreasing.

Ms. Mangerich answered that disposal fees are based on type of waste disposed and that both amount of materials and participation are increasing at the HHW facility.

Chairman Marengo summarized the recommendation from staff was to move forward on extension of the Clean Harbors contract through January 6, 2012. County of Sonoma made comments relative to labor CPI's being different from supplies/materials, which staff recognizes. At the end of the two-year extension, the Board will have an opportunity to exercise the one year extension options.

**Sue Kelly, Sebastopol, moved to approve the contract extension. Marsha Sue Lustig, Cotati, seconded. Motion passed unanimously.**

## EDUCATION

### **7.1 2009 OUTREACH PLAN**

Karina Chilcott explained that a number of documents were created in order to support the Agency's 2009 outreach efforts for SonoMax.org and e-waste collection events. Fliers and inserts are primarily distributed through the City of Santa Rosa utility billings. The Building Materials Reuse Guide was distributed to every building department along with SonoMax.org postcards and are quite popular at events. There are magnets that mirror the artwork for the Recycling Guide cover and are distributed as kids' prizes.

Some of the upcoming events include: A business event at the Sonoma Valley Chamber of Commerce, and an Earth Day event in the Town of Windsor.

The lack of online advertising budgeted in the SonoMax.org Reuse Assistance Grant workplan is because the California Integrated Waste Management Board does not allow funds to be used for web-based advertising (like banner ads) or to create web sites.

Agency Board members may contact staff about any upcoming events or other promotional opportunities that staff can help support.

## DIVERSION

### **8.1 UPDATE FROM AB 939 LOCAL TASK FORCE ZERO WASTE SUBCOMMITTEE**

A brief presentation on zero waste was given by Linda Christopher. Will Bakx updated the group on current composting activities. Portia Sinnott requested the opportunity for greater LTF involvement with respect to Agency activities.

A question about Agency Board members attending AB 939 LTF meetings was raised. There is an item on every LTF meeting agenda regarding a quorum of the SCWMA Board members being present, which would automatically negate Agency business being discussed.

## ORGANICS

### **9.1 COMPOST RELOCATION UPDATE**

Mr. Carter said ESA is continuing work on the Draft Environmental Impact Report. The administrative draft for internal review is expected to be sent to Agency staff in April 2009. Due to delays in choosing the sites to be examined in the EIR and to provide the consultant sufficient time to complete the project, staff believes the agreement with ESA should be extended to December 31, 2009. The current agreement expires on June 1, 2009.

Additionally, in response to issues raised at the December 11, 2008 Scoping Meeting and public comments, staff asked ESA to estimate the cost of analyzing an alternative composting method in the EIR. Aerated Static Pile (ASP), which is a common processing alternative to open windrow composting, was identified.

Staff believes including an alternative composting method in addition to alternative sites will strengthen the EIR and reinforce the SCWMA's commitment to examine a wide variety of options in the decision of siting and designing a new compost facility.

Though a contingency task was created to fund unanticipated task such as this, the contingency (Task 11) has already been drawn down from \$25,750 to \$1,196. Task 11 was used to perform the additional work requested by the Board with regard to sea level change, and to include a Health Risk Assessment.

If the Board chooses to fund the study of alternative composting methods, an amendment to the agreement with ESA would be required, as there are insufficient funds in Task 11 to cover this additional cost.

ESA proposes a cost of \$33,260 to perform the additional work. Funding is available to transfer from the Organics Program Reserve cost center. The current fund balance in this cost center is \$3,191,438.

Staff recommends approval of the First Amendment of the Agreement with ESA for Consulting Services to incorporate examination of the aerated static pile composting method and extension of the term of the agreement to December 31, 2009.

Additional information became available after the agenda packet was sent out. The top ranked site from the siting study, which the Open Space district was interested in, may once again become available. Staff would like to bring that site before the Board for consideration in April, possibly in lieu of one of the other sites off Highway 37 because it provides a better geographical alternative than the other two sites that are being considered off Highway 37.

Chairman Marengo asked how that site ranked in the initial study.

Mr. Carter said it was the top-ranked site.

Dan Schwarz, Rohnert Park, asked if there is an estimate of the costs associated with the ASP, and what implications there will be if ASP is included as an alternative in the EIR.

Mr. Carter said there will be costs associated with it. The model that the Board agreed upon is the Agency would own the site, do the permitting and design of the site but the private contractor would be responsible for actual site improvement and building the structure in exchange for a longer term contract. It would be the contractors' responsibility for implementing the design of the site.

Mr. Schwarz expressed concern about reacting during an environmental review process when different interests request an alternative to the original design. It will ultimately result in a higher cost for someone.

Mr. Carter said alternatives were being analyzed and in the EIR process the environmentally preferable method could be the most expensive option, but the cost is something that can be taken into account when the Board approves a different project.

Janet Coleson, Agency Counsel, asserted that a different method of composting is being studied, but there are several other methods to be studied and originally this one was not going to be evaluated.

Mike Kirn, Healdsburg, questioned 2.1 Payment on the agreement where it talks about compensation. The agreement is silent on non-labor expenses and sub-consultants. He inquired if these expenses are included. It speaks to 'payment for satisfactory performance includes, without limitation, salary, fringe benefits, overhead, and profit'.

Mr. Carter said it includes the sub-consultants too; it's a not-to-exceed amount.

Mike Kirn requested language be added to the amendment to address this issue.

Ms. Johnson, Town of Windsor, reported there are concerns of the Town of Windsor that the Agency is getting pressured to leave the landfill and go forward with a property purchase. This has been expensive to date and continues to be expensive. Town officials are not convinced that buying land and going through this process is a good use of Agency funds. They're not convinced that the use of private companies for composting has been exhausted.

**Public Comment:**

Will Bakx, Sonoma Compost Company, said his understanding of the requested additional site is that wastewater from the Petaluma Treatment plant was supplied to that land which resulted in increased salinity of the soil. The soil is not compatible for grape growing which resulted in a land assessment price lower than the asking price.

Tim Smith, said the Town of Windsor's 'no' vote today doesn't matter as this is not a unanimous vote item, but moving forward it will be. He suggested that the Board gather as much information as they can so that when the time comes they will have a consensus. Another suggestion he made was to look into getting a lease extension. The current site under the terms of the contract unless it's extended cannot accept material past July 2010. The situation could result in green waste being hauled out of County where it may or may not be composted. The composting operation has been one of the successes of this Agency.

**Steve Barbose, Sonoma, made a motion to approve the first amendment to the**

**agreement with ESA to incorporate examination of the aerated static pile composting method and extension of the term of the agreement to December 31, 2009 with the amendments suggested by Healdsburg to the language of the agreement. Sue Kelly, Sebastopol, seconded. Christa Johnson, Town of Windsor, voted nay.**

**10. BOARDMEMBER COMMENTS**

Marsha Sue Lustig, Cotati, said it would be helpful for staff to contact Board members rather than other City employees about items that require a response such as green purchasing.

Sue Kelly, Sebastopol, requested more concise contact.

Phil Demery, County of Sonoma, said he's interested in the program fee and moving from a tip fee to a program fee which he believes is on a future agenda.

A second comment is that the LTF was established with AB 939 throughout the State of California and it was created by the Counties for purposes of regional recycling programs, which are important for reaching AB 939 goals. The County of Sonoma has relegated many of those responsibilities to the JPA and he questioned whether there might be interest from the Board in asking the Executive Director and Agency Counsel work with the County Counsel of Sonoma to change that relationship such that the reporting function of the LTF would be to the Agency rather than the County of Sonoma Board of Supervisors. It could make a lot more sense because of the fact that the Board of Supervisors doesn't have any involvement with these regional programs.

Ms. Kelly said there would need to be a resolution from the Sonoma County Board of Supervisors to reestablish and redefine the committee structure and appointments.

Ms. Coleson said they could meet with County Counsel to discuss it.

Ms. Kelly said there are some misconceptions about the structure of the committee and the reporting process.

Ms. Lustig said that Board is full of industry professionals.

*Gus Wolter left the meeting at 10:40 a.m. (ek)*

Ms. Johnson said she would prefer to have Agency staff do the work; she was not supportive of spending Agency money on legal services at this preliminary stage. She would like this item to come back as an informational item before legal costs are incurred.

Chairman Marengo said his understanding was that the direction was for staff to come back with an outline of what the process would entail, which would include any costs.

Dan Schwarz, Rohnert Park, suggested checking with the County to make sure they would be open to exploring other options.

Mr. Demery said this has been brought up from the County's perspective and he felt they were open to looking at other options. He said he thought that County Counsel and Agency Counsel could get together and identify an option package without Board commitment.

Ms. Johnson, Town of Windsor, said her preference is that Agency Counsel not be



involved in the preliminary stage so that legal costs will not be incurred. County Counsel can determine the process, then staff could take that information and bring it to the Board. If the Board wants to get involved, then Agency counsel could get involved.

Ms. Coleson said there have been some preliminary discussions about this and it's important to make sure that whatever direction comes back to the Board that she be able to see that and give agreement from a legal perspective. That's the minimum she would anticipate doing at this point.

Mike Kirn, asked about the landfill workshop on March 30, 2009.

Phil Demery said it is not a County sponsored event, but he was asked to attend and be a representative. It's open to the public.

Ms. Johnson commented that the Town of Windsor loves their wood chip allotment and would like more.

**11. STAFF COMMENTS**

Lisa Steinman gave an update about the used oil tank the Board had approved for Petaluma for the Corporation Yard. It's been installed and is ready for oil drop-off.

**12. ADJOURNMENT**

Meeting adjourned at 11:00 a.m.

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

Zero Waste: The Organics Fraction  
Zero Waste Initiative Chart  
Zero Waste – or Darn Close

Respectfully submitted,  
Elizabeth Koetke