



AMENDED
MINUTES OF MARCH 19, 2008

The Sonoma County Waste Management Agency met on March 19, 2008, at the City of Santa Rosa Utilities Department's Subregional Water Reclamation System Laguna Plant, 4300 Llano Road, Santa Rosa, California.

PRESENT:

City of Rohnert Park	Tim Smith, Chair
City of Cotati	Damien O'Bid
City of Cloverdale	Joe Palla
City of Healdsburg	Marjie Pettus
City of Petaluma	Vince Marengo
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:

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

1. CALL TO ORDER SPECIAL MEETING

Chair Tim Smith called the special meeting to order at 8:30 a.m.

2. OPEN CLOSED SESSION

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION
Government Code Section 54956.9(b)(3)(A), one case.

3. ADJOURN CLOSED SESSION

No report.

4. CALL TO ORDER REGULAR MEETING/INTRODUCTIONS

The regular meeting was called to order at 9:23 AM by Chairman Tim Smith.

A request was made by the Chairman that during "Item 14, Board member comments", comments be kept brief. A request was made of staff to try to relocate the Agency meetings to a more centrally located location such as Santa Rosa City Hall or the County Administrative Complex due to transportation issues for those that might be reliant on public transportation to get to the meetings.

5. ATTACHMENTS/CORRESPONDENCE

Chairman Smith, called attention to the Director's Agenda Notes.

6. **ON FILE WITH CLERK**

Chair Smith, noted the resolutions from the February 20, 2008 meeting on file with the clerk.

7. **PUBLIC COMMENTS**

There were no public comments.

CONSENT

8.1 Minutes of February 20, 2008

8.2 Appropriation Transfer for Veggie Recycling

8.3 EPR Support Letter with Resolution

8.4 Kitchen Veggie Transfer Pail Purchase Order

Vince Marengo, Petaluma, moved to approve the consent calendar. Joe Palla, Cloverdale, seconded. Santa Rosa absent.

REGULAR CALENDAR

DIVERSION

9.1 **AGILENT RECYCLING PRESENTATION**

Tony McCormick of Agilent Technologies gave a presentation about Agilent's recycling accomplishments. He presented data for the past seven years which reflects a 74% average diversion from landfill, 6,500 tons of solid waste processed for recycle, 233 tons of excess equipment and furniture donated to schools and non-profits, realizing a cost savings of \$909,000. Agilent is also the annual winner of the State of California Waste Reduction Program.

Some of the key elements of the program were shared. There is single-stream recycling; each employee has a recycle container next to their desk which they self-manage. In a partnership with Becoming Independent, approximately 30 'Becoming Independent' clients work at Agilent Technologies sorting the recyclables. Once a year, an employee auction is held where furniture, office supplies, etc. are offered for auction to employees. The money earned at the auction is part of Agilent's United Way fundraising campaign. Agilent matches money raised from the auction.

Lastly, as a part of the RFP process, proposals presented to Agilent from suppliers and contractors must include environmental practices, which include landfill diversion.

9.2 **PLASTIC BAGS UPDATE**

Patrick Carter said discussions have taken place with haulers, cities, and the County that led to curbside plastic bag recycling. At present, all waste haulers in Sonoma County accept curbside recycling of plastic bags.

Bill AB 2058 currently in the California State Legislature has the potential to levy a fee against those using single use plastic bags.

The Town of Fairfax, City of Oakland, and the City and County of San Francisco have created ordinances which ban single-use plastic bags. Fairfax and Oakland faced litigation from groups representing the plastic bag recycling and manufacturing industries. Fairfax changed its ordinance from being mandatory to voluntary in banning the single-use plastic bags. The City of Oakland has dropped their bid for EIR and, instead, will proceed with the Superior Court process.

A citizens group in Fairfax is collecting signatures to put the measure on the ballot. According to the California Code of Regulations, initiatives submitted by a vote of the people are exempt from CEQA provided that the event isn't sponsored by a public

agency. This is why Fairfax is collecting signatures. In both of the cases, the cities original ordinances were challenged in part because of their claimed exemption from CEQA stating that the reduction of plastic use was an obvious benefit for the environment. The groups filing suit against the city claimed that a ban was essentially an endorsement of single-use paper bags and they questioned whether or not there was a net environmental impact as an EIR has not been done to date on this subject. More information will be available when the court case concludes.

The City and County of San Francisco have avoided litigation and their ordinance took effect on November 20, 2007. Enforcement began December 1, 2007. It is not clear to staff why San Francisco's ordinance was not challenged in court while Oakland and Fairfax ordinances were.

Research was done on other cities considering bans or other measures on plastic bags. According to Californians Against Waste (CAW), a number of California municipalities have expressed interest or are considering bans. The County of Los Angeles Board of Supervisors considered a ban at their January 22, 2008 meeting, but instead of a mandatory ban, they directed staff to implement a voluntary single-use bag reduction and recycling program by July 1, 2008, and if specific benchmarks for plastic reduction use were not met, they would then consider further actions toward mandatory bans.

The 'Whole Foods' grocery store chain, which has four stores in Sonoma County, plans to phase out all single-use plastic bags in all of their stores, not just in Sonoma County but nationwide, by April 22, 2008, which coincides with Earth Day.

Internationally, China announced on December 31, 2007, their country would ban the sale of plastic bags that are less than .02 millimeters thick, and prohibit the sale of thicker plastic bags unless a fee is levied against that. This would begin on June 1, 2008.

Lloyd Levine, Assembly member who authored AB 2449 (the 'at-store' plastic bag recycling program), has introduced a new bill that sets specific targets for recycling of plastic bags. If the stores are not interested in meeting those targets or are unable to meet those targets, they can impose a fee of no less than \$0.15 per bag to get around that requirement. Under the current language of the bill, the money collected by this fee would stay at the store that collects it.

AB 2449 preempted local jurisdictions from charging the fee on plastic bags, and this bill is set to expire in 2013. In AB 2058, the preemption language is intact, so it is not circumventing that law. It is coming from the State rather than the local jurisdictions; counties, cities, etc. AB 2449 does not prevent stores from imposing fees on their customers, such as IKEA charging \$0.05/bag.

The Republic of Ireland is an example of how fees are effective at reducing plastic bag use. According to Ireland's Department of Environment, Heritage and Local Government, approximately 1.2 billion bags were disposed of annually before the fee was imposed on March 4, 2002. Since then, there has been a 90% reduction of plastic bag use. The amount of litter associated with plastic bags has dropped 95%. The fee, as of July 1, 2007, was .22 euro per bag.

In conclusion, the additional option of single-stream recycling of plastic bags makes it much more convenient, and the net effect is going to be a higher diversion rate of those plastic bags. However, with a previous recovery rate of 30% and the recovered product travelling thousands of miles before remanufacture, it is staff's opinion that this is not

necessarily the most environmentally preferred solution even though it is much more convenient.

There is significant risk surrounding the issue of banning plastic single-use plastic grocery bags, there should be more clarity after it is resolved with the City of Oakland.

The imposition of a fee on single-use plastic grocery bags at the point of sale appears to be effective in reducing plastic use. However, the current law, AB 2449, preempted the local government's ability to impose this fee on grocery stores and other businesses that dispense plastic bags. This will likely continue until January 1, 2013, unless the bill is repealed by the California legislature.

AB 2058 would allow the state to impose a fee of a minimum of \$0.15 in lieu of meeting plastic bag diversion rates, but there is no guarantee this language will pass through the legislative process to the final bill if there is one. It is staff's opinion that the most effective method presented to reduce use of single-use plastic bags would be through a fee imposed at the point of sale, with the receipt clearly labeled that this fee is for plastic bags. There are indications that the County of Los Angeles and the City of Santa Monica also take a similar position on this, but local jurisdictions are preempted from doing that in AB 2449.

Staff recommends writing a letter of support specifically for the fee portion of AB 2058 indicating support of that. The emphasis on any ban should be the promotion of reusable plastic bags. Staff would also recommend extending the ban to compostable plastic bags and imposing a fee on paper bags to further emphasize the Agency's commitment to zero waste.

The curbside collection of plastic bags is for polyethylene bags, not for the "crunchy" plastic, such as CD wrappers.

Sal SanFilippo, GreenWaste Recovery Inc., was asked to comment on the low diversion rate of plastic bags. He said he had spoken to Steve McCaffrey, North Bay Corporation, about this issue and was told that it has to do with the bags not being put in the blue bin correctly. Several plastic bags can be bunched together and put into one plastic bag. Once a knot has been tied in the exterior plastic bag, it can be put into the curbside recycling container. Because of contamination from other things in the container, the exterior bag is ultimately sacrificed. The biggest contaminant is moisture. He estimated that 30% to 40% of customers use the blue bin to recycle their plastic bags. It would be nice to find out how many plastic bags are actually sold to retailers.

Dell Tredinnick, Santa Rosa, arrived at the meeting at 10:00 a.m.

A question was raised asking if the state authorizes a \$0.15/bag fee, whether that would remain with the store. Patrick Carter said as it is currently written it would be a fee charged at the point of sale to customers, which would then be revenue for the store. Patrick said as he understands the intent is to make the customer's aware of this fee separately on the bill.

The comment was made that if the store can charge its own fee; there shouldn't be any problem with it because it is a business decision on their part.

Patrick's recollection is that AB 2449 did not originally include that preemption of local government, but he thinks that that was added to get the support of the bill. Whether or not this bill will ultimately pass with that fee remains to be seen. It may be an obstacle.

Steven Joseph, Stripes2Stripes, gave a Power Point presentation. Public education is needed to get bags properly recycled. Mr. Joseph said he works with Hydrex, which is the largest plastic bag manufacturer in the country and other plastic manufacturers, including some in China. Hydrex gave a report to the California Integrated Waste Management Board (CIWMB) a month ago, asking CIWMB to host a conference in Los Angeles in September or October where all of the stakeholders could be brought together to discuss how best to promote the curbside recycling of plastic bags statewide in a single program. One option would involve identifying bags with stripes, possibly different colored stripe be based upon recyclability specifications, which then would be put into green striped recycling bags. Chairman Smith thanked Mr. Joseph for his presentation.

Mike Maguire from the Healdsburg City Council thanked North Bay Corp., for moving forward with plastic bag collection. He is on a subcommittee that has been working in the City of Healdsburg with a citizen's group, business leaders and a couple of council members. What they have found is many folks don't know about this program. The group feels if there is going to be any difference made on this issue; it needs to be done at the local level. They are working on a partnership with the Trex distributor who brings 40-yard bins to large commercial businesses within the City of Healdsburg so that Trex can then take the plastic to their Nevada plant for remanufacture. In cooperation with North Bay Corp., they will be launching a local campaign within the City of Healdsburg working with local service groups and the local newspaper to promote the bag-to-bag program. In addition, the City of Healdsburg is moving forward with a subsidized tote bag program. They are working with local businesses to raise approximately \$10,000. There is a City match (that will be determined within the next few weeks) to put subsidized totes, both recycled plastic (beverage containers) and a canvas one (recycled denim) in the hands of Healdsburg residents at a very inexpensive cost by summer. A traditional canvas tote would range about \$6.00 to \$8.00 they are hoping to sell these totes for about \$2.00. The group feels it needs to be made easy in order to change the shopping habits of Healdsburg residents.

Mr. Maguire said plastic bags have reached the saturation point, not just in the United States or in California but around the world. 80% of the grocery and convenience store markets in the United States use plastic bags. They cost about a cent and a half. A paper bag is \$0.04. to \$0.05. A compostable is \$0.07 to \$0.09. Plastic is cheapest for the retailers. They have tried to get information from national retailers in regard as to recycling quantities. The only numbers they get is what is being done on a statewide level, not locally. He encouraged the Agency to move forward on a local level. Public education and communication with all of the cities, the residents of Sonoma County, and the haulers to get the plastic bag recycling information out is essential.

Steve Barbose, Sonoma, said he was particularly interested in the Healdsburg program and would like to see Sonoma follow suit. He agrees that there may not be anything meaningful coming out of Sacramento because of the amount of political pressure being brought on this. He is in favor of the Agency moving forward.

Damien O'Bid, Cotati, said that based on staff's recommendation, a letter should be written.

Sue Kelly, Sebastopol, said she knows that there is a lot of support to do something and agrees with the recommendations in the staff report.

Phil Demery, County of Sonoma, said that 50% of Sonoma County residents don't subscribe to a collection service for trash or recyclables. There will be challenges with transporting plastic bags to the transfer stations, unloading them and repackaging them

to be hauled in trucks to a landfill. Concentrating on education through the collection franchises is the clearest line of communication.

Dell Tredinnick, City of Santa Rosa, commented about the convenience of plastic bags; they are cheap and they are convenient. Bag-to-bag (several bags placed in one bag) is a great first step, but it's not the answer. The ultimate solution is bringing your own bag. There are ways to address the convenience of reusable bags. Sonoma County is a place where people will start to make this cultural change. Oliver's Market on Stony Point Road has signs that read "Did you bring your bag?" Santa Rosa is going to be issuing bags to every city employee with stainless steel water bottles to help eliminate water bottles. They will also give mini-bags that can be put on a key chain and then unfold and use to take purchases home. This is the kind of thing that necessary to change behavior and help address this problem.

Vince Marengo, Petaluma, supports a letter to the State of California relative to AB 2058. He encouraged everyone to work in cooperation with retail merchants and ask for their participation. He also mentioned his concerns from the closed session, which are real for the City of Petaluma. Since the Press Democrat is here today, he encouraged The Press Democrat to ask for a resolution from Monday's Petaluma City Council meeting when the Council passed direction on how to go forward with such a program. The resolution can be obtained from the city clerk's office; it is also available on the City of Petaluma's website.

Joe Palla, Cloverdale, said this is his first meeting. The Cloverdale City Council has not discussed any of this in detail, but he does support the staff's recommendations. He feels they are sound and a letter should be sent. Any litigation going on in other cities should be monitored. He suggested a comment that a voluntary ban coupled with education should be put on the agenda for future dialogue.

Mike Maguire reiterated the position of the Healdsburg City Council. He stated that at the February council meeting the Council did vote unanimously to explore a ban because they are going for redemption and possible elimination of plastic bags and believe that a local effort is the best way to proceed. He supports the Staff recommendation to send a letter to the State Legislature.

Christa Johnson, Town of Windsor, thanked North Bay Corp., for starting up the program and for not requesting a rate increase. She said the Town of Windsor supports Staff's recommendations. She would like to see the education component go into the schools. Also, she suggested to her colleagues that some of the money budgeted for economic development be used to order some low cost, reusable bags. In an effort to fill two purposes (economic development and recycling) a 'Shop Local' theme would be incorporated into the bags.

Chair Smith placed on record a letter from the American Chemical Council warning against a ban. Discussion of a plastics ban is not agendaized for this meeting.

Chair Smith asked for a consensus to authorize the Executive Director to submit letters of support with respect to AB 2058. The Boardmembers agreed.

Staff was given direction to monitor the litigation in Oakland, Fairfax activity, track AB 2058 and update the Agency board monthly. This reflects some of the discussions of the closed session.

Chair Smith made a motion requesting that Agency Counsel and Agency staff work on the Agency documentation needed to effectively go forward with a ban if

the Board should so decide. Other issues that Agency Counsel reported, both in closed and open sessions, are the gaps in the documentation of the Agency with regards to the charter documents. This Agency's term expires in 2017. Vince Marengo, Petaluma, seconded, motion approved.

Vince Marengo, Petaluma, made a motion directing Agency Counsel and Agency staff to work with the stakeholders and look at criteria to develop a program and return to this board with full ramifications and liabilities, and bring back a feasibility study. Motion seconded by Chair Tim Smith, Rohnert Park. Motion approved.

Phil Demery asked how much time it would take staff to come back with the information that was requested in the motions.

Susan Klassen, Interim Executive Director, said that because there is such a broad range of things to be addressed in the program development, it could be done in steps. Staff could come back next month or the month after with an outline of what aspects the Board would be looking at in program development, do the outline first and then get some direction on how to move forward.

Sue Kelly, Sebastopol, commented that this item may or may not be covered in the work plan, which is the next item on the agenda.

ADMINISTRATION

10.1 APPROVAL OF REVISED WORK PLAN

Susan Klassen stated that the Work Plan is a reiteration of what was adopted by the Board at the February meeting, with a modification. The primary modification to the Work Plan acknowledges the board's direction to increase our education effort rather than have any contributions to reserves.

The proposal is to develop a program for recycling education targeted at 5th/6th grade students. An outline will be brought to a later meeting for discussion and approval.

Sue Kelly, Sebastopol, moved to approve the Work Plan. Phil Demery, County of Sonoma, seconded. Motion passed.

10.2 APPROVAL OF FY 08-09 FINAL BUDGET

Susan Klassen said since the approval of the preliminary budget there have been a few modifications which have been appropriated into the budget.

There is one typographical error on the staff report related to expenses on the wood waste cost center. Under contract services under expenses, it reads 'the amount will increase from \$254,000 to \$155,000'. It should read 'the amount will increase from \$254,000 to \$255,000.

The Work Plan and the Preliminary Budget have been incorporated into this Final Budget. There is not an increase to the surcharge, or to the wood or yard waste fees. There are significant reserves in organics, enough to fund the compost site relocation project.

The information on the 'HHW Facility Closure Reserve' has not been prepared yet. There is a slight increase in the HHW Reserves. And there is a change in the Contingency Reserves to reflect that there will not be a deposit from the Education Cost Center as directed by the Board.

Vince Marengo, Petaluma said he was fine with it and he would like to see the HHW Facility Closure Reserve information.

Phil Demery, County of Sonoma, said the funding structure needs to be looked at since the Agency has been so successful.

Chairman Smith said the tip fee is the Agency's death spiral. Petaluma is a model for another way to fund the Agency. The Agency has a conscious reserves policy with needed funding for a new HHW Facility and a new Organics Facility.

Chairman Smith asked for a roll call vote. The FY 08-09 budget passed unanimously.

10.3 UPDATE ON SCWMA EXECUTIVE DIRECTOR POSITION

Susan Klassen said the former Executive Director position, Recycling, Marketing Integrated Solid Waste Manager, had two roles. One was the Executive Director of the SCWMA, the other was the County Integrated Waste Manager, managing the County Disposal System Engineering and Operations.

In the past, the position was budgeted 50/50. In the FY 08-09 budget it is budgeted 55% paid by the Agency and 45% by the County. The position was paid at a civil service classification within the County System of Deputy Director level with an approximate salary and benefits package totaling about \$200,000.

Although at one time the 50/50 distribution made sense, the Agency's activities continue to progress and as such have become more complex and demanding, requiring additional time and commitment on the part of the Executive Director. For both budgetary reasons and workload, the County is proposing a position reclassification. Under consideration is a specific classification for this position called 'Recycling Manager'. A position description was approved by the Civil Service Commission on March 6th. The way it is budgeted is Executive Director of the Agency for 80% of the time and for County activities approximately 20% of the time. In the future the County activities would be related to the oversight of the diversion and recycling efforts that are County efforts and not related to managing, engineering and operating of the County disposal sites.

The new position will track actual time spent on activities, so in the future, the Agency will only be charged actual expenditures. The County would like to include per the MOU, a number of the Agency Board on the selection interview panel so the Agency can have input as to the final candidate selected. The position has not been opened yet. The position classification was approved, but salary approval comes from the BOS. The salary resolution will indicate when the position will open. In terms of funding impact, the preliminary salary anticipated is about \$147,000 a year including benefits with approximately \$117,000 being charged to the Agency. The FY 08-09 Budget included \$118,000 for this position.

Tim Smith offered to serve on the selection panel.

10.4 PROCEDURES FOR SUPPORT OF LEGISLATIVE ACTIONS

Susan Klassen said many requests come in for letters of support regarding pending legislation and projects that are going on at the CIWMB as well as other different organizations on a regular basis. The timing and deadlines of submissions for those requests are often not conveniently aligned with the regularly scheduled Board meetings. Without direction from the Board, opportunities are missed. This issue is being brought to the Board for some direction. Every year the County BOS adopts a legislative

program that gives staff some authority to write letters. Resolutions that need to be adopted come back to the Board.

Since the Agency's mission is well documented in the Work Plan and the Solid Waste California Integrated Waste Management Plan, it is requested that the Executive Director be given authority to write letters of support and comment on issues directly related to the mission of the Agency. Any letters written would be attached in the agenda packet in the 'Attachments and Correspondence' section each month. Any document requiring a Board resolution would come back to the Board for approval.

Vince Marengo, Petaluma moved to approve the motion, Chair Tim Smith, Rohnert Park, seconded. Motion approved. Sue Kelly, Sebastopol, temporarily absent.

Chair Smith asked the Board's permission to address Item 11.2 and 12.1 prior to addressing Item 11.1.

COMPOSTING/WOOD WASTE

11.2 COMPOST RELOCATION PROJECT UPDATE

Susan Klassen said Staff has been working with Agency Counsel and the Department of Transportation and Public Works Chief Right-of-Way Agent drafting a letter to property owners who have property that may be considered for a future compost facility. The letter will express the Agency's interest in the property and ask the property owner if they are interested in selling the property. Staff will report back to the Board after the letter has gone out and feedback received. Also, Staff suggests agendaizing a Closed Session for either April or May with Agency Counsel and Chief Right-of-Way Agent to discuss the acquisition process.

Chair Smith asked that the time of the closed session be highlighted on the agenda.

Chair Smith left the meeting at 11:14 a.m.

Phil Demery, Sonoma County, left the meeting at 11:14 a.m.

At this point, the meeting was chaired by Vice-Chair Vince Marengo.

HOUSEHOLD HAZARDOUS WASTE

12.1 HHW PROGRAM EXPANSION STUDY

Patrick Carter gave a brief history of the Household Hazardous Waste Expansion study.

Patrick introduced the presenters from R.W.Beck, Inc., Karl Hufnagel and David Nightingale. Due to time constraints, the full report will be presented at the April meeting.

Dell Tredinnick, Santa Rosa, asked that the action items be moved up on the calendar.

COMPOSTING/WOOD WASTE

11.1 COMPOST PROGRAM UPDATE

Vice-Chair Marengo asked if there were any updates on this item, there were none.

11.3 FIRST AMENDMENT TO THE COMPOSTING AGREEMENT WITH THE CITY OF SANTA ROSA

Susan Klassen said Items 11.3 and 11.4 were tied together. These two amendments concern the use of prepared yard debris by the City of Santa Rosa in their composting program. This item addresses the First Amendment to the three-party agreement between the Agency, the City of Santa Rosa and Sonoma Compost Company for use of the prepared yard debris as a bulking agent in the City's bio-solids program. This

amendment provides guaranteed delivery and removes the compensation obligation for the Agency and amends some reporting provisions.

Sue Kelly, Sebastopol moved to approve the First Amendment. Joe Palla, Cloverdale, seconded. Motion approved.

11.4 SIXTH AMENDMENT TO THE COMPOSTING AGREEMENT WITH SONOMA COMPOST COMPANY

Susan Klassen said this amendment is between the Agency and Sonoma Compost Company with the County acting as landlord of the compost facility. The Sixth Amendment is the companion to Item 11.3 which the Board just approved. This amendment reflects the commitment provisions to deliver the material and prepare it in accordance with a manner that is agreeable to the City. In addition it amends the compensation to the Contractor. The prepared yard debris that is described in the existing agreement was not subject to a CPI adjustment provision the other products were. This amendment allows the CPI provisions to apply to the prepared yard debris as well. Between the two agreements there is no financial impact to the Agency.

Steve Barbose, Sonoma, moved to approve the Sixth Amendment and Christa Johnson, Windsor, seconded. Motion approved. *Rohnert Park and County of Sonoma were absent.*

Cloverdale, Cotati, Sebastopol, and Sonoma left the meeting at 11:28 a.m.

At this time, there was no quorum.

Respectfully submitted,
Charlotte Fisher

Distributed at meeting:
Agilent Solid Waste management programs
Stripes2Stripes announcement
RW Beck / HHW Program Expansion Power Point