



MINUTES OF APRIL 16, 2008

The Sonoma County Waste Management Agency met on April 16, 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 Healdsburg	Marjie Pettus
City of Petaluma	Vince Marengo
City of Santa Rosa	Elise Howard
City of Sebastopol	Dave Brennan
City of Sonoma	Steve Barbose
Town of Windsor	Christa Johnson

ABSENT:

City of Cotati
City of Cloverdale
County 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 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(c), one case.

3. ADJOURN CLOSED SESSION

No report.

4. CALL TO ORDER REGULAR MEETING/INTRODUCTIONS

Chairman Tim Smith called the regular meeting to order at 9:00 a.m.
After introductions, Chairman Smith reported he had been attended a screening of three documentaries by the Sundance Channel. One was about the Central Landfill and the programs the SCWMA provides, another was Amy's Kitchen, for their use of organic foods, and lastly Benziger Family Winery for their biodynamic organic grape production. The Sundance show about Central will air on May 13th.

5. ATTACHMENTS/CORRESPONDENCE

Chairman Smith, called attention to the Director's Agenda Notes and the AB 2058 Letter of Support.

6. ON FILE WITH CLERK

Chair Smith, noted the resolutions from the March 19, 2008 meeting on file with the clerk.

7. PUBLIC COMMENTS

There were no public comments.

CONSENT

8.1 Minutes of March 19, 2008

Susan Klassen, Interim Executive Director, found an error on the March minutes; Damien O'Bid represented the City of Cotati, not Marsha Sue Lustig as the minutes reported.

Christa Johnson, Town of Windsor, wanted to clarify what she had said in respect to her comments about the plastic bags on page 12 of the minutes. She said she wasn't suggesting that the Agency spend their budget on this, she was saying it's a Town of Windsor project.

8.2 Recycling Container Purchase

Stephen Barbose, Sonoma, made a motion to approve the consent calendar. Vince Marengo, Petaluma, seconded. Motion approved.

REGULAR CALENDAR

COMPOSTING/WOOD WASTE

9.1 COMPOST PROGRAM UPDATE

There was no report.

9.2 COMPOST RELOCATION UPDATE

Patrick Carter commented this is a regular monthly update to the Board on the compost relocation project. Since the last Agency meeting, staff sent letters to property owners and attempted to contact them to introduce them to the project and discuss any issues that may be related to those sites. The only thing to report is that staff expects to return to the Board in May with suggestions for sites to be studied for a new EIR. At that time staff will seek direction from the Board whether to go forward with the EIR.

HOUSEHOLD HAZARDOUS WASTE

10.1 AGREEMENTS ASSOCIATED WITH COUNTY DIVESTITURE PROJECT

Susan Klassen said the County has identified two agreements that are needed to facilitate the potential divestiture project. They are an agreement between the County and the SCWMA for fees and programs, and also a facility lease for the Household Hazardous Waste Facility.

The Joint Powers Agreement requires that the SCWMA set the fees for both operation of wood and yard waste programs and for expenses related to administration, operation, capital expenditures, education, diversion, HHW and planning. The second part is referred to as the Agency surcharge, a cost per ton that is collected at the gate.

The Joint Powers Agreement requires that the County collect the fees at the County owned disposal facilities and then transmit them to the Agency. Should the divestiture take place, a new owner who is not a party to the JPA Agreement, would not be obligated to collect the fees for the Agency, therefore the County is proposing to draft a separate agreement which would be consummated between a new owner and the SCWMA. It would have provisions in it to insure that the surcharge and the wood and yard waste fees are still collected at those disposal sites and transmitted to the Agency. The Agency would continue to set fees, and the transactions occurring between the

Agency and the County now, would be memorialized in an agreement that the new owner would sign.

Staff seeks approval to draft an agreement with Agency input and include it in the divestiture transaction. The new owner would be required to sign the agreement as a part of the divestiture process.

As it relates to the HHW facility, the building is 4,200 square feet in size and is used for the collection of toxics for the Agency. The building was built as part of the Central Disposal Site Operations improvements. It was constructed between 2002 and 2005 when it became operational. The Agency is responsible for administration of the contract and the Agency has been paying a lease payment to the County, who built the facility and paid for the majority of the construction.

As part of collection of information for the divestiture process it was identified that there is no agreement between the Agency and the County for the HHW Facility to be on County property. This arrangement needs to be memorialized. The County is hoping to resolve this situation. Inserting a provision in the purchase agreement requiring the new owner to allow the operation to continue was considered, but formalizing a lease agreement and then assigning it to the new owner would be more protective of the Agency's interests and would be a better mechanism to formalize the arrangement. The County is proposing to negotiate an agreement between the County and the Agency, get it approved and then it would be a listed document in the divestiture transaction that would be assigned to the new owner and they would be required to meet the provisions.

County Counsel is preparing two draft agreements, one is between the new owner of the landfill and the Agency, for the Agency based programs. The other is a proposed facility lease for the HHW building. They will be drafted with the same term as the JPA agreement which is 2017.

There is no funding impact as a result of the agreement for the Agency fees and programs, it just memorializes an existing practice. In terms of the HHW lease, the cost of the facility was about \$850,000 total. The Agency contributed to that cost with a grant toward part of the design and some funding for change orders during construction. The total contribution the Agency made to that facility for design and construction was \$310,000. The construction cost was \$850,000, that amount doesn't include the design. The Agency has made three lease payments to the County since its construction, totaling about \$50,000. There is no formal lease and no formalized discussion on how those lease payments were set and what they were intended to do. Future details such ownership of the building when the lease expires and closure of the facility need to be discussed between the Agency and the County.

Staff recommends forming an ad-hoc committee to work with Agency Counsel, County staff and County Counsel to work on the proposed terms of these agreements. Time is of the essence because the divestiture is moving forward and these agreements should be in place before the award for any type of contract for the divestiture.

Christa Johnson, Town of Windsor, said she didn't know why an ad-hoc committee was needed.

Susan Klassen said one of the reasons she suggested it is because she is working in a dual capacity, as Deputy Director of T&PW she is involved with the divestiture process. And as the Executive Director of the Agency, she would be forced to negotiate with herself. She felt it was important to include a few Agency Board members in the

process of the negotiation so there would be no question about the Agency's interests being addressed. This arrangement would avoid a potential conflict situation.

Janet Coleson, Agency Counsel, said she would look at any agreements that were drafted and she would be available to help draft agreements and give advice and recommendations back to the Board.

Chairman Smith asked if any of the Board members would like to serve on the ad-hoc committee.

Vince Marengo, Petaluma, and Dave Brennan, Sebastopol, offered to serve on the ad-hoc committee.

Alan Siegle, Sonoma Compost Company, said the compost program is in a similar situation as the HHW facility assuming the relocation may take several years and the divestiture is moving quickly, he asked if it would be possible to draft a similar agreement for the compost facility.

Susan Klassen said the existing agreement, which is a three-party agreement, was analyzed. With the County acting as landlord, it was the County's view that that three-party agreement could be reassigned to the new owner. The new owner would take on the role of landlord.

Chairman Smith said he was supportive of extending the agreements through 2017 with an option beyond the 2017 if possible. He also stated the costs that were put into the facility should be capitalized.

10.2 HHW FEASIBILITY STUDY

Patrick Carter said this resulted from the Sweetser Study that benchmarked the HHW Program looking for cost savings and efficiencies. One of the major improvements that could be made was expansion of the facility. It was determined that the current facility was at or near capacity and some communities were not being served as well as others.

The CTC's (Community Toxics Collections) were identified as being expensive per pound for collecting HHW. Replacing some of the CTC's with permanent facilities was considered to save costs. Although replacing some of the CTC's with permanent facilities looked good on paper (on a per pound basis, the processing cost goes from \$1.22 per pound with CTC's to .82 per pound with a permanent facility) last year only 145,000 pounds of material were collected through CTC's. Using that multiplier, there is about \$58,000 worth of savings. If the material collected at the CTC's were half of the total poundage collected that would be a large savings realized, and these buildings could pay for themselves just by transferring from mobile collections to permanent collections. Since the savings would be approximately \$58,000/year it would take many years to pay off the buildings that could cost anywhere from quarter of a million for a satellite facility to one or two million for a large facility. If there are additional buildings, it will be more convenient and participation will increase, then disposal costs will go up. One of the findings in the report is that the building is not going to pay for itself; a cost savings will not be realized. With people getting rid of more HHW through these buildings, some efficiencies will probably be realized. It will be more efficient and less costly to process the material through these buildings rather than put them back in a truck and ship them to the Central Disposal Site. There are some efficiencies to be gained, but not necessarily a payback.

The Agency is faced with the decision of whether to invest in a long-term strategy of convenient HHW disposal through additional facilities, or whether to focus more heavily on Extended Producer Responsibility (EPR) to lessen the need for such facilities, or a combination of both approaches.

This feasibility study indicates that replacing the CTC's with permanent facilities will not result in a cost savings that pays for itself though it may result in some long-term operational cost saving on a \$/lb collected basis. If the intent was to enhance the current system and at the same time seek better operational efficiency, permanent facilities will increase the Agency's capacity to collect HHW and may result in cost savings on a per pound collected when compared to the current collection.

Staff recommends more staff time be spent on EPR and funding. EPR programs have the potential to reduce demands on the existing system. Under this scenario the feasibility project would end and the agreement with R.W. Beck would not continue.

Alternatively, if siting additional HHW disposal facilities is determined by the Board to be the preferred option to address the capacity need of the system and achieve operational efficiencies, staff seeks to be given authority to develop a Scope of Work with R.W. Beck for Phase II of this project. These tasks would include identification of potential sites and preliminary facility design. Staff would request the Board give direction as to the number of permanent sites to be studied further by the consultant. Staff would negotiate the scope of work with R.W. Beck and return to the Board at a future meeting with an Agreement for Phase II.

Chairman Smith asked for Board comments.

Vince Marengo, Petaluma, commented that there was a grant to pay for the study and asked what the funding source would be for everything else.

Patrick Carter said the money would come from HHW Facility Reserve; budgeted out for future years. It was projected in the current budget and would be staged; \$250,000 first year or two, and one million a year for a year or two after.

Vince Marengo said the money should be tracked to see if the future funding sources align with the Beck report.

Patrick Carter said R.W. Beck took into account that the Agency would receive some grants. And staff told R.W. Beck that the buildings themselves would be paid for with a combination of grant funds and Agency contributions. But the disposal costs are projections and would have to come from Agency funding.

Susan Klassen said in the HHW Facility Reserve the 5-year projection of the budget used the numbers from the Sweetser report and put in those numbers coming out of the Facility Reserve associated with the capital costs and then any grant funds that are received would require less from the reserve amount. It does not cover the increase cost of operations, which comes directly out of the surcharge. If there is another facility built in north county and it gets more usage than the current CTC program, there will be a direct impact on the annual operations with a resulting impact on the surcharge. It is difficult to predict through these studies just how much of an increase in usage there will be.

Dave Brennan, Sebastopol, said he understands the reason for need of more facilities is the demand for service exceeds the facility capacity. He asked if it makes more sense to invest in building another facility in another part of the County and incur those operational costs, or to expand the existing site, such as doubling the facility in use now. Susan Klassen replied that Central was designed with a specific footprint and expanding that footprint at this point would be difficult. Staff is working on an extension to the roof of the building to maximize space. Currently the facility is only open three days a week, the number of days it is open could possibly be increased, but it's the amount of the

material that's going through there that is a factor. If the facility is open additional days, it could be overwhelmed with material. Opening additional days may not capture the people now living in Sonoma, Cloverdale and Healdsburg where distance is an issue.

Dave Brennan agreed that opening an additional site in Healdsburg would not necessarily capture the people from Sonoma.

John Sorensen, Clean Harbors, said the idea of satellite facilities around the County is a good one. Capacity is an issue, not only because of participation, but the number of pounds that comes into the facility has increased by about 9% a year. This year participation is continuing to grow. The project to extend the roof will help to increase the space, but it will fill up quickly. The best thing would be to build satellite facilities in the north or the east, people could come and drop off their waste, it could be processed on site and then shipped back to the main site and shipped out right away, which would not use capacity at the main site.

Heidi Sanborn, R3 Consulting, said she did the report on EPR for the Agency last year and that there were some new developments in that area. One of the things is that the paint product stewardship initiative on the national level is expecting to have a full program rollout in California by 2010. In Minnesota they are rolling out the pilot for statewide paint collection soon. It will be used as a model for California and other states. The goal is to have the cost of paint disposal completely covered by the manufacturers. It might be that paint is collected at the site, but the Agency would be reimbursed for it, like they do in Canada, by the producers of the paint. Another consideration in developing facilities is the continued enabling of local governments to be used as the tool and sole funder of collection of these materials. That is an issue that California is struggling with right now. Using Europe and Canada as models, where the producers, the retailers and the people that actually benefitted from selling these products has to participate in a solution at end of life. A continuation of the public infrastructure somewhat undermines that movement.

Stephen Barbose asked if under the various EPR approaches would any of the material that the businesses collect come back to the HHW facility?

John Sorensen said the current contract has a small quantity generator program, but the people who qualify are limited to bringing 220 gallons per month. With EPR the retailers would probably take a much greater volume than that. They would most likely have their own outsourcing vendors to take care of that. There is a limit to the amount of material that can be collected at the site.

Heidi Sanborn said in Canada they have the system in place for paint. Where they had existing facilities and people were used to bringing their paint, the facilities were kept open and producers negotiated with the depots to reimburse them a certain number of dollars for every gallon that was collected. However, there was a whole new variety of collection points that were much more convenient to consumers including the paint retailers.

Dave Brennan said the Board should consider an alternative to having a public agency process even more HHW. Some considerations are: what is being processed, how long it sits in the facility, and how quickly it can be moved off the property. He would like to pursue producer responsibility sites for some of this material. He suggested more discussion about directing staff to spend more time exploring EPR.

Christa Johnson said the CTC's are popular with the residents in the Town of Windsor, so she would like to see those continue, she is also supportive of EPR.

Chairman Smith said staff had brought forth two interesting recommendations. He commented that he supports EPR and if there is a problem with the current capacity at the site, it would be remiss of the Agency not to use the grant money to study building additional sites. He suggested that staff come back with what they propose the scope of work be in reference to option 2, which should be within the scope of the grant.

Stephen Barbose agreed that the cost of the scope of work should be held at the grant funding level. He would also want what the report says to be considered, given this Agency's strong commitment to EPR. A consideration is working effectively with EPR in terms of what's going to be left after EPR.

Chairman Smith said those are things being worked through. Other agencies throughout the state are also being faced with this issue.

Susan Klassen stated that what she understands the direction from the Board is staff should explore all remaining opportunities to increase capacity at the existing HHW facility. Staff will also talk with the contractor and the consultant and see if some of that exploration can be done as part of the scope of work with R.W. Beck.

Patrick Carter said that Del Norte County received a grant through this same program for EPR and they are traveling around the State giving EPR presentations so there's a precedent set that the CIWMB is willing to consider EPR promotion or EPR studies, using these grant funds. There is a process of requesting a change order in the grant. Patrick asked if he could pursue the option and if it fails, go back to plan B.

Chairman Smith said that staff could pursue that option.

10.3 SHARPS PRESENTATION

Karina Chilcott reported that in December 2007, the Agency received a \$7,000 non-competitive HD 16C Household Hazardous Waste sharps coordination grant from the California Integrated Waste Management Board. Heidi Sanborn, working with R3 Consulting Group, under contract with the Agency is responsible for coordinating this project.

Prior to becoming Executive Director of the California Product Stewardship Council, Heidi Sanborn was a Senior Manager at R3 Consulting Group Inc. in Sacramento. She has been working in the solid waste industry as a private consultant and a government employee at the California Integrated Waste Management Board for over 17 years.

This presentation is the culmination of research Heidi Sanborn has done in order to assist Sonoma County to implement a collection program in response to a disposal ban on home-generated sharps that goes into effect September 1, 2008.

The stakeholder recommendations were to; establish drop-off points throughout Sonoma County, provide containers at point of sale, provide public education at point of sale, make program easy and convenient, use same containers for all users to reduce "stigma" and increase compliance, encourage kiosk sponsorship and start education and collection with veterinary offices and health facilities.

The proposed strategy is a 3-phased approach; 1) target legal users first, health care providers, veterinary clinics, pharmacies and distribute containers with needle sales, 2) obtain resources for consolidation points, existing consolidation points identified and registered, kiosk siting and sponsorship collection, seek grant funds for kiosk purchase, public education development and technical assistance, and 3) design a proposal to sponsor the kiosk (Asepsis will fund and host one kiosk)and obtain long-term commitments.

Chairman Smith asked if grant funding was a possibility.

Heidi Sanborn said there was a very good chance if a really good proposal can be written.

Stephen Barbose suggested asking local pharmacies to take back sharps or host a kiosk.

Heidi Sanborn said she had contacted every single one in Sonoma County. Walgreen regional representative came to the meeting.

Chairman Smith said he would like information about which company sells most of the sharps. Sending those companies letters requesting that they sponsor a kiosk could be effective.

Heidi Sanborn said contacting those producers about sponsoring a kiosk could be written into the grant. Support letters from companies willing to sponsor kiosks will make the grant application look stronger.

Chairman Smith requested names of some of the companies that produce the prefilled sharps so that a letter could be sent to them.

Heidi Sanborn said Abbott is the only lab that takes their sharps back voluntarily.

Christa Johnson, Windsor, asked if some of the resources could be used to benefit public education. Utilizing municipal publications would be helpful.

Heidi Sanborn said she met with two people from the public health state agency that oversee this law, and asked them about the container issue. They told her they haven't decided yet what type of container people are to bring back to the facilities. It is difficult to educate the public when there is no clear direction on what is and is not allowed. She has put a request in writing to the state asking for direction.

Steve McCaffrey, Northbay Corp., said with public education, when people are told to get material out of the trash, they consider the next best thing to be the recycle bin. Several of his employees have been stuck with needles over the years, and it is a life-changing event for them. They would like to be included in the process of public education.

Pam Davis, Northbay Corp., said they would be happy to put any information about this in garbage bills and newsletters.

John Sorensen, Clean Harbors, said that sharps are one of the most dangerous things that are accepted at the facility. They come into the facility in all types of containers.

Chairman Smith, asked if Medicare or Medicaid pays for the containers.

Ms. Sanborn said it's her understanding that they don't.

Barbara Graves, So. Co. Dept. of Health Services, said she and Ellen Swedberg have enjoyed working on this project with Ms Sanborn and Chilcott. To give an idea of the numbers there are around 750,000 sharps generated in the community annually needing disposal. It's a huge public health risk.

Vince Marengo, Petaluma, thanked Karina Chilcott and Heidi Sanborn.

DIVERSION

11.1 PLASTIC BAGS UPDATE

Patrick Carter said at the November 2007 Agency meeting staff prepared a report on the plastic bag At-Store Recycling Program (AB 2449). This issue has been updated monthly since. Staff contacted the City of Santa Monica, they have a comprehensive plan to ban plastic bags including biodegradable plastic bags, and charges a fee on single-use paper bags. Their City Council unanimously voted to pursue that course of action and City of Santa Monica staff expects to have an ordinance ready for City Council consideration by summer, 2008.

The City of Yucaipa is also looking into it, they have a stakeholder meeting between different pharmacies and grocers to talk about different ways to reduce plastic bag use, and eliminate the need for it.

Regarding AB 2058, they changed it a little bit and it passed through the Assembly Natural Resources Committee and is headed next for the Appropriations Committee and the State Assembly. The changes are that instead of the 35% benchmark by January 1, 2011, it should be July 1, 2011. And the 70% should be instead of January 1, 2012, it should be July 1, 2012.

Nova Scotia has a self-imposed ban of plastic bags from liquor stores. It's a voluntary program that the liquor stores association is imposing on themselves. Ontario is looking at a similar program; they have a voluntary program to reduce plastic bags by 1 billion bags by 2012.

EDUCATION

12.1 2008 BAY AREA RECYCLING OUTREACH COALITION STOP JUNK MAIL/BYOB CAMPAIGN

The 2007 Sonoma County Waste Characterization Study identified recyclable paper as the third largest component, or 16.3% of our overall waste stream.

The 2008 Bay Area Recycling Outreach Coalition "Stop Junk Mail" campaign supports waste reduction of paper by outlining easy ways to reduce junk mail. Last month Stop Junk Mail Kits were provided to the Board.

Currently, BayROC is in the process of completing the second part of their annual waste reduction campaign encouraging shoppers to BYOB (or Bring Your Own Bag).

12.2 RE-STORE PRESENTATION

In April 2006, the Agency received a competitive \$50,000 Reuse Assistance grant from California Integrated Waste Management Board to significantly expand Habitat for Humanity of Sonoma County's ReStore.

Grant funding for this project expired March 31, 2008. ReStore, which promotes the reuse of surplus new and used building materials supports the Agency's goal of reducing construction and demolition materials from the landfill. The 2007 Sonoma County Waste

Characterization Study identified C&D materials as the second largest component, or 27.4% of our overall waste stream.

Brent Billings, ReStore Manager gave a Power Point presentation on the status of ReStore and its aspirations after the end of the grant term. The presentation ended with a short 3 minute ReStore video.

ADMINISTRATION

13.1 UPDATE ON SCWMA EXECUTIVE DIRECTOR POSITION

Susan Klassen said the position opened April 2nd, 2008 and will close on April 25th. It has been advertised and the Waste Agency promoted it on some list serves. At last check, seven applications had been received.

13.2 BOARD MEETING RELOCATION

Chairman Smith said after reviewing the staff report, he suggested that staff contact the City of Rohnert Park and inquire about using City Hall for the monthly Agency meetings, starting in October 2008.

14. BOARD MEMBER COMMENTS

Christa Johnson said she received an email from staff requesting volunteers for an e-waste subcommittee. She asked if that was a request from the Board.

Susan Klassen, said that it was.

Christa Johnson said she is not in favor of it. The Town of Windsor pays the Agency and pays the staff to do this kind of work. She said she has trust and competence in the ability of the professional staff to do this work and bring it back. Her comment may sound negative, but it is meant to be positive, staff can do the work and come back and have adequate review by this Board and by Agency Counsel.

Vince Marengo, Petaluma, asked that the amendment to the Petaluma Contract be agendaized for next month.

Charlotte Fisher confirmed that it was already done.

Chairman Smith said he feels that staff does an excellent job as well, but he is in favor of the Board being engaged in appropriate items. Part of that view comes from the fact that Cloverdale, Rohnert Park, and Sonoma all send elected officials to this Board rather than staff and what develops because of that is a greater understanding and a greater ability to affect what happens in the community. He appreciates Council members that attend the meeting. On any particular item the Board should reflect on whether it's appropriate for Board members to be involved.

Susan Klassen said Petaluma asked that staff come back with a discussion about the HHW Closure Reserve. Some considerations are: is the reserve goal adequate and is it appropriate. It's a larger research project than expected so it did not make it onto this agenda.

15. STAFF COMMENTS

Karina Chilcott said the 2008 Recycling Guides are printed and there are boxes of guides for everyone to take.

16. ADJOURN

Meeting adjourned at 11:00 a.m

Respectfully submitted,
Elizabeth Koetke

Distributed at meeting:

Sharps Collection Strategy Power Point
Re-Store Habitat for Humanity Power Point
Assortment of handouts from Re-Store
Plastic Bag Recycling / Redwood Empire Disposal, Northbay Corp.
HHW Program Improvements Financial Assessment Report, R.W. Beck Report