



Item #5.1

MINUTES OF MAY 21, 2008

The Sonoma County Waste Management Agency met on May 21, 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	Gus Wolter
City of Healdsburg	Marjie Pettus
City of Petaluma	Vince Marengo
City of Santa Rosa	Dell Tredinnick
City of Sebastopol	Dave Brennan
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
	Charlotte Fisher
	Lisa Steinman

Recorder	Elizabeth Koetke
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- 1. CALL TO ORDER SPECIAL MEETING**
Chair Tim Smith called the special meeting to order at 8:35 p.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**
The regular meeting was called to order at 9:25 a.m. by Chairman Smith.
- 5. ATTACHMENTS/CORRESPONDENCE**
Chairman Smith, called attention to the Director's Agenda Notes, the AB 501 Letter of Support, the two letters from the AB 939 Local Task Force to the Board of Supervisors, and the letter from Cold Creek Compost.
- 6. ON FILE WITH CLERK**
Chairman Smith, noted the resolutions from the April 16, 2008 meeting, and the amended minutes from the March 19, 2008 SCWMA meeting on file with the clerk.

7. PUBLIC COMMENTS

Martin Millick, Cold Creek Compost, said their facility is in the market for additional green waste. It is a viable facility that could expand to increase their capacity. He said the green waste from Cloverdale and Healdsburg which is about 20% of Sonoma County's green waste is trucked further. Two-thirds of their feedstock is from Sonoma County, they accept pumice from the wineries, and manure and birds from the chicken ranches. They are permitted to accept dead chickens; they take in about 14,000 birds a week.

Christa Johnson, Town of Windsor, asked if Cold Creek Compost is currently permitted to accept vegetative food waste.

Martin Millick, said they are permitted to accept food waste, including meat, from grocery stores or any agricultural facilities. But their use permit prohibits them from taking food waste from restaurants; no other food wastes are addressed. They are currently working with the LEA to upgrade their facility so that all food waste will be allowed.

Lynn Goodison, CRC and Education, expressed concern about the shipments of e-waste outside the US to nations in areas of the world that do not have environmental safeguards in place to insure the safe handling and disposition of hazardous and toxic materials. These toxics, shipped outside of the US have been the study of the Basil Action Network the Silicon Valley Toxics Coalition and the State of California Department of Toxics Substance Control, part of the California EPA. Electronics not covered by SB 20/50 including printers, scanners, fax machines, computer towers and desktops have been proven by the DTSC to test positive for heavy metals and other hazardous and potentially toxic contaminants. Since these items are not covered by SB 20/50 they are not banned from export and the DTSC and the California Integrated Waste Management Board has reported on the continued export without regulations and safeguards of electronic waste to areas outside of the USA. She asked if the County had conducted a two-level downstream review or audit of the proposed contractor for all the electronics, especially the non-SB 20/50 electronics they are proposing and the County is agreeing for the contractor to collect? If so, had the County accepted and approved or certified the review or audit? If the answer to either of these questions is no, then she requested that the award of the e-waste contract be postponed until the County researches these two issues.

According to statutes in Senate Bill 20 and SB 50 if Sonoma County provides an exemption to the contractor as was offered in the original and the amended proposal, to the perspective contractor performing collection activities for the SCWMA, the County insures and indemnifies the Contractor from certain provisions of the act, acting on the County's behalf. Has the County evaluated the possible legal and financial risks to the County arising from any claims against the collector/recycler for materials associated with the collection activities under this contract with the County? And has the County reviewed and accepted the findings and approved insuring and indemnifying the collector/recycler for the purposes of this contract?

Chairman Smith said this matter would be discussed further in agenda item #11.1

CONSENT

- 8.1 Minutes of April 16, 2008
- 8.2 3rd Quarter Financial Report
- 8.3 Recycling Container Purchase
- 8.4 Kitchen Veggie Pail Purchase Order

Vince Marengo, Petaluma, requested to have consent item #8.2 pulled for a question.

Dave Brennan, Sebastopol moved to approve the remaining consent items, Marjie Pettus, Healdsburg, seconded. Consent items 8.1, 8.3, 8.4 approved.

Vince Marengo, Petaluma, asked about the funding source of the contributions on page 25 of the 3rd Quarter Financial Report (Item 8.2).

Charlotte Fisher said the contributions were from the appropriate cost centers. For Organics it would be Yard and Wood Waste. For the HHW Closure and HHW Facility the cost center would be HHW. Contingency would come out of the other three cost centers surcharge funds which are Education, Diversion, and Planning.

Agenda item #8.2 was moved for adoption by Vince Marengo, Petaluma. Gus Wolter, Cloverdale, seconded. Motion approved.

REGULAR CALENDAR

ADMINISTRATION

9.1 UPDATE ON SCWMA EXECUTIVE DIRECTOR POSITION

Susan Klassen said 34 applications had been received in response to the recruitment for this position. Because of the number of responses, Human Resources will conduct an Oral Board to narrow down the candidates to the top two or three candidates, those top candidates will be referred to our department for a departmental interview and final selection.

9.2 AMENDMENT TO CITY OF PETALUMA SERVICES AGREEMENT

Charlotte Fisher commented that this agreement was negotiated in November 2004 between the City of Petaluma and the Agency when the City of Petaluma decided to take their waste out of the County waste stream and pay for the Agency's services with a direct agreement. This is the Fourth Amendment to that agreement. The formula is simple the tonnage from the prior calendar year is multiplied by the tip fee which was agreed upon in the budget approval process in this case it's \$5.40/ton. The total amount of this agreement for fiscal year 2008-2009 would be \$167,900, quarterly payments to the Agency.

Phil Demery, County of Sonoma, said as the County moves forward with the divestiture process some of the cities have commented about desiring to keep the tip fee competitive. He suggested agendaing the issue of taking the JPA fee off the tip fee at a future meeting, using the Petaluma model.

Chairman Smith said the agreement with Petaluma has been very successful. He suggested agendaing fee structure funding alternatives for the next meeting when Bill Worrell from San Luis Obispo will be visiting.

Dave Brennan, Sebastopol, moved to approve the Fourth Amendment to the City of Petaluma Services Agreement. Dell Tredinnick, Santa Rosa, seconded. Motion approved.

Dave Brennan asked if there was a true up in the agreement since that fee is based on tonnage for the prior year.

Charlotte Fisher said at the present time there is no true up.

COMPOSTING/WOOD WASTE

10.1 COMPOST PROGRAM UPDATE

Susan Klassen said the reports from Sonoma Compost Co. for February and March are

in the agenda packet and the 1st Quarter Allocations were distributed this morning.

Alan Siegle, Sonoma Compost Co. encouraged the Cities to call when they are ready for their allocations.

Dave Brennan asked about the amount of wood waste that was taken to Central from Sebastopol in February and March.

Susan Klassen said she would check into that.

Chair Smith said the proposal from Martin Millick, Cold Creek Compost, was very interesting and asked about the contractual obligation the Agency has with Sonoma Compost Company in regards to supplying them materials.

Janet Coleson, Agency Counsel, said she would look into it and report back at the June meeting.

10.2 COMPOST RELOCATION PROJECT

Patrick Carter provided the background and summary of the staff report.

Chairman Smith asked the Board members to comment;

Stephen Barbose, Sonoma, said not only the current 100 year flood plain should be taken into consideration but the projected sea level rise that might be expected, 100 years is probably too far, something less than that is appropriate, a 25 years projection should be a factor that's considered in the matrix. The willing seller is also an important criterion, as is ease of location and access to location. He would like staff to have further communication with Open Space as to whether an open space easement is inconsistent with a compost facility. Working jointly with the Open Space District could be a good option. Perhaps going to the BOS' would be beneficial.

Damien O'Bid, Cotati, said his preference is to find a willing seller. In regards to the flooding issues and the possibility of future flooding, he's not opposed to siting a facility in those areas but said there could possibly be some permitting issues associated with those areas.

Dave Brennan, Sebastopol, said he echoed the comments of the previous two Board members except that he feels we should go with the 100 year flood plan, which might eliminate some of the sites in the flood plain, unless the elevation problem is mitigated by the way the site is developed. He is not supportive of anything protected by levies as levy maintenance can be very tricky. The site should have the opportunity for bio-solids to be introduced to it, and eminent domain should be a last resort. Any site not currently under an open-space agreement should be pursued, and staff should have a discussion with the open-space district that anything they might be considering at this time, but have not agreed to put into open space, should be considered and brought up with them in advance so possibly some cooperative arrangement could be worked out prior to them becoming part of the open-space district.

Phil Demery said more effort needs to be put into the analysis of these properties to identify the 100 year flood plain because there are some compatible uses. There are homes that are located in the 100 year flood plain that are mitigated by higher elevation, this is a compost facility, there are mobile home parks and other facilities that are subject to flooding. The 100 year flood plain needs to be looked at, there is a flood-way and a flood-way fringe, anything in the flood-way fringe could be a compatible use. Depths need to be looked at, if its 1 foot, that's not a lot of flooding, 10 to 15 feet, is another issue. Most people don't understand that the 100 year flood plain doesn't

happen once in a hundred years, what it means is that there's a 1 percent chance of it occurring in any given year. In his opinion it's fully compatible with a composting facility in a hundred year event but how extensive the flooding is in those events needs to be looked at. FEMA has done the modeling and could probably give staff information about what 10, 25, 50 and 100 year events are. He suggested checking with FEMA before excluding properties.

Dell Tredinnick, said he agreed with not wanting to use eminent domain and with the comment about the inclusion of bio-solids. He said we should keep our options open and be flexible; the property owners who have said "no" should be kept informed of the process in case they change their minds. Finally, he would like to make sure that the sea-level change predicted agrees with FEMA to make sure that there are consistencies between FEMA's expectations and the 100 flood plain analysis.

Vince Marengo echoed the sentiments of the other Board members, he said the siting element is more restrictive than useful at this point, he believes that a permitted agricultural use on an open space conservation easement would be consistent and should be evaluated and researched. As far as FEMA, a 100 year model is nice, but additionally it would be good to site a 10 year model, and a 5 year model. He uses those models on a routine basis; their street system is modeled on a 10 year model. He is interested in expanding the siting element. He'd like to see further engineering at this point.

Gus Wolter, Cloverdale, said it may be redundant at this point but Cloverdale would prefer a willing seller, an exploration of working with open space, the option to add bio-solids, and lastly the mitigation of flood concerns.

Marjie Pettus, Healdsburg, said she concurs with what has already been said regarding bio-solids and also about finding a willing seller.

Chair Tim Smith said he preferred a willing seller, respect to water we have the rise and the rain, he asked about the rain in 2005/2006.

Alan Siegle, Sonoma Compost Company, said the facility was fine during those rains, the site is well built and designed to handle those issues it has hard surfaces that drain to sediment ponds.

Chair Smith said as to a permitted agricultural use, agricultural preservation, and open space district land, that is something that should be explored as soon as possible. As to location, cooperating with other agencies is an excellent idea. Transportation and traffic is very important. And lastly, does the Agency really need this? There's been a proposal from a site in Ukiah that's already permitted and might work well for the Agency.

Even though the RWQCB has suggested that they won't approve an extension on a permanent landfill/transfer station site, maybe they will. Staff time should not be spent on redoing a needs analysis; we need to presume that we need it. Staff time would be well spent on pre-environmental impact report.

Patrick Carter reiterated direction from the Board; the Board is interested in a willing seller. Staff received direction to contact open space in the near future to determine whether that is feasible. There's consensus to mitigate flooding or at least model the flooding and potentially mitigate rather than eliminate sites. And include bio-solids as a potential for cooperation with other agencies and as another design consideration.

HOUSEHOLD HAZARDOUS WASTE

11.1 E-WASTE CONTRACT RECOMMENDATION

Lisa Steinman delivered the staff report.

Staff recommended awarding to ASL Recycling, the highest ranking proposer, the two year contract for E-waste Collection Event Services. As this is not a low/high bid Agreement, the Agency Board may award the Agreement to GIRE or to any of the proposers who are determined to best meet the needs of the Agency.

Christa Johnson, Town of Windsor, asked if ASL was a for-profit company.

Lisa Steinman said they are.

Stephen Barbose, Sonoma, asked for clarification about the site locations and insuring service to all areas of the County.

Lisa Steinman said that ASL has six sites, but staff will work with ASL to help develop other sites.

Susan Klassen suggested looking at the sites where the CTC's are currently held.

Gus Wolter, Cloverdale, asked if downstream disposal was addressed in the RFP. Lisa Steinman confirmed that it was addressed in the RFP and both top proposers included a list of their downstream vendors in their proposal and how the materials were handled.

Stephen Barbose asked if their downstream vendors' disposal is consistent with the concerns expressed by the public earlier.

Lisa Steinman said she could request an audit of the downstream vendors. She could also arrange to get the certificates of disposal to track the manifests to see exactly how the materials are being disposed of. In the contract there is a 10 day cancellation clause, if it turned out that the materials aren't actually going where the proposers said they are going, the contract could be cancelled.

Dave Brennan, Sebastopol, asked how much revenue is expected to come in through this contract on an annual basis.

Lisa Steinman did not have the exact numbers but estimated that ASL was about \$8,000 for 3 months. And Goodwill was about half that at \$4,000.

Chairman Smith asked if there were any other e-waste proposers that were present and interested in speaking.

Jan Rice, Universal Waste Management said she was there to listen.

Lynn Goodison, CRC and Education said they believe in reuse, not just recycling. They refurbish and donate to schools, homebound elderly, non-profits and foster children.

Heather Thordarson, ASL, said she appreciates this opportunity. She's worked for ASL for two years. They have an open-door policy and everyone is invited to come and tour their facility at any time.

Mark Ihde, GIRE, said he would like to commend Agency staff for taking an awkward situation and turning it into a fair and equitable solution. It appears from staff analysis that one of the most significant factors is the reimbursement rate and even though GIRE

offered to negotiate that rate based upon a higher volume, they could not come close to matching what ASL's rate is, based upon their experience and staffing costs. They have no intention of appealing the decision the Agency Board made today and they plan to continue to collect e-waste at their donation sites. One notable point mentioned in staff information regarding the limited geographic collection efforts of ASL and the staff expense to assist them in locating sites, if the contract is awarded to ASL one suggestion is to use some of the revenues collected to market to those unserved areas of the County using Goodwill Stores and attended donation sites as a daily collection opportunity for those people. Based on his experience, the drives in the most populated areas are the most productive; the smaller jurisdictions have barely been able to cover their costs.

Goodwill provides job training and placement services for people with disabilities and their barriers to employment.

Regarding downstream, the State performs audits of the certified recycling companies and those can be provided to the Agency.

Heather Thordarson said ASL has some Goodwill clients in the Bay Area and it would be nice to work together in Sonoma County.

Lynn Goodison, said the State only audits SB 20 and SB 50 items, they don't audit the printers, scanners, fax machines which are toxic and full of lead. A lot of that material goes downstream and disappears. That unaudited e-waste is a concern.

Janet Coleson, Agency Counsel, said there is an indemnification clause in the existing Agreement and the proposed Agreement which requires the chosen contractor to indemnify the Agency against any liability. The Agency has insurance requirements as well.

Chairman Smith asked the Board members for further comments.

Gus Wolter, Cloverdale, said his comments regarding downstream were more environmental than relating to indemnification.

Christa Johnson, Town of Windsor, asked staff what the price difference was.

Lisa Steinman said ASL offered to pay \$0.25/lb for CRT's and Goodwill offered to pay \$0.08/lb. Also, ASL offered to pay \$0.13/lb for CPU's and Goodwill will not pay for CPU's.

Phil Demery, County of Sonoma, thanked the four companies that were represented at the meeting. He thanked Agency staff and said this is an excellent process; it's not all about cost. All the different factors that are important to this have been addressed and staff took an uncomfortable situation and brought it above board. He concurred with staffs' recommendation.

Damien O'Bid, Cotati, asked what will happen if the State lowers the reimbursement rate.

Lisa Steinman said staff would negotiate with ASL to come up with a different payment structure, and then an amendment to the contract would have to be done.

Susan Klassen said there's language in the agreement that provides for that, all of the proposers expressed an interest in renegotiating the payment to the Agency if the

reimbursement rate from the State changes. There is also a 10 day termination clause in the agreement.

Stephen Barbose, Sonoma, thanked staff for their thorough analysis. He said he had some reservations about the recommendation because in the final analysis it's difficult to put numerical weighting on some of these things and they are so close. His preference is towards Goodwill because of their overall mission and all the good things they do. He likes partnering between government with non-profits, because non-profits go underfunded usually and he's always interested in working together to achieve common goals. For that reason he recommends giving the contract to Goodwill.

Chairman Smith asked Stephen Barbose if that was a motion for Goodwill and said if it was he would second the motion and open up for discussion.

Chairman Smith said he acknowledges how hard staff has worked on this. He likes the fact that Goodwill is a local non-profit. The weighting criterion is very close. It's clear from the staff report that this is not a high/low bid agreement. The staff report also indicates that more staff time would be required to help ASL find sites. He'd like whoever gets the bid to work together with the others. He said he finds the reuse and education compelling. He would like to keep this material out of the waste stream and see it reused.

Phil Demery commented that staff has done everything the Board asked of them. They have looked at this in depth and they are our professional staff that we pay. He said he trusts their judgment.

Chairman Smith said he trusts their judgment too, but feels there is a higher mission here. He's willing to go on the record as seconding on the motion in favor of Goodwill.

Christa Johnson, Town of Windsor, said she wanted to go on the record as saying that whoever gets the bid, she'd like them to do some work in Windsor.

Chairman Smith called a roll call vote to award the contract to Goodwill. The roll call vote resulted in a 5/5 vote, the motion did not pass.

Phil Demery, County of Sonoma, made a motion to concur with staffs' recommendation and provide direction to ASL to work with Goodwill Industries on sites, to whatever extent possible. Dave Brennan, Sebastopol, seconded. Motion approved.

11.2 HHW FACILITY CLOSURE COSTS

Lisa Steinman summarized the staff report.

Staff recommended that the Board approve the Second Revision to the Sonoma County Household Toxics Facility Closure Plan. Staff also recommends excluding the estimated costs (\$450,000) for the demolition of the existing structure and disposal of the materials. Staff does not anticipate the need for demolition of the HHW facility. It is believed that the building itself has many potential beneficial uses for the County or a new owner, should it not be used for HHW collection. Therefore, no change to the existing HHW contingency reserve program is recommended at this time.

Dell Tredinnick, Santa Rosa, said the demolition aspect is not in keeping with our mission. Any discussion of any building that the Agency owns should be about deconstruction and beneficial reuse.

Lisa Steinman said she spoke with the County Engineer and if they were to recycle the items, rather than dispose of them, it would be about \$250,000 as opposed to \$315,000.

Vince Marengo, Petaluma, said he is supportive of the recommendation.

Vince Marengo, Petaluma, moved to approve the revision with clarification that this includes the contingency but not the demolition. Dave Brennan, seconded. Motion approved.

PLANNING

12.1 REPORT ON 2006 DIVERSION QUANTITIES

Patrick Carter stated staff prepares diversion report cards for each member jurisdiction using data collected in conjunction with the AB 939 Annual Report to the CIWMB. These report cards contain information for recycling, compost, municipal solid waste (MSW), and Household Hazardous Waste. Demographic information such as population and housing counts compiled by the California Department of Finance and the CIWMB's estimated statewide diversion rate are included in the Diversion Report Cards in an attempt to compare statistics between jurisdictions.

According to the CIWMB staff, the Sonoma Countywide diversion rate for 2006 was 64%, up three percentage points from the 2005 Annual Report.

SCWMA staff compiled data for residential and commercial recycling, compost, and municipal solid waste. Dividing the residential materials by the number of households in each jurisdiction as well as the county as a whole provides a standard metric. Household hazardous waste totals and the diversion rate listed are for the entire county.

Though the data sources are noted on the report cards, there are several limitations that should be addressed. The recycling and composting data only include material collected by the commercial haulers or self-hauled materials, not materials taken to drop-off locations outside of the County Disposal System. Allocating the municipal solid waste (MSW) between residential and commercial sectors was done by examining the percentages from the 2006/07 Waste Characterization Study. Staff does not have a method to determine residential/commercial ratio of self-hauled MSW, so self-hauled MSW was excluded from the process to determine the residential/commercial percentages of MSW on the 2006 Report Cards.

DIVERSION

13.1 PLASTIC BAGS UPDATE

Patrick Carter said this is the monthly update on plastic bags. On April 14, 2008, the California Superior Court in Alameda County ruled in favor of the Coalition to Support Plastic Bag Recycling. The court determined the City of Oakland's use of an exemption from CEQA analysis with regard to the City's ordinance to ban the distribution of single-use plastic bags at the point of sale was invalid. The City may need to perform an environmental impact report to determine the environmental impacts from banning the specified plastic bags. It is unknown at this time what course of action the City of Oakland will pursue.

On May 12th 2008, in the City of Malibu, there was a first hearing on a ban to potentially prohibit distribution of all plastic bags by all retailers. There will be a second hearing on May 27th. It's different from Oakland as they did an initial study and a negative declaration and found that banning plastic bags was not a detriment to the environment and that's how they complied with CEQA.

AB 2058 was radically changed on May 5th of 2008. The amendments increase the target diversion rate for plastic bags to 70%, as measured in the 12-month period ending December 31, 2010, raise the fee charged to customers to \$0.25 per bag (up from \$0.15 per bag), extend the fee to paper carryout bags beginning July 1, 2011, and remove the

language introduced in AB 2449 that preempts local government from establishing a fee schedule for plastic carryout bags. Additionally, stores which collect fees from paper or plastic carryout bags must demonstrate that the fees are used in consultation with local communities toward paper and plastic litter removal, waste reduction, and recycling efforts.

13.2 SUNDANCE BIG IDEAS FOR A SMALL PLANET

The Sundance Channel 'Big Ideas for a Small Planet' taped a segment about the diversion programs at the Central Landfill. The DVD of the program was shown.

14. BOARDMEMBER COMMENTS

Dave Brennan, Sebastopol, asked if the correspondence from Cold Creek Compost had been properly addressed.

Janet Coleson, Agency Counsel said she would check the agreement with Sonoma Compost and get back to the Board.

15. STAFF COMMENTS

Susan Klassen said that the Agency agendas and Agency agenda packets are now available on the web at the www.recyclenow.org website.

She asked the Boards consideration to take a hiatus for July.

Chairman Smith said based on staff recommendation he move that the Board take a hiatus for July. Dell Tredinnick, Santa Rosa, seconded.

Karina Chilcott commented that the Recycle Guide is printed in the new AT&T phone book and there is a companion mini-book. In 2007, the Agency advertised in the mini-book in addition to the regular sized phone book. In 2008, the Agency elected not to advertise in the mini-book, but when her AT&T Marketing contact heard about that she initiated a bartering agreement where she detailed all of the advertising opportunities the Agency had given to AT&T in 2007 through inserts, the eco-desk, some television interviews and other promotions, and she came up with an approximate \$81,000 for that. She was able to justify to the AT&T staff the printing of the Recycle Guide in the 2008 mini-book and in addition she was able to get the Agency's logo on the cover.

In regards to the ambitious events schedule, the two interns along with staff have completed 28 events to date and they are planning to more events.

16. ADJOURN

Meeting adjourned at 11:13 a.m.

Respectfully submitted,
Elizabeth Koetke

Distributed at meeting:

Revised Compost Relocation Project Transmittal
Compost Allocations