



Minutes of May 21, 2014 Meeting

The Sonoma County Waste Management Agency met on May 21, 2014, 2014, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California

Present:

City of Cloverdale	Bob Cox
City of Cotati	Susan Harvey
City of Healdsburg	Jim Wood
City of Petaluma	John Brown
City of Rohnert Park	John McArthur
City of Santa Rosa	Jake Ours
City of Sebastopol	Sue Kelly
City of Sonoma	Steve Barbose
County of Sonoma	Susan Klassen
Town of Windsor	Debora Fudge

Staff Present:

Counsel	Janet Coleson
Staff	Henry Mikus
	Patrick Carter
	Lisa Steinmann
	Karina Chilcott
Clerk	Rebecca Lankford

1. Call to Order

The meeting was called to order at 9:02 a.m.

2. Open Closed Session

3. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION

Government Code Section 54956.9 (a), (d)(2), & (e)(1)
One Case

4. Adjourn Closes Session

5. Agenda Approval

There were no changes to the Agenda.

6. Public Comments (items not on the agenda)

Pam Davis, Sonoma Compost Company, stated that the company was withdrawing their request for a contract amendment that would have allowed for the purchase of new equipment.

- 7. **Consent** (w/attachments)
 - 7.1 Minutes of April 16, 2014
 - 7.2 FY 13-14 Third Quarter Financial Report
 - 7.3 Spanish Language Outreach Contract
 - 7.4 FY 12-13 Financial Audit
 - 7.5 Design Reimbursement: Republic Services
 - 7.6 Consultant Contract Extension

John Brown, City of Petaluma, Sue Kelly, City of Sebastopol and Jim Wood, City of Healdsburg, abstained from the vote of Item 7.1 the Minutes of April 16 2014, due to their absences.

Susan Harvey, City of Cotati, moved to approve the Consent Calendar. John McArthur, City of Rohnert Park, seconded the motion. The motion passed with the noted abstentions.

7.1 Vote Count:

Cloverdale- Aye	Cotati- Aye
County- Aye	Healdsburg- Abstain
Petaluma-Abstain	Rohnert Park- Aye
Santa Rosa-Aye	Sebastopol- Abstain
Sonoma – Aye	Windsor- Aye

7.2-7.6 Vote Count:

Cloverdale- Aye	Cotati- Aye
County- Aye	Healdsburg- Aye
Petaluma- Aye	Rohnert Park- Aye
Santa Rosa- Aye	Sebastopol- Aye
Sonoma – Aye	Windsor- Aye

AYES -7- NOES -0- ABSENT -0- ABSTAIN -3-

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

Regular Calendar

8. HHW Contract

Lisa Steinman, Agency Staff, provided the staff report, noting the current HHW Contract with Clean Harbors is set to expire July 1, 2014. Ms. Steinman reported that the Board had directed Agency Staff to issue an RFP for the operation of the HHW Program, which was released March 4, 2014. The Agency received two proposals; one from PSC Environmental Services LLC (PSC) and Clean Harbors Environmental Services Inc (Clean Harbors). Ms. Steinman stated that based on the evaluation of the proposals as well as a cost analysis, Agency Staff recommends awarding Clean Harbors the contract for the Operation of the HHW Programs, and authorize the Chair to execute the Agreement.

Board Questions

None

Public Comments

Ken Wells, commented that PaintCare, a program for paint disposal, demonstrates the benefit of Extended Producer Responsibility and encourages the Agency to continue supporting EPR.

Board Discussion

Debora Fudge, Town of Windsor, expressed her pleasure in having rebid the Program contract. Ms. Fudge also noted that she was happy the costs provided by both contractors were relatively similar and well under the projected budget amounts.

Ms. Fudge, motioned to award Clean Harbors the Contract for the Operation of the Household Hazardous Waste Programs and authorize the Chair to execute the Agreement. Susan Klassen, County of Sonoma, seconded the motion.

The motion passed unanimously.

Cloverdale- Aye	Cotati- Aye	County- Aye	Healdsburg- Aye
Petaluma- Aye	Rohnert Park- Aye	Santa Rosa- Aye	Sebastopol- Aye
Sonoma – Aye	Windsor- Aye		

AYES -10-	NOES -0-	ABSENT -0-	ABSTAIN -0-
-----------	----------	------------	-------------

9. Compost Zero Discharge Pond Project

Henry Mikus, Agency Executive Director, reported Stu Clark, DEI Consultant, would be assisting him in presenting information regarding the Compost Zero Discharge Pond Project. Mr. Mikus reported that since the last meeting, initial CEQA analysis has indicated a potential impact on the California Tiger Salamander (CTS), which in turn makes CEQA compliance more time consuming, which will hinder the October 1, 2014 compliance date for the North Coast Regional Water Quality Control Board's (NCRWQCB) Zero Discharge Requirement. Mr. Mikus noted that due to these findings it may be advantageous for the Agency to become the lead Agency for CEQA. Mr. Mikus reported that Agency Staff have participated in multiple conversations with various personnel, Board Members, and staff regarding the new findings and its impact on the project as well as compliance. Mr. Mikus reported that the Agency has requested relief from the October 1, 2014 compliance date, however, the NCRWQCB has stated that prior to the consideration of any relief the Agency would be required to provide a plan to address the difficulties including timelines, milestones, interim measures and alternative plans. If relief is not granted Mr. Mikus stated he believe that the only viable option for obtaining zero discharge would be to outhaul 100% of the yard and wood waste. Mr. Mikus summarized what Agency Staff is seeking approval for:

- Prepare a plan and request that County PRMD continue CEQA work with a cost allocation for \$80,000
- Pursue the required Solid Waste Permit revisions
- Authorize TetraTech BAS to fine-tune the pond design, with a cost allocation of not to exceed \$20,000
- Authorize staff to conduct a RFP and obtain proposals for the construction of the pond and related expenses
- Authorize the submission of a letter to the NCRWQCB indication the Agency's intentions to process with the project, subject to CEQA determinations, cost effectiveness and relief given by the NCRWQCB
- Authorize staff to conduct the procurement process for out-hauling services
- Authorize fund allocation in the amount of not to exceed \$100,000 for, but not limited to: technical engineering for potentially reducing the compost site pad size, the usability of Pond 5, leachate pipeline use and additional pond uses

Board Questions

Mr. Brown noted that what Mr. Mikus has outlined as a course of action makes sense, however, he would like to know what would happen if the Agency simply did not operate compost until the issues are resolved.

Mr. Mikus responded that the compost program diverts about 100,000 tons of waste per year which would be sent to the landfill if not dealt with in another manner; which would likely violate AB939's 50% diversion rate requirement. Mr. Mikus also noted that landfill space is limited and not diverting 100,000 tons of material could pose significant issues for the operation.

Mr. Brown asked the meetings with the NCRWQCB have included the County.

Mr. Mikus responded affirmatively.

Mr. Brown inquired if there were any actions the Agency's member jurisdictions could take to help move the process along.

Mr. Mikus stated that the Compost Zero Discharge Project will be on the NCRWQCB's Meeting Agenda on June 19, 2013 and that it would be beneficial for any willing members to speak in support of the Agency.

Ms. Klassen asked for clarification regarding the requested funds, noting Mr. Mikus had stated the total as \$300,000, however, she only sees \$80,000 being requested for PRMD's services and \$20,000 for services provided by TetraTech BAS.

Mr. Mikus responded that some of the total costs were included in Consent Calendar Items, and, that the initial \$40,000 that was being requested was increased to \$100,000. Mr. Mikus noted that the \$300,000 figure is the total for all current expenditures towards the project.

Ms. Klassen clarified that the funding request for this item is \$200,000 with the other \$100,000 having already been addressed by another item.

Mr. Wood asked what the penalties would be for dropping below the 50% diversion rates set by AB939.

Mr. Mikus responded \$10,000 per day.

Mr. Wood asked what the anticipated timeframe for CEQA is.

Mr. Mikus responded that the best scenario would be about six months; the more likely scenario would be about one year.

Mr. Mikus also addressed the fact that the most expeditious manner of addressing the CTS finding is to purchase mitigation credits which will likely cost about \$910,000 at a one to one ratio with the cost of each acre being \$130,000.

Mr. Wood inquired about the possibility of covering the site as a way to address and/ or prevent discharge.

Mr. Mikus responded that covering the current sit is not practical as the base is cement treated and on top of trash, which is not structurally sound enough to support the needed columns for a roof.

Mr. Wood inquired if there are other methods available to cover the site.

Mr. Mikus replied that consideration had been given to covering just the windrows; Sonoma Compost Company had estimated the cost of materials for that at \$350,000; however, that option is seemingly impractical as the windrows are constantly being worked and would have to be uncovered and recovered which would be labor and time intensive. There are also no assurances from the NCRWQCB that it would be acceptable as there would still be a possibility of discharging contaminated contact water.

Mr. Wood asked if the option could be discussed with the NCRWQCB.

Mr. Mikus responded affirmatively.

Mr. Clark stated that the funding authorization staff is asking for will allow for the development of a plan that will likely address many of the questions being asked. Mr. Clark noted that conversations with the NCRWQCB have indicated that they are happy with what the Agency has done so far and have stated that shutting down the compost operation is not their intention.

Jake Ours, City of Santa Rosa, asked if there are currently any mitigation credits available and if they will be available when the Agency is ready to purchase them.

Mr. Clark responded that preliminarily there do appear to be sufficient credits available; however, he cannot say with any certainty that they will be available when the Agency is ready.

Public Comments

Roger Larson, Happy Acres, inquired if the Agency will have to spend \$1,000,000 to mitigate for every other impacted animal or plant addressed in the EIR.

Mr. Wood responded that is something that the additional studies being requested would determine and the information to answer the question is not known at this time.

Rick Downey, Republic Services, expressed concern about the NCRWQCB requiring a plan before they're willing to consider allowing for any deference or find reductions. He encouraged the Agency to go to the NCRWQCB as a group and make them commit to a plan under the idea that the Agency will meet all of the requirements and everything necessary by law to build the pond. Mr. Downey expressed that the NCRWQCB is in control of the project and to avoid changes late in development or construction it is essential to have them commit to a plan now.

Steve Barbose, City of Sonoma, asked if Mr. Downey had any additional suggestions for actions that have not already been proposed by Agency Staff.

Mr. Downey responded he does not, noting the site has been scoured for alternatives and the pond is the best solution for the problem. Mr. Downey did suggest reaching out to higher officials for support.

Alan Tose, Site 40 representative, stated that the proposed pond project is going to cost a lot of money and a significant amount of time with a lot of uncertainty, noting that not a single thing being addressed are issues at Site 40.

Board Discussion

Ms. Fudge echoed Mr. Downey's statements regarding the NCRWQCB, noting that her prior experiences have been similar to his with regards to ever-changing requirements. Ms. Fudge stated her apprehension about spending a lot of money planning for this project without any assurances.

John McArthur, City of Rohnert Park, asked for an overview of the plan and timeline milestones between now and October 1, 2014.

Mr. Mikus replied that a plan will be completed for presentation at the June 19, 2014 NCRWQCB meeting, other milestones which should be reached by August will be: the known cost of construction, clarity regarding CTS mitigation costs and known costs for 100% outhaul.

Mr. Clark stressed the important of having a plan completed to present at the June NCRWQCB meeting.

Mr. Brown inquired if the Agency has reached out for support from legislative delegates.

Mr. Mikus replied it has not.

Mr. Brown suggested the Agency pursue the support of legislative delegates.

Ms. Harvey noted that while Mr. Clark does not believe the NCRWQCB wants to force the closure of the compost site, they did not provide any leniency when it came to the landfill, which temporarily force the closure of the site and required outhaul of materials.

Mr. Clark stated he understood Ms. Harvey's concerns and noted the seriousness of the situation cannot be understated or minimized.

Ms. Harvey asked if the NCRWQCB will want to see the plan for new site selection in the plan present to them in June.

Mr. Clark responded that the NCRWQCB sees the selection of a new site as the best long-term solution; noting that while they may or may not require it as part of the Agency's proposed plan, it could be beneficial.

Ms. Klassen echoed some of the concerns made by Mr. Downey during Public Comment, noting that the NCRWQCB had stated it was not their intention to shut down the landfill, however, the County did ultimately shut it down for five years. Ms. Klassen stated that the legislative delegates were helpful in obtaining some forbearance by the NCRWQCB and Waste Board in regards to capping the landfill while the County and Cities completed regional planning efforts; she noted the delegates are helpful and interested in these issues.

Mr. Wood expressed that he wants all of the NCRWQCB's expectations and requirements on the table upfront, with a commitment, to avoid changes and issues later on in the projects process.

Ms. Klassen motioned to accept staff's recommendations #1-#9 as presented in the Staff Report, with the amendment to #9, changing the amount from \$40,000 to \$100,000. Ms. Harvey Seconded the motion.

The motion passed unanimously.

Cloverdale- Aye	Cotati- Aye	County- Aye	Healdsburg- Aye
Petaluma- Aye	Rohnert Park- Aye	Santa Rosa- Aye	Sebastopol- Aye
Sonoma – Aye	Windsor- Aye		

AYES -10-	NOES -0-	ABSENT -0-	ABSTAIN -0-
-----------	----------	------------	-------------

10. Engineering Consultant Selection: Compost Site

Mr. Mikus reported that a revised Scope of Work was distributed to the three firms whom had responded to the original RFP; all three firms responded and provided revised or reaffirmed cost estimates and timelines. Mr. Mikus noted that changes in the Scope of Work included focusing on the Central Disposal Site by developing detailed site plans and determining the usefulness of the proposed pond at the proposed new site. Mr. Mikus reported the response as follows: Always Engineering \$135,000 with a project duration of 21 ½ weeks; Brelje & Race \$139,000 with a project duration of 14 weeks; and TetraTech BAS \$105,093 with a project duration of 20 weeks. Mr. Mikus stated that based on the proposed cost and acceptable timeframe staff recommends the Board approve the selection of TetraTech BAS and direct staff to enter into an Agreement with them for the Compost Site Analysis as well as approving the appropriation transfer from the Organics Reserve.

Board Questions

Ms. Harvey asked if TetraTech BAS has indicated what is driving the additional six weeks of work over Brelje and Race’s proposed timeline.

Mr. Mikus replied no, but that staff would make the inquiry.

Ms. Harvey noted that time will be of the essences in demonstrating progress to the NCRWQCB.

Mr. Brown asked to confirm that the analysis is to focus solely on the Central Landfill Site, as a matter of form he suggested revising the agreement title to specify the focus.

Mr. Ours asked in there are any tasks in contract that staff would need by the June NCRWQCB meeting.

Mr. Mikus responded that the analysis proposed in this contract directly affects the Agency’s ability to select a new site but minimally addresses the zero discharge issues.

Mr. Wood inquired that staff does not believe the shorter project duration to be enough of an advantage to justify the additional costs proposed by Brelje & Race.

Mr. Mikus responded affirmatively.

Public Comments

Mr. Larson, stated the Board had just authorized \$300,000 in expenditures and are now being asked to authorize \$105,000 for a study that focuses on only one option being presented, not

both. Mr. Larson believes the proposed study is merely to justify using the Central Disposal Site, no matter the costs, risks, or effects.

Nea Bradford, asked when and why the Board selected the Central Disposal Site.

Mr. Wood responded to Ms. Bradford noting that the Board has not formally made a decision or selected a site.

Board Discussion

Mr. Brown motioned to approve Tetra Tech BAS to perform the compost site analysis engineering work, direct staff to enter into an agreement with Tetra Tech BAS, and approve the fund transfer from the Organics Reserve. Mr. McArthur seconded the motion.

The motion passed unanimously.

Cloverdale- Aye	Cotati- Aye	County- Aye	Healdsburg- Aye
Petaluma- Aye	Rohnert Park- Aye	Santa Rosa- Aye	Sebastopol- Aye
Sonoma – Aye	Windsor- Aye		

AYES -10-	NOES -0-	ABSENT -0-	ABSTAIN -0-
-----------	----------	------------	-------------

11. Compost Site License Amendment

Janet Coleson, Agency Counsel, provided a staff report presenting an Amendment to the Compost Site License. Ms. Coleson reported that the Amendment includes the addition of the land to be used for the proposed retention pond as well as clarifies an insurance requirement.

Board Questions

None

Public Comments

None

Board Discussion

Ms. Klassen asked if the Board should be more certain the pond project is going to proceed before approving modifications to the license agreement.

Mr. Mikus stated that he believes approving the modifications will be an important item to present to the NCRWCQB, as it indicated collaborative progress with the County. Mr. Mikus also noted that if from some reason the pond is not constructed the Board and County will be able to re-amend the Agreement.

Ms. Klassen asked if the wording of the License Agreement Amendment is to allow for the future pond should it be pursued after CEQA clearance, etc.

Ms. Coleson responded that the Amendment is not contingent on the ability to move forward with the proposed pond project, noting that if the pond is not built the additional acreage will still be included in the compost site footprint until it's modified.

Mr. Ours motioned to approve the final version of the First Amendment to the License Agreement with the County for the compost facility located on the Central Landfill property. Sue Kelly, City of Sebastopol seconded the motion.

The motion passed unanimously.

Cloverdale- Aye	Cotati- Aye	County- Aye	Healdsburg- Aye
Petaluma- Aye	Rohnert Park- Aye	Santa Rosa- Aye	Sebastopol- Aye
Sonoma – Aye	Windsor- Aye		

AYES -10- NOES -0- ABSENT -0- ABSTAIN -0-

12. Agency Service Delivery Evaluation Report

Mr. Mikus reported that per Board direction staff tasked R3 Consulting Group (R3) with evaluating the Agency’s core function with particular attention to whether they are required by regulation or law, if there are health or safety concerns if activities were curtailed or changed and finally what consequences may come from changes to the Agency’s function. Once those objectives were completed R3 was asked to study what alternative service delivery options might be available for the Agency’s functions. Mr. Mikus indicated that R3 staff would be addressing the Board and available for questions after the presentation as well as at the Strategic Planning Session on June 23, 2014. Mr. Mikus introduced William Schoen and David Pinter of R3.

Mr. Schoen stated that the objective of the evaluation was to look at the Agency’s four core programs: Compost, HHW, Education and Reporting & Planning; then to determine what alternative might be available to provide those services and what cost savings may be available. Mr. Schoen identified some of the limitations of the study including that the information obtained was provided by the Agency and that the evaluation does not address Agency staffing, management or governance. Mr. Schoen provided a brief history of the Agency including formation and funding then went on to discuss the four core programs focusing on their impact to the health and wellness of residents as well as their legally mandated compliance. Mr. Schoen went on to discuss each core programs’ current activities, potential alternatives and findings. Mr. Schoen noted that with limited exceptions the analysis indicates that member jurisdictions would likely not experience cost savings by pursuing alternative services.

Board Questions

Ms. Kelly asked if the numbers for Sebastopol provided in the report are for residents into the city limits or both within the city limits and unincorporated Sebastopol, noting that the 95472 zip code encompasses both.

Ms. Steinman responded that the information provided for the analysis was for the city limits, she indicated she would verify the information.

Ms. Harvey noted that the report indicated that private HHW disposal costs would likely be approximately \$120.00 per pick up; she asked if it’s been the experience of other jurisdictions that, that cost becomes prohibitive in turn causing people to not dispose of the material properly.

Mr. Schoen responded affirmatively; noting that the harder or more costly it is to dispose of something properly the less likely people will do so.

Mr. Harvey stated that this would negatively impact the regional diversion goals.

Mr. Schoen concurred noting that not only would diversion rates be impacted but so would the health and safety of residents as hazardous materials are disposed of in unsafe and inappropriate ways.

Ms. Harvey asked if outreach were to be conducted by the franchised haulers if their costs would be higher than the Agency's.

Mr. Schoen responded that while he did not have exact figures he would expect them to be.

Mr. Harvey stated that from studies presented to SWAG that education is the best way to change people's habits.

Mr. Mikus stated the nearly 490,000 individuals have access to the Agency's education and outreach programs, which operates on a budget of approximately \$338,000, which equals a rate of \$.75 per capita annually. Mr. Mikus asked how that rate compares to other jurisdictions.

Mr. Schoen responded that it is a good value and provides a good level of service as everybody receives the same information and resources.

Ms. Fudge inquired if the HHW participation data provided in the report are just for drop-offs at the facility.

Mr. Pinter replied that the participation data includes the mobile rover and Community Toxics Collection events as well as drop-offs at the facility.

Ms. Fudge stated that the participation numbers alarm her. She noted that she believes the Agency's educational program looks the same year after year and that she would like to see some changes to increase community participation.

Public Comments

Mr. Clark addressed Ms. Fudge's concern about participation rates in her town by noting resident may make fewer trips throughout the year but that they may have more significant amounts. He suggested that less frequently trips equal larger loads while more frequent trips may equal smaller loads.

Board Discussion

Ms. Harvey stated she thought the information was good and important for the Board to know.

Ms. Harvey motioned to accept the "Evaluation of Current Activities and Service Delivery Options" report prepared and presented by R3 Consulting Group. Mr. Barbose seconded the motion.

The motion passed unanimously.

Cloverdale- Aye

Cotati- Aye

County- Aye

Healdsburg- Aye

Petaluma- Aye

Rohnert Park- Aye

Santa Rosa- Aye

Sebastopol- Aye

Sonoma – Aye

Windsor- Aye

AYES -10-

NOES -0-

ABSENT -0-

ABSTAIN -0-

13. Administrative Penalties Resolution: Fines

Ms. Coleson the resolution goes along with the Administrative Penalties Ordinance adopted earlier in the year by the Board. Ms. Coleson reported that the resolution will set the fines at \$100 for the first offense, \$200 for the second offense within one year and \$500 for the third and each subsequent offense within one year of the first offense. Ms. Coleson noted that warnings may be issued at the discretion of the Agency.

Board Questions

Ms. Harvey asked if there is intent to inform the Board when fines are issued.

Mr. Mikus responded affirmatively.

Public Comments

None

Board Discussion

Ms. Harvey motioned to approve the Resolution establishing the Administrative Citation Penalties. Mr. Barbose seconded the motion.

The motion passed unanimously.

Cloverdale- Aye

Cotati- Aye

County- Aye

Healdsburg- Aye

Petaluma- Aye

Rohnert Park- Aye

Santa Rosa- Aye

Sebastopol- Aye

Sonoma – Aye

Windsor- Aye

AYES -10-

NOES -0-

ABSENT -0-

ABSTAIN -0-

14. Attachments/Correspondence:

14.1 Reports by Staff and Others:

14.1.a May 2014 and June 2014 Outreach Events

14.1.b Update Report on MCR-3 Project

14.1.c Letter of Support AB 2284

14.1.d Withdrawal of First Amendment Request from Sonoma Compost Company

15. Board member Comments

Mr. McArthur asked for a copy of the R3 PowerPoint document presented to the Board.

16. Staff Comments

Mr. Mikus commented that MCR-3 has refocused to learning institutions and children; he commended Judith Hoffman for her work on the project.

Mr. Mikus thanked Agency Staff for their hard work and positive attitudes.

17. Next SCWMA meeting: June 23, 2014

18. Adjourn

The meeting was adjourned at 11:03 AM.

Submitted by
Rebecca Lankford