



MINUTES OF JUNE 20, 2007

The Sonoma County Waste Management Agency met on June 20, 2007, 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, Vice Chair
City of Cotati	Dianne Thompson
City of Cloverdale	Steve Holsinger
City of Healdsburg	Marjie Pettus
City of Petaluma	Vince Marengo
City of Santa Rosa	Greg Scoles
City of Sebastopol	Dave Brennan
City of Sonoma	Steve Barbose
County of Sonoma	Phillip Demery
Town of Windsor	Christa Johnson

STAFF PRESENT:

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

- 1. CALL TO ORDER**
Vice Chair, Tim Smith, called the meeting to order at 9:08 a.m.
- 2. ATTACHMENTS/CORRESPONDENCE**
Vice Chair, Tim Smith, called attention to the Director's Agenda Notes.
- 3. ON FILE WITH CLERK**
Tim Smith, Vice Chair, noted the resolutions from the May meeting on file with the clerk.
- 4. PUBLIC COMMENTS**
There were no public comments.

CONSENT

- 5.1** Minutes of May 16, 2007
- 5.2** Agreement with the City of Santa Rosa in Marking Catch Basins on Private Property.
Motion to approve the consent calendar was made by Vince Marengo, Petaluma. Steve Holsinger, Cloverdale, seconded. Tim Smith, Rohnert Park abstained.

Vice Chair Tim Smith, with approval from the Board asked to address the two unanimous vote items (#6.3 and #7.1) before item #6.1.

REGULAR CALENDAR

HOUSEHOLD HAZARDOUS WASTE

6.3 THE FIFTH AMENDMENT TO AGREEMENT BETWEEN SONOMA COUNTY WASTE MANAGEMENT AGENCY AND CLEAN HARBORS EL DORADO, LLC FOR OPERATION OF THE HOUSEHOLD HAZARDOUS WASTE PROGRAM

Ken Wells, Executive Director, explained that the proposed amendment includes three components; a two-year contract extension, amendments to the fees charged, and a change to the 'key personnel' section.

The current Agreement with Clean Harbors will expire in January 2008. This Board made a decision in May 2007 to pursue a two-year extension, provided for in the agreement. Clean Harbors sent a letter in April 2007 indicating their interest and willingness to sign a two-year extension with the same terms and conditions. However, staff was informed yesterday afternoon that Clean Harbors was no longer willing to sign the two-year extension as written.

Regardless of the decision on the contract extension, staff is recommending approval of the fee changes and the key personnel change.

The proposed amendment for fee increases are for three programs; the first is to the Conditionally Exempt Small Quantity Generator disposal fees (CESQG), to fully cover the cost of the program, as listed in the revised Exhibit H. The second program fee change relates to the door-to-door service, the Toxic Rover. Currently that program charges the public \$35, with \$25 going to the contractor and the Agency receiving \$10. Staff is proposing increasing the charge to the public to \$50, with \$25 to the contractor and \$25 to the Agency. The third program fee change is to increase the service fee for collection of Load Check waste at County of Sonoma disposal sites. The Load Check waste is generated by a random check of loads of garbage coming to the disposal sites and, if hazardous material is found, it is put in a locker. An agreement between Clean Harbors, the Agency, and the County, provides for Clean Harbors to go to the disposal sites, collect that waste and dispose of it appropriately. The Agency charges the County the basic disposal rate but there's also a service fee for each site visit. The original negotiated rate was \$150 per site visit, however, after a year and a half of operational experience, staff is proposing increasing the Load Check service fee to \$380 per site visit, an increase of \$230. The fee increase for CESQG services would generate about \$23,000, the Toxic Rover would be an additional \$2,000, and Load Check would be about \$4,000, for a combined total of \$29,000 in additional revenue to the Agency annually.

Another amendment is for key personnel change. The current agreement with Clean Harbors includes an identification of key personnel. With some personnel changes at Clean Harbors, staff is proposing to add Curt Lock as the Program Manager, in place of Cherri Taylor.

The primary item on this agenda was a two-year extension of this contract from January 2008 through January 2010, all terms and conditions the same. Clean Harbors at this time has decided they cannot accept that particular change and have offered alternatives. The first alternative is a single-year extension, all terms and conditions staying the same. The second alternative is a two-year extension, the first year with all terms and conditions the same and the second year with a 3% increase to the operating fee. The disposal fees, which represent about two-thirds of the cost of the program, would remain the same.

Currently the contractor is paid approximately \$438,000 dollars a year as an operating fee and disposal fees are about \$600,000. A 3% increase would increase the operating fee from \$438,000 to \$451,430. In other words, about \$1,200 a month would be added to a \$100,000 monthly invoice.

Staff has identified three options for the Board. One is to decline both Clean Harbors alternatives, let the current agreement expire in six months, and direct staff to initiate a competitive process to find a new contractor. A second option would be to accept the one-year extension, which would be a relatively simple change to the approval resolution. The third option is to accept the two-year extension with the 3% increase on the operating costs. The first year would be the same; the second year would add the 3% increase. In communication with Agency Counsel, staff determined any of these changes are legally acceptable.

Curt Lock, Clean Harbors, apologized for the late notice on their decision not to go ahead with the two-year extension agreed to earlier. However, all existing Clean Harbors contracts are being increased by 3.6% per company policy. Yesterday there was a conference call between the regional vice president, who felt that it was a good decision to keep this contract with these rates and an executive vice-president from the corporate office in Massachusetts, who felt the two-year extension was a little long with the cost of labor and the cost of fuel being unknown. The current contract has no recovery fee for fuel. The final corporate decision was to present the SCWMA with the two options.

Phillip Demery, County of Sonoma, asked if there was anything that would preclude the Board from a one-year agreement with an option amendment for a second year upon some reconsideration on Clean Harbors' part of second-year costs. That way the second-year discussion could be continued for another month or so. Vince Marengo, City of Petaluma, concurred with Mr. Demery.

Janet Coleson, Agency Counsel, said in the original contract the option to extend the term, Agency or Contractor, by mutual written agreement shall have the option to extend the term of the contract for an additional two years with the same terms and conditions. That could be modified to say one year with all the same terms and conditions.

Ken Wells, summarizing his understanding of the direction of the Board was to approve the Fifth Amendment today with a one-year extension, along with the other two elements of the amendment mentioned today and then staff may come back with a proposed sixth amendment for that second year, depending on the outcome of additional communication with Clean Harbors. The Vice Chair asked that the three components of the Fifth Amendment be dealt with individually.

A motion was made by Steve Barbose, Sonoma, to approve the amendments to Exhibit A and Exhibit H. Greg Scoles, Santa Rosa, seconded. Motion approved unanimously.

A second motion was made by Marjie Pettus, Healdsburg, to amend section 2.4.4 to replace Cherri Taylor with Curt Lock as Program Manager. Steve Barbose, City of Sonoma, seconded the motion, motion approved unanimously.

Phillip Demery, County of Sonoma, moved to extend the contract for one year with no cost increase. Vince Marengo, Petaluma, seconded. Motion approved unanimously.

Tim Smith, Vice Chair, directed staff to contact Clean Harbors before the next Agency meeting to resolve the question of the second year, either with conditions remaining the same or justification for the 3% increase requested. Ken Wells requested and was given direction to include a deadline for a response from Clean Harbors of August 1st and continue further discussion of this item on the August 15, 2007 agenda.

ADMINISTRATION

7.1 APPROVAL OF FINAL FY 2007-08 BUDGET

Ken Wells reported the FY 2007-08 budget process has been ongoing since February. This final budget is the more detailed representation of the draft budget that was approved a few months ago. The key parameters are three-fold, a \$0.90/ton increase in the tipping fee surcharge to fund our HHW, Education, Diversion and Planning programs. This will increase the tipping fee from \$4.50/ton, to \$5.40/ton effective July 1, 2007. The other two major changes are an increase of \$1/ton in the tipping fee for wood waste and \$1/ton for yard debris.

Vince Marengo, Petaluma, moved to approve the final budget for FY 07-08, Steve Holsinger, Cloverdale, seconded. Motion approved unanimously.

HOUSEHOLD HAZARDOUS WASTE

6.1 RFP FOR HHW PROGRAM EXPANSION STUDY

Patrick Carter explained in April 2006, the Board gave staff direction to solicit a consultant to perform an HHW Program Evaluation and Benchmarking study. Sweetser and Associates, the consultants that conducted the study, issued their report to the Board in January 2007. Among the numerous recommendations they presented to the Board was for additional permanent facilities for HHW collection.

In March 2007, staff presented this recommendation and the Board directed staff to come back with more information about the feasibility of additional facilities throughout the county. Staff is recommending a two-phased approach to the additional HHW facilities in the county. Phase One would consist of preliminary design of the facilities along with an economic feasibility analysis based on that design task. If the Board determines that the Phase One report justifies it, Phase Two would be site selection and final design of the potential facilities, which would incorporate feedback from local government officials and the public. This feedback would be incorporated into site-specific design documents with enough detail for permits and CEQA analysis. Staff would return again at the conclusion of Phase Two to seek additional direction. Phase One is estimated to cost \$60,000, which has been included in the FY 07-08 budget and would cover the preliminary design and feasibility study of additional facilities. Should the Board decide to go forward with Phase Two, an additional \$200,000 for the CEQA and a more in-depth design would be anticipated. That funding could come from future budgets, or possibly from grant funding.

Dianne Thompson, Cotati, commented that local businesses should be encouraged to participate when RFP's go out. Ken Wells responded that they would do so. When the RFP is available, staff can also send the RFP notice to the Board members so that they can share the information with local firms that may be interested.

Patrick Carter summarized by saying that staff seeks direction from the Board to solicit proposals and return to the Board with a contract to study the feasibility, design, and potentially, permitting of additional HHW collection facilities in Sonoma County.

Phillip Demery, County of Sonoma, moved to approve. Vince Marengo, Petaluma, seconded. Motion approved.

6.2 UNIVERSAL WASTE E-WASTE COLLECTION PRESENTATION

Ken Wells explained that Scarlet Garcia, Universal Waste Management, has contacted some of the cities to propose setting up e-waste collection events that would be sponsored by each city. There were some questions about integration of these events with the Agency's efforts to collect e-waste, and whether there was a conflict. The representative from Universal Waste Management was not available to make a planned presentation to the Board.

Ken Wells explained that SB20/50 opened up competition for e-waste recycling by attaching a fee to purchases of computers and televisions. That fee goes to the state, which provides funds to approved recyclers, who then provide a portion of that money to official e-waste collectors.

Although the Agency provides collection opportunities at disposal sites, Universal Waste approached the Agency looking for some advertising support and locations for City-centered events in which funding would be shared with the cities. Three potential responses to their offer would include:

- 1) Individual cities could work with Universal Waste, have an event, and collect the funding.
- 2) Delegate responsibility to Agency staff to help facilitate the collection events. The revenues could go directly to the cities or could go back to the Agency to help offset the other HHW program costs.
- 3) Decline the offer from Universal Waste, in which case they would probably establish partnerships with other organizations in Sonoma County, as they have been doing.

Currently the Agency encourages the public to donate to Goodwill, with facilities all over the county and great community involvement beyond e-waste collection.

After discussion, Vince Marengo, Petaluma; Phil Demery, County of Sonoma; and Steve Barbose, Sonoma, indicated support for option two.

During the Public Comment period, Ernie Carpenter, Global Materials/Industrial Carting, objected to the Agency picking one company and promoting them over other companies in this county, Global Materials being one of them. Global Materials collects \$0.20/pound and would share with the cities directly, or to a non-profit of the cities choosing, .02 to .05 cents/ton.

Pam Davis, North Bay Corporation, has also partnered with Goodwill and they are negotiating with Goodwill for not only e-waste drop off events but also other electronic waste that's not covered by the State's funding support. North Bay is a certified collector and supports keeping it local.

Boardmembers comments included Dave Brennan, Sebastopol, asking if there could be a countywide franchise for this type of material.

Tim Smith, Vice Chair, said potentially it might be an ordinance. His preference would be to encourage a local commitment. It would be competitive, and have the appropriate license along with the appropriate setup. His choice is option two.

Ken Wells said staff would do some research into the actual language in the regulations and the legislation. The state made an attempt to create free and convenient recycling services. He will investigate what the Agency's role can be or is allowed to be in creating franchises.

Staff was directed to notify Universal Waste Management that the Agency staff would be responsible for coordinating any e-waste recycling events for the cities. Ken Wells indicated that staff would consider the Board's comments and return with a process to try and address their concerns. Agency Counsel was directed to come back with information on the legal authority of the Agency to control e-waste collectors and events.

6.4 AGREEMENT WITH VBN ARCHITECTS FOR THE HHW BUILDING CANOPY EXTENSION AT THE CENTRAL DISPOSAL SITE

Ken Wells reported a key recommendation in the HHW Program Evaluation was to make better use of the existing building, such as extending the canopy on the building. At an earlier meeting, staff was directed to find an architect or firm to assist with the building canopy expansion. After discussions with the County Architects' Office and the staff at the Central Disposal Site, it was suggested and recommended that the Agency work with VBN Architects. The County selected this firm a few years ago to provide architectural design services for the County and they are very familiar with the county site.

VBN was asked to prepare a proposal for the design and construction management services of the canopy extension. Agency Counsel has reviewed the agreement and approved the language and the Scope of Work. The recommended action is to adopt the resolution to approve the agreement for services and to authorize the chair to execute the agreement on behalf of the Agency.

Vince Marengo, Petaluma, moved to approve the agreement with VBN. Phil Demery, County of Sonoma, seconded. Motion approved.

PLANNING

8.1 UPDATE ON CoIWMP REVISION

Patrick Carter reported at the May 16, 2007 Agency meeting, staff was given direction to issue an RFP for consultant services to assist in performing the necessary CEQA review to address the CoIWMP revision. At the same meeting, the Board gave staff direction to go to the AB 939 Local Task Force to revise the HHWE of the CoIWMP to allow the possibility of multiple household toxics collection facilities. The revised HHWE text was submitted to the LTF at its June 14, 2007 meeting and at that meeting the LTF gave authority to the Agency's Executive Director, Ken Wells, to make all necessary changes.

Funding in the amount of \$150,000 has been included in the FY 07-08 budget for a consultant to assist the staff with CEQA documents associated with the CoIWMP revision. Staff time has been included in the same budget to manage the consultant, coordinate meetings and prepare staff reports.

Phil Demery, County of Sonoma, moved to approve issuing an RFP for the CEQA review for the CoIWMP update. Vince Marengo, Petaluma, seconded. Motion approved.

Vince Marengo left the meeting at 10:30 a.m. (ek)

EDUCATION

9.1 NEW UCCE-SONOMA COUNTY AGREEMENT

Ken Wells requests the Boards' approval for a new agreement with the Sonoma County University Cooperative Extension for assistance with home composting education. The Agency has been working with the Master Gardner's program for a decade. They provide information at fairs and other public events on home composting for residents. The main difference with this agreement and the prior agreement is that the UCCE Regents are no longer a part of the contractual relationship and one significant addition to the program is PURE (pesticide use reduction education), which will help to reduce

the amount of household hazardous waste coming to the HHW facility. The agreement is for three years at \$16,600 per year. The funding for the first year has been included in the FY 07-08 budget.

Dave Brennan, Sebastopol moved to approve the UCCE-Sonoma County agreement. Christa Johnson, Town of Windsor, seconded. Motion approved. Petaluma absent.

Vice Chair Tim Smith, with approval from the Board asked to address agenda Item 11, Boardmember Comments, out of order.

11. BOARDMEMBER COMMENTS

New Boardmember, Phil Demery, who is also the new Director for the Sonoma County Department of Transportation and Public Works, gave a brief history of his background.

Phillip Demery left the meeting at 10:40 a.m. (ek)

COMPOSTING/WOOD WASTE

10.1 COMPOST PROGRAM UPDATE

Compost allocation reports for the first quarter of 2007 were given to each jurisdiction. Ken Wells reminded the Board that a waste characterization study is underway and early information indicates that food waste represents about 1/3 of the residential waste stream, so the idea of focusing on food waste seems justified. At the county fair staff will sell countertop containers for vegetative waste. Staff has ordered some compost bins for home use that will also be distributed in cooperation with the UCCE program and North Bay Corporation.

11. ADDITIONAL BOARDMEMBER COMMENTS

Steve Barbose, Sonoma, said the farmers' markets would be a great place for bin distribution.

Vice Chair Tim Smith said he's been to the State Capitol regarding EPR. Sonoma County is well regarded. One point he's been making is that if the State is not going to be involved with implementing SB 966, pharmaceutical take backs, then the Agency may do it on their own.

12. STAFF COMMENTS

Lisa Steinman distributed a press release from Walmart regarding a take-back day for fluorescent bulbs at all California Walmart locations, which will take place on Saturday, June 23rd, 2007.

Ken Wells said that Longs' drugstore has a household, non-rechargeable, battery take-back program in place.

Ken Wells asked for the Boards' approval to skip the July meeting and reconvene on August 15, 2007.

Ernie Carpenter asked the Board to rescind their direction to staff to work with Universal Waste on their E-waste collection events. Vice Chair Tim Smith did not rescind the direction to staff.

13. ADJOURN

Meeting adjourned at 10:52 a.m.

Respectfully submitted,
Elizabeth Koetke

Distributed at meeting:

- Compost Allocations for First Quarter 2007
- Walmart Press Release for Fluorescent Light Bulb Recycling Day