



Item #8.1

MINUTES OF AUGUST 20, 2008

The Sonoma County Waste Management Agency met on August 20, 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
Executive Director	Mollie Mangerich
Counsel	Janet Coleson
Staff	Patrick Carter
	Charlotte Fisher
	Lisa Steinman

Recorder	Elizabeth Koetke
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**1 CALL TO ORDER SPECIAL MEETING**

The special meeting was called to order at 8:30 a.m. by Chairman Tim Smith

**2. OPEN CLOSED SESSION**

CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION

Potential initiation of litigation – one case Government Code Section 54956.9(C)

CONFERENCE WITH REAL PROPERTY NEGOTIATOR PURSUANT TO GOVERNMENT CODE SECTION 54956.8

Property: 500 Mecham Road, Petaluma, California

Agency Negotiator: Executive Director

Negotiating Party: County of Sonoma

Under Negotiation: PRICE \_\_\_\_\_

TERMS \_\_\_\_\_

BOTH \_\_\_\_\_ X \_\_\_\_\_

**3. ADJOURN CLOSED SESSION**

No report.

**4. CALL TO ORDER REGULAR MEETING**

The regular meeting was called to order at 10:10 a.m.

**5. ATTACHMENTS/CORRESPONDENCE**

Chairman Smith called attention to the Director's Agenda Notes

**6. ON FILE WITH CLERK**

Chair Smith, noted the resolutions from the June 18, 2008 meeting on file with the clerk, and the Operation of HHW Programs Agreement.

**7. PUBLIC COMMENTS**

There were no public comments.

CONSENT

- 8.1** Minutes of June 18, 2008
  - 8.2** Amendment to ASL Agreement for Electronic Waste (e-waste) Collection Event Services
  - 8.3** Fourth Quarter Financial Report
  - 8.4** Used Oil Report for 2007
  - 8.5** Plastic Bag Update
  - 8.6** Biennial Review of Conflict of Interest Code
- Vince Marengo, Petaluma, moved to approve the consent calendar. Dell Tredinnick, Santa Rosa, seconded. Consent calendar approved.**

REGULAR CALENDAR

ADMINISTRATION

**9.1 HHW LEASE AGREEMENT**

Chairman Smith reported that this item was discussed during closed session, he asked Susan Klassen for an abbreviated report.

Susan Klassen said this item is a draft ground lease for the HHW facility which started as a result of the County's divestiture process. The draft lease with terms and conditions negotiated by the Ad Hoc Committee was brought to the Board for consideration during closed session. The Board gave direction to staff to continue negotiations with the County over this lease.

Chairman Smith said the concept of a lease is a good idea whether the divestiture occurs or not. The Agency and the County should work collectively.

The details of the directions given to the negotiators were not discussed in open session.

Chairman Smith welcomed public comments; there were none.

Chairman Smith said there would be no vote for this item based on the discussion that was held during closed session.

**9.2 PROGRAM FEE AGREEMENT**

Susan Klassen stated this item is the second agreement related to the divestiture. This draft agreement would provide for continued collection of Agency fees on yard and wood waste as well as self-haul and waste that comes into the County facilities, which are being considered for divestiture. This agreement was presented in draft form for consideration of the Board for their direction. It would only be consummated if the County has a divestiture of the landfill.

Direction was given to staff during the earlier closed session.

Chairman Smith asked for public comments, there were none.

Chairman Smith said staff has their direction and will issue a report on items 9.1 and 9.2 at the September meeting.

## DIVERSION

### **10.1 AGREEMENT FOR BEVERAGE CONTAINER COLLECTION SERVICES**

Patrick Carter explained that this agreement with the Sonoma County Probation Department provides 107 collection days of service to recycling containers in parks and ballparks throughout the County. At least one crew will be assigned to collection service, which includes collecting the beverage containers from all of the recycling bins in County parks and certain designated City parks. The crew is comprised of one staff member, at least two adult offenders, a vehicle, trailer, and all necessary tools and equipment. The cost has increased from \$600 per day to \$650 per day, for a total of \$69,550 for FY 2008/09. The Probation representative cited rising fuel costs as justification for the rate increase.

**Chairman Smith called for a unanimous vote for this item which was accomplished.**

## COMPOSTING/WOOD WASTE

### **11.1 COMPOST RELOCATION UPDATE**

Chairman Smith said this item was discussed during closed session and direction was given to staff.

Chairman Smith asked for public comments, there were none.

### **11.2 ORGANICS DIVERSION POLICY**

Patrick Carter said this item is the result of correspondence received from the Cold Creek Compost Facility in May 2008, indicating their interest in entering into an agreement with the SCWMA in which the green waste materials from the Healdsburg Transfer Station would be routed to Cold Creek Compost Facility. Staff was given direction to report back as to whether there was a contractual ability to divert a portion of the yard debris and wood waste to a facility other than Sonoma Compost Company.

A second letter was received by Cold Creek Compost in July 2008, offering a reduced tip fee of \$26/ton. After consulting with Agency Counsel, who determined that such a diversion is permissible; staff endeavored to determine whether the tip fee proposed by Cold Creek Compost was economically advisable when compared to the contract with Sonoma Compost Company. Staff used \$26/ton to calculate the financial analysis and feasibility analysis.

Cold Creek Compost sent a third letter dated August 13<sup>th</sup> with an additional tip fee reduction that has not been analyzed because staff did not want the appearance of negotiating with the contractor without Board direction to do so.

Staff compared the County's agreement with West Sonoma County Disposal to determine what the additional hauling fee would be because of the mileage difference between hauling from Healdsburg to Central and Healdsburg to the Cold Creek Compost Facility. That fee was based on the distance between the two facilities. Staff broke down the costs from Healdsburg Transfer Station to Central to a per mile rate and then applied that to the additional miles up to the Cold Creek Compost Facility.

Based on the County's Source tonnage report roughly 18,000 tons of material was received at the Healdsburg Transfer Station in 2007.

Staff considered the feasibility and concluded that with the additional costs the Agency would incur taking material to the Cold Creek Compost Facility. It would cost the Agency

\$135,000 additionally per year to divert the material to Cold Creek Compost. Also taken into account was the revenue sharing from the sale of the compost material by Sonoma Compost.

Christa Johnson, Town of Windsor, asked if the Agency had issued an RFP in past years for private companies such as this one instead of having it at the Central landfill.

Patrick Carter said he did not recall an RFP going out; the contract with Sonoma Compost has been in effect for a number of years.

Christa Johnson, Town of Windsor, said she would be interested in having further analysis of the \$16/ton offer.

Gus Wolter, Cloverdale, said the \$26/ton to \$16/ton was a big jump.

Martin Millick, Cold Creek Compost, said they wanted to offer a cost-effective program and in reviewing the numbers they can do it for \$16/ton.

Marjie Pettus, Healdsburg, said she would like the \$16/ton analyzed further but does not want to lose the monthly allocation the Cities get from Sonoma Compost Company.

Gus Wolter, Cloverdale, said he did not want to lose the allocation.

Christa Johnson, Town of Windsor, said in the past the Agency has used a competitive process and now are going through the long process of siting a new compost facility. She said she thinks it would be cheaper for a private operator to do this function than for the Agency to find a new site and build its own.

She said she doesn't want the town to lose their monthly allocation. She had a concern about the Agency responding to one company's request and said she would prefer that a competitive process be used.

Vince Marengo, Petaluma, said he concurred with Cloverdale and Windsor and he'd like to see more quantifiable analysis to the subject matter at hand.

Dell Tredinnick, Santa Rosa, said that Sonoma Compost Company has been a great partner and for the good of the Agency competition should be explored. As the divestiture process of the Central Landfill develops, there may be better analytical methods. He asked if the Agency should issue an RFP and do an analysis based on that, or do this piecemeal.

Phil Demery, County of Sonoma, said if the Agency is going to do an analysis, it should be made broader.

Damien O'Bid, Cotati, said he didn't think the Agency should do a piecemeal analysis.

Stephen Barbose, Sonoma, said he was bothered by the 20 miles distance per load, the green house gas implications and higher fuel costs. The \$16/ton number may not be a sustainable number, but he had no objection to staff analyzing the \$16/ton. He added that a compost site that would meet the Agency's needs would have to be centrally located.

Chairman Smith asked when the contract with Sonoma Compost Company expires. Patrick Carter responded 2010.

Chairman Smith said the only way to do this appropriately is with the RFP process. He said he's not interested in seeing what the \$16/ton numbers are; the Agency is not in a position to accept it. He said this is not the time for an RFP, but the time is very soon.

Chairman Smith's direction to staff was that if we're going to consider a bid from Cold Creek Compost it should be part of an RFP. This is not the time to ask staff to issue another RFP. When the RFP does go out, Cold Creek will be included in the recipient list.

## HOUSEHOLD HAZARDOUS WASTE

### **12.1 FIRST AMENDMENT TO ECS CONTRACT**

Lisa Steinman said at the November 2006 Agency meeting, the Board approved a two-year Agreement with ECS Refining to provide electronic waste transportation and recycling.

This agenda item seeks the Board's approval to extend the current agreement with ECS Refining until May 31, 2010. In a letter dated August 1, 2008, ECS indicated their willingness to extend the term of the contract with the same terms and conditions, which would extend the agreement until May 31, 2010 without any decrease in payment to the Agency. Staff is pleased with the Contractor and would like to retain their services. In May 2010, the CIWMB will review the Standard Statewide Recovery and Recycling Payment Rate again and establish new rates if necessary.

Staff's recommendation is to adopt the resolution to approve the First Amendment to the Agreement with ECS Refining, and to authorize the Chair to execute the First Amendment to the Agreement on behalf of the Agency.

**Stephen Barbose, Sonoma, made a motion to approve the First Amendment to the ECS Contract. Dell Tredinnick, Santa Rosa, seconded. Motion approved.**

**Chairman Smith directed the Board to agenda item #12.3. Item 12.2 would be addressed afterwards.**

### **12.3 HHW GRANT/FEASIBILITY STUDY**

Patrick Carter explained this item regarding the HHW Grant and Feasibility Study is a result of the Sweetser Report in 2007. In November, 2007 the Agency entered into an agreement with RW Beck to study the feasibility, design, and permitting of additional HHW facilities. As a result of their final report, the Board gave staff direction to exhaust other possibilities such as looking at expanding the existing facility, or putting more effort into EPR before going forward into Phase 2 which would be the additional study behind getting more HHW facilities throughout the County.

The Board also gave staff direction to examine whether the current HD16 Grant, received from CIWMB to do this analysis, could be used for purposes other than expanding into new territories where there aren't currently HHW facilities. Recent discussions with the State have indicated that it might be possible to use those funds to expand the existing facility.

Clean Harbors examined the effect of increasing staffing levels to increase throughput on existing days, increase the number of collection days per week, and additional publicity of the CESQG program. Adding two staff members, one for waste receipt and one for processing, is estimated to increase staffing costs by approximately \$100,000/year while increasing the amount of HHW received and processed from 50% to 100%.

The current agreement with Clean Harbors expires in January 2009. Given that short amount of time, it would be premature to ask the contractor to increase staff.

Regarding EPR, staff met with Heidi Sanborn, of the CPSC. Since the last Agency meeting another grant was released by CIWMB, the 17<sup>th</sup> Cycle grant. The 17<sup>th</sup> Cycle grant gives preferential points for any retailer take-backs or EPR efforts. The maximum funding for that grant is around \$250,000.

Staff recommends incorporating the expanded staffing levels into the new RFP (Item 12.4 of this agenda). Staff also recommends exploring any additional resources that would be required to expand the CESQG program.

Staff seeks direction from the Board as to whether the 17<sup>th</sup> Cycle grant application should be pursued or whether staff's efforts should go into supporting CPSC and their efforts towards legislation for paint and sharps.

Chairman Smith said the two are not mutually exclusive, the 17<sup>th</sup> Cycle grant can be applied for and CPSC can be supported. Chairman Smith said he spent the day in Sacramento meeting and speaking with public officials about EPR. Sonoma County is known for being a leader with Extended Producer Responsibility. Chairman Smith said the new Executive Director of the Agency may have some good ideas about EPR that are outside the box.

**Dave Brennan, Sebastopol, moved to give direction to staff to pursue the recommendations that were made and to pursue 17<sup>th</sup> Cycle Grant opportunity. Tim Smith, Rohnert Park, seconded. Motion approved.**

## **12.2 AUTHORIZE BIDDING FOR HHW ROOF EXTENSION AND AWARD AUTHORITY TO EXECUTIVE DIRECTOR**

Susan Klassen said the scope of the project that's being designed is more than a canopy extension; it's actually an enclosed slab adjacent to the HTF. Given the issues that were discussed in closed session regarding ownership of the building and the lease, this item will be continued.

*Damien O'Bid left the meeting at 11:05 a.m. (ek)*

## **12.4 AUTHORIZE DISTRIBUTION OF HHW OPERATION REQUEST FOR PROPOSALS**

Lisa Steinman summarized her staff report.

All Proposals will be evaluated by the Executive Director of the Agency and Agency staff. Selection of a Contractor will be made in accordance with the evaluation criteria set forth in the RFP.

Staff recommends a three-year contract with the selected contractor with a possible two-year extension.

The proposer will be required to submit a proposal with four scopes of work:

Scope A includes the services outlined in the current HHW Agreement but will not include services relating to the Hazardous Waste Load Check Program.

Scope B includes only services related to the Load Check Program. In the current Agreement, any materials collected by the Hazardous Waste Load Check Program shall be handled by the Contractor at the HHW Facility, subject to exclusions set forth in section 2.2.2 of the Agreement. Currently, the Contractor receives Load Check Hazardous Waste from the following locations: Annapolis Transfer Station, Healdsburg

Transfer Station, Guerneville Transfer Station, Sonoma Transfer Station, and the Central Disposal Site. As a result of the County of Sonoma's potential sale of the Landfill and County owned Transfer Stations, a separate Agreement for Load Check Hazardous Waste will be between the new owner and the Contractor. If the County does not divest the Landfill and Transfer Stations then the Load Check Agreement will be between the County and the Contractor.

Scope C includes services for additional staff in case the Agency decides to do one or more of the following: increases current staffing levels, increases the number of collection days per year requiring more staff, and adds additional HHW facilities or programs requiring additional staff.

Scope D includes services related to emergency response. Staff is requiring more comprehensive emergency response services from the contractor than what is in the current agreement.

Staff recommends that the Board authorize the distribution of the HHW Operation RFP and authorize staff to come back with a selected Proposer.

**Chair Tim Smith, Rohnert Park, made a motion to distribute the HHW Operation RFP for a three-year contract with one two-year extension, and/or two one-year extensions with separate pricing. Dave Brennan, Sebastopol, seconded. Cotati, absent. Motion approved.**

## **12.5 AUTHORIZE AWARD OF AGREEMENTS FOR PETALUMA USED OIL TANK CLEAN-UP AND REPLACEMENT**

Lisa Steinman said The City of Petaluma has an oil drop-off site located at their Corporation Yard at 840 Hopper Street. The site was one of the earliest locations set up in Sonoma County through the Agency as an oil drop-off for those who change their own oil or do-it-yourselfers (DIYers). The Petaluma Corp Yard site has been operating as an oil collection drop off site for over ten years. The tank used for the oil collection was purchased at the time the site was started as a collection point. The Petaluma Corp Yard is getting roughly 2,500 gallons of oil dropped off a year and has had steady use since the start of this program. This site is an unattended collection site and is available to the public seven days a week. During business hours the site is monitored by the Petaluma Corp Yard staff. After work hours and on the weekends there is no attendant. There are regular DIYers who depend on the site for its convenience and especially since it's available outside of regular business hours.

The City of Petaluma has a contract with Evergreen Environmental to pick up the used oil from this site. The Agency reimburses the City of Petaluma on an annual basis for the Evergreen costs associated with this site. This cost is reimbursed back to the Agency through the State's Used Oil Block Grant Program.

In March 2008, the tank was contaminated with high levels of PCB's. Since the contaminated oil was already picked up by Evergreen and the Agency is ultimately responsible for the tank, the Agency paid Evergreen \$12,596.96 to dispose of the contaminated oil.

The existing contaminated tank was in need of replacement prior to the contamination. The Petaluma tank was close to the end of its useful life. In order to keep the oil drop-off site operational, the tank will need to be removed and replaced with a new tank.

Additionally, staff would like to provide the Petaluma Corp Yard with a receptacle for used oil filters. Currently, there is no adequate method for used filter collection. In the past, trash cans have been placed next to the oil collection tank but trash and other illegal materials ended up mixed in with the filters.

Connie Cloak, C<sup>2</sup> Alternative Services, said this issue of contamination comes up occasionally around the State. It's a risk with attended and unattended drop-off centers. **Phil Demery, County of Sonoma moved to approve the purchase orders for the clean-up and replacement of the Petaluma used oil tank and the purchase of a receptacle for used oil filters. Gus Wolter, Cloverdale, seconded. Cotati, absent. Motion approved.**

**13. BOARDMEMBER COMMENTS**

Dell Tredinnick, Santa Rosa, said the City of Santa Rosa has been working on bottles and "bring your own bag" and they've given every City employee a reusable bottle, reusable bag, recycle guide, a brochure "10 things you can do to help the environment" and a CFL bulb.

Chairman Smith said the Rohnert Park City Hall is having their grand opening on October 11<sup>th</sup> from 1 p.m. to 5 p.m., everyone is invited to attend.

**14. STAFF COMMENTS**

There were no staff comments.

**15. ADJOURNMENT**

Meeting adjourned at 11:25 a.m.

**Copies of the following were distributed and/or submitted at this meeting:**

Letter from Cold Creek Compost

Respectfully submitted,  
Elizabeth Koetke