



## Minutes of August 20, 2014 Meeting

The Sonoma County Waste Management Agency met on August 20, 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	Dan St. John
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	Shirlee Zane
Town of Windsor	Debora Fudge

### Staff Present:

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

- 1. Call to Order**  
The meeting was called to order at 9:20 a.m.
- 2. Open Closed Session**
- 3. CONFERENCE WITH LEGAL COUNSEL- ANTICIPATED LITIGATION**  
Government Code Section 54956.9(d)(2) and (e)(5)  
Two cases
- 4. Adjourn Closed Session**
- 5. Agenda Approval**  
There were no changes to the Agenda.
- 6. Public Comments (items not on the agenda)**  
None
- 7. Consent (w/attachments)**

- 7.1 Minutes of the July 16, 2014 SCWMA meeting
- 7.2 Year End Financial Report FY 13-14
- 7.3 Consultant Contract Extension
- 7.4 Biennial Review of Code of Conduct

One correction was made to item 7.1. Page 10, paragraph 1, sentence 5 was changed to read “Regarding the fire danger, the active windrows to do not experience fires, as they are turned on a regular basis, and the Rancho Adobe Fire Department has reviewed information about the larger windrows and did not have an issue with them.” Previous the word “no” had been omitted.

**Bob Cox, City of Cloverdale, moved to approve the Consent Calendar, with the noted amendments as suggested by Agency staff, Susan Harvey, City of Cotati, seconded the motion.**

**John McArthur, City of Rohnert Park, and Jake Ours, City of Santa Rosa abstained from the vote of Item 7.1 the Minutes of July 16, 2014, due to their absences.**

**The motion passed with the noted abstentions.**

**7.1 Vote Count:**

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

AYES -8- NOES -0- ABSENT -0- ABSTAIN -2-

**7.2 - 7.4 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 -10- NOES -0- ABSENT -0- ABSTAIN -0-

**Regular Calendar**

**8. Compost Zero Discharge Plan Update**

Mr. Mikus introduced Stu Clark, DEI, to make a presentation on the Zero Discharge Plan. Mr. Clark described the plan noting the long term components, interim measures, and overhaul contingency plan. The long term components consist of developing a larger compost storm water pond and the development of a new facility at a different location than the current facility. Both options could be completed in approximately the same amount of time, so both will be pursued concurrently.

The interim measures consist of compost site footprint reduction, storm water pond consolidation, pump and truck of a minimum of 60,000 gallons per day of compost contact water while water exists in the storm water ponds, an increase in sedimentation traps to improve water quality, and monthly reporting to the North Coast Regional Water Quality Control Board (NCRWQCB) as to the status and progress implementing the plan.

The third component to achieve Zero Discharge would be 100% overhaul of organics to out-of-county compost facilities. Overhaul could be implemented today or any time in the future, upon Board approval.

Mr. Clark reported that the NCRWQCB had received the plan and the letter received in response was supportive of the plan, sought a solution to keep the composting program local, and wanted

to enter into a Time Scheduled Order (TSO) with the Agency. The TSO would formalize the milestones and deliverables from the Zero Discharge Plan and require the monitoring and reporting. The TSO allows the NCRWQCB to retain its enforcement authority.

### **Board Questions**

Shirlee Zane, County of Sonoma, asked whether the TSO would be submitted to the Agency or to the County of Sonoma, as the permit holder.

Mr. Clark responded that he did not have an answer for that question at this point, but that this process must be collaborative for it to work, and he was hopeful that a solution that worked for everyone with regard to who receives the TSO could be achieved.

Chair Wood asked about the ramifications from not taking action at this meeting regarding outhaul.

Mr. Mikus responded that not deciding to have an agreement in place allowing outhaul would handcuff the Agency. Not having an agreement for outhaul would remove the Agency's safety net and increase the risk to the Agency.

Jake Ours, City of Santa Rosa, commented that not making a decision today would send the wrong message to the NCRWQCB.

Ms. Zane requested additional explanation of who was doing what in the plan.

Mr. Mikus responded that the interim measures would be discussed with Sonoma Compost Company at a meeting the following day. The pump and haul of compost water would continue with the Agency paying the disposal fees, and Sonoma Compost arranging for the hauling. The Best Management Practices would be the responsibility of Sonoma Compost Company.

Steve Barbose, City of Sonoma, mentioned that the pond combination project had not been discussed.

Mr. Mikus replied that prices for the project had been received on the previous Friday and that staff was currently evaluating them. The issues with the bids received included the schedule, as the earliest completion date looked to be mid- to late-October. Discussions were happening between NCRWQCB and County staff to analyze the risk of that schedule. The other issue was that the bid costs were higher than the Board allocated to the project, so efforts were underway to reduce the bid cost.

Ms. Zane requested more delineation between what the contractual obligations of Sonoma Compost Company and the Agency.

Mr. Mikus replied that the contractual obligation was for Sonoma Compost Company to pay for the first \$50,000 per year of costs related to new environmental conditions.

Ms. Zane asked that the delineation of responsibilities and costs be brought back at a later meeting.

Ms. Harvey added that the tasks in the plan likely included assignment of responsibility.

Mr. Clark confirmed that there was an internal assignment of tasks. Mr. Clark added that the creation of the plan was a collaborative process and that Sonoma Compost Company had committed a significant amount of time and effort toward this plan.

Matt St. John, Executive Director of the NCRWQCB, was invited to discuss the comments from the NCRWQCB. Mr. St. John discussed the Waste Discharge Requirements issued to the County of Sonoma and the provision contained therein requiring the Agency to submit a plan to cease discharges from the compost operation. The plan received by the NCRWQCB met those requirements. Mr. St. John acknowledged the uncertainties regarding the long term items and that the completion of those items would not be accomplished for several years. The interim measures described in the plan would provide a net improvement in the quality of the runoff and provide a net increase in the amount of runoff that could be hauled off-site. The NCRWQCB does not believe that outhaul at this point is required to meet the objectives of the Zero Discharge requirement, though that option should be retained should it be needed in the future.

Mr. St. John mentioned that his agency plans to issue a TSO to memorialize the contents of the plan and gives certainty to the Agency, County, and NCRWQCB that the plan will be implemented as designed. The NCRWQCB plans to issue the TSO after Agency staff provides a little more information about some of the interim measures.

Ms. Zane asked to whom the TSO would be issued.

Mr. St. John replied that the Waste Discharge Requirement was issued to the County, but that the TSO would be specific to the composting operation, so that the Agency and County would be named in the TSO.

Ms. Zane asked that if Agency did not meet the TSO, would the whole landfill permit be pulled.

Mr. St. John responded that the TSO would be specific to the compost facility and would not affect other landfill activities.

## **Public Comments**

None

## **Board Discussion**

None

## **9. Compost Outhaul Agreement**

Patrick Carter, Agency staff, reported on the status of the compost outhaul agreement. One proposal was received, and it was from The Ratto Group (TRG), which responded to the RFP and included an alternative proposal. The agreement would allow for three scenarios, hauling of compostable materials from the transfer station to the Central Compost Site, partial outhaul of material to out-of-county compost facilities, and 100% outhaul. With the cost information provided in the item, staff recommended proceeding with the alternative proposal. The alternative proposal would allow for the hauling of compostable materials from the outlying transfer stations directly to other compost facilities instead of the original proposal which would route the material to the Central Compost Site first.

Mr. Carter reported that partial outhaul of material from the Healdsburg Transfer Station to Cold Creek Compost and from the Sonoma Transfer Station to the City of Napa compost facility would be the lowest cost options.

### **Board Questions**

None

### **Public Comments**

Steve McCaffrey, TRG, reported that TRG had worked with SCS Engineers on the Waste Characterization Study and was looking forward to working with the Agency again on this project. When TRG accepted this responsibility, they did so understanding they would be on standby, which is difficult, but TRG is ready to move forward. Mr. McCaffrey reported that Table 2 of the item was not TRG's alternative proposal, which was much more limited, and this table was requested through negotiation with staff. Mr. McCaffrey stated that he recommended proceeding with staff's recommendation to iron out all the details and complete the negotiations.

Mr. Barbose inquired as to how much time would be needed to go to full outhaul if it became necessary.

Mr. McCaffrey stated his company plan to be ready immediately.

Ms. Zane inquired about the fuel component of the agreement. Ms. Zane asked if the fleet replacement moving to alternative fuels impacts this rate structure.

Mr. McCaffrey replied that this fuel rate structure was the same as the agreement with the County. The switch to alternative fuels would not likely impact this rate structure.

### **Board Discussion**

None

**Mr. Barbose moved the item for approval. The motion was seconded by Ms. Harvey.**

**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-
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## **10. Organics Outhaul**

Mr. Mikus started the discussions by acknowledging the collaborative efforts put forward by the NCRWQCB staff and Board members.

Mr. Mikus briefly summarized the decision of the Board on this item was whether to continue with the Zero Discharge Plan or whether the Board wished to close the compost site and outhaul all compostable materials. This item is not a final decision on whether the large compost pond should be built. Mr. Mikus asked that Mr. Clark continue with his presentation.

Mr. Clark presented the financial considerations of the plan vs. complete outhaul. The Board has committed about \$751,000 to date, which includes both interim and long term measures, which are considered one-time costs. The capital cost estimate of the long term components include the construction of the large pond at a cost of about \$7 million, and the estimate of the construction of a new compost site was estimated at approximately \$10-15 million. The ongoing costs of the Zero Discharge Plan would cost approximately \$750,000 per year for pumping and hauling of the compost contact water and \$40,000 to \$180,000 per year for partial outhaul of compostable materials. 100% outhaul would cause an additional cost of about \$2.1 million per year which would be about \$1.1 to 1.3 million more per year than the ongoing costs resulting from the Zero Discharge Plan.

Mr. Mikus added that the \$750,000 per year budgeted for pumping and hauling of compost contact water was estimated under different parameters and it is unlikely that all \$750,000 would be used.

### **Board Questions**

Chair Wood asked whether there were financial ramifications to the Agency if the material was 100% outhauled.

Mr. Clark responded that if the material were to be outhauled, there would be an impact to the community, as the material Sonoma Compost provided would no longer be available cause greater costs to agriculture and residential users. There are no projections that the material sent out of county would be landfilled, so fines resulting from not meeting diversion goals are not expected to be an issue.

Dan St. John, City of Petaluma, mentioned that the allocation program would go away and that would be a direct financial impact to Agency members.

### **Public Comments**

Cathy Frando, expressed concerns about the amount of water the compost operation uses and that the contact water that gets hauled away does not go back into the local aquifer. There is a fuel cost for hauling the water out. Ms. Frando does not have a problem with composting being in this county, but does have a concern, as a person with asthma, that cannot go outside due to the compost odors. Ms. Frando would like to see a new system that either doesn't have a pond that cuts off the top of the hill and exposes the site operations to view but also do something that is environmentally better and reflects the community better.

Ann Hancock, Climate Protection Campaign, expressed sadness regarding the potential to losing the local ability to compost and to ship out that green waste, and have to import compost materials from elsewhere. That just seems contrary to what Sonoma County stands for. Ms. Hancock lauded Sonoma Compost Company for their handling of green waste and is optimistic that solutions keep the resource local are possible.

Roger Larsen, Happy Acres, commented that as the zero discharge plan was presented to the Board that all the stakeholders were included, but did not include the over 100 homes of Happy Acres. Mr. Larsen claimed that the Agency was violating the Clean Water Act and that the description of the program did not include detail on the cost of violating federal law. Mr. Larsen expressed disappointment in the Water Board for not being more stringent with the Agency, but

cautioned that there was still a lot of liability out there. Mr. Larsen asked how the price of the new compost facility went from \$5 million to \$15 million.

Rick Downey, Republic Services, commented that Republic is concerned about the liability issue. The WDR will be in Republic's name. The Zero Discharge Plan will still cause discharge, and no one has said whether the discharge will be a violation by the Water Board. Mr. Downey suggested more vetting on the question of the financial ramifications of a lawsuit.

### **Board Discussion**

Mr. St. John stated that he understood some compost contact water could be reused on site and would displace well water, and asked staff to confirm.

Mr. Mikus confirmed the reuse of water. Water generated on site is used as a resource. With more storage capacity the potential for reuse would be greater.

Ms. Zane asked how the liability could be further vetted.

Mr. Clark reiterated that the plan needs to be something that everyone agrees to.

Mr. Mikus added that there were no firm answers to be given at this time, but that he had reached out to Mr. Downey to acknowledge the issue and to work with him to resolve it.

Ms. Coleson acknowledged that these issues are being discussed confidentially and that this is not appropriate for open session.

Ms. Zane replied that these are legitimate concerns and need to be resolved. The TSO from the NCRWQCB will name both the County and the Agency, so this is a fair question.

Chair Wood stated he believed the discussions should happen, but that the issue before the Board at this meeting was whether 100% outhaul happens today or whether staff continues to implement the Zero Discharge Plan.

Mr. Barbose stated that even with the interim measures there would likely be a discharge, and wondered whether there was an ability to predict how much water would be discharged, to estimate what the potential liability could be.

Ms. Harvey expressed concern over the liability issues described by Republic and the County and how it was above and beyond what was resolved by the Master Operations Agreement.

Mr. Barbose stated that his understanding was this was a separate issue from the landfill liability.

Mr. Downey stated that this is a concern because it was not part of the MOA previously. The carve-out of liability is for the new compost facility which may not be built for another two or two and a half years. The discharge of water from the compost facility is beyond Republic's control and they feel like the liability should have been vetted more thoroughly.

**Mr. Barbose moved proceed with the interim measures in the Zero Discharge Plan.**

**Ms. Harvey seconded the motion.**

Ms. Zane expressed concern over not having all the details settled, specifically regarding the division of responsibility with the Agency and Sonoma Compost Company.

Ms. Harvey requested that the report to the NCRWQCB be distributed to the Agency Board.

**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-
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**11. Attachments/Correspondence:**

11.1 Reports by Staff and Others:

12.1.a August 2014 and September 2014 Outreach Events

**12. Board member Comments**

Mr. St. John informed the Board that the City of Petaluma is considering the redirection of organics to the Redwood compost facility for the purpose of aiding the Zero Discharge Plan as well as additional food waste diversion. The City is also examining the delivery of Agency services analysis for its own purposes and will share the results and finding with the rest of the Board.

Chair Wood requested the compost amendment be discussed at the next Agency meeting.

**13. Staff Comments**

Mr. Mikus brought the Board’s attention to the bags provided to highlight the reusable bag distribution. The enforcement date of September 1, 2014 was rapidly approaching.

Ms. Zane mentioned there was a field trip down to San Jose to examine the anaerobic digestion a few years back, and suggested a follow-up trip to see how the program was progressing.

Ms. Harvey asked how many bags were distributed.

Mr. Mikus replied that it was over one thousand.

**14. Next SCWMA meeting: September 17, 2014**

**15. Adjourn**

The meeting was adjourned at 11:00 AM.

Submitted by  
Patrick Carter