



Minutes of the September 19, 2018 Meeting

The Sonoma County Waste Management Agency met on September 19, 2018, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California.

Board Members Present:

City of Cloverdale	Melanie Bagby	City of Santa Rosa	Absent
City of Cotati	Susan Harvey	City of Sebastopol	Henry Mikus
City of Healdsburg	Larry Zimmer	City of Sonoma	Madolyn Agrimonti
City of Petaluma	Dan St. John	County of Sonoma	Susan Gorin
City of Rohnert Park	Pam Stafford	Town of Windsor	Deb Fudge

Staff Present:

Executive Director: Patrick Carter
Counsel: Ethan Walsh
SCWMA Clerk: Janel Perry
Staff: Thora Collard, Kristin Thigpen

1. **Call to Order Regular Meeting**
Regular meeting was called to order at 8:35 a.m.
2. **Agenda Approval**
3. **Public Comments (items not on the agenda)**
None.
4. **Consent (w/attachments)**
 - 4.1 Minutes of the August 15, 2018 Special Meeting
 - 4.2 September and October 2018 Outreach Calendar
 - 4.3 Approval of MOU for C&D Facility Certification Testing Services
 - 4.4 FY 2017/18 SCWMA 4th Quarter Financial Report
 - 4.5 FY 2016/17 SCWMA Financial Audit

Public Comments:

None.

The motion for approval of items on consent calendar was made by Susan Gorin, County of Sonoma, and seconded by Susan Harvey, City of Cotati.

Vote Count:

City of Cloverdale	AYE	City of Santa Rosa	ABSENT
--------------------	-----	--------------------	--------

City of Cotati	AYE	City of Sebastopol	AYE
City of Healdsburg	AYE	City of Sonoma	AYE
City of Petaluma	AYE	County of Sonoma	AYE
City of Rohnert Park	AYE	Town of Windsor	AYE

AYES -9- NOES -0- ABSENT -1- ABSTAIN -0-

Motion passed.

Regular Calendar

5. Discussion and Possible Action on a Model Ordinance to Prohibit Use and Sale of Disposable Food Service Ware and Other Products Containing Polystyrene Foam

Recommended Action: Direct staff to develop a model staff report and circulate the model polystyrene waste reduction ordinance for consideration of adoption by SCWMA member agencies. If requested, SCWMA staff will assist in the presentation of the ordinance to member agency councils and Board.

Board Discussion

Ms. Agrimonti prefers that personal to-go containers are not brought into restaurants in order to protect restaurants from liability. She questioned if SCWMA would be providing samples of alternative products to be used in place of polystyrene.

Mr. Carter stated within the ordinance we do not have information about alternatives, but it would be part of the educational outreach. There are currently 119 polystyrene ordinances in effect in California. San Mateo and Santa Clara counties have had their polystyrene ordinances in effect for about 4-5 years.

Ms. Agrimonti stated these products end up in homeless shelters. She suggest we look the recipients of cast off products.

Ms. Bagby stated she backs up Mr. Carter. She has been approached by a group in Cloverdale interested in a polystyrene ordinance and feels one will be well received. She appreciates the thoroughness of the ordinance, but would like additional resources for polystyrene that will be cast off. Ms. Bagby requests SCWMA inform the cities about locations that will take polystyrene items like coolers.

Ms. Gorin stated a polystyrene ordinance is a priority. A lot of these products are sold at wholesale vendors and suggests that we reach out to these vendors to offer to-go packaging alternatives to sell. She recognizes it will take a while for people to realize alternatives and to use up their existing inventory. Ms. Gorin suggests a household hazardous waste drop off program for formed polystyrene. She questions if the survey was geographically widespread.

Mr. Carter responded we reached out to all the chambers of commerce, promoted the survey on Facebook with boosts and possibly promoted on Nextdoor. We can provide city survey response data if the Board is interested.

Ms. Gorin is concerned some members of the public will believe the ordinance is not fair or that they were not informed properly. She prefers to know the data.

Ms. Harvey questions how many jurisdictions are charging a fee for container approach.

Mr. Carter replied that it is not that common in other jurisdictions, which is why we are requesting it be a voluntary option.

Ms. Harvey questioned if there are any legal challenges for the public to bring their own containers into restaurants.

Mr. Walsh replied that these types of ordinances are fairly new and he hasn't heard of any legal issues. These ordinances have been less controversial than the bag ordinances were.

Ms. Harvey stated that bags are different than to-go containers as they do not hold raw food. She wants to ensure bases are covered. She questions who will enforce the ordinances, the SCWMA or the jurisdictions.

Mr. Carter responded that the jurisdictions can enforce the ordinance or they can enter into an agreement with the SCWMA.

Ms. Harvey stated that small cities without a lot of resources may prefer the SCWMA to enforce the ordinance. She agrees education is key and asks how much interaction the SCWMA has with Recology.

Mr. Carter responded that during the outreach process he does not recall Recology commenting on the ordinance, but their motto is "Waste Zero" so it falls in line with their ethos. Recology staff did participate recently in the Zero Waste Study Session in Sebastopol, where this ordinance was a fairly large part of discussion. He did not hear any negative comments about the ordinance, and offered to reach out to Recology to make absolutely sure if needed.

Ms. Harvey stated that she would like confirmation from Recology that they are on board. She believes the SCWMA needs to partner with Recology and looks forward to this progressing.

Ms. Stafford responded that she is concerned about small restaurants being sued because of contamination from people's personal to-go containers and also of the challenges with enforcing the ordinance.

Ms. Fudge questioned the confusion that may occur from the public if some jurisdictions do not pass the model ordinance or if some alters the ordinance.

Mr. Carter responded it is a model ordinance not a countywide ordinance. If the cities want the SCWMA to indemnify them we would stand behind the model ordinance. If there were alterations by the cities, the SCWMA may not indemnify. We would deal with the challenges of not all cities opting in or altering the ordinance as best we can. We are hoping for consistency and that all jurisdictions pass the ordinance.

Ms. Fudge stated she forgot the indemnification part. She asks if this be called out near the front of the reports when it goes to the cities.

Mr. Walsh replied that we would make a separate agreement with each jurisdiction who approves the ordinance and wants the SCWMA to be responsible for the implementation. That agreement would include indemnity.

Ms. Fudge responded that before the jurisdictions make a decision they need to know that the model ordinance needs to stay the same for the SCWMA to give indemnity.

Mr. Walsh stated that there are a lot of cities currently making their own ordinances and implementing them with their own staff, but they are responsible for the implementation at that point. Our jurisdictions would get some benefit because the SCWMA did a lot of the work, but they are able to make their own changes.

Ms. Gorin questioned if the SCWMA would enforce the ordinance with a hotline and then respond accordingly. The county will have some questions of how it will be enforced.

Mr. Carter stated it would be complaint based enforcement. We should be doing more to partner with the cities and the county by including information on their websites and other places referring people to us when appropriate.

Ms. Gorin questioned how we move forward with Renewable Sonoma to make sure more items like service ware are compostable.

Mr. Carter responded compliant to-go containers with the model ordinance must be either recyclable or compostable. There have already been talks with World Centric, Amy's, Renewable Sonoma, etc. on what is compostable and what will work with Renewable Sonoma's new system. Many more meetings need to be held. We will lose public trust if we say that items are compostable but they end up going into the landfill. Our educational effort is key. Having a new employee to focus on waste reduction and policy issues will play a role in making the ordinance work.

Ms. Gorin questions if we should wait a month or so to decide on the ordinance in order for additional language to be added about compostable items.

Mr. Carter responded that doesn't believe these discussions and conclusions will be wrapped up in a month. There are currently a lot of alternatives available right now that can go right into the compost, like straws made of straw. Items made of natural fibers have very little problems with the composting process. He does not feel like there is a need to delay the ordinance, especially since it will be months before it goes to the councils and the Board.

Mr. Mikus responded that his council wants to bring it back in October. He told them he didn't think so.

Mr. Carter replied based on different reasons it may be months before the ordinance goes to the councils and the Board.

Ms. Harvey responded that she wants to ensure public trust and not lead people astray by having them buy alternatives that won't work. She prefers we proceed cautiously and get a right solution.

We bought into the idea with the JPA that jurisdictions could alter the Agencies models on their own and that the county as a whole will not always be consistent.

Mr. Mikus stated when we did the bag ban we learned through the process.

Mr. Harvey stated we will probably end up with different versions of the ordinance, hopefully one city doesn't go one way and another city go another way.

Mr. St. John stated their council will support it and doesn't see the need for a lot tweaking to the ordinance. It is more as a statement of aspiration. This is an environmental issue, not so much a landfill compost issue. Polystyrene is not taking up a lot of room in the landfill or a lot of weight for diversion. We should be doing this for plastics as well. He questions what CalRecycle is doing.

Mr. Carter responded CalRecycle provides information about the material. There is no state-wide legislation about polystyrene. He expects there will be a phase in period for people with an existing inventory of polystyrene. This will give the SCWMA more time to come to a consensus with Renewable Sonoma and the producers of biodegradable products, as well as more time for educational outreach.

Ms. Agrimonti stated that CalRecycle is closing down recycle centers and not being honest.

Public Comments

David Harris Santa Rosa resident-stated he has a B.A. in chemistry. He reviewed the history of styrene and found it occurs naturally in tree bark and tree sap. It is 75% benzene. The fires are a good example that when styrene gets put into structures and burns. We are moving into the right direction.

Board Discussion

Ms. Stafford stated she wants to pull the to-go containers out of the ordinance, as she worries about the restaurants.

Mr. Carter responded that aspect is voluntary and restaurants can say no.

Ms. Stafford stated if it is clear that restaurants do not have to do it she would be okay with the ordinance as it is.

Ms. Agrimonti stated she hears the concerns and restaurants can refuse it.

Ms. Gorin stated some restaurants package the leftovers themselves and the others let the customer package them. She has seen some restaurants that do not have a problem with people using their own to-go containers.

Mr. Walsh added in 6E and 6F that restaurants are encouraged to do it, but they don't have to. It is aspirational.

Mr. Carter responded that on page 67, section 6, item F, it is a voluntary subsection within a section. If it is the Board's interest we can include it in the education section.

Ms. Gorin stated she is comfortable with how it is.

Ms. Harvey stated it is one thing if someone hands you a container and you put your own food in it, but another thing if the customer has their food packaged in their personal to-go container by the restaurant.

Ms. Bagby responded she always fills up her own to-go container herself. This defeats the purpose of reducing waste if places like Starbucks refuse to put coffee in people's reusable coffee cups. She believes that it is reasonable for restaurant owners, as it is voluntary and the language should be left as it is.

Ms. Stafford responded she feels comfortable with it as long as it is voluntary.

Susan Gorin, County of Sonoma, motioned to direct staff to develop a model staff report and circulate the model polystyrene waste reduction ordinance with staff assisting in the presentation of the ordinance, and Madolyn Agrimonti, City of Sonoma, seconded the motion.

Vote Count:

City of Cloverdale	AYE	City of Santa Rosa	ABSENT
City of Cotati	AYE	City of Sebastopol	AYE
City of Healdsburg	AYE	City of Sonoma	AYE
City of Petaluma	AYE	County of Sonoma	AYE
City of Rohnert Park	AYE	Town of Windsor	AYE

AYES -9- NOES -0- ABSENT -1- ABSTAIN -0-

Motion passed.

6. Discussion and Possible Action on a Zero Waste Resolution

Recommended Action: Approve a Zero Waste Resolution and direct staff to present the Resolution at member agency councils and Board for their consideration.

Board Discussion

Ms. Agrimonti questioned if there were any plans for benchmarks.

Mr. Carter responded that there are no benchmarks as the resolution is aspirational and that we will continue to track state required benchmarks. If cities and the County take new policy decisions as they come up, like the polystyrene ordinance, to their councils and Board we can say that it fits with the framework we have in mind.

Ms. Agrimonti stated she see things that have already been accomplished.

Ms. Gorin is concerned that elected bodies will say that we already did this. It is important to emphasize that this is taking it a step further. We have Recology that can help us move this forward. There are opportunities of synergy here. She questioned if both initiatives will go to the councils and Board together.

Mr. Carter responded that it is possible depending on the timing and how the Board gives direction to the SCWMA today. It is more efficient to visit once versus multiple times. Better to do both at once with Zero Waste first then polystyrene second.

Ms. Gorin responded both addressed at the same time will be easier to schedule.

Ms. Bagby stated she advocates the Zero Waste Resolution is presented first and then the Polystyrene Ordinance second. She encourages the SCWMA to present at the Russian River Watershed Association.

Ms. Harvey stated she is glad to know it is aspirational. There have been bumps in the road with swag, and it is time to get back on track. There should be periodic measurements of what is left to do and to decide what the next thing to go after is. She believes the Zero Waste Resolution should go first.

Mr. Carter responded that measuring progress is important. The remaining landfill capacity data we are tracking annually can be used as a measurement. If the landfill runs out it may be a decade long process to permit a new one.

Mr. St. John stated he doesn't know what all of the policies are and hasn't compared them to what we currently do. He questions if the SCWMA will have time to drill down on the policies and be able to explain what the impact of adopting the policies will be. He questioned if we are setting ourselves up for failure if we make numerical goals.

Mr. Zimmer stated he agrees that the Polystyrene Ordinance and Zero Waste resolution should go together.

Ms. Gorin stated she thinks the elected bodies and the public will ask questions about benchmarks and how we get there. We should form an ad-hoc group to talk about how we get to zero waste and to visit other jurisdictions facilities to see how they are moving the zero waste concept forward.

Ms. Stafford questioned if Mr. St. John's questions are answerable.

Mr. Carter responded that they are answerable, but not right this second. We can put together an implementation plan if it is desired in the coming months. A lot of the suggestions are things that are already in place and achieved in different jurisdictions.

Ms. Harvey stated that technology has changed and the costs are changing also. Before anaerobic digestions prices were very high and have since decreased. We constantly need to look at where we are at and what is new and available.

Mr. Mikus stated he is encourage by Recology, as we now have a partner that embraces the same ideas as the SCWMA and the public. This is the right thing to do, but a plan is needed of how it will done. I am not sure it should be passed today. We do need to have a starting point with a plan. Due to the SCWMA's staff transition an ad-hoc group would have merit in this case for consistency in the process.

Ms. Gorin suggested amending the resolution rather than tabling it. We can say the SCWMA will work with the community to create an implementation plan to be delivered in the next year or so. This will show to the community it is aspirational but there are practical steps to get there.

Ms. Fudge stated Windsor does not split can recycling and people are refusing to do it. Sonoma County Resource Recovery has the same attitude as Recology and they do work together which is good. We should move this forward today and then have groups come up with the implementation later.

Mr. Mikus suggested the members within the ad-hoc committee consist of: 1-2 of our staff, Recology, Sonoma County Resource Recovery, Sonoma Garbage Collectors, a Local Task Force member, a Board member and 1-2 people from other related industries such as Republic.

Mr. Carter stated that list of representatives describes the current Local Task Force members and we can ask them if they will be able to take it on.

Ms. Bagby stated she recommends we pass the resolution as it is while giving directions to the Local Task Force, if they are willing, to come up with an implementation and measurement plan then report back.

Public Comments

Leslie Lukacs Chair of the Zero Waste Task Force and serves on the Local Task Force for the Town of Windsor-thanked the Board for considering the resolution, which is a goal and a starting point. There are so many things happening in our county. Jackson family wines is in process of getting a third party zero waste certification, Amy's kitchen is implementing zero waste at their fast food restaurant, The City of Santa Rosa is creating a zero waste plan, the Town of Windsor community members are expressing their desire to make the Thursday night concert series zero waste and the Town of Sonoma is trying to ban plastic water bottles at all of their town sponsored events. The Local Task Force is made up of members from the compost industry, haulers, private companies, cities and the SCWMA. 53 members are currently part of the Zero Waste Task Force. They will gladly be the ad-hoc committee.

Dan Noble Executive Director of the Association of Compost Producers, Santa Rosa resident and previously chaired the Compost Council of Sonoma County-stated there is broad community support. The Compost Council of Sonoma County is now part of the Zero Waste Task Force. The contamination reduction working group is the largest working group in the Association of Compost Producers. Organics and inorganics contaminate each other. The Local Task Force should be used as the forum for these discussions.

Board Discussion

Ms. Gorin stated she is convinced about going forward.

Mr. Carter stated the Local Task Force was just a suggestion. The representative speaking during public comment represented the Zero Waste Task Force, which is not part of the Local Task Force. He questioned if the Board wants the Local Task Force or the Zero Waste Task Force to be the ad-hoc committee.

Mr. Mikus stated the Local Task Force is the more appropriate group.

Ms. Stafford questioned why they broke away.

Mr. Carter responded the Zero Waste Task Force wanted to focus specifically on zero waste issues. The Local Task Force is a county-constituted advisory board.

Ms. Gorin questioned what Mr. Carter's recommends and how much overlap there is.

Mr. Carter responded there is a decent amount of overlap. I would be comfortable with the Zero Waste Task Force taking on the task as they are already agreeing to it.

Ms. Gorin suggested we ask the Local Task Force and bring back a recommendation.

Melanie Bagby, City of Cloverdale, motioned to approve the Zero Waste Resolution with the direction for staff to bring back a recommendation for who will lead the ad-hoc committee and Susan Gorin, County of Sonoma, seconded the motion.

Vote Count:

City of Cloverdale	AYE	City of Santa Rosa	ABSENT
City of Cotati	AYE	City of Sebastopol	AYE
City of Healdsburg	AYE	City of Sonoma	AYE
City of Petaluma	AYE	County of Sonoma	AYE
City of Rohnert Park	AYE	Town of Windsor	AYE

AYES -9- NOES -0- ABSENT -1- ABSTAIN -0-
Motion passed.

7. Boardmember Comments

None.

8. Staff Comments

None.

9. Next SCWMA meeting: To Be Determined.

10. Adjournment:

The public meeting adjourned at 10:08 a.m.

11. Call to Order Closed Session:

Closed session was called to order at 10:20 a.m.

Closed session adjourned at 12:15 p.m.

Deb Fudge left the meeting at 12:15 p.m.

No announcement from closed session.

Larry Zimmer left the meeting at 12:20 p.m.

A special meeting will be scheduled in the coming weeks, and the October 17, 2018 meeting will be rescheduled to a date to be determined.

The motion to adjourn meeting, Susan Gorin, County of Sonoma, and seconded by Melanie Bagby, City of Cloverdale.

Vote Count:

City of Cloverdale	AYE	City of Santa Rosa	ABSENT
City of Cotati	AYE	City of Sebastopol	AYE
City of Healdsburg	ABSENT	City of Sonoma	AYE
City of Petaluma	AYE	County of Sonoma	AYE
City of Rohnert Park	AYE	Town of Windsor	ABSENT

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

Motion passed.

12. Meeting adjourned at 12:26 p.m.

Submitted by: Janel Perry