



Meeting of the Board of Directors

March 30, 2021
SPECIAL MEETING

Regular Session begins at 3:00 p.m.

Estimated Ending Time 4:00 p.m.

Virtual Meeting via Zoom

Virtual Meeting via Zoom

<https://sonomacounty.zoom.us/j/94837223834?pwd=QXZ2bUM2T3N1cDFQZE5sN0RjMkhaZz09>

Or Telephone: +1 669 900 9128

Webinar ID: 948 3722 3834

Passcode: 383125

Meeting Agenda and Documents

ZERO WASTE SONOMA

Meeting of the Board of Directors

March 30, 2021

SPECIAL MEETING

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Note: This packet is 9 pages total



Zero Waste Sonoma

Meeting of the Board of Directors

**March 30, 2021
SPECIAL MEETING**

**Regular Session begins at 3:00 p.m.
Estimated Ending Time 4:00 p.m.**

In accordance with Executive Orders N-25-20 and N-29-20 the Board of Directors meeting will be held virtually.

MEMBERS OF THE PUBLIC MAY NOT ATTEND THIS MEETING IN PERSON

Virtual Meeting via Zoom

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aZz09](https://sonomacounty.zoom.us/j/94837223834?pwd=QXZ2bUM2T3N1cDFQZE5sN0RjMkh
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PUBLIC COMMENT:

Public Comment may be submitted via recorded voice message or email. Public comment may also be made by “raising your hand” using the Zoom platform.

Voice recorded public comment: To submit public comment via recorded message, please call 707-565-2722 by 5:00 pm Monday, March 29th. State your name and the item number(s) on which you wish to speak. The recordings will be limited to two minutes. These comments may be played or read at the appropriate time during the board meeting.

Email public comment: To submit an emailed public comment to the Board please email leslie.lukacs@sonoma-county.org and provide your name, the number(s) on which you wish to speak, and your comment. These comments will be emailed to all Board members and can be provided anytime leading up to and throughout the meeting.



Agenda

Item

1. Call to Order Special Meeting
2. Agenda Approval
3. Public Comments (items not on the agenda)

Regular Calendar

4. Public Hearing for the Consideration of Organics Disposal Fee and Agency Surcharge Fee Increases [Collard]
5. Boardmember Comments – NO ACTION
6. Executive Director Report – NO REPORT
7. Staff Comments – NO ACTION
8. Next ZWS meeting: April 15, 2021
9. Adjourn

Consent Calendar: These matters include routine financial and administrative actions and are usually approved by a single majority vote. Any Boardmember may remove an item from the consent calendar.

Regular Calendar: These items include significant and administrative actions of special interest and are classified by program area. The regular calendar also includes "Set Matters," which are noticed hearings, work sessions and public hearings.

Public Comments: Pursuant to Rule 6, Rules of Governance of the Zero Waste Sonoma/Sonoma County Waste Management Agency, members of the public desiring to speak on items that are within the jurisdiction of the Agency shall have an opportunity at the beginning and during each regular meeting of the Agency. When recognized by the Chair, each person should give his/her name and address and limit comments to 3 minutes. Public comments will follow the staff report and subsequent Boardmember questions on that Agenda item and before Boardmembers propose a motion to vote on any item.

Disabled Accommodation: If you have a disability that requires the agenda materials to be in an alternative format or requires an interpreter or other person to assist you while attending this meeting, please contact the Zero Waste Sonoma office at 2300 County Center Drive, Suite B100, Santa Rosa, (707) 565-3579, at least 72 hours prior to the meeting, to ensure arrangements for accommodation by the Agency.

Noticing: This notice is posted 72 hours prior to the meeting on the internet at www.zerowastesonoma.gov



Agenda Item #: 4
Cost Center: All
Staff Contact: Collard
Agenda Date: 3/30/2021
Approved By: LL

ITEM: Public Hearing for the Consideration of Organics Disposal Fee and Agency Surcharge Fee Increases

I. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends opening the public hearing on the increase of the Sonoma County Waste Management Agency surcharge (the “Waste Management Agency Fee” or “Surcharge”) and tipping fees related to wood waste and yard debris (collectively the “disposal fees for organic materials”), receiving public comment, closing the public hearing, and providing direction to staff regarding the amount of the tipping fee increases, if any. If the Board adjusts the tipping fees, staff recommends the adoption of the Resolution making the fee adjustments effective April 1, 2021. **Approval of this item requires a supermajority (8/10) vote.**

II. BACKGROUND

The Sonoma County Waste Management Agency (“Zero Waste Sonoma” or “ZWS”) Board of Directors sets the Surcharge and disposal fees for organic materials collected at the landfill and transfer stations owned by Sonoma County (“County”) and operated by Republic Services of Sonoma County, Inc. (“Republic”).

Waste Management Agency Fee or Surcharge

The Waste Management Agency Fee is charged on waste delivered to the County landfill or transfer stations. Republic collects the Waste Management Agency Fee revenues, remits them to the County, which in turn, deposits the revenues with ZWS.

The Waste Management Agency Fee covers the costs of programs, including but not limited to: recycling and disposal of Household Hazardous Waste (HHW) from the member agencies (“Members”) jurisdictions (“HHW Program”); education regarding recycling, composting and other methods of waste diversion to Members and the public (the “Education Program”); and, ZWS operations.

- The HHW Program provides the following services: HHW collection, E-waste collection and disposal, E-waste sorting and recycling, E-waste recycling events, oil and filter recycling, promotion of the use and sale of refillable propane cylinders, HHW education and outreach, and HHW reporting.
- The Education Program provides the following services: publication of the recycling guide in English and Spanish, the Eco-Desk hotline, outreach to Spanish-speaking residents in Members’ jurisdictions, Zero Waste Sonoma website maintenance, outreach and marketing, food recovery education, repair and reuse workshops, and AB 939 reporting requirements.

The current Waste Management Agency Fee is \$5.40 per ton. When setting and noticing this public hearing, ZWS anticipated increasing the Waste Management Agency Fee by \$2.00 per ton

to \$7.40 per ton to adequately fund ZWS programs. However, under an agreement between the County and Republic, the Waste Management Agency Fee is capped at \$5.95 per ton for self-haul waste. Given this constraint, Staff recommends the Board currently increase the Waste Management Agency Fee to the maximum \$5.95 per ton. In the meantime, ZWS will work with the County to eliminate the cap and increase the Waste Management Agency Fee in the near future to adequately fund ZWS programs.

Disposal Fees for Organic Materials

The disposal fees for organic materials is levied against yard waste and wood waste delivered to the County landfill or transfer stations for composting. Republic collects these revenues, remits them to the County, which in turn, deposits the revenues with ZWS.

The disposal fees for organic materials cover the costs of the Organic Materials Program. The Organic Materials Program provides the following services: municipal composting, composting education and outreach, and implementation of SB 1383 regulations related to organic waste diversion.

The disposal fees for organic materials is \$67.25 per ton. ZWS proposes increasing the disposal fees for organic materials by \$8.00 per ton to \$75.25 per ton to adequately fund the Organic Materials Program and the implementation of SB 1383 regulations.

The proposed fee changes are summarized below:

Fee Descriptions	Organics	Surcharge
Existing ZWS Fee	\$67.25/ton	\$5.40/ton
Amount of ZWS Fee Increase	\$8.00/ton	\$0.55/ton
New Total ZWS Fee*	\$75.25/ton	\$5.95/ton*

III. DISCUSSION

Need for Fee Increases:

As described above, disposal fees for organic materials were last adjusted on March 20, 2019. In 2016, Governor Brown signed into law SB 1383 relating to Short-lived Climate Pollutants with the goal of reducing methane, black carbon, fluorinated gases, and other greenhouse gas emissions by diverting organic waste disposal from landfills. Local jurisdictions must reduce organic waste by 75% of the 2014 baseline level by 2025. The SB 1383 regulations promulgated by the California Department of Resources Recycling and Recovery to divert organic waste from landfills are final and will take effect on Jan. 1, 2022.

ZWS will be hiring an additional 0.5 FTE Waste Management Specialist I in FY 21/22 (with plans to increase that position in FY 22/23) to work on the implementation of SB 1383 regulations. Along with the additional staffing, ZWS will have outreach materials for educating the public on the new SB 1383 regulations. Also impacting the increased expenses to the Organic Materials Program is the increase in processing costs for materials being out-hauled.

ZWS is working towards the addition of a second HHW facility in the northern portion of the County. In order to meet the financing needs for this project, debt-servicing reserves have been

included in the FY 21/22 fiscal year budget. This expenditure along with the addition of a 0.5 FTE Waste Management Specialist I, and increased usage of ZWS's HHW facility and increased disposal costs require an increase to the ZWS's Waste Management Agency Fee.

Ratepayer Impact Analysis:

The proposed increase to the organics disposal fees is \$8.00/ton and an increase of \$0.55/ton to the Waste Management Agency Fee. For customers receiving solid waste collection services by a solid waste hauler, this will have a very small impact on residential rates, estimated to be an average increase of \$0.49 per month per customer, this number will vary by can size and jurisdiction based on current rates.

IV. FUNDING IMPACT

Organics Revenue

Current Tipping Fee \$67.25/ton	\$6,388,750
<u>Proposed Tipping Fee \$75.25/ton</u>	<u>\$7,148,750</u>
Increased organics revenue	\$760,000

Surcharge increase

Current Surcharge \$5.40/ton	\$2,269,557
<u>Proposed Surcharge \$5.95/ton</u>	<u>\$2,939,859</u>
Increase surcharge revenue	\$670,302

The impact of SB1383 regulations with enforcement, education and reporting will require extensive amount of staff time. Failing to increase fees above current levels would result in inadequate monitoring of compliance efforts and could lead to financial penalties to the Members for non-compliance. Until a County compost facility is completed, the hauling and processing costs will continue to rise. Without an adequate Surcharge increase, ZWS would need to reduce programs and services to balance the budget.

V. ATTACHMENTS

Resolution
Public Hearing Notice

DATED: March 30, 2021

RESOLUTION OF SONOMA COUNTY WASTE MANAGEMENT AGENCY (ALSO KNOWN AS ZERO WASTE SONOMA)
INCREASING DISPOSAL FEES FOR WOOD WASTE AND YARD DEBRIS, AND INCREASING THE WASTE
MANAGEMENT AGENCY FEE

WHEREAS, the Amended and Restated Joint Exercise of Powers Agreement for the Sonoma County Waste Management Agency ("Agreement") was approved by all members on April 18, 2017 to allow member agencies ("Members") to jointly exercise their powers to address issues related to the management of wood waste, yard waste, and household hazardous waste ("HHW") and to provide public education related to waste diversion within the Members' jurisdictions; and

WHEREAS, under the Agreement, the Sonoma County Waste Management Agency ("Zero Waste Sonoma") has the authority to: (1) provide recycling and disposal of Household HHW from the Members' jurisdictions (the "HHW Program"); (2) provide services and programs to divert organic material, including but not limited to yard waste and wood waste, from landfills (the "Organic Materials Program"); (3) provide education regarding recycling, composting and other methods of waste diversion to Members and the public (the "Education Program"); (4) conduct, prepare and submit all monitoring and reporting as a Regional Agency as required pursuant to the Integrated Waste Management Act (the "Reporting Program"); and, (5) conduct additional activities and programs to further increase waste diversion; and

WHEREAS, under the Organic Materials Program, yard waste (including residential food waste) and wood waste is collected and processed from Members' jurisdictions (the "Composting Program") and funded by a tonnage disposal fee or tip fee levied against yard waste and wood waste received at the Central Landfill and transfer stations; and

WHEREAS, this Agreement requires the County to collect and remit to Zero Waste Sonoma the above revenues collected from the tonnage disposal fees to fund the Organics Materials Program; and

WHEREAS, the Organic Materials Program provides the following services: municipal composting, tree recycling, composting education and outreach, and implementation of SB 1383 regulations related to organic waste diversion; and

WHEREAS, Zero Waste Sonoma's programs are funded in part through a tip fee charge on waste entering the County of Sonoma's ("County's") waste disposal system (the "Waste Management Agency Fee" or "Surcharge"); and

WHEREAS, this Agreement requires the County to collect and remit to Zero Waste Sonoma the revenues collected from the Waste Management Agency Fee to fund the HHW Program and the Education Program, and to defray the costs of capital improvements, operations, and maintenance for the Zero Waste Sonoma's programs; and

WHEREAS, the HHW Program provides the following services: HHW collection, E-waste collection and disposal, E-waste sorting and recycling, E-waste recycling events, oil and filter recycling, promotion of the use and sale of refillable propane cylinders, HHW education and outreach, and HHW reporting; and

WHEREAS, the Education Program provides the following services: publication of the recycling guide in English and Spanish, the Eco-Desk hotline, outreach to Spanish-speaking residents in Members' jurisdictions, Zero Waste Sonoma website maintenance, outreach and marketing, food recovery education, repair and reuse workshops, and AB 939 reporting requirements; and

WHEREAS, existing disposal fees for wood waste and yard debris, and the Waste Management Agency Fee, are insufficient to defray future costs Zero Waste Sonoma's programs; and

WHEREAS, in order for the fees to cover the costs of providing services or regulatory programs for which the fees are imposed, the fees must be adjusted to reflect reasonable estimated costs of service; and

WHEREAS, the fees are subject to the adoption procedures set forth in Government Code section 66018; and

WHEREAS, in accordance with Government Code section 66018, the Board of Directors called a public hearing for March 30, 2021, for the purpose of receiving public comments to the proposed fees. Notice of the public hearing was given by publication in a newspaper of general circulation within the County once a week for two weeks commencing at least 10 days prior to the public hearing, with at least 5 days intervening between the first and last publication. On March 30, 2021, at the time and place set for the public hearing, the Board heard and considered all oral and written presentations and comments made regarding the proposed fees; and

WHEREAS, the Board now wishes to adopt the new or increased Fees

NOW THEREFORE, BE IT RESOLVED the Board of Directors of the Sonoma County Waste Management Agency hereby finds, determines, and resolves as follows:

SECTION 1. The above Recitals are true and correct and by this reference incorporated herein.

SECTION 2. The Board hereby directs the County to increase the amount of disposal fees collected by the County and remitted to Zero Waste Sonoma by the amounts listed below, effective April 1, 2021:

Disposal Fee Type	All County of Sonoma-Owned Solid Waste Facilities Current Fee	All County of Sonoma-Owned Solid Waste Facilities Proposed Fee
Wood Waste	\$67.25 per ton	\$75.25 per ton
Yard Debris	\$67.25 per ton	\$75.25 per ton
Surcharge	\$5.40 per ton	\$5.95 per ton

SECTION 3. The Board called a public hearing on March 30, 2021, for the purpose of receiving public comments to the proposed fees. Notice of the public hearing was given by publication in a newspaper of general circulation within the County once a week for two weeks commencing at least 10 days prior to the public hearing, with at least 5 days intervening between the first and last publication. On March 30, 2021, at the time and place set for the public hearing, the Board heard and considered all oral and written presentations and comments made regarding the proposed fees.

SECTION 4. The Board finds and determines that:

(a) The fees established by this resolution:

(1) are imposed for a specific government service provided directly to the payor, or for reasonable regulatory costs of the Member Agencies or other rules or ordinances;

(2) are no more than necessary to cover the reasonable costs of the governmental activity for which the fee is imposed; and

- (3) the manner in which those costs are allocated to a payor bear a fair or reasonable relationship to the payor’s burdens on, or benefits received from, the governmental activity for which the fee is imposed; and
- (b) The fees are not taxes within the meaning of California Constitution article XIII C, section 1(e).

SECTION 5. The Board finds and determines that the proposed fees are not subject to environmental review under the California Environmental Quality Act (“CEQA”). First, the proposed fees, in and of themselves, do not have potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment and therefore are not considered a “project” under CEQA. (Pub. Resources Code, § 21065, 14 Cal. Code Regs., § 15378, subd. (a).) Second, the fees are covered by the general rule that CEQA applies only to projects which have the potential for causing a significant effect on the environment; here, there is no possibility that the proposed fees, in and of themselves, may have a significant effect on the environment. (14 Cal. Code Regs., § 15061, subd. (b)(3).)

SECTION 6. If any section, subsection, clause or phrase in this Resolution or the application thereof to any person or circumstances is for any reason held invalid, the validity of the remainder of this Resolution or the application of such provision to other persons or circumstances shall not be affected thereby. The Board hereby declares that it would have passed this Resolution and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that one or more sections, subsections, sentences, clauses, or phrases or the application thereof to any person or circumstance be held invalid.

PASSED, APPROVED, and ADOPTED, by the Board of Directors of the Sonoma County Waste Management Agency, on this 30th day of March, 2021.

MEMBERS:

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

AYES:- - NOES: - - ABSENT: - - ABSTAIN: - -

SO ORDERED.

The within instrument is a correct copy
of the original on file with this office.

ATTEST: DATE:

Clerk the Sonoma County Waste Management Agency of the State of California in and for the
County of Sonoma

**Sonoma County Waste Management Agency
Notice of Intent to Increase Wood Waste and Yard Debris Tipping Fees and Agency
Surcharge Rate Notice of Special Public Hearing**

Notice is hereby given that on March 30, 2021, at or about 3:00 p.m., the Sonoma County Waste Management Agency “SCWMA” (also known as Zero Waste Sonoma) will hold a virtual Public Hearing via Zoom to consider an increase to the disposal fees for Wood Waste and Yard Debris charged by SCWMA and collected by the County of Sonoma at its disposal sites.

SCWMA is considering increases in disposal fees by up to \$8.00 above current levels, which would result in fees of \$75.25 per ton for Wood Waste and Yard Debris. Final amounts will be determined by the Sonoma County Waste Management Agency Board of Directors following the Public Hearing.

SCWMA is considering increases to the surcharge rate by up to \$2.00 per ton over current levels, which would result in fees of \$7.40 per ton. Self-haul rates will be capped at \$5.95. Final amounts will be determined by the Sonoma County Waste Management Agency Board of Directors following the Public Hearing.

At the Public Hearing, SCWMA shall consider all evidence and testimony for and against the proposed fee increases. At any time prior to the public hearing, any person may file in writing with SCWMA a statement of his or her objections to the proposed fee increases. Persons who challenge the proposed fee increases in court may be limited to raising only those issues they or someone else raised at the public hearing described in this Notice, or raised in written correspondence delivered to the City at, or prior to, the Public Hearing.

For more information about the proposed changes, please visit the Zero Waste Sonoma website at <https://zerowastesonoma.gov/agency/upcoming-meetings>. Information related to this item will be posted at least 72 hours in advance of the March 30, 2021 Special Board of Directors meeting