

**SONOMA COUNTY WASTE MANAGEMENT AGENCY**

October 19, 2011  
9:00 a.m.

City of Santa Rosa Council Chambers  
100 Santa Rosa Avenue  
Santa Rosa, CA

**Estimated Ending Time 11:30 a.m.**

AGENDA

<u>ITEM</u>	<u>ACTION</u>
1. Call to Order Regular Meeting	
2. Agenda Approval	
3. <u>Attachments/Correspondence:</u>	
3.1 Director's Agenda Notes	
3.2 Reports by Staff and Others:	
3.2.a October and November 2011 Outreach Events	
3.2.b EPR Update	
3.2.c List of current Agency contractual agreements	
4. <u>On file w/Clerk: for copy call 565-3579</u> Resolutions Approved in September 2011 2011-005 Resolution of the SCWMA Adopting Budgetary Adjustments to the Annual Budget for Fiscal Year 2011-12.	
5. Public Comments (items not on the agenda)	
<b><u>Consent</u></b> (w/attachments)	Discussion/Action
6.1 Minutes of September 21, 2011	
<b><u>Regular Calendar</u></b>	
7. Sonoma County/City Solid Waste Advisory (SWAG) [Barbose]	Discussion/Action <b>Planning</b>
8. Carryout Bag Update [Carter]	Discussion/Action <b>Planning</b>
9. 7 <sup>th</sup> Amendment to Agreement with ESA for Compost Relocation [Mikus, Carter](Attachment)	Discussion/Action <b>Organics</b>

- |     |   |  |
|-----|---|--|
| 10. | Compost Agreement Discussion<br>[Mikus, Carter]   | Discussion/Action<br><b>Organics</b>       |
| 11. | Financial Grants Available to Non-profit Organizations<br>[Mikus]                                     | Discussion/Action<br><b>Administration</b> |
| 12. | Agency Office Space Relocation<br>[Mikus]   | Discussion/Action<br><b>Administration</b> |
| 13. | AB 939 Local Task Force:<br>Mandatory Commercial Recycling Draft Ordinance<br>[Ken Wells](Attachment) | Presentation/Discussion<br><b>Planning</b> |
| 14. | Boardmember Comments  |  |
| 15. | Staff Comments  |  |
| 16. | Next SCWMA Meeting<br>November 16, 2011   |  |
| 17. | Adjourn   |  |

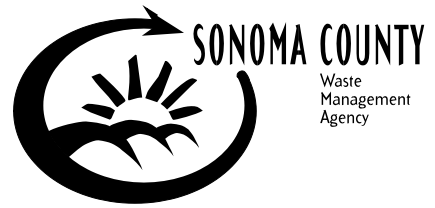
**Consent Calendar:** These matters include routine financial and administrative actions and are usually approved by a single majority vote. Any Boardmember may remove an item from the consent calendar.

**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 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 Sonoma County Waste Management Agency 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 at The Board of Supervisors, 575 Administration Drive, Santa Rosa, and at the meeting site the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa. It is also available on the internet at [www.recyclenow.org](http://www.recyclenow.org)



**TO:** Sonoma County Waste Management Agency Board Members  
**FROM:** Henry Mikus, Executive Director  
**SUBJECT:** October 19, 2011 Agenda Notes

### **Attachments/Correspondence**

- 3.2 There are three items this month presented under "Reports by Staff and Others"
- 3.2.a This is our regular, updated listing of the October and November 2011 Outreach Events
  - 3.2.b EPR Update: this is the latest report giving an update on current information regarding legislative programs and activities on Extended Producer Responsibility.
  - 3.3.c List of current Agency contractual agreements, presented to give all a roadmap of where we are. This is a comprehensive listing which includes pertinent data regarding amounts, funding, dates, and renewals.

### **Consent Calendar**

These items include routine financial and administrative items and **staff recommends that they be approved en masse by a single vote.** Any Board member may remove an item from the consent calendar for further discussion or a separate vote by bringing it to the attention of the Chair.

- 6.1 Minutes of September 21, 2011

### **Regular Calendar**

- 7. Sonoma County/City Solid Waste Advisory Group report, a standard monthly item presented by the Board member that has a position on SWAG, Steve Barbose. **No action required.**
- 8. Carry-out bag update: This will be a verbal status report. We did a follow-up presentation to the Rohnert Park Waste sub-committee on September 30; the sub-committee has decided to bring the discussion to their full council, likely on October 25. We were asked to provide a more definitive time-line that clearly indicated when we would do additional check-ins with our member jurisdictions through the process. Santa Rosa has rescheduled us for a work study session November 1. **No action required.**
- 9. ESA Agreement amendment – Compost EIR: ESA is the consultant doing the compost facility EIR, and their current agreement expires in November, thus requiring extension to complete the work. This includes added expense of \$45,000 as there has clearly been work performed at Agency direction beyond the current scope. We recently returned our latest (hopefully last) set of comments to them on their draft document. **Recommended Action: Approve budget adjustments with a unanimous vote.**

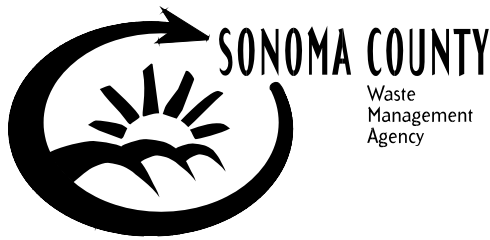
10. Compost Agreement Discussion: In March, as part of the Board's discussion & decision to extend the agreement with Sonoma Compost for a year with two possible one-year extensions, staff was asked to bring the subject of the next renewal up in the fall so that if the decision was made not to renew, there would be time to do an RFP. There are two choices: exercise the option to extend the agreement for a year, or initiate the RFP process to competitively select the next compost program operator. **Recommended Action: Provide direction to staff.**
11. Financial Grants available to non-profit organizations: This is the return of this item with the Board-requested policy revisions made to the initial proposal. **Recommended Action: Approve the policy as presented.**
12. Agency Office Space Relocation: Agency staff utilize county provided office space. The county is discussing relocating several departments, which as currently proposed, would require the agency to relocate twice. As a double move is disruptive and not cost effective, we should discuss what alternatives are open to us, and plan a course of action that best suits the agency's function and mission. **Recommended Action: Provide direction to staff.**
13. AB 939 Local Task force Mandatory Commercial Recycling presentation: For the past year the LTF has had a sub-committee developing a draft mandatory commercial recycling ordinance, which is to be presented for the Board. **No action required.**

**October 2011 Outreach Events**

<b><u>Day</u></b>	<b><u>Time</u></b>	<b><u>Event</u></b>
1	10 AM – 4 PM	End of the Harvest Fiesta (Wells Fargo Center), Santa Rosa
2	12-1 PM	Sonoma Compost: American Institute of Architects, Santa Rosa: Compost, Soils and Mulches
4	4-8 PM	Community Toxics Collection, Oakmont
5	7-8:30 PM	Sebastopol Center of the Arts, Roots and Compost presentation
9	11 AM – 3 PM	Binational Health Week Celebration (Clinica Alianza, Healdsburg)
9	12 N – 3 PM	Binational Health Week Celebration (Dia de Muertos Celebration), Petaluma
10	1 PM	Tour of Central Disposal Site, SRJC Environmental Studies class
10	7-8:30 PM	Sonoma Compost: Santa Rosa Men's Garden Club
11	4-8 PM	Community Toxics Collection, Petaluma
14	10:15-11:30 AM	Slow Money National Gathering, San Francisco. Building Soil presentation
15-16	8 AM-4 PM	E-Waste Recycling Event, WalMart, Windsor
18	4-8 PM	Community Toxics Collection, Glen Ellen
19	9:30-11 AM	Sonoma Compost Facility Tour, SRJC Soils class
20	3:30-5 PM	Sonoma Compost Facility Tour, SRJC Soils class
25	4-8 PM	Community Toxics Collection, Kenwood
27	10:30 AM	Tour of Central Disposal Site, Mark West Elementary
27	4-7 PM	Sonoma Compost: Hispanic Chamber Business Expo, Santa Rosa

**November 2011 Outreach Events**

<b><u>Day</u></b>	<b><u>Time</u></b>	<b><u>Event</u></b>
1	4-8 PM	Community Toxics Collection, Windsor
3	1 PM	Tour of Central Disposal Site, SRJC Environmental Studies class
3	2-3 PM	Sonoma Compost: Pesticide Applicators Professional Association, Petaluma, Compost and Mulch: Sustainable Soil Management and IPM
8	4-8 PM	Community Toxics Collection, Santa Rosa SE
12-13	8 AM-4 PM	E-Waste Recycling Event, Goodwill Retail Store, Petaluma
15	4-8 PM	Community Toxics Collection, Forestville
29	4-8 PM	Community Toxics Collection, Santa Rosa NW



**Agenda Item #: 3.2.b**  
**Cost Center: HHW**  
**Staff Contact: Steinman**  
**Agenda Date: 10/19/2011**

**ITEM: EPR Update**

**I. BACKGROUND**

The SCWMA recognizes that Extended Producer Responsibility (EPR) is a waste management approach that will assist and enhance efforts to manage waste products by shifting responsibility for collection, transportation and management for discarded products away from local governments to the manufacturers. To formalize this support, the SCWMA passed and circulated a resolution (Resolution 2001-021) to elected officials at the state and national level.

The SCWMA has maintained an active interest in EPR with actions such as being a founding member of the California Product Stewardship Council (CPSC) and hiring a consultant (R3 Consulting Group, Inc.) to write an Extended Producer Responsibility Implementation Plan, which the SCWMA Board of Directors approved at their February 21, 2007 meeting.

Since the plan was approved, staff has stayed current on EPR legislation and continues to send letters of support to legislators when appropriate. All letters of support are included as part of the Agency Board agendas. The Agency actively participates with CPSC and Product Stewardship Institute (PSI) to develop coordinated efforts with other California local governments to promote EPR legislation for batteries, lamps, and other wastes of concern.

**II. DISCUSSION**

The purpose of this staff report is to update the Agency Board on current EPR legislation.

2010 Legislation

Governor Schwarzenegger signed three producer responsibility bills into law during the 2010 session: AB 1343, paint recycling, by Assembly member Jared Huffman; AB 2398, carpet recycling, by Assembly Speaker John Perez; and SB 346, reducing copper in brake pads, by Senator Christine Kehoe.

All three bills were the culmination of years of negotiations between industry groups and state and local governments, waste haulers, recyclers, water associations, and solid waste professionals working towards fully funded and cost-effective solutions to these problem products.

California is the first state to pass producer responsibility legislation for carpet. The law prohibits carpet producers from selling carpet in California unless they are participating in the carpet stewardship program. As a result of this new law, California consumers will now have more locations to discard of their unwanted carpet for recycling with no costs upon return. Consumers will pay fees at point of sale to cover the program costs. The Carpet America Recovery Effort (CARE), a 3rd-party nonprofit carpet stewardship organization, will serve as the carpet stewardship organization until April 1, 2015. Carpet Manufacturers were required to submit a stewardship plan to the California Department of Resources Recycling and Recovery (CalRecycle) by September 30, 2011.

California is the second state in the U.S. to pass producer responsibility legislation for paint. Oregon legislation (HB 3037) signed into law on July 23, 2009 requires manufacturers of

architectural paint sold in Oregon to establish an industry managed and funded leftover paint stewardship program.

Of the three EPR bills passed in 2010, paint recycling AB 1343 will have the most direct impact on the Agency's programs. AB 1343 requires paint manufacturers to develop and implement a program to collect, transport, and process postconsumer paint to reduce the costs and environmental impacts of the disposal of postconsumer paint in California. California's program will be modeled after the Oregon paint program.

Agency staff has been participating in CalRecycle webinars and conference calls to discuss how the new paint recycling law will be rolled out in California. California's paint stewardship law will be implemented by Paintcare, a nonprofit stewardship organization working on behalf of the paint producers. On September 9, 2011, Agency staff met with representatives from Paintcare at the Household Toxics Facility to discuss how paint is managed at the facility. Agency staff will continue conversations with Paintcare on coordination between the new paint program and the Agency's existing HHW collection program.

The paint manufacturers, through Paintcare, must submit a paint stewardship plan to CalRecycle by April 1, 2012. The program is set to be implemented in fiscal year 12/13. It is too soon to know how much cost savings the new program will have for the Agency or when exactly the program will be implemented in Sonoma County. Agency staff will present a more detailed report to the Board when this information is available.

#### Current Legislative Action

Household Battery Recycling Bill SB 515 was held on the suspense file for further work per the request of the author, Senator Ellen Corbett. The bill can be moved out of the committee in January 2012.

SB 515 will require battery manufacturers to design, fund and operate a stewardship program to properly manage batteries in order to sell their products in California. SB 515 will also require battery manufacturers to meet collection goals each year and report data to CalRecycle who will oversee the implementation of each manufacturer's stewardship plan.

Staff will continue to update the Board on the effects of these new laws, current legislative action, and on new EPR related items as they arise.

### III. FUNDING IMPACT

This agenda item is for informational purposes only. There is no funding impact resulting from this transmittal.

### IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

There is no recommended action resulting from this agenda item.

### V. ATTACHMENTS

None.

Approved by: \_\_\_\_\_  
Henry J. Mikus, Executive Director, SCWMA

**October 7, 2011**

**Item 3.2.c**

**List of current Agency contracts with pertinent information**

**HHW Contracts**

**Clean Harbors Environmental Services**

Contract: For Operations of Household Hazardous Waste Programs

The Agreement between Sonoma County Waste Management Agency, County of Sonoma, and Clean Harbors Environmental Services, Inc. (formerly Teris LLC (dba MSE Environmental)) was approved on June 11, 2002.

The 8th Amendment extended the term of Agreement until **January 6, 2013**, without any changes to the current terms and conditions, and included the option of three, one-year extensions.

Funding Source: HHW Budget. The budgeted amount for this Contractor in FY 11/12 is \$1,157,000.

**C<sup>2</sup> Alternative Services**

Contract: To Audit Oil Recycling Centers and Coordinate Oil Recycling Publicity and Programs.

The original Agreement was dated May 21, 2003. This Agreement term was for three years with optional annual extensions.

This contract has been amended 5 times. The 5th Amendment, dated April 21, 2010, extended the Agreement until **June 30, 2012** with annual extensions upon mutual agreement.

Funding Source: CalRecycle Used Oil Block Grants and Oil Payment Program. The Contractor is paid \$62,825 which is included in the FY budget each year.

**ECS Refining**

Contract: For E-Waste Transport and Recycling Services

The original Agreement was dated December 1, 2006. This contract has been amended twice. The 2nd Amendment dated, March 17, 2010, extended the Agreement until **May 31, 2012**. No option to extend was included.

Funding Source: **The Contractor pays** the Agency through the State's Covered Electronic Waste Payment System.

**Goodwill Industries of the Redwood Empire**

Contract: For Electronic Waste Management Services (E-waste Collection Events)



On May 3, 2010, the Agency issued a RFP for Electronic Waste Collection Event Services. Four proposals were received by the deadline of May 26, 2010.

The Term of this Agreement is June 16, 2010 to **June 16, 2012**. No option to extend was included.

Funding Source: **The Contractor pays** the Agency through the State's Covered Electronic Waste Payment System.

## **Organics Contracts**

### **ESA Renewable Resources Central Valley/Sierra Region**

Contract: For performing CEQA analysis for the potential new compost operations site

The Agreement between Sonoma County Waste Management Agency and ESA Renewable Resources was approved on August 15, 2007.

The 6th Amendment, dated March 16, 2011, extended the term of Agreement until **November 16, 2011**, without any changes to the current terms and conditions.

Funding Source: Organics Reserve. The budgeted amount for this Contractor in FY 11/12 is \$26,000. The total contract amount is \$715,485.56 and the total funds expended to date are \$690,013.32.

### **Sonoma Compost Company**

Contract: For Operations of Composting Programs

The Agreement between Sonoma County Waste Management Agency and Sonoma Compost Company was approved on September 28, 1999.

The 8th Amendment, dated March 16, 2011, extended the "Operating" Term of the agreement until **July 15, 2012** and the "Post-Operating" term of Agreement until **November 15, 2012**, without any changes to the current terms and conditions, and included the option of two, one-year extensions.

Funding Source: Yard Debris and Wood Waste Cost Centers. The budgeted amount for this Contractor in FY 11/12 is \$3,027,082.

## **Education/Outreach Contracts**

### **C<sup>2</sup> Alternative Services**

Contract: For Spanish language outreach services

The Agreement between Sonoma County Waste Management Agency and C<sup>2</sup> Alternative Services was approved on June 16, 2010.

The term of Agreement is from July 1, 2010 to June 30, 2012 and contains provisions for July 1, 2010 to June 30, 2012 with annual extensions upon mutual agreement.

Funding Source: Education cost center: The budgeted amount for this Contractor in FY 11/12 is \$48,000, and is drawn from CalRecycle Used Oil Block Grant (79%)/Education cost center (21%). The Education cost center is supported by the Agency tip fee surcharge.

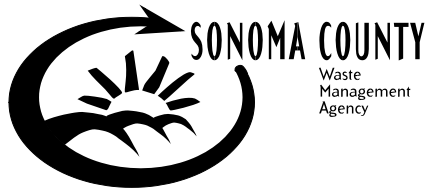
### **Mercury Disposal Systems**

Contract: For recycling and collection of residential spent fluorescent lamps

The Agreement between Sonoma County Waste Management Agency and Mercury Disposal Systems was approved on August 17, 2011.

The term of Agreement is from August 17, 2011 to December 31, 2012 and contains no provisions for any extensions.

Funding Source: PG&E grant (100%) for \$52,000.



Minutes of September 21, 2011

The Sonoma County Waste Management Agency (SCWMA) met on September 21, 2011, at the City of Santa Rosa Council Chambers, 100 Santa Rosa Avenue, Santa Rosa, California

**Present:**

City of Healdsburg	Mike Kirn, Chair
City of Cloverdale	Nina Regor
City of Cotati	Marsha Sue Lustig
City of Petaluma	John Brown
City of Rohnert Park	Linda Babonis
City of Santa Rosa	Dell Tredinnick
City of Sebastopol	Sue Kelly, Alternate
City of Sonoma	Steve Barbose
County of Sonoma	Susan Klassen
Town of Windsor	Robin Goble, Alternate

**Staff Present:**

Counsel	Janet Coleson
Staff	Patrick Carter
	Karina Chilcott
	Henry Mikus
	Lisa Steinman
Recorder	Debra Dowdell

- 1. Call to Order Special Meeting**  
The meeting was called to order at 8:37 a.m.
- 2. Open Closed Session**  
Conference with Legal Counsel – Anticipated Litigation  
Government Code Section 54956.9(b)(1) and (b)(3)(A) one case.
- 3. Adjourn Closed Session & Introduction**  
No report.
- 4. Agenda Approval**  
**Dell Tredinnick, Santa Rosa, moved to approve the agenda, Sue Kelly, Alternate for City of Sebastopol, seconded. Agenda approved.**
- 5. Attachments/Correspondence**  
Chair Kirn called attention to the Director’s Agenda Notes and Reports by Staff and Others; September and October 2011 Outreach Events, HHW Facility Inspection Update, and List of locations for fluorescent take-backs.
- 6. On File with Clerk**  
Chair Kirn noted there were no resolutions approved in August.
- 7. Public Comments (items not on the agenda)**  
None.

**Consent** (w/attachments)

Chair Kirn requested that item 8.2 be pulled and placed on the regular calendar for discussion.

**8.1 Minutes of August 17, 2011**

**Steve Barbose, City of Sonoma, moved to approve item 8.1. Marsha Sue Lustig, Cotati seconded the motion. Item 8.1 was approved unanimously.**

**Regular Calendar**

**8.2 Financial Grants Available to Non-profit Groups**

Henry Mikus, Executive Director, recapped the questions/concerns regarding SCWMA contributions made to the 4-H Chicken Que. At Board request, staff presented draft guidelines for the possible granting of funds to local non-profit groups.

Janet Coleson, Agency Counsel, advised that case law in this area is broad and much is up to the Board's discretion. The SCWMA can give money to non-profit organizations for projects specifically for a public purpose and meet SCWMA goals such as recycling and diversion.

**Board Discussion**

Susan Klassen, County of Sonoma, questioned the notification process for the public and non-profits with respect to the grant application timeframe.

John Brown, City of Petaluma, stated that a stronger, more-defined policy was needed. The SCWMA is responsible to ensure that public monies are spent properly. Mr. Brown suggested utilizing formal contracts with the non-profit groups that would allow SCWMA to audit project grant money expenditures. An appeal process if someone is denied needs to be in place. However, Mr. Brown recognized his suggestions would involve a lot of effort for a \$500 grant.

Nina Regor, City of Cloverdale, indicated Cloverdale sets an amount available for a fiscal year. Cloverdale has two different tiers of grants, a set of requirements for grants under and over \$1,000.

**Public Comment**

None.

**Board Comment**

Marsha Sue Lustig, City of Cotati, suggested staff bring back an approach that includes accountability. She acknowledged Cotati had found such grants were not cost effective.

Chair Kirn, City of Healdsburg, directed staff to bring the revised policy back to the Board next month for additional discussion.

**9. Budgetary Adjustments**

Henry Mikus listed the categories in which there were budgetary adjustments and included brief descriptions: recognition of actual grant awards, line item transfers for computer replacements, reinstatement of staff development funds, and end of year reserve transfers.

**Board Comment**

Linda Babonis, City of Rohnert Park, inquired about any unused funds from the CalRecycle beverage container grant being used for the Mandatory Commercial Recycling (MCR) Project.

Henry Mikus answered there were two possible uses of the extra funds being considered. The primary use was to purchase containers for different jurisdictions as had been done previously. If containers were not needed, the money would be available to do additional MCR outreach.

#### **Public Comment**

None.

**Susan Klassen, County of Sonoma, moved to approve the budgetary adjustments; John Brown, City of Petaluma, seconded the motion. Motion was unanimously approved.**

#### **10. Sonoma Vermiculture: Presentation**

Henry Mikus and Patrick Carter visited Sonoma Vermiculture about a month ago. Sonoma Vermiculture started a composting operation in January, as a pilot project which is now ready to be a permanent operation. Permit documents are being prepared and inclusion in the ColWMP Non-Disposal Facility element (NDFE) is under discussion. SCWMA Board of Directors has reviewing authority for operations included in the NDFE. Sonoma Vermiculture will return for the review at the appropriate time. The vermiculture facility has great potential for the SCWMA as part of the regional compost program with the focus on using food waste as feed stock.

Daniel Stitzel, Principal of Sonoma Vermiculture, gave a presentation titled, "The Adventures in Food Waste and Vermiculture", which gave a brief description of the facility and process. The company has been successful processing about 15 tons of full food waste per week and is seeking to expand to 100 tons per day. Boardmembers are invited to visit if so desired.

#### **11. Sonoma County/City Solid Waste Advisory (SWAG)**

Steve Barbose, City of Sonoma, serves as the SCWMA liaison to the SWAG. Mr. Barbose reported there has not been a SWAG meeting held since the last Board meeting. SWAG is waiting for a consultant's report.

#### **Board Comment**

Chair Kirn requested leaving this report as a standing item on the next agenda.

#### **12. Mandatory Commercial Recycling Education Project**

Henry Mikus, Executive Director, reported the SCWMA has been awarded Cal Recycle Beverage Container grant money to be used to start a Mandatory Commercial Recycling (MCR) outreach program. This item was postponed from the last meeting. Initially a Request For Proposal (RFP) was issued and received three responses. Prior to the last meeting, the RFP proposals were examined, interviews were held, and recommendation was given, which was included in the agenda packet for the previous Board meeting. However, between the distribution of the packet and the meeting there discussion on the suitability and effectiveness of the program being done by contractors; thus the discussion was postponed to allow further investigation.

As an alternate solution, a plan was developed to do the project in-house with temporary employees for database development and outreach. The Cal Recycle grant manager, Matthew Fong, was consulted to make sure the shift in approach was appropriate. This was verified by him. A budget that meets the project expense goal of \$100,000 was developed. By using temporary staff, the number of outreach visits can be doubled and the database would be wholly owned by SCWMA. Patrick Carter added that this project would be accomplished with grant money, so there wouldn't be any additional outlay from SCWMA funds.

**Public Comment**

Connie Cloak, C2 Alternatives, was a RFP proposer and agreed the in-house approach was good, but had concerns about the level of diversion that will be accomplished with this project.

**Board Comment**

Marsha Sue Lustig, City of Cotati, noted twice the outreach for less money was a good approach.

Chair Kirn, City of Healdsburg, reiterated the staff brought on for this project would be used solely for this project and would be temporary.

**Susan Klassen, County of Sonoma, moved to proceed with project in-house as proposed by staff; Marsha Sue Lustig, City of Cotati, seconded the motion. There was a consensus of the Board to support staffs' recommendation.**

**13. Civil Grand Jury Response**

Henry Mikus presented a continuing discussion of the same subject from the previous Board meeting. Correspondence was received from the Civil Grand Jury regarding the need for a "Whistle Blower" program in Sonoma County, which included a request to respond to a survey on the subject. After some investigation it was determined SCWMA employees are covered by County policies, which is in compliance with state and federal law. This was brought back for Board consideration to approve the draft response letter and completed survey pages.

**Board Discussion**

John Brown, City of Petaluma, said Petaluma had provided a response to the same survey as a courtesy, and the proposed response for SCWMA is entirely appropriate.

Chair Kirn, City of Healdsburg, stated the reply is consistent with the City of Healdsburg's response.

**Public Comment**

None.

**Board Comment**

Chair Kirn directed the Executive Director to submit the letter and completed survey page as presented.

**14. Boardmember Comments**

Sue Kelly, City of Sebastopol, commented on her pleasure being at an SCWMA meeting after a long absence and to be reminded of the long and illustrious history of this organization.

**15. Staff Comments**

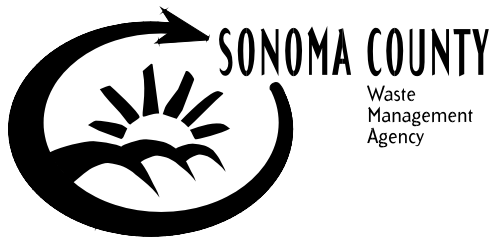
None.

**16. Next SCWMA Meeting – October 19, 2011**

**17. Adjournment**

Meeting adjourned at 10:36 a.m.

Respectfully submitted,  
Debra Dowdell



**Agenda Item #: 9**  
**Cost Center: Organics**  
**Staff Contact: Carter**  
**Agenda Date: 10/19/2011**

**ITEM: 7<sup>th</sup> Amendment to Agreement with ESA for Compost Relocation**

**I. BACKGROUND**

At the August 15, 2007 SCWMA Board meeting, the Board entered into an agreement with a team of consultants led by Environmental Science Associates (ESA) to assist the SCWMA in the selection, conceptual design, and preparation of CEQA documents for a new compost site in Sonoma County. Staff and the contractor have provided project updates at each subsequent Board meeting.

**Project Milestones:**

June 18, 2008 – the SCWMA Board selected one preferred site (Site 5a) and two alternative sites (Sites 13 and 14) to be studied further in an Environmental Impact Report (EIR).

March 18, 2009 – First Amendment, the term of the agreement with ESA was extended to December 31, 2009 and an alternative composting technology, aerated static pile, was added to the EIR.

May 20, 2009 – Second Amendment, Site 40 was added to the EIR to be studied at an equal level of detail as Site 5a.

December 2, 2009 – Third Amendment, the term of the agreement was extended to June 30, 2010.

February 17, 2010 – Fourth Amendment, Central Disposal Site was added to the EIR to be studied at an equal level as Sites 5a and 40. The term of the agreement was extended to October 31, 2010.

August 18, 2010 – Fifth Amendment, additional funds were appropriated to complete a Water Supply Assessment for Site 40. The term of the agreement was extended to March 16, 2011.

March 16, 2011 – Sixth Amendment, the term of the agreement was extended to November 16, 2011.

**II. DISCUSSION**

An amendment is necessary because there is not enough time to complete the project before the end of our existing agreement with ESA. The review of the administrative draft document took longer than was expected and involved an additional round of review that was not previously budgeted by ESA. There are insufficient funds remaining in the agreement to complete the project. This was a complex document to create and has been amended a number of times through the process to accommodate additional sites and information as they became available. While ESA the agreement funding amount has also been increased when major additions to the project were included, the project duration and additional project management for ESA have far exceeded what they had expected. Staff believes additional funding to help finish the project out is warranted.

SCWMA staff recently returned the last set of comments on the EIR draft. ESA is slated to have the Draft EIR submitted for SCWMA review in November. A Draft EIR typically has a 45 day comment period in which issues regarding the draft may be raised by individuals

and organizations. All issues raised verbally during a public hearing and written comments received during the comment period must be addressed in the Final EIR.

The public hearing for the Draft EIR may coincide with a December or January SCWMA meeting, depending on the release date of the Draft EIR. For example, if the document was released December 5, 2011, the December and January SCWMA meeting dates both occur within the comment period.

### III. FUNDING IMPACT

ESA is requesting an additional \$45,000 to complete this project. Approving this additional expenditure would bring the total project budget to \$760,486.

This project is funded from the Organics Reserves. The fund balance at the end of FY 11-12 is expected to be \$5,406,277. An appropriation transfer from the Organics Reserve in the amount of \$45,000 would leave \$5,361,277 remaining in that account.

### IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff recommends approval of the Seventh Amendment to the Agreement with ESA for Consulting Services with regard to the Compost Relocation Project.

### V. ATTACHMENTS

Seventh Amendment to the Agreement with ESA for the Compost Relocation Project  
Exhibit B5  
Appropriation Transfer  
Proposal from ESA

Approved by: \_\_\_\_\_  
Henry J. Mikus, Executive Director, SCWMA



SEVENTH AMENDMENT TO  
AGREEMENT BETWEEN SONOMA COUNTY WASTE MANAGEMENT AGENCY  
AND ENVIRONMENTAL SCIENCE ASSOCIATES  
FOR CONSULTING SERVICES WITH REGARD TO THE COMPOST RELOCATION  
PROJECT

This Seventh Amendment ("Amendment") to the Agreement for Consulting Services ("Agreement"), dated as of October 19, 2011, is by and between the Sonoma County Waste Management Agency ("Agency"), a joint powers agency, and Environmental Science Associates, a California Corporation, ("Consultant"). All capitalized terms used herein shall, unless otherwise defined, have the meaning ascribed to those terms in the existing Agreement.

RECITALS

WHEREAS, Consultant represents to Agency that it is a duly qualified firm experienced in compost site selection, conceptual design, and preparation of CEQA documents and related services;

WHEREAS, Agency and Consultant amended this agreement as of March 18, 2009 ("First Amendment"); and

WHEREAS, Agency and Consultant amended this agreement as of May 20, 2009 ("Second Amendment"); and

WHEREAS, Agency and Consultant amended this agreement as of December 2, 2009 ("Third Amendment"); and

WHEREAS, Agency and Consultant amended this agreement as of February 17, 2010 ("Fourth Amendment"); and

WHEREAS, Agency and Consultant amended this agreement as of August 18, 2010 ("Fifth Amendment"); and

WHEREAS, Agency and Consultant amended this agreement as of March 16, 2011 ("Sixth Amendment"); and

WHEREAS, Agency is satisfied with services provided by Consultant and would like to continue receiving said services from Consultant; and

WHEREAS, the parties desire to amend the Agreement to extend the term of Agreement until August 31, 2012;

NOW, THEREFORE, for good and valuable consideration, the receipt and

sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

## A G R E E M E N T

1. Section 2.1 Payment is hereby deleted and replaced in its entirety to read as follows:

2.1 Consultant shall be paid Seven Hundred Sixty Thousand Four Hundred Eighty Six Dollars (\$760,486) for services rendered in accordance with tasks detailed in Section 1.1 above and in Exhibit B5, upon monthly submission of progress reports, verified claims and invoices, in the amount of ninety percent (90%) of the work billed and approved. Payments shall be made in the proportion of work completed based upon progress reports to total services to be performed. Payment for satisfactory performance includes, without limitation, salary, fringe benefits, overhead, sub-consultant costs, non-labor expenses, and profit.

2. Section 3, Term of Agreement is hereby deleted and replaced in its entirety to read as follows:

3. Term of Agreement. The term of this Agreement shall be from Effective Date to August 31, 2012, unless terminated earlier in accordance with the provisions of Article 4 below.

3. Exhibit A – Scope of Service is hereby amended to include the following addition:

Exhibit B4 is hereby deleted and replaced in its entirety with Exhibit B5.

AGENCY AND CONSULTANT HAVE CAREFULLY READ AND REVIEWED THIS AMENDMENT AND EACH TERM AND PROVISION CONTAINED HEREIN AND, BY EXECUTION OF THIS AMENDMENT, SHOW THEIR INFORMED AND VOLUNTARY CONSENT THERETO.

IN WITNESS WHEREOF, the parties hereto have executed this Amendment as of the Effective Date.

AGENCY: SONOMA COUNTY WASTE MANAGEMENT AGENCY  
By:

\_\_\_\_\_  
Mike Kirn, Chair

CONSULTANT: ENVIRONMENTAL SCIENCE ASSOCIATES  
By:

\_\_\_\_\_  
Title:

APPROVED AS TO FORM FOR AGENCY:

\_\_\_\_\_  
Janet Coleson, Agency Counsel

APPROVED AS TO SUBSTANCE FOR AGENCY:

\_\_\_\_\_  
Henry J. Mikus, Executive Director

**Exhibit B5**  
**ESA Labor Detail and Expense Summary**  
**Revised October 10, 2011**

Task Number / Description	Sicular	Miller	Sherman	Martorana	Grattidge	Morales, M	Hecock	Hudson	Fain	Morales, E	Hutchison	Schnabel	Fischer	Lee	Subtotal	Administrative Staff Hours				Total Hours	Total Labor Price
	PD	PM	Tec Advisor	Cultural	Planning	Noise/AQ	Land Use	Hydrology	Alts./CEQA	Alts./CEQA	Traffic	Traffic	Biological	Biological		Wyatt Sr Adm/Grph	Allen Sr GIS	Patrus WP	Clerical		
<b>Hourly Billing Rate</b>	\$160	\$160	\$170	\$100	\$145	\$90	\$100	\$160	\$115	\$100	\$160	\$100	\$185	\$100		\$ 95	\$125	\$80	\$65		
Task 1 Submit a Work Plan (includes 1 meeting 5 key people [3 ESA])	12	40	12	-	-	-	-	-	-	-	-	-	-	-	\$ 10,360			2	\$ 160	66	\$ 10,520
Task 2 Meetings (Included in Task 1, 3, 7 and 10)				-	-	-	-	-	-	-	-	-	-	-	\$ -				\$ -	-	\$ -
Task 2.1 Monthly Phone Conferences (4 persons per call x 8 months [2 ESA])		8			8										\$ 2,440				\$ -	16	\$ 2,440
Task 2.2 Additional Meetings (3 additional meeting with Agency - 4 persons [2 ESA])		24			24										\$ 7,320				\$ -	48	\$ 7,320
Task 3 Site Evaluation (includes 1 meeting 5 key people [3 ESA] - and Summary Notes)	8	36	-	-	8	-	-	-	-	-	-	-	-	-	\$ 8,200		40		\$ 5,000	92	\$ 13,200
Task 4 Conceptual Design of Composting Facility	-	16	-	-	-	-	-	-	-	-	-	-	-	-	\$ 2,560				\$ -	16	\$ 2,560
Task 5 Prepare Administrative Draft EIR	-	-	-	-	-	-	-	-	-	-	-	-	-	-	\$ -				\$ -	-	\$ -
5.1 CEQA Start-Up	-	8	-	-	8	-	-	-	-	-	-	-	-	-	\$ 2,440				\$ -	16	\$ 2,440
5.2 Prepare Project Description	-	16	4	-	-	-	24	-	-	-	-	-	-	-	\$ 5,640				\$ -	44	\$ 5,640
5.3 Prepare Data Request for SCWMA	-	8	-	-	4	4	-	4	-	-	4	-	4	-	\$ 4,240				\$ -	28	\$ 4,240
5.4 Develop Project Alternatives	-	8	-	-	12	-	-	-	-	20	-	-	-	-	\$ 5,020	4	8		\$ 1,380	52	\$ 6,400
5.5 Confer with Involved Agencies	-	4	-	-	-	4	-	8	-	-	-	-	4	8	\$ 3,820				\$ -	28	\$ 3,820
5.6 Prepare and Submit Initial Study / NOP	8	16	-	4	16	-	-	8	-	-	4	-	4	-	\$ 9,220				\$ -	60	\$ 9,220
5.7 Complete Environmental Analyses	16	16	-	-	-	-	-	-	-	-	-	-	-	-	\$ 5,120	40	24	40	\$ 12,600	176	\$ 17,720
5.7.1 Land Use Planning and Agriculture	-	2	-	-	12	-	60	-	-	-	-	-	-	-	\$ 8,060		16		\$ 2,000	90	\$ 10,060
5.7.2 Aesthetics	-	8	-	-	16	-	-	-	-	-	-	-	-	-	\$ 3,600	4			\$ 380	28	\$ 3,980
5.7.3 Traffic and Transportation	-	2	-	-	-	-	-	-	-	-	52	88	-	-	\$ 17,440				\$ -	142	\$ 17,440
5.7.4 Public Services, Utilities and Service Systems	-	2	-	-	8	-	-	-	-	64	-	-	-	-	\$ 7,880				\$ -	74	\$ 7,880
5.7.5 Hydrology	-	-	-	-	-	-	-	20	70	-	-	-	-	-	\$ 11,250				\$ -	90	\$ 11,250
5.7.6 Air Quality	-	6	-	-	-	40	-	-	-	-	-	-	-	-	\$ 4,560				\$ -	46	\$ 4,560
5.7.7 Noise	-	6	-	-	-	40	-	-	-	-	-	-	-	-	\$ 4,560				\$ -	46	\$ 4,560
5.7.8 Biological Resources	-	-	-	-	-	-	-	-	-	-	-	-	20	75	\$ 11,200		8		\$ 1,000	103	\$ 12,200
5.7.9 Cultural Resources	-	-	-	30	-	-	-	-	-	-	-	-	-	-	\$ 3,000				\$ -	30	\$ 3,000
5.7.10 Alternatives	-	-	-	8	-	8	8	-	8	24	16	-	-	21	\$ 10,300	8	8		\$ 1,760	109	\$ 12,060
5.7.11 Other CEQA Sections	-	-	-	-	-	-	-	-	-	24	-	-	-	-	\$ 2,400				\$ -	24	\$ 2,400
Task 6 Prepare Draft EIR (ADEIR II, Screen Copy, 60 hardcopies, 30 CDs)	8	30	-	-	16	16	30	-	-	20	-	-	-	-	\$ 14,840	16	8	40	\$ 6,240	192	\$ 21,080
Task 7 Attend Hearing on Draft EIR (includes 1 meeting 5 key people - [4 ESA] & Summary Notes)	-	16	-	-	8	-	-	8	-	-	8	-	-	-	\$ 6,280				\$ -	40	\$ 6,280
Task 8 Respond to Comments and Prepare Admin. Final EIR (3 hardcopies + 1 electronic)	8	40	-	-	40	20	20	8	20	-	-	-	12	32	\$ 26,280	16		40	\$ 4,720	256	\$ 31,000
Task 9 Prepare Final EIR (One Screen Copy + 50 hardcopies + 10 CDs)	8	20	-	-	20	10	10	4	10	-	-	-	18	-	\$ 14,400	16		40	\$ 4,720	156	\$ 19,120
Task 10 Attend hearing for Final EIR (includes 1 meeting 5 key people [4 ESA] - & Summary Notes)	-	16	-	-	8	-	-	8	-	-	8	-	-	-	\$ 6,280				\$ -	40	\$ 6,280
Task 11 Other Necessary Tasks (Upon written authorization of Executive Director)															\$ -				\$ -	-	\$ 25,000
Project Management	16	76	4	-	-	-	-	-	-	-	-	-	-	-	\$ 15,400				\$ -	96	\$ 15,400
															\$ -				\$ -	-	\$ -
<b>Total Hours</b>	84	424	20	42	208	142	152	68	108	152	92	88	62	136		104	112	162	48	2,204	
<b>Subtotals - Labor Hours</b>	\$13,440	\$ 67,840	\$ 3,400	\$ 4,200	\$30,160	\$12,780	\$15,200	\$10,880	\$12,420	\$15,200	\$ 14,720	\$ 8,800	\$11,470	\$13,600	\$ 234,110	\$ 9,880	\$ 14,000	\$ 12,960	\$ 3,120	\$ 39,960	\$ 299,070

**ESA Labor Costs** **\$ 299,070**

**Communications Fee of 3% on ESA Labor Costs** **\$ 8,972**

**ESA Non-Labor Expenses**

- Reimbursable Expenses \$ 20,199
- ESA Equipment usage \$ 1,810
- Subtotal ESA Non-Labor Expenses** **\$ 22,009**
- Subconsultant Costs** **\$ 190,875**

- Task 12 - Aerated Static Pile (First Amendment) \$ 33,260
- Task 13 - Site 40 Addition (Second Amendment) \$ 66,000
- Task 14 - Central / Gray Site Additions (Fourth Amendment) \$ 63,000
- Task 15 - Water Supply Assessment (Fifth Amendment) \$ 32,300
- Task 16 - Additional ADEIR (Seventh Amendment) \$ 45,000

**TOTAL PROJECT PRICE** **\$ 760,486**

**SPECIAL DISTRICTS GOVERNED BY  
LOCAL BOARDS - BUDGETARY REVISIONS**

Resolution No. 2011-

Auditor's Office Use Only

District Name: Sonoma County Waste Management Agency (JPA)  
 Address: 2300 County Center Dr., Rm. 100B  
 Santa Rosa, CA 95403  
 Phone: 565-2413  
 FY: 2010-11

DOCUMENT #
BATCH #
BATCH DATE

	TC	INDEX	SUB-OBJECT	PROJECT	SUB-OBJECT TITLE	AMOUNT
TO:	203	799221	6540	Compost Site Relocation	Contract Services	\$45,000
FROM:		799221	4624	Same as Above	Retained Earnings	\$45,000

WHEREAS, it is desirable to the Agency to include additional studies to the existing Environmental Impact Report being prepared by Environmental Science Associates; and

WHEREAS, the additional scope of work and accompanying expense was not anticipated and, therefore, not budgeted in the Sonoma County Waste Management Agency budget for FY 11-12; and

WHEREAS, it would create greater efficiencies, both in location and purchasing options, to direct the contractor to proceed with the exploration and appropriate the necessary funds from the Organics Reserve Fund to cover the unanticipated expenditures.

NOW, THEREFORE, BE IT RESOLVED, the County Auditor is hereby authorized and directed to make all necessary operating transfers and the above transfer within the authorized budget of the Sonoma County Waste Management Agency (JPA).

The foregoing resolution was introduced by DIRECTOR ( x ) TRUSTEE ( )

\_\_\_\_\_, who moved its adoption, seconded by \_\_\_\_\_, and adopted on roll call by the following vote:

<u>  </u> Cloverdale	<u>  </u> Cotati	<u>  </u> Healdsburg	<u>  </u> Rohnert Park	<u>  </u> Petaluma
<u>  </u> Santa Rosa	<u>  </u> Sebastopol	<u>  </u> Sonoma	<u>  </u> Windsor	<u>  </u> County

WHEREUPON, the Chairperson declared the foregoing resolution adopted, and SO ORDERED.

Date: \_\_\_\_\_

Attested: \_\_\_\_\_

Signature: \_\_\_\_\_  
 Secretary/Clerk of the Board

Signature: \_\_\_\_\_  
 Mike Kirn, Chairperson

October 7, 2011

Patrick Carter  
Waste Management Specialist  
Sonoma County Waste Management Agency  
2300 County Center Dr., Ste. B 100  
Santa Rosa, CA 95403

**Subject:** SCWMA Compost Facility Environmental Impact Report (EIR)

Dear Mr. Carter:

Environmental Science Associates (ESA) is submitting this proposal for an amendment to our existing contract for preparation of the SCWMA Compost Facility EIR. This contract modification provides the status of ESA's current efforts on the EIR and summarizes the need for additional time and budget to complete the EIR. We believe that ESA has moved the project forward at a pace that is consistent with SCWMA direction, being affected to some degree by outside agency and legal decision that have resulted in additional efforts and time.

My review of comments on the third Administrative Draft EIR, and our subsequent discussion, indicate that ESA can move forward now to publish the Draft EIR in the coming few months. ESA would very much like to get the Draft EIR published and receive the agency and public feedback on the various alternatives.

### ***EIS Budget Status***

As of October 1, 2011, approximately \$690,000 (approximately 95%) of the contract budget (\$715,486) has been spent, leaving approximately \$25,000 to finish the EIR. That is not enough budget to realistically finish this EIR.

The ESA team efforts have been documented in the monthly progress reports including budget status that have been submitted with our invoices since project initiation.

### ***EIR Milestone Status***

Some of the ESA team key deliverables are discussed below:

Countywide Compost Facility Siting Study (June 18, 2008 presentation to SCWMA)

Publish NOP and hold initial public scoping meeting (November/December 2008)

- The first Admin Draft EIR was sent on September 17, 2009
  - This draft contained a total of 26 chapters and 16 appendices
  - Three sites were considered in this draft: 1) the project site, 2) Site 40 Alternative, and 3) Site 13 Alternative
- The second Admin Draft EIR (screencheck) was sent on June 21, 2010
  - This draft contained a total of 35 chapters; appendices were not submitted as a part of this draft

Patrick Carter  
10/7/2011  
Page 2

- Four sites were considered in this draft: 1) the project site, 2) Site 40 Alternative, 3) Site 13 Alternative, and 4) Central Site Alternative
- The third Admin Draft EIR was sent on June 14, 2011
  - This draft contained a total of 35 chapters and 21 appendices
  - The same sites that were evaluated in the screencheck EIR were also considered in this draft

### ***On-going Budget Challenges***

We believe the ESA has prudently moved the project forward at a pace that is consistent with the SCWMA direction and certain factors outside of our control that had to be addressed (i.e., new BAAQMD Air Quality CEQA Guidelines and legal decisions related to the need for Water Supply Assessments). In addition the, since the Draft EIR preparation began, the SCWMA has added two new Alternative Sites to be reviewed at full level of detail.

The increasing complexity of the EIR (due to three Alternatives being analyzed at an equal level of detail) and length of time ESA has been managing the project (the original contract assumed the project would be completed June 2009) have required efforts greater than originally anticipated or than we anticipated as we received earlier amendments to take on additional project alternatives (Site 40 and the Central Disposal Site) and the Water Supply Assessment. The additional alternative sites will probably also lead to more comments on the Draft EIR than having a single site reviewed at the project level (as anticipated by our original proposal). However, the additional alternative may identify one that is more acceptable – and actually reduce the level of comments on the Final EIR.

Our budget has never been adequately adjusted to acknowledge having to complete three (3) Administrative Draft EIRs (ADEIRs). The first ADEIR was budgeted at ~ \$150K and the second two ADEIRs were not budgeted. ESA anticipated that we would publish the Draft EIR shortly after the delivery of each of the all three ADEIRs. Instead of publishing the Draft EIR we ended up publishing a second ADEIR (June 2010) and the third ADEIR (June 2011). These documents were partially funded by amendments for the Central Site Alternative (ADEIR II) and the Water Supply Assessment (ADEIR III), but those amendments did not address the efforts to responded to comments from SCWMA reviewers and “update” all information in the other chapters of ADEIR II and ADEIR III.

As mentioned earlier, I’m confident the ESA team can address the remaining comments on the Administrative Draft EIR III and publish the Draft EIR in the next few months (somewhat dependent on any final review by you or other reviewers).

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***Additional Time and Budget***

ESA would request that the term of our contract be extended to August 31, 2012.

According to our latest detailed cost spreadsheet and monthly progress report budget totals, ESA has exceeded our labor budgets by a combined total of \$77,366 on three tasks (Project Management \$2,153; Water Supply Assessment \$1,977; and Draft EIR \$73,236). ESA has conserved unspent budget on three task that are essentially complete totaling \$6,489 (Meetings \$5,055; and Central Gray site Design; \$1,334). As of our last progress report ESA is approximately \$66,747 over budget on tasks completed to date. ESA still need to finish the Draft EIR, which may take \$10-\$15K to complete. So ESA will be approximately \$80,000 over budget on tasks completed when the Draft EIR is completed.

Due to the extra costs of the ADEIR II and ADEIR III, costs associated with continuing the project for three years longer than anticipated, and substantial air quality revisions (that have been completed) associated with compliance with the latest BAAQMD CEQA Guidelines (adopted June 2010), ESA request a contract increase of \$45,000. ESA accepts some responsibility for the costs associated with the delays and reworking of ADEIR II and ADEIR III. Hopefully the reworking will result in a better Draft EIR (and less agency and public comments) for all the Alternative Project Sites. With this augmentation ESA will be able to complete the Draft EIR and complete the Final EIR (unless there is an extraordinary level of comments on the Final EIR).

We would like to thank the SCWMA for their support throughout this process. ESA continues to strive for a document that will be well received by the agencies and the public. Please feel free to contact me at (916) 564-4500 should you have any questions regarding this proposal.

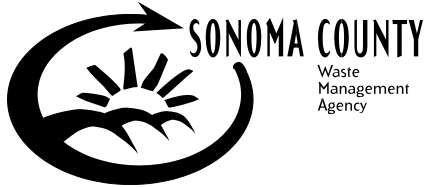
[Redacted]

[Redacted]

[Redacted]

Senior Project Manager  
Central Valley/Sierra Region





**Agenda Item #: 10**  
**Cost Center: Wood/Yard**  
**Staff Contact: Carter**  
**Agenda Date: 10/19/2011**

**ITEM: Compost Agreement Discussion**

I. BACKGROUND

Joint Powers Agency Agreement

One of the Sonoma County Waste Management Agency (SCWMA)'s primary responsibilities is to ensure the proper treatment of wood and yard wastes in Sonoma County. The Joint Powers Agreement contains a number of provisions regarding the SCWMA's role in dealing with wood and yard wastes including the following:

"Section 11. Role of Participants in Collection of Wood, and Yard Waste  
Each Participant shall cause wood waste and yard waste generated within its jurisdiction (that could not be diverted otherwise) to go to the Central Landfill to be delivered to the Treatment System and shall take such actions as are appropriate and necessary to accomplish that result. The Joint Powers Agency shall establish standards for the quality of yard and wood waste acceptable for delivery to the Treatment System and may also approve diversions of wood waste and yard waste to alternative treatment systems."

Three Party Agreement for Composting Services

An Agreement between the County of Sonoma (County), the SCWMA, and the Sonoma Compost Company (Contractor) for Organic Material Processing, Composting and Marketing Services (Agreement) was entered into on September 28, 1999. This Agreement fulfills part of the SCWMA's obligation to provide a regional composting program to convert yard debris and wood waste into organic marketable products at the composting facility currently located at the Central Disposal Site. Amendments to this Agreement have been approved as follows:

- July 11, 2000 – the First Amendment (A) modified a new work surface, included a termination provision and updated Exhibit B (List of Operating Equipment).
- February 20, 2002 – the First Amendment (B) identified new finished products ("Specialty Products") and set revenue allocation or sharing methods for these products.
- March 17, 2004 – the Second Amendment approved an increase to the payment for wood waste processing, from \$12 per ton of material delivered to the compost facility to \$20 per ton for fuel products and \$22 per ton for non-fuel wood chip products.
- April 21, 2004 – the Third Amendment allowed for an expansion and/or relocation of the composting processing site, extended the term of the agreement to November 15, 2010, and created a new yard debris product designed for use by the City of Santa Rosa's Laguna Composting Facility.
- June 16, 2004 – the Fourth Amendment added new language to the Agreement regarding prevailing wages.
- July 12, 2005 – the Fifth Amendment added new definitions in order to add a Construction and Demolition Program ("C&D") and establish partial reimbursement to the SCWMA for transportation costs associated with hauling green waste from the transfer stations to the Central Disposal Site.

- April 22, 2008 – the Sixth Amendment amended the definition of “Prepared Yard Debris” to a product that would be agreeable to City of Santa Rosa for use as a bulking agent in their biosolids composting program, changed the amount of process material delivered per week from 350 tons to 400 tons, and amended the compensation to Contractor for the prepared yard debris to include an inflation computation and a trigger for rate change like the other products produced by Contractor.
- January 20, 2010 – the Seventh Amendment extended the termination date of the agreement to November 15, 2011, with acceptance of material ending July 18, 2011 and added a provision for the County to terminate the agreement with six months written notice if the County determined the area was needed for landfilling of refuse or to implement final closure on the composting area of the landfill.
- March 16, 2011 – the Eighth Amendment extended the termination date of the agreement to November 15, 2012 and included provisions for extending the agreement two additional one year increments.

## II. DISCUSSION

### Location of Operation Site

The SCWMA's contractor, Sonoma Compost Company, is currently conducting their composting operation at the Central Disposal Site. The composting operation site is on top of landfilled garbage, on intermediate cover. At some future date, the composting operation will interfere with the County's ability to utilize additional landfill airspace, or if additional landfilling does not occur there, that area will need to be capped and undergo closure. This situation is a major obstacle to indefinite composting at the current location.

The County resumed limited landfilling operations in September 2010 and is expected to continue through 2012 using existing capacity. Concurrent with resumed landfill operations, the County is attempting to secure additional capacity.

The SCWMA has been involved in an effort to relocate the compost site for the past four years. Preferred and alternative sites have been chosen for environmental studies, which are currently underway. The existing agreement with Sonoma Compost expires November 2012, with acceptance of material ending July 2012. There will not be enough time under the existing agreement to prevent an interruption of composting service. In essence, the SCWMA is in the same situation it was earlier this year when the Board decided to amend the agreement with Sonoma Compost Company and allow for another year of operation.

Two potential actions that could prevent the interruption of service are an extension of Sonoma Compost Company's agreement or releasing a Request for Proposals to receive competitive bids for this service.

### Extension of Agreement

One approach would be to extend the composting agreement between SCWMA, the County of Sonoma, and Sonoma Compost Company for a mutually agreed upon number of years. Advantages to this approach include a reduced risk of interruption of service, consistency of products provided to the program's customers, and remaining within a waste system that does not require additional CEQA analysis.

### Request for Proposal

The standard procedure for this process is the circulation a Request for Proposal (RFP). One advantage to circulating a RFP is the competitive nature of the process insures fair rates indicative of the market value for the resulting agreement. Another

aspect to the RFP process is the public confidence instilled by knowing that public funds are being conservatively and efficiently expended.

The last RFP issued for this service was in 1998.

#### Analysis

The length of time since this service was last subject to a competitive process has been an area of concern for some Board members when this subject was discussed in the past. However, the extraordinary circumstances surrounding events at the Central Disposal Site and the work toward relocation have caused the Board to select extension of the existing agreement over an RFP process.

The current circumstances are very similar to those when the Board considered this issue in January 2010, March 2011, and April 2011. It is necessary to relocate the operation to a permanent composting location, study of which is still under way. An alternative, in-county solution will not be available before the existing agreement for composting services expires in November 2012.

At the March 16, 2011 SCWMA meeting the Board discussed whether the Agreement should be extended or whether staff should issue an RFP to continue the organic material processing, composting, and marketing services currently provided by Sonoma Compost Company. At that meeting there was consensus that staff should return with an agreement which extends the current agreement one year and allow two (2) additional one-year extensions to the term of the agreement.

At the April 20, 2011 SCWMA meeting, the Board approved of the Eighth Amendment, extending the termination date to November 15, 2012, but requested that staff bring the item back in the Fall to discuss whether a different contractor selection process would be pursued in the future.

### III. FUNDING IMPACT

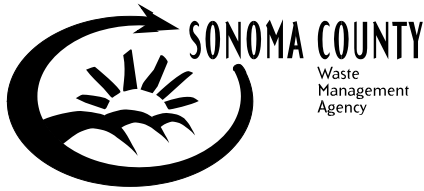
The funding impacts of the development and issuance of an RFP and acceptance of a proposal would not be known until all proposals were evaluated.

The funding impacts of a ninth amendment to the three party agreement with the SCWMA, County, and Sonoma Compost Company would depend on whether provisions other than the term were amended, but would be expected to be similar to the existing funding impacts.

### IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff is requesting Board direction regarding whether to issue an RFP or amend the three party agreement for composting services.

Approved by: \_\_\_\_\_  
Henry J. Mikus, Executive Director, SCWMA



**Agenda Item #: 11**  
**Cost Center: TBD**  
**Staff Contact: Mikus**  
**Agenda Date: 10/19/11**

## **ITEM: Financial Grants Available to Non-profit Organizations**

### **I. BACKGROUND**

At the request of the Sonoma County Waste Management Agency (SCWMA) Board of Directors, staff has prepared guidelines for making financial grants available to non-profit organizations.

### **II. DISCUSSION**

The SCWMA was formed in response to the California Integrated Waste Management Act of 1989 (AB 939). This act requires municipalities to divert recyclable and recoverable materials from the waste stream and to cooperate to achieve their diversion goals. In keeping with the requirements of the legislation, staff proposes a simple process for interested non-profits who wish to apply for a financial grant.

The Joint Powers Agreement defines four programs for the SCWMA to conduct with an ever increasing diversion goal in mind. The programs are (1) household hazardous waste, (2) wood waste, (3) yard waste that would otherwise go to the Central Disposal Site and (4) public education. Any request from a non-profit for grant funding must have a strong tie to one of the four programs already in place and must be able to quantify a measurable impact on the diversion efforts and therefore a beneficial public purpose, associated with the chosen program.

Only written applications on official letterhead will be considered. All applicants must be organizations with a 501 (c)(3) non-profit status and registered with the California Secretary of State. All applications must contain a budget that clearly states the use of the anticipated financial grant and how that use relates directly to one of the four program areas listed in the preceding paragraph.

Applications will be considered only as part of the annual SCWMA budget development process. This means that the applications must be received at the SCWMA office by the end of February of any year, as typically the work on the budget process for the upcoming fiscal year (which starts in July) is concentrated in March. Any application received after the last day of February will be returned to the applicant unopened and will not be considered. Applicants should be aware of time-lines, as applications for grant funds cannot be considered earlier or outside of the normal budget process.

There can be only one application submitted from each non-profit. No partnering of non-profits will be accepted. Board members are encouraged to communicate with appropriate organizations, of the opportunity provided for grant funding under this program, as no formal annual advertisement is contemplated.

Each application will be considered as a discreet and unique document. The SCWMA Board reserves the right to either award the grant or refuse to award a grant. SCWMA will perform initial evaluation of applications received for a given fiscal year, and present their recommendations to the Board for approval. If enough grant applications are received so that the total amount of funds requested exceeds the \$5,000 yearly limit as outlined below, staff will develop a short list of superior applicants where the total monies requested fall within the \$5,000 maximum annual limit. Lobbying staff or board members for application consideration will not be allowed and would be cause for disqualification.

The range of awards will be between \$500 and \$2,000 per fiscal year with particular attention being paid to the cost effectiveness in keeping with the purpose of the SCWMA, the budget attached to the application, and the public benefit provided. It is anticipated that not more than a total of \$5,000 in funds designated for grant awards will be available within any given fiscal year. Grants approved during the budget process will be available for disbursement at the start of the fiscal year, July 1.

Successful grant applicants will be required to execute a formal agreement concerning their receipt and use of grant funds. Grant recipients could be subject to audits by SCWMA or their designate. Grant recipients will be required to submit a final report detailing their use of grant funds, which will include receipts, reports, and similar documentation to attest to the proper use of the money. Failure to provide this report, or failure of an audit, will result in removal of the organization from future consideration in the grant program, and will require the full grant monies to be returned to SCWMA.

### III. FUNDING IMPACT

Impacts to the budget will be unknown until applications have been received, evaluated and awarded. An indirect budget impact would be associated staff time depending on the complexity of the applications. There is a proposed annual aggregate limit of \$5,000 per fiscal year.

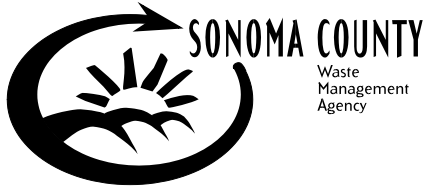
### IV. RECOMMENDED ACTION / ALTERNATIVES TO RECOMMENDATION

Staff seeks Board direction concerning awarding grants for beneficial public purposes in connection with the SCWMA's goals and objectives, as an additional part of the budget planning process.

### V. ATTACHMENTS

None

Approved by: \_\_\_\_\_  
Henry Mikus, Executive Director, SCWMA



**Agenda Item #: 12**  
**Cost Center: Administration**  
**Staff Contact: Mikus**  
**Agenda Date: 10/19/2011**

**Item: Agency Office Space Relocation**

I. Background

The Sonoma County Waste Management Agency (SCWMA) has, since its inception in 1992, contracted with the County of Sonoma for numerous services, including rental of office space. Current SCWMA offices are at the County's La Plaza "B" Building second floor south wing, utilizing approximately 1,300 square feet for six employees. The office space agreement includes utilities and information systems support. This arrangement is covered by a "Memorandum of Understanding" (MOU), originally executed June 23, 1992 with a latest Amendment No.4 dated June 1, 2010. The original agreement had the County providing "staffing services"; the current MOU simply requires the agency to "...reimburse County for any overhead expenses including building use..." The SCWMA is supported and housed under the nominal umbrella of the County Department of Transportation and Public Works (DTPW). This dates back to a former arrangement where SCWMA staff actually reported to and were supervised by DTPW management. DTPW occupies much of the rest of the La Plaza "B" Building but their footprint has recently diminished due to space consolidations.

II. Discussion

SCWMA staff has been informed that the County is contemplating requiring the SCWMA offices to be relocated as part of a plan to concentrate all of the Clerk/Registrar's Office into a single location in the La Plaza "B" Building. This would also require DTPW to move. Although the end goal is for DTPW and the Agency to occupy renovated offices in the current Fiscal Building, the relocation plan as now configured would require the SCWMA offices to be moved twice: once to free up the second floor south wing for renovation and a second move into the new spaces after they are remodeled.

The County is currently examining its plans to generate accurate cost numbers, and figure out funding sources.

Staff recognizes the space needs must meld with the general plan for the best allocation of office spaces in County buildings, but it seems inefficient to undergo a double move because of the added disruption and expense. To this end, the County Architect's Office is aware that SCWMA is supportive of occupying suitable space away from DTPW in order to move just a single time.

III. Funding Impact

Unknown until final plans and cost estimates are made known.

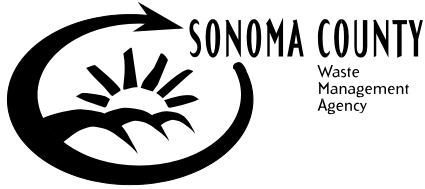
IV. Recommended Action / Alternatives to Recommendation

Staff recommends pursuing an approach that would result in a single relocation. This is not without precedent; SCWMA staff was housed separate from DTPW staff until December 2001.

V. Attachments

None

Approved by: \_\_\_\_\_  
Henry J. Mikus, Executive Director, SCWMA



**Agenda Item #: 13**  
**Cost Center: Planning**  
**Staff Contact: Mikus**  
**Agenda Date: 10/19/2011**

**Item: Presentation by the AB 939 Local Task force:  
Mandatory Commercial Recycling Draft Ordinance**

I. Background

The Sonoma County AB 939 Local Task Force on Integrated Waste Management (LTF) was created and its members appointed by the Sonoma County Board of Supervisors for the following purposes:

- To perform duties assigned to the Local Task Force (LTF) as defined by AB 939 and other related state laws.
- To provide advice to the jurisdictions of Sonoma County on the implementation of the Countywide Integrated Waste Management Plan.
- To provide a forum for public discussion of solid waste management, waste reduction, and recycling issues.

The LTF has had a sub-committee studying the issue of developing a draft Mandatory Commercial Recycling (MCR) Ordinance for use within Sonoma County and its cities.

II. Discussion

The LTF sub-committee's hard work has culminated in a document which lists the "Important Issues to Consider When Preparing" an ordinance for MCR. This document was adopted by the LTF in August 2011. The LTF is presenting this work to the SCWMA Board as a next step in furthering the process of developing our own regional MCR ordinance.

This project by the LTF was prompted in anticipation of the MCR regulations that are to be effective California-wide by July 2012.

III. Funding Impact

None at this time.

IV. Recommended Action / Alternatives to Recommendation

Utilize the document as a guideline if a regional MCR ordinance is contemplated.

V. Attachments

LTF document, "Commercial Recycling Ordinance: Recommendations from the LTF Mandatory Commercial Recycling subcommittee", August 2011

Approved by: \_\_\_\_\_  
Henry J. Mikus, Executive Director, SCWMA

## COMMERCIAL RECYCLING ORDINANCE

Recommendations from the LTF Mandatory Commercial Recycling subcommittee

Comments based on review of Institute for Local Government

November 2009 Sample Commercial Recycling Ordinance

### Important Issues to Consider When Preparing a Mandatory Commercial Recycling Ordinance

#### **A. Review Existing Franchise, Permits and Contracts**

Currently all franchise agreements require commercial recycling services be available.

#### **B. Market Conditions for Recycled Materials**

With ups and downs of the markets for recycled materials, a list of materials with an out clause should be developed.

#### **C. Types of materials to Include in the Ordinance**

1. Identify what is Included in existing franchises, contracts and permits.

Use the SCWMA Recycling Guide to identify all traditional materials to include.

2. Green Waste, Food Waste and Other Compostable Organics (when the recycling opportunities exist).

3. Flexibility to Add Materials Covered

The mandatory commercial recycling ordinance should specifically give the implementing agency the authority to administratively add or remove material types to the definition of recyclable materials.

4. Construction and Demolition Waste

We recommend that construction and demolition waste be handled through a separate ordinance.

#### **D. Multi-Family Dwelling Units**

All multi-family dwellings with commercial bin service or 4 units or more will be included.

#### **E. Large Venues and Special Events**

Large venues and special events should not be exempted. Special events are those that require a permit or are identified in use permits. All public parks and events are included.

#### **F. Exclusive Franchise versus Open Competition**

Not applicable in Sonoma County because recycling services are included as a part of all exclusive franchise agreements.

#### **G. Tiered Fee Structure as an Incentive to Recycle**

The current franchise agreements have tiered rate structures as an incentive to recycle.

#### **H. Enforcement Approach**

Phase 1 – Implement universal availability of recycling and composting services at all multi-family and commercial facilities with three elements:

1. Education – Owner must ensure recycling service is available. Owners would be responsible for training, signs, etc. but not responsible for participation. Tenants should have an independent contact source if recycling service is not made available.
2. Monitoring - Implement monitoring to confirm recycling/composting services are available.
3. Economics - Use rate structure to provide economic incentives to encourage compliance.



Phase 2 – Monitor performance of program by measurement of recyclables in the garbage. Implement economic incentives (penalties) or other social marketing tools to address poor performance.

- I. **Threshold for Inclusions** – All businesses and multifamily complexes with 4 or more units.
- J. **Types of Exemptions** – Commercial business have the ability to opt-out if they chose to self-haul, donate or sell their recyclables. Self-haulers will have to certify that they will take care of their recycling.