

**MONTEREY REGIONAL WASTE MANAGEMENT DISTRICT
REGULAR MEETING MINUTES**

9:30 A.M., Friday
July 16, 2004

Boardroom
Monterey Peninsula Landfill
Marina, CA

MEMBERS PRESENT: Dan Albert, Chair
Jack Barlich, Vice Chair
Gary Bales
Edith Johnsen
Leo Laska
Tom Mancini
Sue McCloud
David Pendergrass

MEMBERS ABSENT: Ken Gray

STAFF PRESENT: J. David Myers, General Manager
William Merry, District Engineer/Assistant General Manager
Rob Wellington, Legal Counsel
Rick Shedden, Senior Engineer
Richard Norton, Administrative Services Manager
Don Prescott, Finance/Information Systems Manager
Charles Rees, Accounting Manager
Jim Griffith, Site Superintendent
Richard Pettitt, Assistant Site Superintendent
Heidi Feldman, Public Education Coordinator
Rebecca Aguilar, Administrative Support Supervisor
Julia Partida, Administrative Support Specialist
Rodney Barber, Assistant Mechanic/Operating Engineers Shop Steward
Suzan Fine, Recycling Attendant/SEIU Shop Steward

OTHERS PRESENT: Colin Moody, Asilomar Conference Center
Angela Brantley, City of Monterey
Laura Haag-Gallin, Whole Foods Market

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice having been duly given and the presence of a quorum established, the July 16, 2004, Regular Meeting of the Monterey Regional Waste Management District Board of Directors was called to order by Chair Albert at 9:30 a.m.

PRESENTATION OF FIVE YEAR SERVICE AWARD TO DAVID PENDERGRASS

Chair Albert presented Director David Pendergrass with a five-year service award. He congratulated and thanked Director Pendergrass on behalf of the Board for his service not only to the District Board, but to other regional boards and the City of Sand City. Director Pendergrass thanked everyone and stated that his service on the Board had been a learning experience on solid waste and its regulations. He also thanked the District for helping Sand City reach the 50% recycling goal.

RECOGNIZE DAVID MYERS FOR RECEIVING SWANA PLANNING & MANAGEMENT DIVISION DISTINGUISHED SERVICE AWARD

Chair Albert congratulated General Manager, David Myers, on his recognition by the Solid Waste Association of North America (SWANA). General Manager received the Planning and Management Technical Division distinguished service award at the SWANA Landfill Symposium and Planning and Management Conference. He will also be receiving the Robert L. Lawrence Distinguished Service award, which is the highest award given by SWANA, in September at the annual WasteCon in Phoenix.

CONSENT AGENDA

Director McCloud requested that an amendment be made to Agenda Item 3 on the June 18, 2004 meeting minutes with regard to her comments.

Following a motion by Director Johnsen and seconded, the Board approved the following actions:

- 1) **Approve Minutes of June 18, 2004 Regular Meeting, as Amended**
- 2) **Approve Report of Disbursements**

PUBLIC HEARING FOR CERTIFICATION OF INITIAL STUDY/CEQA DOCUMENTATION FOR REVISED SOLID WASTE FACILITY PERMIT APPLICATION AND TO MAKE A DETERMINATION ON A NOTICE OF INTENT TO ADOPT A NEGATIVE DECLARATION

The Board reviewed a memorandum from Senior Engineer explaining that the purpose of the public hearing was to certify the initial study and CEQA documentation for a revised solid waste facility permit (SWFP) and to adopt a negative declaration. The revised SWFP would enable the District to combine its materials recovery facility and landfill SWFP. General Manager stated that the public hearing had been properly noticed and no comments had been received.

Chair Albert opened the public hearing at 9:40 a.m. There being no public comments, Chair Albert closed the public hearing at 9:40 a.m.

ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION**3) Certify Initial Study/CEQA Documentation for Revised Solid Waste Facility Permit and Adopt a Negative Declaration**

It was moved by Director Barlich, seconded, and *Unanimously Carried To: Certify Initial Study/CEQA Documentation for Revised Solid Waste Facility Permit and Adopt a Negative Declaration.*

4) Schedule Public Hearing for August 20, 2004 for Certification of Initial Study/CEQA Documentation for Revised Solid Waste Facility Permit Application, Make Determination on Notice of Intent to Adopt a Negative Declaration, Adopt Updated Master Plan, and Adopt Preliminary Landfill Closure and Postclosure Plan

The Board reviewed a memorandum from Senior Engineer regarding the CEQA documentation for the revised solid waste facility permit for the updated master plan. General Manager stated that there were several proposed changes in the revised SWFP including the increase in landfill capacity by steepening the sideslopes and sliver filling, a height increase from 260 feet to 284 feet mean sea level, an increase in the number of permitted vehicle trips and total tonnage into the site, expansion of operating hours, and the sale of biosolids compost off site. He stated that although the District does not have any plans to expand the operating hours of the site, there are special events within the peninsula that could require the acceptance of waste during non operating hours. This change would facilitate the acceptance and keep the District from being in violation of its SWFP.

Board discussion followed regarding scheduling of the public hearing at the August meeting because of the general manager interviews and the amount of time that the public hearing could take if there was any opposition. General Manager stated that staff was anxious to move this project along and proposed that if there was opposition at the public hearing, it could be continued to the September meeting if necessary. He stated that the public hearing was already in the long term schedule that was established by EMC Planning in order to go through the CEQA process and pave the way for our revised SWFP early next year.

The Board continued their discussion on other various options including preference of scheduling the public hearing for the September meeting. Director McCloud inquired whether the public hearing had been noticed for August and Director Bales inquired whether the public hearing could be re-noticed for September. The public hearing had been noticed, but it could be re-noticed since there was sufficient time to do so. Vice Chair Barlich commented that the general manager interviews and the public hearing are both very important and he preferred to give each item the Board's full attention and due process.

It was moved by Director Barlich, seconded, and *Unanimously Carried To: Schedule Public Hearing for September 17, 2004 for Certification of Initial Study/CEQA Documentation for Revised Solid Waste Facility Permit Application, Make Determination on Notice of Intent to Adopt a Negative Declaration, Adopt Updated Master Plan, and Adopt Preliminary Landfill Closure and Postclosure Plan*

5) Consider Feasibility of Onsite Food Waste Composting

The Board reviewed a memorandum from District Engineer regarding food waste composting and recommending that the Board refer the issue to the District Advisory Task Force (ATF) for further consideration. General Manager stated that the Board had requested that this item be placed on the agenda following comments from representatives of Whole Foods Market in Monterey and the Asilomar Conference Center. General Manager commented that although the CEQA document discussed in the previous agenda item included a provision for the acceptance of food waste from local generators, such as Whole Foods and

the Asilomar, as a feedstock input to the composting process, it did not necessarily mean that the District intended to compost food waste.

General Manager stated that he had mentioned the issue of food waste composting at the ATF meeting, although there had been no feedback. He also stated that food waste was already recycled when it was buried, since it would decompose and turn into usable landfill gas. The ATF had been tasked with looking at costs and ways to reduce expenses, as well as ways of increasing revenue. He stated that there would be additional costs to compost food waste as well as additional potential problems of vectors and odors. The only reason that San Francisco separated and composted food waste was because most residences did not have yardwaste recycling, so alternative methods were needed in order to meet the 50% State diversion mandate.

Ms. Laura Haag-Gallin addressed the Board and stated that Whole Foods composted food waste throughout California. Food waste composting was a trend and as she had stated at the June Board meeting, they preferred that a composting operation be established locally rather than transporting the material outside of the area, especially with the cost of fuel. She stated that Whole Foods was also looking at alternatives to help the District fund the project, as well as partnering with other local businesses.

Mr. Colin Moody, Executive Chef of the Asilomar Conference Center, addressed the Board and stated that under their "green path" policy they would be very interested in having a food waste composting program. He stated that at various community events, there seemed to be an interest in this type of program, and asked that the ATF get a consensus of local businesses.

Board discussion followed regarding availability of food waste composting to smaller businesses and at what cost, transportation of the material on public highways, contamination, and additional costs to the District with potential for loss of revenue from the landfill gas project.

Director McCloud stated that, if it is decided that the ATF should review this issue, interested parties should be included in the review process. Director Pendergrass stated that he agreed with the General Manager in that the material was already recycled when it was converted into natural gas and expressed concern about unnecessary additional costs. He agreed with staff recommendation and expressed that he preferred that the District not become involved in food waste composting especially since it was not mandated by the State. Director Mancini stated that he was not only just concerned about the additional cost to compost the food waste, but of the potential loss of revenue of the landfill gas.

It was moved by Director McCloud, seconded, and *Unanimously Carried To: Refer the Issue of Food Waste Composting to the Monterey Regional Waste Management District Advisory Task Force for Recommendation to the Board at a Subsequent Meeting.*

6) Consider Request by FORA to Waive Disposal Fees for Fort Ord Clean-Up Event

The Board reviewed a letter from Michael Houlemard of the Fort Ord Reuse Authority (FORA) requesting that the District waive tipping fees for waste brought in on July 31st, "Beautify Fort Ord Day". General Manager stated that although it had always been the District policy not to waive fees for any entity or non-profit organization, with the exception of the annual coastal cleanup, staff was requesting that the Board consider waiving or reducing the fees because FORA was a regional agency and there were several volunteer businesses involved. The important thing was to not set a precedent of accepting illegally dumped materials at no charge.

Stan Cook of FORA addressed the Board and stated that the “Beautify Fort Ord Day” was being supported by many local businesses. It was also supported by the City of Marina since the city had been tasked with trying to clean up material that had accumulated over many years.

It was moved by Director Bales, seconded, and *Unanimously Carried To: Approve Request by FORA to Waive Disposal Fees for “Beautify Fort Ord Day” Event.*

7) Consider Halting Work on Fort Ord Lead Painted Wood Variance Application Process Until Issues With Regional Water Quality Control Board are Resolved

The Board reviewed a memorandum from District Engineer advising the Board on a recent ruling by Regional Water Quality Control Board (RWQCB) Legal Counsel with regard to the acceptance of Fort Ord lead painted wood waste at the District site. She had expressed the opinion that the District landfill would have to become a Class II landfill or develop a Class II module in order to accept the wood waste. The State Department of Toxic Substances Control (DTSC) had recently approved the wood waste as a “special waste” rather than hazardous waste so that it could be brought to the District landfill. General Manager reported that District staff had already asked DTSC and EMC Planning to stop working on the variance application until this issue is resolved. Staff requested direction from the Board on how to proceed, since the District had already spent over \$100,000 on fees to the DTSC and EMC Planning, as well as many hours of staff time on this project.

General Manager reported that this new opinion was very upsetting especially since RWQCB staff had taken part in many meetings and discussions from the beginning and had stated that if the State issued a variance for this material, the RWQCB would not have a problem with it coming to the District landfill. It would cost Fort Ord developers millions of dollars in additional tipping fees to take the waste to a Class II or Class I site and would cost the District approximately \$350,000 in anticipated revenue as well. General Manager stated that staff did not recommend making the District site a Class II landfill since the requirements were more stringent and it would be very expensive.

Board discussion followed regarding what could be done and whether the District or FORA should take the lead in handling any type of response. District Legal Counsel stated that there were different issues that needed to be looked at, both legal and political. Chair Albert stated that one thing that needed to be established was that the Board was not recommending that the District site become a Class II landfill in order to accept this waste. General Manager stated that one option was to appeal to the RWQCB, although he did not believe that the RWQCB would go against their Legal Counsel’s advice. He also stated that if the decision was made to permanently discontinue the variance application process, the District would ask FORA to reimburse half of all expenses incurred.

It was moved by Director Johnsen, seconded, and *Unanimously Carried To: Accept Staff Recommendation to Halt Work on Fort Ord Lead Painted Wood Variance Application; Request that FORA, Partnered with the District, Take the Lead to Resolve Issues with the RWQCB to Include Appeal Process.*

8) Award Contract to Golder Associates for Groundwater Monitoring Well Installation and Decommissioning

The Board reviewed a memorandum from Senior Engineer, requesting that the Board award a contract to Golder Associates for groundwater monitoring wells installation and decommissioning of an old unusable damaged well at a cost of \$19,950.

It was moved by Director Mancini, seconded, and *Unanimously Carried To: Award Contract to Golder Associates for Groundwater Monitoring Well Installation and Decommissioning at a Cost of \$19,950.*

9) Adopt Resolution 2004-06 Authorizing Sole Source Purchase of “Tarpomatic” Landfill Tarp Placement Equipment

The Board reviewed a memorandum from Senior Engineer and Site Superintendent regarding the purchase of “Tarpomatic” landfill tarp placement equipment at a cost of \$76,605.45. General Manager stated that because Tarpomatic Inc. was the only company that sold this equipment, the Board would need to adopt a resolution authorizing the sole source purchase. He stated that the equipment would save the District money because it would help prevent damage to tarps used at the landfill and injuries to employees who have been placing tarps by hand when the landfill is closed at the end of the day.

It was moved by Director Johnsen, seconded, and *Unanimously Carried To: Adopt Resolution 2004-06 Authorizing Sole Source Purchase of “Tarpomatic” Landfill Tarp Placement Equipment.*

10) Review Safety Committee Meeting Minutes for June 17, 2004

The Board reviewed the safety committee minutes for June 17, 2004.

It was moved by Director McCloud, seconded, and *Unanimously Carried To: Accept the Safety Committee Minutes for June 17, 2004.*

Emergency Agenda Item

General Manager stated that the staff was requesting that the Board add an emergency item to the agenda for Board consideration or action. He stated that staff had received a solicitation protocol, after the preparation of the Board agenda and packets, from Pacific Gas & Electric for the purchase of power. Since the solicitation had a deadline of August 23rd, and the Board planned on keeping the August meeting agenda short so that the general manager interviews could be held, direction and/or action was necessary by the Board at this meeting.

It was moved by Director Johnsen, seconded, and *Unanimously Carried To: Add Emergency Agenda Item, Consider Authorization for Preparation of Proposal to Pacific Gas & Electric for Sale of Power.*

E1. Consider Authorization for Preparation of Pacific Gas & Electric for Sale of Power

General Manager reported that PG&E was looking for renewable energy and was willing to accept proposals from existing projects. Submittal of a proposal would allow the District to include energy generated from the 4th engine, which is currently being used on site, and the excess sold on the grid. PG&E is looking for 100 megawatts of power and the District will have certain weight during the consideration and ranking of the proposals because of the District stability record. Staff believes that the District should submit a proposal so that PG&E is made aware of the fact that the District is interested in consolidating the agreement for sale of the power from all four engines. The District’s current power purchase rate is only guaranteed for two years. Staff is requesting that the Board allow the preparation of a proposal so that staff can come back to the Board with a final proposal at the August meeting.

Board discussion followed regarding submitting a proposal now or waiting until the current contract expires or at least until PG&E becomes more stable. Director Bales stated that the District should be cautious at this time.

It was move by Director Barlich, seconded and *Approved by Chair Albert, Vice Chair Barlich, Directors Gray, Johnsen, Laska, Mancini, McCloud, and Pendergrass; Opposed by Director Bales To: Authorize Staff to Prepare a Proposal to Pacific Gas & Electric for Sale of Power.*

STAFF REPORTS**11) Report on July 14, 2004 Meeting of MRWMD Advisory Committee**

General Manager reported on the first meeting of the District Advisory Task Force (ATF), which was held on Wednesday, July 14th, in the District boardroom. He stated that it had been a good meeting with some discussion on key issues and no negative comments. General Manager stated that the general consensus of the ATF was that the District should not cut back on service levels, but should focus on raising revenues, to include out-of-District waste, in order to add additional services in the future. The ATF requested that District staff provide them with guiding principles at the next meeting which is scheduled for August 25, 2004.

12) Strategic Plan Goals and Objectives Update

The Board reviewed the updated six-month strategic objectives and three-year goals. The only changes were to the general manager interviews, which were scheduled for August 20th, approval and recruitment of a full time safety officer, and the scheduled August tour with the *Herald* Environmental Reporter and the Editor.

13) Financial, Operating, and Recycling Reports

The Board reviewed the operating and recycling reports for June 2004. Total tonnage was 33,200 tons, up from 31,900 in May and 32,160 in June 2003. Overall site diversion was down because of the modifications to the MRF causing the sortline to be down.

General Manager reported that the June financial reports were unavailable due to the end of the fiscal year, but would be available at the August meeting.

14) Report on "Small Planet" School Public Awareness Program

The Board reviewed a memorandum from Public Education Coordinator, Heidi Feldman, summarizing the 2003/04 "Small Planet" School Program. The Board also received a copy of the new District recycling coloring book.

OTHER CORRESPONDENCE**15) Letter From U.C. Santa Cruz Re: Roll Off Truck Demonstration**

The Board received a copy of a letter from the Plant Superintendent at University California Santa Cruz (UCSC) thanking the District and Assistant MRF Manager, Jack Cook, for the demonstration of the District roll off trucks to the UCSC staff.

GENERAL MANAGER COMMUNICATIONS

General Manager communicated to the Board that they would be receiving information about the general manager interviews from Murray & Associates the first week in August. The Board discussed the interview process and allotted 45 minutes for each interview, including discussion.

BOARD COMMUNICATIONS

Director Pendergrass provided information with regard to new vehicle regulations and requested that staff inquire how the regulations would affect the District.

ADJOURNMENT

There being no further business to come before the Board at this time, the July 16, 2004 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to August 20, 2004 by Chair Albert at 11:09 a.m.

RECORDED BY:

Rebecca G. Aguilar
Administrative Support Supervisor/
Recording Secretary

AUTHENTICATED BY:

J. David Myers
General Manager