

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

9:30 A.M., Friday
September 17, 2004

Boardroom
Monterey Peninsula Landfill
Marina, CA

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

MEMBERS ABSENT: Dan Albert, Chair
Ken Gray
David Pendergrass

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
Jim Griffith, Site Superintendent
Richard Pettitt, Assistant Site Superintendent
Heidi Feldman, Public Education Coordinator
Julia Partida, Administrative Support Specialist
Rodney Barber, Assistant Mechanic/Operating Engineers Shop Steward
Baldo Trujillo, Senior MRF Operator/Operating Engineers Shop Steward

OTHERS PRESENT: Steve Price, CalTrans
Reed Russell, CalTrans
Angela Brantley, City of Monterey
Mark Arsenault, Waste Management, Inc.
Jim Moresco, Waste Management, Inc
Bill Reichmuth, Transportation Agency of Monterey County
Suzan Fine

ROLL CALL AND ESTABLISHMENT OF QUORUM

Notice having been duly given and the presence of a quorum established, the September 17, 2004, Regular Meeting of the Monterey Regional Waste Management District Board of Directors was called to order by Vice Chair Barlich at 9:30 a.m.

CONSENT AGENDA

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

- 1) **Approve Minutes of August 20, 2004 Regular Board Meeting**
- 2) **Approve Report of Disbursements**

PUBLIC HEARING FOR CERTIFICATION OF INITIAL STUDY/CEQA DOCUMENTATION FOR REVISED SOLID WASTE FACILITY PERMIT APPLICATION AND TO MAKE DETERMINATION ON A NOTICE OF INTENT TO ADOPT A MITIGATED NEGATIVE DECLARATION AND ADOPT UPDATED MASTER PLAN, AND ADOPT PRELIMINARY LANDFILL CLOSURE AND POSTCLOSURE PLAN

General Manager stated that this public hearing was just another step in the long process of updating the District's Solid Waste Facilities Permit to allow the changes in the revised solid waste master plan prepared by Vector Engineering. The Board reviewed a memorandum from Senior Engineer and various other documents related to issues addressed in the permit and related CEQA work. The revisions included steepening the landfill sideslopes, "sliver filling" along the existing sideslopes, increasing the height from 260 feet to 284 feet above mean sea level, increasing the number of permitted vehicle trips into the site, and increasing the total tonnage into the site to 3,500 tons per day to pave the way for acceptance of additional waste from outside of the District in the future. The revisions also include the sale of biosolids compost and the composting of food waste. He stated that although the District did not intend to expand its hours of operation, staff was proposing to increase the hours of operation to 24 hours per day, seven days per week.

General Manager stated that comments from the regulatory agencies and the City of Marina had been addressed by EMC Planning.

Vice Chair Barlich opened the public hearing at 9:36. There were no comments and the public hearing was closed.

ITEMS FOR BOARD CONSIDERATION, DISCUSSION AND ACTION

- 3) Certify Initial Study/CEQA Documentation for Revised Solid Waste Facility Permit and Adopt Mitigated Negative Declaration**

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

- 4) Adopt Updated Master Plan and Preliminary Landfill Closure and Postclosure Plans**

It was moved by Director Johnsen, seconded, and Unanimously Carried To: Adopt Updated Master Plan and Preliminary Landfill Closure and PostClosure Plans.

5) Rescind July 16, 2004 Certification of Initial Study/CEQA Documentation for Combined Solid Waste Facility Permit and Adoption of Negative Declaration

General Manager reminded the Board that at the July meeting, a public hearing had been held for the certification of the initial study for the combined solid waste facility permit and adoption of a negative declaration for the purpose of combining the MRF and landfill solid waste facilities permits. Unfortunately, EMC Planning failed to submit the CEQA information to the State Clearinghouse, and the California Integrated Waste Management Board (CIWMB) staff protested. General Manager stated that it was now necessary to rescind the certification approved in July, as well as recertify it in the next agenda item.

It was moved by Director Johnsen, seconded, and Unanimously Carried To: Rescind July 16, 2004 Certification of Initial Study/CEQA for Combined Solid Waste Facility Permit and Adoption of Negative Declaration.

6) Recertify Initial Study/CEQA Documentation for Combined Solid Waste Facility Permit and Adopt Negative Declaration

District Engineer stated that a comment letter had been received from the CIWMB after the Board meeting packets had been prepared. He invited Ron Sisseem of EMC Planning to address the Board regarding the letter.

Mr. Sisseem stated that the comment letter had been received, and a response had been prepared. Most were standard language comments for consideration, but did not limit the Board from taking any action at this meeting.

It was moved by Director Johnsen, seconded, and Unanimously Carried To: Recertify Initial Study/CEQA Documentation for Combined Solid Waste Facility Permit and Adopt Negative Declaration to Include Response to the California Integrated Waste Management Board Comment Letter.

7) Review Report from MRWMD Advisory Task Force

The Board reviewed the August 25, 2004 meeting minutes of the Advisory Task Force (ATF) as well as the proposed "Guiding Principles" developed by the ATF. General Manager stated that although he was not asking the Board to adopt the guiding principles until the October meeting when the full Board was present, he wanted the Board to consider out-of-District waste rate structure should the Board decide to accept the waste. Meetings have been held with Supervisor Armenta and other Salinas Valley Solid Waste Authority (SVSWA) representatives. Another meeting was scheduled for September 27th with Supervisor Calcagno and other SVSWA Boardmembers. During the ATF meeting, discussion was held regarding the rate for out-of-District waste and whether a higher rate should be charged as was in the past or a lower rate such as the one that was being considered when staff was negotiating to have South Santa Clara waste come to the District site. General Manager stated that it would be helpful to know if Boardmembers were opposed to offering a negotiated or market based rate with Santa Cruz County or SVSWA as discussions progress. Legal Counsel stated that since this item was not on the agenda, the Board could give general direction to staff without making any formal or final decisions.

Vice Chair Barlich asked for comments from the audience, and hearing none, asked for comments from the Board. Director Laska stated that he had some concern trying to justify charging a lower rate for those out-of-District customers. He stated that he was not necessarily opposed to a reduced rate as long as it was clear that the reduced rate was for reduced services. General Manager stated that in all discussions with the SVSWA and Santa Cruz County, it was clear that all waste would go directly to the landfill and that they would have to provide their own recycling, household hazardous waste, and public education programs.

Board discussion followed regarding the route that would be used for waste coming from Salinas Valley, tentative rates, and consideration of high recycling loads coming from out-of-District. General Manager stated that Salinas traffic could be directed to Highway 183 and that Capitola is currently paying the same \$35/ton rate as in-District customers. Because of the large volume, perhaps 150-200,000 tons of additional waste per year that could be available from Salinas when Crazy Horse closes in four years, and the existing contracts that the SVSWA has with Norcal to operate their landfills, SVSWA would not be willing or able to pay the District's current \$35 per ton rate or the anticipated rate of \$40 per ton July 1, 2005. Staff was also encouraging the SVSWA and Santa Cruz County to build their own MRF's. Director Bales stated that perhaps a buy-in charge should be included with actual costs. He stated that in discussions with the SVSWA, it had been mentioned that a third party could be retained to review the MRWMD and SVSWA finances and recommend an appropriate rate structure.

Director Johnsen expressed appreciation to the ATF for their in-depth analysis providing a good solid approach to any decisions taken. Providing minutes and guiding principles established a paper trail that the Board had considered all analyses. She also expressed appreciation to staff for taking the Board's stance seriously. Legal Counsel stated that although it was important to have the public's viewpoint in considering the appropriate cost, since this item could become a negotiating matter, it was not necessary to hold all discussions in open session.

Director Mancini stated that he was concerned about the future growth of the service area of the District. General Manager stated adjustments could be made with regard to growth which was currently set at 1%. He stated that Santa Cruz County was considering other alternatives including shipping the waste more cost-effectively. The recommendation of the ATF was to establish market rates to insure that the waste comes to the District site, but the Board will have to decide whether those market rates are acceptable.

The Board asked that concerns expressed be considered and responded to by staff at the October Board meeting. No action was taken by the Board.

8) Discuss Highway Litter Issues

The Board reviewed various articles from the *Herald* and various letters to the editor of the *Herald*. General Manager stated that his intent in writing a letter to the editor was to make people aware that the District and Waste Management Inc. (WMI) were two separate entities and that the District and WMI both adopted sections of Highway 1 through the adopt-a-highway program.

General Manager stated that there had been many discussions with those concerned about the condition of Highway 1. He stated that despite the CalTrans employee shortage, sections of Santa Cruz County have been cleaned up because Santa Cruz County uses prison labor. Monterey County apparently did not use prison labor because of prison guard shortage to oversee that type of program, and also because of safety concerns. General Manager also stated that some of the garbage trucks did not adequately ensure that litter did not fly out when traveling on the highways. BFI in Salinas retrofitted some of their trucks because of this and according to those concerned and the letters sent to the *Herald*, garbage was flying out of garbage trucks.

Director McCloud questioned the difficulty of using prison labor in Monterey County when it seemed to be a successful program in a neighboring county. Vice Chair Barlich expressed that the litter was highly visible on the highways and a solution needed to be found.

Mark Arsenault of WMI addressed the Board and assured them that WMI was committed to finding a solution to this problem. He stated that WMI drivers have been instructed to ensure that there are no loose papers before traveling on the highways. He distributed pictures of various trucks and the type of screening used to curtail loose paper. There is a limited ability to retrofit the trucks due to safety. Mr. Arsenault stated that WMI uses a

subcontractor to pick up litter on Highway 1 every two weeks. The subcontractor is not able to pick up in the median of the highway because of adopt-a-highway regulations. Director McCloud commented that she had never seen a screen on the trucks and expressed that perhaps a tarp was also needed to truly ensure that they are covered.

Steve Price of CalTrans expressed appreciation to the Board and staff for bringing this problem to the forefront. He stated that litter had been a problem for many years, and more so now since the CalTrans budget and staffing had been reduced at the Monterey Yard. Although concern had been expressed over certain areas being picked up and not others, he felt that it was equitable. Mr. Price expressed that until the hiring freeze was fully lifted, there would be difficulty in picking up the litter, and unless there was other financing, he foresaw no changes in the pick up schedule. He stated that in order to use prison labor, funding would need to be provided for the guards. He stated that most community service workers were unable to work during the week requiring additional CalTrans staffing to oversee them. Either way, there was nothing to ensure that enough prisoners or community service workers would all be available at the same time to make it cost-effective. Mr. Price stated that most litter is seen on highways leading directly to landfills. He further stated that because not all adopt-a-highway adoptees subcontracted the work, the Department of Transportation had established safety regulations that did not allow adoptees to pick up the highway median. If a subcontractor requested a permit to pick up the median, CalTrans would be willing to do that, but only if they met all safety criteria.

Director Johnsen expressed concern regarding bags of litter that are picked up by adoptees and placed on the side of the highway to be picked up by CalTrans. Sometimes those bags were not picked up by CalTrans in a timely manner and could possibly be thrown out on the highway again, therefore discouraging adoptees. Mr. Price stated that CalTrans was committed in their support of the adopt-a-highway program and sometimes it did take up to five days to pick up the bags, but they did get picked up. Director McCloud stated the laws of unintended consequences affected everyone and instead of focusing on what could not be done, more effort needed to be placed on reaching a solution to the litter problem. Vice Chair Barlich stated that litter laws needed to be enforced. General Manager stated that aside from the aesthetics, litter was also a safety hazard, especially when larger pieces of litter were in the middle of the highway.

Jon Jennings of the Monterey County Health Department stated that as the local enforcement agency for Monterey County, they would commence inspections of garbage collection vehicles to ensure that the trucks are properly equipped within the next couple of months.

Bill Reichmuth of the Transportation Agency of Monterey County addressed the Board and expressed appreciation to the Board for revisiting this issue. He reminded the Board that two years ago he had proposed a surcharge on all County waste to fund additional litter pick up by a permitted subcontractor. He stated that given CalTrans' budget, it was now even more important to find ways for additional financing. He stated that Proposition 42 had reduced the amount of funding provided to CalTrans for litter pick up. His suggestion of a \$0.40 per ton surcharge to provide about \$250,000 a year to pick up litter on all of the County highways and roads could be adjusted depending on how often it was determined that litter needed to be picked up. He felt that \$1 per ton surcharge was more realistic in order to assist CalTrans, funding of prison guards, etc. He stated that this was a solvable problem that needed to be addressed by everyone.

Board discussion followed regarding the surcharge. An overall surcharge would not be financially feasible to all Monterey Peninsula residents and the Board was generally not in favor of adding a surcharge.

General Manager suggested that the issue be taken up by the Monterey County Illegal Dumping Task Force at its next meeting on October 21st. Representatives from CalTrans, California Highway Patrol (CHP), WMI, and other businesses could be asked to attend the meeting. Director McCloud stated that if an action plan was not

forthcoming from that meeting, the District should take the lead in resolving this problem. She expressed curiosity on how many tickets the CHP issues. General Manager stated that the CHP does write tickets for vehicles that are not tarped, but not many tickets for littering since they have to observe the violation in progress.

9) Approve Proposal by Whitson Engineers for Aerial Mapping and Photo Exhibit

The Board reviewed a memorandum from Senior Engineer regarding updating a proposal from Whitson Engineers to provide an updated aerial map and photo exhibit at a cost of \$16,600. General Manager stated that Whitson has done the mapping in the past and it would be useful to have a large color photo that could be displayed in the Boardroom for reference and educational purposes.

It was moved by Director McCloud, seconded, and Unanimously Carried To: Authorize Contract with Whitson to Provide Surveying Services Related to the Aerial Mapping and Photo Exhibit Preparation in an Amount not to Exceed \$16,600.

10) Consider Request by California Special Districts Association for Donation to Advertising Campaign

The Board reviewed a letter from the California Special District Association (CSDA) and the Association of California Water Agencies (ACWA) asking special districts to contribute to their special district public education program. The CSDA and ACWA would like to educate the public about the importance of special districts to offset the legislative analyst office efforts to put special districts under the jurisdiction of County governments. General Manager recommended a donation in the amount of \$500.

It was moved by Director Bales, seconded, and Unanimously Carried To: Make a Donation to the CSDA/ACWA Public Education Program in the Amount of \$500.

11) Approve Contract for General Manager

This Agenda Item was tabled until after Closed Session.

STAFF REPORTS

12) Financial, Operating, and Recycling Reports

The Board reviewed the financial reports for July and August as well as the August operating and recycling reports. The month of August was a good month financially for the District. Tonnage was up over July and August of 2003.

The Board also reviewed a memorandum from Public Education Coordinator regarding the successful placement of recycling containers in local health clubs.

OTHER CORRESPONDENCE

13) Letter from State Department of Toxic Substances Control Re: Disposal Variance Determination

The Board reviewed a letter from the Department of Toxic Substances Control requesting additional information about placement of the lead contaminated waste in the landfill.

GENERAL MANAGER COMMUNICATIONS

General Manager commented that the "Access Monterey Peninsula" cable television channel would be running an hour-long show on him and the District this month.

CLOSED SESSION

The Board met in closed session at 11:15 a.m. regarding the following:

Personnel Matter: Public Employee Appointment: General Manager

The Board came out of closed session at 11:27 a.m.

Legal Counsel announced that during closed session, the Board had reached an agreement for employment of new General Manager.

It was moved by Director Bales, seconded, and Unanimously Carried To: Appoint William M. Merry as the New General Manager.

ADJOURNMENT

There being no further business to come before the Board at this time, the September 17, 2004 Regular Meeting of the Monterey Regional Waste Management District Board of Directors was adjourned to October 15, 2004 by Vice Chair Barlich at 11:28 a.m.

RECORDED BY:

Rebecca G. Aguilar
Administrative Support Supervisor/
Recording Secretary

AUTHENTICATED BY:

J. David Myers
General Manager